

1 **LEFT-HAND TURN PENALTY AND SENTENCING**
2 **REQUIREMENTS**

3 2011 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: Jeremy A. Peterson**
6 Senate Sponsor: _____

7

LONG TITLE

8 **General Description:**

9 This bill modifies the Motor Vehicles Code and the Public Safety Code by amending
10 provisions relating to left-hand turn penalty and sentencing requirements.

11 **Highlighted Provisions:**

12 This bill:

13 ► provides that a person who violates certain left-hand turn provisions shall be fined a
14 certain amount if the violation causes or results in the death of another person;

15 ► requires the Driver License Division to suspend a person's driver license for a
16 period of 30 days if the person violates certain left-hand turn provisions and the
17 violation causes or results in the death of another person;

18 ► provides that a judge may order the suspension of the convicted person's driver
19 license for a period of up to six months if the person violates certain left-hand turn
20 provisions and the violation causes or results in the death of another person;

21 ► requires a court to forward the report of certain left-hand turn violations to the
22 Driver License Division; and

23 ► makes technical changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**



28 This bill takes effect on July 1, 2011.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **41-6a-801**, as renumbered and amended by Laws of Utah 2005, Chapter 2

32 **53-3-218**, as last amended by Laws of Utah 2010, Chapters 157 and 336

33 **53-3-220 (Effective 07/01/11)**, as last amended by Laws of Utah 2010, Chapters 276

34 and 374

35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **41-6a-801** is amended to read:

37 **41-6a-801. Turning -- Manner -- Traffic-control devices.**

38 The operator of a vehicle shall make turns as follows:

39 (1) Right turns: both a right turn and an approach for a right turn shall be made as close
40 as practical to the right-hand curb or edge of the roadway.

41 (2) Left turns:

42 (a) the operator of a vehicle intending to turn left shall approach the turn from the
43 extreme left-hand lane for traffic moving in the same direction;

44 (b) whenever practicable, shall be made by turning onto the roadway being entered in
45 the extreme left-hand lane for traffic moving in the new direction, unless otherwise directed by
46 a traffic-control device; and

47 (c) may be made on a highway across solid double yellow line pavement markings
48 indicating a two-direction, no-passing zone.

49 (3) Two-way left turn lanes:

50 (a) where a two-way left turn lane is provided, a left turn may not be made from any
51 other lane;

52 (b) a vehicle may not be driven in the two-way left turn lane except when preparing for
53 or making:

54 (i) a left turn from or into the roadway; or

55 (ii) a U-turn except when prohibited by a traffic-control device;

56 (c) (i) except as provided under Subsection (3)(c)(ii), the operator of a vehicle
57 intending to turn left may not enter a two-way left turn lane more than 500 feet prior to making

59 the turn; and

60 (ii) if traffic in the two-way left turn lane extends beyond 500 feet, the operator of a
61 vehicle intending to turn left may enter the two-way left turn lane immediately upon reaching
62 the last vehicle in the two-way left turn lane;

63 (d) the operator of a vehicle that has turned left into the two-way left turn lane may not
64 travel in the lane more than 500 feet unless the operator intends to turn left and Subsection
65 (3)(c)(ii) applies; and

66 (e) the operator of a vehicle may not travel straight through an intersection in a
67 two-way left turn lane.

68 (4) (a) A highway authority in its jurisdiction may provide exceptions to the provisions
69 of this section by erecting traffic-control devices directing a different course to be traveled by
70 turning vehicles.

71 (b) The operator of a vehicle may not turn a vehicle in violation of a traffic-control
72 device erected under Subsection (4)(a).

73 (5) (a) A person who violates this section is guilty of a class C misdemeanor.

74 (b) A person who violates the provisions of Subsection (2) shall be fined not less than
75 \$500 if the violation causes or results in the death of another person.

76 (6) (a) In addition to the penalty provided under this section or any other section:

77 (i) a person who violates Subsection (2) shall have the person's driver license
78 suspended under Subsection 53-3-220(1)(a)(xix) for a period of 30 days beginning seven
79 calendar days after the date of the suspension notice if the violation causes or results in the
80 death of another person; and

81 (ii) a judge may order the suspension of the convicted person's driver license for a
82 period of up to six months if the violation of Subsection (2) causes or results in the death of
83 another person in accordance with Subsection 53-3-218(7).

84 (b) The court shall forward the report of the conviction of a violation of Subsection (2)
85 that causes or results in the death of another person to the Driver License Division in
86 accordance with Section 53-3-218.

87 Section 2. Section **53-3-218** is amended to read:

88 **53-3-218. Court to report convictions and may recommend suspension of license**
89 -- **Severity of speeding violation defined.**

90 (1) As used in this section, "conviction" means conviction by the court of first
91 impression or final administrative determination in an administrative traffic proceeding.

