

DRIVING BY MINORS AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Hale

House Sponsor: Ronda Rudd Menlove

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions related to driving by minors.

Highlighted Provisions:

This bill:

- ▶ repeals an affirmative defense to the prohibition against a person younger than 17 years of age from operating a motor vehicle on a highway between the hours of 12:00 am and 5:00 am;

- ▶ repeals an affirmative defense to the prohibition against certain persons driving with a passenger in the vehicle who is not an immediate family member of the driver; and

- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-8-2, as enacted by Chapter 28, Laws of Utah 1999

41-8-3, as enacted by Chapter 98, Laws of Utah 2001



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

30 Section 1. Section **41-8-2** is amended to read:

31 **41-8-2. Operation of vehicle by persons under 17 during night hours prohibited**

32 **-- Exceptions.**

33 (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a
34 person younger than 17 years of age, whether resident or nonresident of this state, may not
35 operate a motor vehicle upon any highway of this state between the hours of 12:00 a.m. and
36 5:00 a.m.

37 (2) It is an affirmative defense to a charge under Subsection (1) that the person is
38 operating a motor vehicle:

39 (a) accompanied by a licensed driver at least 21 years of age who is occupying a seat
40 next to the driver;

41 (b) for the driver's employment, including the trip to and from the driver's residence
42 and the driver's employment;

43 [~~(c) to and from the driver's religion-sponsored activity or own school-sponsored
44 activity and the driver's residence;~~]

45 [~~(d)~~] (c) on assignment of a farmer or rancher and the driver is engaged in an
46 agricultural operation; or

47 [~~(e)~~] (d) in an emergency.

48 (3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver
49 License Act, a violation of this section is a class C misdemeanor.

50 Section 2. Section **41-8-3** is amended to read:

51 **41-8-3. Operation of vehicle by persons under 16 and six months -- Passenger
52 limitations -- Exceptions -- Penalties.**

53 (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a
54 person, whether resident or nonresident of this state, may not operate a motor vehicle upon any
55 highway of this state with any passenger who is not an immediate family member of the driver
56 until the earlier of:

57 (a) six months from the date the person's driver license was issued; or

58 (b) the person reaches 18 years of age.

59 (2) It is an affirmative defense to a charge under Subsection (1) that the person is
60 operating a motor vehicle:

61 (a) accompanied by a licensed driver at least 21 years of age who is occupying a seat
62 next to the driver;

63 (b) on assignment of a farmer or rancher and the driver is engaged in an agricultural
64 operation; or

65 [~~(c) with the written consent of the driver's parent or guardian to and from the driver's~~
66 ~~school, own school-sponsored activity, or religion-sponsored activity and the driver's residence;~~

67 ~~or]~~

68 [~~(d)~~] (c) in an emergency.

69 (3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver
70 License Act, a violation of this section is a class C misdemeanor.

71 (4) Enforcement of this section by state or local law enforcement officers shall be only
72 as a secondary action when an operator of a motor vehicle has been detained for a suspected
73 violation of Title 41, other than this section, or for another offense.

Legislative Review Note

as of 12-20-05 12:37 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel