

Representative Duane E. Bourdeaux proposes to substitute the following bill:

TRAFFIC STOP STATISTICS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Duane E. Bourdeaux

This act modifies the Uniform Driver License Act and related provisions regarding traffic law enforcement. The act requires race information to be added to driver licenses and state identification cards, and requires this race information to be stated on issued citations. The act requires the Driver License Division to establish a database to monitor traffic stops by peace officers and provides the Commission on Criminal and Juvenile Justice access to the information for evaluation. The act requires law enforcement agencies in the state to establish, on or before January 1, 2002, written policies prohibiting unconstitutional traffic enforcement. This act takes effect on January 1, 2002.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

10-3-913, as last amended by Chapter 44, Laws of Utah 1990

10-3-918, as last amended by Chapter 33, Laws of Utah 1983

17-22-2, as last amended by Chapter 133, Laws of Utah 2000

53-1-108, as enacted by Chapter 234, Laws of Utah 1993

53-3-104, as last amended by Chapters 239 and 255, Laws of Utah 2000

53-3-205, as last amended by Chapters 36 and 216, Laws of Utah 1999

53-3-207, as last amended by Chapter 216, Laws of Utah 1999

53-3-804, as last amended by Chapter 36, Laws of Utah 1999

53-3-805, as renumbered and amended by Chapters 24 and 234, Laws of Utah 1993

53-8-104, as last amended by Chapters 236 and 396, Laws of Utah 1998

77-7-20, as enacted by Chapter 15, Laws of Utah 1980



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

27 Section 1. Section **10-3-913** is amended to read:

28 **10-3-913. Authority of chief of police.**

29 (1) The chief of police has the same authority as the sheriff within the boundaries of the
30 municipality of appointment. The chief has authority to:

- 31 (a) suppress riots, disturbances, and breaches of the peace;
- 32 (b) apprehend all persons violating state laws or city ordinances;
- 33 (c) diligently discharge his duties and enforce all ordinances of the city to preserve the
34 peace, good order, and protection of the rights and property of all persons; and
- 35 (d) attend the municipal justice court located within the city when required, provide
36 security for the court, and obey its orders and directions.

37 (2) This section is not a limitation of a police chief's statewide authority as otherwise
38 provided by law.

39 (3) The chief of police shall, on or before January 1, 2002, adopt a written policy that
40 prohibits the stopping, detention, or search of any person when the action is solely motivated by
41 considerations of race, color, ethnicity, age, or gender.

42 Section 2. Section **10-3-918** is amended to read:

43 **10-3-918. Chief of police or marshal in third class cities and towns.**

44 (1) In cities of the third class and towns, the chief of police or marshal shall exercise and
45 perform such duties as may be prescribed by the governing body. The chief of police or marshal;

- 46 (a) shall be under the direction, control and supervision of the mayor~~[-The chief of police~~
47 ~~or marshal]; and~~
- 48 (b) may with the consent of the mayor, appoint assistants ~~[to the chief of police or~~
49 ~~marshal].~~

50 (2) The chief of police shall, on or before January 1, 2002, adopt a written policy that
51 prohibits the stopping, detention, or search of any person when the action is solely motivated by
52 considerations of race, color, ethnicity, age, or gender.

53 Section 3. Section **17-22-2** is amended to read:

54 **17-22-2. Sheriff -- General duties.**

- 55 (1) The sheriff shall:
- 56 (a) preserve the peace;

- 57 (b) make all lawful arrests;
- 58 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when
59 required or when the court is held within his county, all courts of record, and court commissioner
60 and referee sessions held within his county, obey their lawful orders and directions, and comply
61 with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration;
- 62 (d) upon request of the juvenile court, aid the court in maintaining order during hearings
63 and transport a minor to and from youth corrections facilities, other institutions, or other
64 designated places;
- 65 (e) attend county justice courts if the judge finds that the matter before the court requires
66 the sheriff's attendance for security, transportation, and escort of jail prisoners in his custody, or
67 for the custody of jurors;
- 68 (f) command the aid of as many inhabitants of his county as he considers necessary in the
69 execution of these duties;
- 70 (g) take charge of and keep the county jail and the jail prisoners;
- 71 (h) receive and safely keep all persons committed to his custody, file and preserve the
72 commitments of those persons, and record the name, age, place of birth, and description of each
73 person committed;
- 74 (i) release on the record all attachments of real property when the attachment he receives
75 has been released or discharged;
- 76 (j) endorse on all process and notices the year, month, day, hour, and minute of reception,
77 and, upon payment of fees, issue a certificate to the person delivering process or notice showing
78 the names of the parties, title of paper, and the time of receipt;
- 79 (k) serve all process and notices as prescribed by law;
- 80 (l) if he makes service of process or notice, certify on the process or notices the manner,
81 time, and place of service, or, if he fails to make service, certify the reason upon the process or
82 notice, and return them without delay;
- 83 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public
84 land within his county;
- 85 (n) perform as required by any contracts between the county and private contractors for
86 management, maintenance, operation, and construction of county jails entered into under the
87 authority of Section 17-53-311;

88 (o) manage search and rescue services in his county; [~~and~~]

89 (p) on or before January 1, 2002, adopt a written policy that prohibits the stopping,
90 detention, or search of any person when the action is solely motivated by considerations of race,
91 color, ethnicity, age, or gender; and

92 [~~(p)~~] (q) perform any other duties that are required by law.

93 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other
94 subsection under Subsection (1) is a class A misdemeanor.

95 Section 4. Section **53-1-108** is amended to read:

96 **53-1-108. Commissioner's powers and duties.**

97 (1) In addition to the responsibilities contained in this title, the commissioner shall:

98 (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility of
99 Motor Vehicle Owners and Operators Act;

100 (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as
101 required to properly discharge the duties of the department;

102 (c) make rules:

103 (i) governing emergency use of signal lights on private vehicles;

104 (ii) allowing privately owned vehicles to be designated for part-time emergency use, as
105 provided in Section 41-6-1.5; and

106 (iii) specifying approved maximum altered heights for vehicles, as required by Section
107 41-6-148.31;

108 (d) set standards for safety belt systems, as required by Section 41-6-182;

109 (e) serve as the chairman of the Disaster Emergency Advisory Council, as required by
110 Section 63-5-4; [~~and~~]

111 (f) designate vehicles as "authorized emergency vehicles," as required by Section 41-6-1[.];
112 and

113 (g) on or before January 1, 2002, adopt a written policy that prohibits the stopping,
114 detention, or search of any person when the action is solely motivated by considerations of race,
115 color, ethnicity, age, or gender.

116 (2) The commissioner may:

117 (a) subject to the approval of the governor, establish division headquarters at various
118 places in the state;

119 (b) issue to a special agent a certificate of authority to act as a peace officer and revoke that
120 authority for cause, as authorized in Section 56-1-21.5;

121 (c) create specialized units within the commissioner's office for conducting internal affairs
122 and aircraft operations as necessary to protect the public safety;

123 (d) cooperate with any recognized agency in the education of the public in safety and crime
124 prevention and participate in public or private partnerships, subject to Subsection (3);

125 (e) cooperate in applying for and distributing highway safety program funds; and

126 (f) receive and distribute federal funding to further the objectives of highway safety in
127 compliance with the Federal Assistance Management Program Act.

128 (3) (a) Money may not be expended under Subsection (2)(d) for public safety education
129 unless it is specifically appropriated by the Legislature for that purpose.

130 (b) Any recognized agency receiving state money for public safety shall file with the
131 auditor of the state an itemized statement of all its receipts and expenditures.

132 Section 5. Section **53-3-104** is amended to read:

133 **53-3-104. Division duties.**

134 The division shall:

135 (1) make rules:

136 (a) for examining applicants for a license, as necessary for the safety and welfare of the
137 traveling public;

138 (b) regarding the restrictions to be imposed on a person driving a motor vehicle with a
139 temporary learner permit; and

140 (c) for exemptions from licensing requirements as authorized in this chapter;

141 (2) examine each applicant according to the class of license applied for;

142 (3) license motor vehicle drivers;

143 (4) file every application for a license received by it and shall maintain indices containing:

144 (a) all applications denied and the reason each was denied;

145 (b) all applications granted; and

146 (c) the name of every licensee whose license has been suspended, disqualified, or revoked
147 by the division and the reasons for the action;

148 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this
149 chapter;

150 (6) file all accident reports and abstracts of court records of convictions received by it
151 under state law;

152 (7) maintain a record of each licensee showing his convictions and the traffic accidents in
153 which he has been involved where a conviction has resulted;

154 (8) consider the record of a licensee upon an application for renewal of a license and at
155 other appropriate times;

156 (9) search the license files, compile, and furnish a report on the driving record of any
157 person licensed in the state in accordance with Section 53-3-109;

158 (10) develop and implement a record system as required by Section 41-6-48.5;

159 (11) in accordance with Section 53A-13-208, establish:

160 (a) procedures and standards to certify teachers of driver education classes to administer
161 written and driving tests;

162 (b) minimal standards for the tests; and

163 (c) procedures to enable school districts to administer or process any tests for students to
164 receive a class D operator's license;

165 (12) in accordance with Section 53-3-510, establish:

166 (a) procedures and standards to certify licensed instructors of commercial driver training
167 school courses to administer the skills test;

168 (b) minimal standards for the test; and

169 (c) procedures to enable licensed commercial driver training schools to administer or
170 process skills tests for students to receive a class D operator's license; ~~and~~

171 (13) provide administrative support to the Driver License Medical Advisory Board created
172 in Section 53-3-303[-]; and

173 (14) (a) maintain a database of the information listed below regarding each inquiry made
174 by a law enforcement officer regarding any individual, based on that individual's driver license or
175 state identification card:

176 (i) the agency employing the law enforcement officer;

177 (ii) the name of the law enforcement officer or the identifying number the agency has
178 assigned to the law enforcement officer;

179 (iii) the purpose of the law enforcement officer's inquiry; and

180 (iv) the race of the individual regarding whom the inquiry is made, based on the

181 information provided through the application process under Section 53-3-205 or Section 53-3-804;
182 and

183 (b) provide access to the database created in this Subsection (14) to the Commission on
184 Criminal and Juvenile Justice for the purpose of:

185 (i) evaluating the data;

186 (ii) evaluating the effectiveness of the data collection process; and

187 (iii) reporting and making recommendations to the Legislature.

188 Section 6. Section **53-3-205** is amended to read:

189 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
190 **Expiration dates of licenses and endorsements -- Information required -- Previous licenses**
191 **surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required**
192 **-- License agreement.**

193 (1) An application for any original license, provisional license, or endorsement shall be:

194 (a) made upon a form furnished by the division; and

195 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

196 (2) An application and fee for an original class D license entitle the applicant to:

197 (a) not more than three attempts to pass both the written and skills tests for a class D
198 license within six months of the date of the application;

199 (b) a learner permit if needed after the written test is passed; and

200 (c) an original class D license and license certificate after all tests are passed.

201 (3) An application and fee for an original class M license entitle the applicant to:

202 (a) not more than three attempts to pass both the written and skills tests for a class M
203 license within six months of the date of the application;

204 (b) a learner permit if needed after the written test is passed; and

205 (c) an original class M license and license certificate after all tests are passed.

206 (4) An application and fee for a motorcycle or taxicab endorsement entitle the applicant
207 to:

208 (a) not more than three attempts to pass both the written and skills tests within six months
209 of the date of the application;

210 (b) a motorcycle learner permit if needed after the motorcycle written test is passed; and

211 (c) a motorcycle or taxicab endorsement when all tests are passed.

212 (5) An application and fees for a commercial class A, B, or C license entitle the applicant
213 to:

214 (a) not more than two attempts to pass a written test and not more than two attempts to
215 pass a skills test within six months of the date of the application;

216 (b) a commercial driver instruction permit if needed after the written test is passed; and

217 (c) an original commercial class A, B, or C license and license certificate when all
218 applicable tests are passed.

219 (6) An application and fee for a CDL endorsement entitle the applicant to:

220 (a) not more than two attempts to pass a written test and not more than two attempts to
221 pass a skills test within six months of the date of the application; and

222 (b) a CDL endorsement when all tests are passed.

223 (7) If a CDL applicant does not pass a written test, skills test, or an endorsement test within
224 the number of attempts provided in Subsection (5) or (6), each test may be taken two additional
225 times within the six months for the fee provided in Section 53-3-105.

226 (8) (a) An original license expires on the birth date of the applicant in the fifth year
227 following the year the license certificate was issued.

