



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-6-12**, as last amended by Chapter 60, Laws of Utah 1993

33 **41-6-185**, as last amended by Chapter 109, Laws of Utah 2002

34 **53-3-219**, as last amended by Chapter 161, Laws of Utah 2004

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

37 Section 1. Section **41-6-12** is amended to read:

38 **41-6-12. Violations of chapter -- Penalties.**

39 (1) A violation of any provision of this chapter is a class C misdemeanor, unless  
40 otherwise provided.

41 (2) A violation of any provision of Articles 2, 11, and 15~~[, and 17]~~ of this chapter is an  
42 infraction, unless otherwise provided.

43 Section 2. Section **41-6-185** is amended to read:

44 **41-6-185. Penalty for violation.**

45 (1) (a) A person who violates Section 41-6-182 is guilty of ~~[an infraction]~~ a class C  
46 misdemeanor and shall be fined a maximum of \$45.

47 (b) The court shall waive all but \$15 of the fine for a violation of Section 41-6-182 if a  
48 person:

49 (i) shows evidence of completion of a two-hour course approved by the commissioner  
50 of the Department of Public Safety that includes education on the benefits of using a safety belt  
51 and child restraint device; and

52 (ii) if the violation is for an offense under Subsection 41-6-182(1)(b), submits proof of  
53 acquisition, rental, or purchase of a child restraint device.

54 (2) Points for a motor vehicle reportable violation, as defined under Section 53-3-102,  
55 may not be assessed against any person for a violation of Section 41-6-182.

56 (3) (a) When a court finds that a person has violated Section 41-6-182, the court shall  
57 order the person's driving privileges suspended if the person is:

58 (i) (A) younger than 18 years of age; and

59 (B) the operator of the motor vehicle; or  
60 (ii) (A) at least 16 years of age but younger than 18 years of age; and  
61 (B) a passenger of the motor vehicle operated on a highway.  
62 (b) The court shall notify the Driver License Division of all driving privilege  
63 suspensions ordered under this Subsection (3).

64 (4) The Driver License Division shall suspend for 30 days the driver license of a person  
65 identified in Subsection (3) who violates Section 41-6-182 upon receiving an order from a  
66 court under Subsection (3).

67 Section 3. Section **53-3-219** is amended to read:

68 **53-3-219. Suspension of minor's driving privileges.**

69 (1) The division shall immediately suspend all driving privileges of any person upon  
70 receipt of an order suspending driving privileges under Section 32A-12-209, Subsection  
71 76-9-701(1), or Section 78-3a-506.

72 (a) Upon receipt of the first order suspending a person's driving privileges, the division  
73 shall impose a suspension for 90 days or, if the person is under the age of eligibility for a driver  
74 license, the suspension shall begin on the date of conviction and continue for the first 90 days  
75 following the date of eligibility.

76 (b) Upon receipt of a second order suspending a person's driving privileges, the  
77 division shall impose a suspension for six months or, if the person is under the age of eligibility  
78 for a driver license, the suspension shall begin on the date of conviction and continue for the  
79 first six months following the date of eligibility.

80 (c) Upon receipt of a third or subsequent order suspending a person's driving  
81 privileges, the division shall impose a suspension for one year or, if the person is under the age  
82 of eligibility for a driver license, the suspension shall begin on the date of conviction and  
83 continue for one year beginning on the date of eligibility.

84 (2) (a) The division shall immediately suspend for 30 days all driving privileges of a  
85 person upon receipt of an order suspending driving privileges under Section 41-6-185.

86 (b) If the person is under the age of eligibility for a driver license, the suspension shall  
87 begin on the date of conviction and continue for the first 30 days following the date of  
88 eligibility.

89 [~~2~~] (3) After reinstatement of the license under Subsection (1)(a), a report authorized

90 under Section 53-3-104 may not contain evidence of the suspension of a minor's license under  
91 this section if the minor has not been convicted of any other offense for which the suspension  
92 under Subsection (1)(a) may be extended.

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**Legislative Review Note**

**as of 1-21-05 10:01 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**State Impact**

It is estimated that the bill is revenue neutral. The bill will generate \$7,800 in new, ongoing General Fund revenues to the state beginning FY 2006. The Administrative Office of the Courts will require an appropriation of \$7,800 in ongoing General Funds beginning FY 2006 to implement provisions of the bill.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$7,800	\$7,800	\$7,800	\$7,800
<b>TOTAL</b>	<b>\$7,800</b>	<b>\$7,800</b>	<b>\$7,800</b>	<b>\$7,800</b>

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**Individual and Business Impact**

The bill will generate \$77,500 in new revenues to the justice courts throughout the state. The justice courts will incur approximately \$77,500 in costs to implement provisions of the bill. There is no fiscal impact for individuals who comply with the traffic laws throughout the state.

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**Office of the Legislative Fiscal Analyst**