

**MINUTES OF THE SENATE
TRANSPORTATION & PUBLIC UTILITIES & TECHNOLOGY
STANDING COMMITTEE
FRIDAY, FEBRUARY 11, 2005, 3:00 P.M.
ROOM W020, WEST OFFICE BUILDING
STATE CAPITOL COMPLEX**

Members Present: Sen. Sheldon Killpack, Chair
Sen. Curtis Bramble
Sen. Scott Jenkins
Sen. Carlene Walker
Sen. Karen Hale

Members Excused: Sen. Ed Mayne

Staff Present: Rich North, Policy Analyst
Karen Allred, Secretary

Public Speakers Present: Bill Lloyd, Manager, Department of Public Safety, Drivers License Division
Judy Hamaker Mann, Director, Drivers License Division, Department of Public Safety,
Linda Hull, Public Affairs Manager, Utah Department of Transportation
Rodney G. Marrelli, Executive Director, Tax Commission
Lynn Christensen, Manager, Intermountain Tow
Wayne Jones, Independent Auto Dealers Association
Ron Olsen, Owner, Manager, Noordas Towing
Craig Bickmore, Executive Director, Utah Auto Dealers Association
Larry H. Miller, Chairman, Motor Vehicle Advisory Board, Legislative Committee, Utah Auto Dealers Association

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

Committee Chair Killpack called the meeting to order at 3:25 p.m.

MOTION: Sen. Jenkins moved to approve the minutes of February 10, 2005.

The motion passed unanimously with Sen Bramble and Sen. Hale absent for the vote.

1. S.B. 65 Driver License and Commercial Driver License Amendments (D. Bowman)

The following amendments were distributed:

1. Page 17, Lines 516 through 522:

516 (6) ~~{A}~~ (a) Subject to Subsection (6)(b), a driver of a
517 ~~{+}~~ commercial ~~{+}~~ motor vehicle who holds or is required to hold a CDL is
518 disqualified for not less than :
(i) 60 days from driving a commercial motor vehicle if ~~{he}~~ the
519 driver is convicted of two serious traffic violations : and ~~{is disqualified for not~~
~~less than}~~ =
(ii) 120
519 days if ~~{he}~~ the driver is convicted of three or more serious traffic violations :
~~{that:~~
520 ~~—(a)}~~ (b) The disqualifications under Subsection (6)(a) are effective only if the
serious traffic violations:
(i) occur within three years of each other; ~~{and}~~
521 ~~{(b)}~~ (ii) arise from separate incidents ~~{+}~~ ; and ~~{+}~~ ~~{-}~~
522 ~~{+}~~ ~~{(c)}~~ (iii) involve the use or operation of a commercial motor
vehicle. ~~{+}~~

2. Page 19, Lines 570 through 571:

570 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the
571 suspension order or cancel the CDL. =
(12) (a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is
required to hold a CDL is disqualified for not less than:
(i) 60 days from driving a commercial motor vehicle if the driver is convicted of
two serious traffic violations; and
(ii) 120 days if the driver is convicted of three or more serious traffic
violations.
(b) The disqualifications under Subsection (12)(a) are effective only if the serious
traffic violations:
(i) occur within three years of each other;
(ii) arise from separate incidents; and
(iii) result in a the denial, suspension, cancellation, or revocation of the non-
CDL driving privilege from at least one of the violations.

MOTION: Sen. Jenkins moved to adopt the amendments.

The motion passed unanimously with Sen. Bramble and Sen. Hale absent for the vote.

Rep. Bowman explained the bill assisted by Bill Lloyd, Department of Public Safety, Drivers License Division.

Judy Hamaker Mann, Director, Drivers License Division, Department of Public Safety, answered questions from the committee.

Linda Hull, Public Affairs Manager, Utah Department of Transportation, spoke in support of the bill.

MOTION: Sen. Jenkins moved to pass the bill out favorably as amended.

The motion passed unanimously with Sen. Bramble and Sen. Hale absent for the vote.

2. 1st Sub. S.B. 67 Abandoned Vehicles Amendments (J. Gowans)

Rep. Gowans explained the bill.

Rodney G. Marrelli, Executive Director, Utah Tax Commission, further clarified the bill.

Wayne Jones, Independent Auto Dealers Association, spoke in support of the bill.

Lynn Christensen, Manager, Intermountain Tow, and Ron Olsen, Manager, Noordas Towing, spoke in opposition to the bill.

MOTION: Sen. Jenkins, moved to pass the bill out favorably.

The motion passed unanimously with Sen. Bramble and Sen Walker absent for the vote.

3. H.B. 68 Motor Vehicle Enforcement Division Amendments (Rep. P. Ray)

Rep. Ray explained the bill.

Craig Bickmore, Executive Director, Utah Auto Dealers Association, answered questions from the committee.

Larry H. Miller, Chairman, Motor Vehicle Division Advisory Board and Legislative Committee, Utah Auto Dealers Association, and Wayne Jones, Independent Auto Dealers Association, spoke in support of the bill.

MOTION: Sen. Jenkins moved to pass the bill out favorably.

SUBSTITUTE MOTION: Sen. Hale moved to go to the next item on the agenda.

The motion failed with Sen. Hale voting in favor of the motion, Sen. Killpack, Sen. Bramble and Sen. Jenkins voting in opposition and Sen. Walker absent for the vote.

The original motion passed with Sen. Killpack, Sen. Bramble and Sen. Jenkins voting in favor of the bill, Sen. Hale voting in opposition and Sen. Walker absent for the vote.

4. H.B. 212 Traffic Violations by Diplomats (D. Hogue)

Rep. Hogue explained the bill.

MOTION: Sen. Bramble moved to pass the bill favorably.

The motion passed unanimously with Sen. Walker absent for the vote.

5. B.H. 221 Electronic Communication Harassment (J. Dougall)

Rep. Dougall explained the bill.

The following amendments were distributed:

1. Page 1, Lines 11 through 18:

- 11 This bill:
- 12 ▶ defines electronic communication; ~~{and}~~
- 13 ▶ creates the offense of committing acts of communication harassment by
electronic
- 14 means in addition to by telephone with the intent to annoy or alarm a recipient,
15 including the acts of:
- 16 • repeatedly attempting to contact a recipient via electronic means after
having
- 17 been told to not contact the recipient; and
- 18 • jamming or disrupting a recipient's electronic communication device;
and

- = • clarifies that these provisions do not create any civil cause of action based on electronic communications made for legitimate business purposes .

2. *Page 3, Line 59:*

59 [~~(2)~~] (3) [~~Telephone~~] Electronic communication harassment is a class B misdemeanor.

(4) This section does not create any civil cause of action based on electronic communications made for legitimate business purposes.

MOTION: Sen. Bramble moved to adopt the amendments.

The motion passed unanimously with Sen. Walker absent for the vote.

MOTION: Sen Bramble moved to pass the bill out favorably.

The motion passed unanimously with Sen. Walker absent for the vote.

MOTION: Sen. Jenkins moved to adjourn.

The motion passed unanimously with Sen. Walker absent for the vote.

The meeting adjourned at 4:25 p.m.

Sen. Sheldon L. Killpack, Committee Chair