228 (b) A renewal or an extension to a license expires on the birth date of the licensee in the
229 fifth year following the expiration date of the license certificate renewed or extended.

230 (c) A duplicate license expires on the same date as the last license certificate issued.

231 (d) An endorsement to a license expires on the same date as the license certificate
232 regardless of the date the endorsement was granted.

233 (e) A license and any endorsement to the license held by a person ordered to active duty
234 and stationed outside Utah in any of the armed forces of the United States, which expires during
235 the time period the person is stationed outside of the state, is valid until 90 days after the person
236 has been discharged or has left the service, unless the license is suspended, disqualified, denied,
237 or has been cancelled or revoked by the division, or the licensee updates the information or
238 photograph on the license certificate.

239 (9) (a) In addition to the information required by Title 63, Chapter 46b, Administrative
240 Procedures Act, for requests for agency action, each application shall:

241 (i) state the full legal name, birth date, sex, race in accordance with the categories
242 established by the U.S. Census Bureau, Social Security number or temporary identification number

243 (ITIN) issued by the Internal Revenue Service for a person who does not qualify for a Social
244 Security number, and residence address of the applicant;

245 (ii) briefly describe the applicant;

246 (iii) state whether the applicant has previously been licensed to drive a motor vehicle and,
247 if so, when and by what state or country;

248 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,
249 disqualified, or denied in the last six years, or whether the applicant has ever had any license
250 application refused, and if so, the date of and reason for the suspension, cancellation, revocation,
251 disqualification, denial, or refusal;

252 (v) provide all other information the division requires; and

253 (vi) be signed.

254 (b) An applicant's Social Security number or temporary identification number (ITIN) shall
255 be maintained on the computerized records of the division.

256 (10) The division shall require proof of every applicant's name, birthdate, and birthplace
257 by at least one of the following means:

258 (a) current license certificate;

259 (b) birth certificate;

260 (c) Selective Service registration; or

261 (d) other proof, including church records, family Bible notations, school records, or other
262 evidence considered acceptable by the division.

263 (11) When an applicant receives a license in another class, all previous license certificates
264 shall be surrendered and canceled. However, a disqualified commercial license may not be
265 canceled unless it expires before the new license certificate is issued.

266 (12) (a) When an application is received from a person previously licensed in another state
267 to drive a motor vehicle, the division shall request a copy of the driver's record from the other state.

268 (b) When received, the driver's record becomes part of the driver's record in this state with
269 the same effect as though entered originally on the driver's record in this state.

270 (13) An application for reinstatement of a license after the suspension, cancellation,
271 disqualification, denial, or revocation of a previous license shall be accompanied by the additional
272 fee or fees specified in Section 53-3-105.

273 (14) A person who has an appointment with the division for testing and fails to keep the

274 appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under
275 Section 53-3-105.

276 (15) A person who applies for an original license or renewal of a license agrees that the
277 person's license is subject to any suspension or revocation authorized under this title or Title 41,
278 Motor Vehicles.

279 Section 7. Section **53-3-207** is amended to read:

280 **53-3-207. License certificates issued to drivers by class of motor vehicle -- Contents**
281 **-- Anatomical gifts indication -- Temporary licenses -- Minors' licenses and permits --**
282 **Violation.**

283 (1) (a) The division shall issue to every person privileged to drive a motor vehicle, a
284 license certificate indicating the type or class of motor vehicle the licensee may drive.

285 (b) A person may not drive a class of motor vehicle unless licensed in that class.

286 (2) (a) Every license certificate shall bear:

287 (i) the distinguishing number assigned to the licensee by the division;

288 (ii) the name, birth date, race in accordance with the categories established by the U.S.
289 Census Bureau, and residence address of the licensee;

290 (iii) a brief description of the licensee for the purpose of identification;

291 (iv) any restrictions imposed on the license under Section 53-3-208;

292 (v) a photograph of the licensee; and

293 (vi) a photograph or other facsimile of the licensee's signature.

294 (b) A new license certificate issued by the division may bear the social security number of
295 the licensee only at the request of the licensee.

296 (c) (i) The license certificate shall be of an impervious material, resistant to wear, damage,
297 and alteration.

298 (ii) The size, form, and color of the license certificate shall be as prescribed by the
299 commissioner.