92 (2) (a) Except as provided in Subsection (2)(c), a court having jurisdiction over offenses
93 committed under this chapter or any other law of this state, or under any municipal ordinance
94 regulating driving motor vehicles on highways or driving motorboats on the water, shall
95 forward to the division within 10 days, an abstract of the court record of the conviction or plea
96 held in abeyance of any person in the court for a reportable traffic or motorboating violation of
97 any laws or ordinances, and may recommend the suspension of the license of the person
98 convicted.

99 (b) When the division receives a court record of a conviction or plea in abeyance for a
100 motorboat violation, the division may only take action against a person's driver license if the
101 motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the
102 Influence and Reckless Driving.

103 (c) (i) A court is not required to forward to the division within 10 days an abstract of
104 the court record of the conviction for a violation described in Subsection 53-3-220(1)(c) and
105 the Driver License Division is not required to suspend a person's license for a violation
106 described in Subsection 53-3-220(1)(c) if:

107 (A) the violation did not involve a motor vehicle; and

108 (B) the person convicted of a violation described in Subsection 53-3-220(1)(c):

109 (I) is participating in or has successfully completed substance abuse treatment at a
110 licensed substance abuse treatment program that is approved by the Division of Substance
111 Abuse and Mental Health in accordance with Section 62A-15-105; or

112 (II) is participating in or has successfully completed probation through the Department
113 of Corrections Adult Probation and Parole in accordance with Section 77-18-1.

114 (ii) If the person convicted of a violation described in Subsection 53-3-220(1)(c) fails
115 to comply with the terms of a substance abuse treatment program under Subsection
116 (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II):

117 (A) the substance abuse treatment program licensed by the Division of Substance
118 Abuse and Mental Health or the Department of Corrections Adult Probation and Parole shall
119 immediately provide an affidavit or other sworn information to the court notifying the court
120 that the person has failed to comply with the terms of a substance abuse treatment program

121 under Subsection (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II);
122 (B) upon receipt of an affidavit or sworn statement under Subsection (2)(c)(ii)(A), the
123 court shall immediately forward an abstract of the court record of the conviction for a violation
124 described in Subsection 53-3-220(1)(c) to the division; and
125 (C) the division shall immediately suspend the person's license in accordance with
126 Subsection 53-3-220(1)(c).
127 (3) The abstract shall be made in the form prescribed by the division and shall include:
128 (a) the name, date of birth, and address of the party charged;
129 (b) the license certificate number of the party charged, if any;
130 (c) the registration number of the motor vehicle or motorboat involved;
131 (d) whether the motor vehicle was a commercial motor vehicle;
132 (e) whether the motor vehicle carried hazardous materials;
133 (f) whether the motor vehicle carried 16 or more occupants;
134 (g) whether the driver presented a commercial driver license;
135 (h) the nature of the offense;
136 (i) whether the offense involved an accident;
137 (j) the driver's blood alcohol content, if applicable;
138 (k) if the offense involved a speeding violation:
139 (i) the posted speed limit;
140 (ii) the actual speed; and
141 (iii) whether the speeding violation occurred on a highway that is part of the interstate
142 system as defined in Section 72-1-102;
143 (l) the date of the hearing;
144 (m) the plea;
145 (n) the judgment or whether bail was forfeited; and
146 (o) the severity of the violation, which shall be graded by the court as "minimum,"
147 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).
148 (4) When a convicted person secures a judgment of acquittal or reversal in any
149 appellate court after conviction in the court of first impression, the division shall reinstate the
150 convicted person's license immediately upon receipt of a certified copy of the judgment of
151 acquittal or reversal.

152 (5) Upon a conviction for a violation of the prohibition on using a handheld wireless
153 communication device for text messaging or electronic mail communication while operating a
154 moving motor vehicle under Section 41-6a-1716, a judge may order a suspension of the
155 convicted person's license for a period of three months.

156 (6) Upon a conviction for a violation of careless driving under Section 41-6a-1715 that
157 causes or results in the death of another person, a judge may order a revocation of the convicted
158 person's license for a period of one year.

159 (7) Upon a conviction for a left-hand turn lane violation in Section 41-6a-801 that
160 causes or results in the death of another person, a judge may order a suspension of the
161 convicted person's license for a period of six months.

