

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room WO25, West Office Building, State Capitol Complex
January 25, 2005

Members Present: Rep. DeMar "Bud" Bowman, Chair
Rep. Michael T. Morley, Vice Chair
Rep. Duane Bourdeaux
Rep. LaVar F. Christensen
Rep. Wayne A. Harper
Rep. Patricia W. Jones
Rep. Todd E. Kiser
Rep. David Litvak
Rep. Curtis Oda
Rep. Paul Ray
Rep. Stephen H. Urquhart

Staff Present: Mr. Stewart Smith, Policy Analyst
Ms. Linda Black, Committee Secretary

note: A list of visitors and a copy of handouts are filed with the committee minutes.

Rep. Morley called the meeting to order at 2:00 p.m.

MOTION: Rep. Kiser moved to approve the minutes of January 19, 2005. The motion passed unanimously with Rep. Bourdeaux, Rep. Christensen, Rep. Jones, and Rep. Urquhart absent for the vote.

H.B. 67 Abandoned Vehicles Amendments (*Rep. J. Gowans*)

Rep. Gowans introduced the bill and explained it to the committee.

Spoke in favor of the bill: Mr. Kevin Park, Assistant Director, Department of Motor Vehicles.
Mr. Wayne Jones, Independent Auto Association.

MOTION: Rep. Kiser moved to pass the bill out favorably. The motion passed with Rep. Christensen and Rep. Harper voting against the motion. Rep. Oda and Rep. Urquhart absent for the vote.

H.B. 49 Bicycle Safety Provisions (*Rep. R. McGee*)

Rep. McGee introduced the bill, and proposed an amendment.

MOTION: Rep. Kiser moved to adopt the following amendments:

1. Page 1, Line 16:

- 16 • maintain the clearance until safely past the bicycle; ~~{-and-}~~
 ▶ provides that the three foot passing distance requirement does not apply if
the road is too narrow to safely pass the bicycle;
 ▶ provides that an operator of a vehicle may not be cited for a violation if:
 • the operator and of the vehicle is involved in an accident with the
bicyclist; and
 • the bicyclist was operating the bicycle in a negligent manner; and

2. Page 2, Lines 35 through 39:

- 35 (3) (a) An operator of a vehicle proceeding in the opposite direction
shall when passing a bicycle ;
36 ~~{(a) pass a bicycle}~~ (i) travel at a safe distance of no less than three feet
between any part of the
37 passing vehicle and the bicycle; and
38 ~~{(b)}~~ (ii) maintain the clearance required under Subsection (3)(a) until
safely past the
39 bicycle.
(b) The provisions of Subsection (3)(a) do not apply if a lane is too narrow for
an operator of a vehicle to safely pass the bicycle at the distance required under
Subsection (3)(a)(i).
(4) An operator of a vehicle may not be issued a citation for a violation of
Subsection (3) if:
(a) the operator of the vehicle is involved in an accident with a bicyclist; and
(b) the bicyclist was operating the bicycle in a negligent manner.

3. Page 2, Line 53 through Page 3, Line 58:

- 53 (c) the operator of a vehicle overtaking a bicycle proceeding in the same direction
54 shall:
55 (i) leave a safe distance of no less than three feet between any part of the overtaking
56 vehicle and the bicycle; and
57 (ii) maintain the clearance required under Subsection (1)(c)(i) until safely past the

58 overtaken bicycle.

(2) The provisions of Subsection (1)(c) do not apply if a lane is too narrow for an operator of a vehicle to safely pass the bicycle at the distance required under Subsection (1)(c)(i).

4. Page 3, Line 59:

59 ~~{(2)}~~ **(3)** On a highway having more than one lane in the same direction,
the operator of a

5. Page 3, Line 71:

71 (v) when following direction signs that direct use of a designated lane.

= **(4) An operator of a vehicle may not be issued a citation for a violation of Subsection (1)(c) if:**

(a) the operator of the vehicle is involved in an accident with a bicyclist; and

(b) the bicyclist was operating the bicycle in a negligent manner.

The motion to amend passed unanimously with Rep. Oda, and Rep. Urquhart absent for the vote.

MOTION: Rep. Bourdeaux moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Oda, and Rep. Urquhart absent for the vote.

S.B. 22 Drug Offender Reform Act (*Sen. D. C. Buttars*)

Sen. Buttars introduced the bill.

Spoke in favor of the bill: Ms.Pamela Atkinson, Community Advocate
 Mr.Pat Flemming, Salt Lake County Substance Abuse
 Mr.Brent Gardner, Utah Association of Counties

MOTION: Rep. Bourdeaux moved to pass the bill out favorably. The motion passed unanimously with Rep. Urquhart absent for the vote.

MOTION: Rep. Oda moved to adjourn. The motion passed unanimously with Rep. Urquhart absent for the vote. Rep. Morley adjourned the meeting at 3:12 p.m.