300 (iii) The commissioner may also prescribe the issuance of a special type of limited license
301 certificate under Subsection 53-3-220(4) and may authorize the issuance of a renewed or duplicate
302 license certificate without a picture if the applicant is not then living in the state.

303 (3) (a) (i) When a license is granted or renewed, the division shall, upon request of the
304 licensee, provide a method of identification on the license certificate, which indicates the licensee's

305 intent to make an anatomical gift under Title 26, Chapter 28, Uniform Anatomical Gift Act.

306 (ii) The statement shall be signed in the presence of at least one witness, who shall sign
307 the statement in the presence of the licensee.

308 (b) The division or any of its employees are not liable for any loss, detriment, or injury,
309 directly or indirectly, which results from false or inaccurate information regarding the anatomical
310 gift notification.

311 (4) (a) (i) The division upon determining after an examination that an applicant is mentally
312 and physically qualified to be granted a license may issue to an applicant a receipt for the fee.

313 (ii) The receipt serves as a temporary license certificate allowing him to drive a motor
314 vehicle while the division is completing its investigation to determine whether he is entitled to be
315 licensed.

316 (b) The receipt shall be in his immediate possession while driving a motor vehicle, and it
317 is invalid when the applicant's license certificate has been issued or when, for good cause, the
318 privilege has been refused.

319 (c) The division shall indicate on the receipt a date after which it is not valid as a license
320 certificate.

321 (5) The division shall distinguish learner permits, temporary permits, and license
322 certificates issued to any person younger than 21 years of age by use of the plainly printed word
323 "minor" or "under 21" or the use of a special color not used for other license certificates.

324 (6) The division shall issue temporary license certificates of the same nature, except as to
325 duration, as the license certificates that they temporarily replace, as are necessary to implement
326 applicable provisions of Section 53-3-223.

327 (7) A person who violates Subsection (1)(b) is guilty of a class C misdemeanor.

328 Section 8. Section **53-3-804** is amended to read:

329 **53-3-804. Application for identification card -- Required information.**

330 (1) To apply for an identification card, the applicant shall appear in person at any license
331 examining station.

332 (2) The applicant shall provide the following information to the division:

333 (a) true and full legal name and address;

334 (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or other
335 satisfactory evidence of birth, which shall be attached to the application;

336 (c) Social Security number or temporary identification number (ITIN) issued by the
337 Internal Revenue Service for a person who does not qualify for a Social Security number;

338 (d) place of birth;

339 (e) height and weight;

340 (f) color of eyes and hair;

341 (g) race, in accordance with the categories established by the U.S. Census Bureau;

342 [~~(g)~~] (h) signature;

343 [~~(h)~~] (i) photograph; and

344 [~~(i)~~] (j) organ donor indication, if desired.

345 Section 9. Section **53-3-805** is amended to read:

346 **53-3-805. Identification card -- Contents -- Specifications.**

347 (1) The division shall issue an identification card that:

348 (a) provides all the information contained in the application, other than the applicant's:

349 (i) Social Security number, except as provided in Subsection (3); and

350 (ii) place of birth;

351 (b) contains a photograph of the applicant; [~~and~~]

352 (c) contains the applicant's race, in accordance with the categories established by the U.S.

353 Census Bureau; and

354 [~~(c)~~] (d) contains a facsimile of the applicant's signature.

355 (2) (a) The card shall be of an impervious material, resistant to wear, damage, and
356 alteration.

357 (b) The size, form, and color of the card is prescribed by the commissioner.

358 (3) At the applicant's request, the card may include any of the following:

359 (a) a statement that the applicant has a special medical problem or allergies to certain
360 drugs, for the purpose of medical treatment; or

361 (b) the applicant's Social Security number.

362 (4) The card may also indicate the applicant's intent to make an anatomical gift, under the
363 same procedure as provided for an operator license under Section 53-3-207.