162 Section 3. Section **53-3-220 (Effective 07/01/11)** is amended to read:

163 **53-3-220 (Effective 07/01/11). Offenses requiring mandatory revocation, denial,**
164 **suspension, or disqualification of license -- Offense requiring an extension of period --**
165 **Hearing -- Limited driving privileges.**

166 (1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter
167 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or
168 disqualification, the division shall deny, suspend, or disqualify the license of a person upon
169 receiving a record of the person's conviction for:

170 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or
171 automobile homicide under Section 76-5-207 or 76-5-207.5;

172 (ii) driving or being in actual physical control of a motor vehicle while under the
173 influence of alcohol, any drug, or combination of them to a degree that renders the person
174 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited
175 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

176 (iii) driving or being in actual physical control of a motor vehicle while having a blood
177 or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance
178 that complies with the requirements of Subsection 41-6a-510(1);

179 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
180 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
181 regulating driving on highways;

182 (v) any felony under the motor vehicle laws of this state;

- 183 (vi) any other felony in which a motor vehicle is used to facilitate the offense;
- 184 (vii) failure to stop and render aid as required under the laws of this state if a motor
- 185 vehicle accident results in the death or personal injury of another;
- 186 (viii) two charges of reckless driving, impaired driving, or any combination of reckless
- 187 driving and impaired driving committed within a period of 12 months; but if upon a first
- 188 conviction of reckless driving or impaired driving the judge or justice recommends suspension
- 189 of the convicted person's license, the division may after a hearing suspend the license for a
- 190 period of three months;
- 191 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as
- 192 required in Section 41-6a-210;
- 193 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
- 194 requires disqualification;
- 195 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
- 196 allowing the discharge of a firearm from a vehicle;
- 197 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
- 198 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);
- 199 (xiii) operating or being in actual physical control of a motor vehicle while having any
- 200 measurable controlled substance or metabolite of a controlled substance in the person's body in
- 201 violation of Section 41-6a-517;
- 202 (xiv) until July 30, 2015, operating or being in actual physical control of a motor
- 203 vehicle while having any alcohol in the person's body in violation of Section 53-3-232;
- 204 (xv) operating or being in actual physical control of a motor vehicle while having any
- 205 measurable or detectable amount of alcohol in the person's body in violation of Section
- 206 41-6a-530;
- 207 (xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in
- 208 violation of Section 41-6a-606;
- 209 (xvii) operating or being in actual physical control of a motor vehicle in this state
- 210 without an ignition interlock system in violation of Section 41-6a-518.2; [or]
- 211 (xviii) custodial interference, under:
- 212 (A) Subsection 76-5-303(3), which suspension shall be for a period of 30 days, unless
- 213 the court provides the division with an order of suspension for a shorter period of time;

- 214 (B) Subsection 76-5-303(4), which suspension shall be for a period of 90 days, unless
215 the court provides the division with an order of suspension for a shorter period of time; or
216 (C) Subsection 76-5-303(5), which suspension shall be for a period of 180 days, unless
217 the court provides the division with an order of suspension for a shorter period of time[.]; or
218 (xix) violating a left-hand turn lane provision under Section 41-6a-801 that causes or
219 results in the death of another person.
- 220 (b) The division shall immediately revoke the license of a person upon receiving a
221 record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for:
222 (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
223 allowing the discharge of a firearm from a vehicle; or
224 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
225 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).
226 (c) Except when action is taken under Section 53-3-219 for the same offense, the
227 division shall immediately suspend for six months the license of a person upon receiving a
228 record of conviction for:
229 (i) any violation of:
230 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
231 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
232 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;
233 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
234 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or
235 (ii) any criminal offense that prohibits:
236 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance
237 that is prohibited under the acts described in Subsection (1)(c)(i); or
238 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or
239 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).
240 (d) (i) The division shall immediately suspend a person's driver license for conviction
241 of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:
242 (A) an order from the sentencing court requiring that the person's driver license be
243 suspended; and
244 (B) a record of the conviction.

245 (ii) An order of suspension under this section is at the discretion of the sentencing
246 court, and may not be for more than 90 days for each offense.

247 (e) (i) The division shall immediately suspend for one year the license of a person upon
248 receiving a record of:

249 (A) conviction for the first time for a violation under Section 32B-4-411; or

250 (B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a
251 violation under Section 32B-4-411.

252 (ii) The division shall immediately suspend for a period of two years the license of a
253 person upon receiving a record of:

254 (A) (I) conviction for a second or subsequent violation under Section 32B-4-411; and

255 (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior
256 conviction for a violation under Section 32B-4-411; or

257 (B) (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court
258 Act of 1996, for a violation under Section 32B-4-411; and

259 (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior
260 adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under
261 Section 32B-4-411.

262 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:

263 (A) for a conviction or adjudication described in Subsection (1)(e)(i):

264 (I) impose a suspension for one year beginning on the date of conviction; or

265 (II) if the person is under the age of eligibility for a driver license, impose a suspension
266 that begins on the date of conviction and continues for one year beginning on the date of
267 eligibility for a driver license; or

268 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):

269 (I) impose a suspension for a period of two years; or

270 (II) if the person is under the age of eligibility for a driver license, impose a suspension
271 that begins on the date of conviction and continues for two years beginning on the date of
272 eligibility for a driver license.

273 (2) The division shall extend the period of the first denial, suspension, revocation, or
274 disqualification for an additional like period, to a maximum of one year for each subsequent
275 occurrence, upon receiving:

- 276 (a) a record of the conviction of any person on a charge of driving a motor vehicle
277 while the person's license is denied, suspended, revoked, or disqualified;
278 (b) a record of a conviction of the person for any violation of the motor vehicle law in
279 which the person was involved as a driver;
280 (c) a report of an arrest of the person for any violation of the motor vehicle law in
281 which the person was involved as a driver; or
282 (d) a report of an accident in which the person was involved as a driver.

283 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
284 driving while the person's license is denied, suspended, disqualified, or revoked, the person is
285 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,
286 or revocation originally imposed under Section 53-3-221.

287 (4) (a) The division may extend to a person the limited privilege of driving a motor
288 vehicle to and from the person's place of employment or within other specified limits on
289 recommendation of the judge in any case where a person is convicted of any of the offenses
290 referred to in Subsections (1) and (2) except:

291 (i) automobile homicide under Subsection (1)(a)(i);
292 (ii) those offenses referred to in Subsections (1)(a)(ii), (iii), (xi), (xii), (xiii), (1)(b), and
293 (1)(c); and

294 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,
295 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,
296 41-6a-517, a local ordinance which complies with the requirements of Subsection
297 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person
298 was charged with violating as a result of a plea bargain after having been originally charged
299 with violating one or more of these sections or ordinances, unless:

300 (A) the person has had the period of the first denial, suspension, revocation, or
301 disqualification extended for a period of at least three years;

302 (B) the division receives written verification from the person's primary care physician
303 that:

304 (I) to the physician's knowledge the person has not used any narcotic drug or other
305 controlled substance except as prescribed by a licensed medical practitioner within the last
306 three years; and

307 (II) the physician is not aware of any physical, emotional, or mental impairment that
308 would affect the person's ability to operate a motor vehicle safely; and

309 (C) for a period of one year prior to the date of the request for a limited driving
310 privilege:

311 (I) the person has not been convicted of a violation of any motor vehicle law in which
312 the person was involved as the operator of the vehicle;

313 (II) the division has not received a report of an arrest for a violation of any motor
314 vehicle law in which the person was involved as the operator of the vehicle; and

315 (III) the division has not received a report of an accident in which the person was
316 involved as an operator of a vehicle.

317 (b) (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege
318 authorized in this Subsection (4):

319 (A) is limited to when undue hardship would result from a failure to grant the
320 privilege; and

321 (B) may be granted only once to any person during any single period of denial,
322 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
323 or disqualification.

324 (ii) The discretionary privilege authorized in Subsection (4)(a)(iii):

325 (A) is limited to when the limited privilege is necessary for the person to commute to
326 school or work; and

327 (B) may be granted only once to any person during any single period of denial,
328 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
329 or disqualification.

330 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
331 Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or
332 denied under this chapter.

333 **Section 4. Effective date.**

334 This bill takes effect on July 1, 2011.

**Legislative Review Note
as of 1-11-11 11:56 AM**

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 63

SHORT TITLE: Left-hand Turn Penalty and Sentencing Requirements

SPONSOR: Peterson, J.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will cost the Driver's License Division \$8,000 one-time from the Transportation Restricted Fund in FY 2012 for programming costs. The bill will increase ongoing Transportation Restricted Fund revenue by \$700 per year beginning FY 2012 from a \$30 reinstatement fee.

STATE BUDGET DETAIL TABLE

Revenue:

	FY 2011	FY 2012	FY 2013
Transportation Fund Restricted	\$0	\$700	\$700
Total Revenue	\$0	\$700	\$700

Expenditure:

	FY 2011	FY 2012	FY 2013
Transportation Fund Restricted	\$0	\$8,000	\$0
Total Expenditure	\$0	\$8,000	\$0

	FY 2011	FY 2012	FY 2013
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$7,300)	\$700

	FY 2011	FY 2012	FY 2013
Net Impact, General/Education Funds	\$0	\$0	\$0

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill will increase local revenue (Justice Courts) by \$12,000 a year beginning FY 2012 as a result of the \$500 fine imposed about 24 times annually.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Twenty-Four drivers will pay \$530 annually for a total of \$12,700 beginning FY 2012.