364 Section 10. Section **53-8-104** is amended to read:

365 **53-8-104. Superintendent's duties.**

366 The superintendent shall:

- 367 (1) divide the state highways into sections for the purpose of patrolling and policing;
- 368 (2) employ peace officers known as highway patrol troopers to patrol or police the
369 highways within this state and to enforce the state statutes as required;
- 370 (3) establish ranks, grades, and positions in the Highway Patrol and designate the authority
371 and responsibility in each rank, grade, and position;
- 372 (4) establish for the Highway Patrol standards and qualifications and fix prerequisites of
373 training, education, and experience for each rank, grade, and position;
- 374 (5) appoint personnel to each rank, grade, and position necessary for the efficient operation
375 and administration of the Highway Patrol;
- 376 (6) devise and administer examinations designed to test applicants for positions with the
377 Highway Patrol;
- 378 (7) make rules governing the Highway Patrol as appear to the superintendent advisable;
- 379 (8) discharge, demote, or temporarily suspend any employee in the Highway Patrol for
380 cause;
- 381 (9) prescribe the uniforms to be worn and the equipment to be used by employees of the
382 Highway Patrol;
- 383 (10) charge against each employee of the Highway Patrol the value of any property of the
384 state lost or destroyed through the carelessness of the employee;
- 385 (11) establish, with the approval of the Division of Finance, the terms and conditions under
386 which expense allowance should be paid to any employee of the Highway Patrol while away from
387 his station;
- 388 (12) station the Highway Patrol in localities as he finds advisable for the enforcement of
389 the laws of this state;
- 390 (13) conduct in conjunction with the State Board of Education in and through all state
391 schools an educational campaign in highway safety and work in conjunction with civic
392 organizations, churches, local units of government, and other organizations that may function in
393 accomplishing the purposes of reducing highway accidents;
- 394 (14) provide the initial mandatory uniform items for each new trooper hired after July 1,
395 1998; [and]
- 396 (15) determine by rule a basic uniform allowance system which includes the manner in
397 which troopers may receive maintenance services and vouchers for basic uniforms and administer

398 any funds appropriated by the Legislature to the division for that purpose[-]; and
 399 (16) on or before January 1, 2002, adopt a written policy that prohibits the stopping,
 400 detention, or search of any person when the action is solely motivated by considerations of race,
 401 color, ethnicity, age, or gender.

402 Section 11. Section **77-7-20** is amended to read:

403 **77-7-20. Service of citation on defendant -- Filing in court -- Contents of citations --**
 404 **Contents of warnings.**

405 (1) If a citation is issued pursuant to Section 77-7-18, the peace officer or public official
 406 shall issue one copy to the person cited and shall within five days file a duplicate copy with the
 407 court specified in the citation.

408 (2) Each copy of the citation issued under authority of this chapter shall contain:

409 (a) the name of the court before which the person is to appear;

410 (b) the name of the person cited;

411 (c) the race of the person cited, if the race information is on the driver license or in the
 412 Driver License Division's database;

413 [~~(c)~~] (d) a brief description of the offense charged;

414 [~~(d)~~] (e) the date, time, and place at which the offense is alleged to have occurred;

415 [~~(e)~~] (f) the date on which the citation was issued;

416 [~~(f)~~] (g) the name of the peace officer or public official who issued the citation, and the
 417 name of the arresting person if an arrest was made by a private party and the citation was issued
 418 in lieu of taking the arrested person before a magistrate;

419 [~~(g)~~] (h) the time and date on or before and after which the person is to appear;

420 [~~(h)~~] (i) the address of the court in which the person is to appear;

421 [~~(i)~~] (j) a certification above the signature of the officer issuing the citation in substantially
 422 the following language: "I certify that a copy of this citation or information (Summons and
 423 Complaint) was duly served upon the defendant according to law on the above date and I know
 424 or believe and so allege that the above-named defendant did commit the offense herein set forth
 425 contrary to law. I further certify that the court to which the defendant has been directed to appear
 426 is the proper court pursuant to Section 77-7-21."; and

427 [~~(j)~~] (k) a notice containing substantially the following language:

428 READ CAREFULLY

429 This citation is not an information and will not be used as an information without your
430 consent. If an information is filed you will be provided a copy by the court. You MUST appear in
431 court on or before the time set in this citation. IF YOU FAIL TO APPEAR AN INFORMATION
432 WILL BE FILED AND THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

433 (3) If a law enforcement agency issues a written warning, the warning shall contain the
434 race of the person warned, if the race information is on the driver license or in the Driver License
435 Division's database.

436 Section 12. **Effective date.**

437 This act takes effect on January 1, 2002.