

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **41-6a-528**, as renumbered and amended by Laws of Utah 2005, Chapter 2

36 **41-6a-710**, as renumbered and amended by Laws of Utah 2005, Chapter 2

37 **41-6a-1715**, as enacted by Laws of Utah 2007, Chapter 52

38 **53-10-208**, as last amended by Laws of Utah 2008, Chapter 3

39 **76-1-302**, as last amended by Laws of Utah 2008, Chapter 129

40 **77-7-19**, as last amended by Laws of Utah 2001, Chapter 118

41 **77-7-20**, as enacted by Laws of Utah 1980, Chapter 15

42 **77-7-21**, as last amended by Laws of Utah 1994, Chapter 100

43

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

45 Section 1. Section **41-6a-528** is amended to read:

46 **41-6a-528. Reckless driving -- Penalty.**

47 (1) A person is guilty of reckless driving who operates a vehicle:

48 (a) in willful or wanton disregard for the safety of persons or property; or

49 (b) while committing three or more moving traffic violations under Title 41, Chapter

50 6a, Traffic Code, in a series of acts occurring within a single continuous period of driving

51 covering three miles or less in total distance.

52 (2) A person who violates Subsection (1) is guilty of a class B misdemeanor.

53 Section 2. Section **41-6a-710** is amended to read:

54 **41-6a-710. Roadway divided into marked lanes -- Provisions -- Traffic-control**
55 **devices.**

56 On a roadway divided into two or more clearly marked lanes for traffic the following

57 provisions apply:

58 (1) (a) A person operating a vehicle:
59 [~~(a)~~] (i) shall keep the vehicle as nearly as practical entirely within a single lane; and
60 [~~(b)~~] (ii) may not move the vehicle from the lane until the operator has reasonably
61 determined the movement can be made safely.

62 (b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person
63 acting under the same conditions and having regard for actual and potential hazards then
64 existing would determine that the movement could be made safely.

65 (2) On a roadway divided into three or more lanes and providing for two-way
66 movement of traffic, a person operating a vehicle may not drive in the center lane except:

67 (a) when overtaking and passing another vehicle traveling in the same direction, and
68 when the center lane is:

- 69 (i) clear of traffic within a safe distance; and
- 70 (ii) not a two-way left turn lane;

71 (b) in preparation of making or completing a left turn in compliance with Section
72 41-6a-801; or

73 (c) where the center lane is allocated exclusively to traffic moving in the same
74 direction that the vehicle is proceeding as indicated by traffic-control devices.

75 (3) (a) A highway authority may erect traffic-control devices directing specified traffic
76 to use a designated lane or designating those lanes to be used by traffic moving in a particular
77 direction regardless of the center of the roadway.

78 (b) An operator of a vehicle shall obey the directions of a traffic-control device erected
79 under Subsection (3)(a).

80 Section 3. Section **41-6a-1715** is amended to read:

81 **41-6a-1715. Careless driving defined and prohibited.**

82 (1) A person operating a motor vehicle is guilty of careless driving if the person:

83 (a) commits two or more moving traffic violations under this chapter in a series of acts
84 within a single continuous period of driving covering three miles or less in total distance; or

85 (b) commits a moving traffic violation under this chapter other than a moving traffic

86 violation under Part 6, Speed Restrictions, while being distracted by one or more activities
87 taking place within the vehicle that are not related to the operation of a motor vehicle,
88 including:

89 (i) using a wireless telephone or other electronic device unless the person is using
90 hands-free talking and listening features while operating the motor vehicle;

91 (ii) searching for an item in the vehicle; or

92 (iii) attending to personal hygiene or grooming.

93 (2) A violation of this section is a class C misdemeanor.

94 Section 4. Section 53-10-208 is amended to read:

95 **53-10-208. Definition -- Offenses included on statewide warrant system --**
96 **Transportation fee to be included -- Statewide warrant system responsibility -- Quality**
97 **control -- Training -- Technical support -- Transaction costs.**

98 (1) "Statewide warrant system" means the portion of the state court computer system
99 that is accessible by modem from the state mainframe computer and contains:

100 (a) records of criminal warrant information; and

101 (b) after notice and hearing, records of protective orders issued pursuant to:

102 (i) Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act; or

103 (ii) Title 77, Chapter 36, Cohabitant Abuse Procedures Act.

104 (2) (a) ~~(f)~~ The division shall include on the statewide warrant system all warrants
105 issued for felony offenses and class A, B, and C misdemeanor offenses in the state.

106 ~~[(ii) For each offense the division shall indicate whether the magistrate ordered under~~
107 ~~Section 77-7-5 and Rule 6, Utah Rules of Criminal Procedure, that the accused appear in~~
108 ~~court.]~~

109 ~~[(b) Infractions shall not be included on the statewide warrant system, including any~~
110 ~~subsequent failure to appear warrants issued on an infraction.]~~

111 (b) The division shall include on the statewide warrant system all warrants issued for
112 failure to appear on a traffic citation as ordered by a magistrate under Subsection 77-7-19(3).

113 (c) For each warrant, the division shall indicate whether the magistrate ordered under

114 Section 77-7-5 and Rule 6, Utah Rules of Criminal Procedure, that the accused appear in
115 court.

116 (3) The division is the agency responsible for the statewide warrant system and shall:

117 (a) ensure quality control of all warrants of arrest or commitment and protective orders
118 contained in the statewide warrant system by conducting regular validation checks with every
119 clerk of a court responsible for entering the information on the system;

120 (b) upon the expiration of the protective orders and in the manner prescribed by the
121 division, purge information regarding protective orders described in Subsection
122 53-10-208.1(4) within 30 days of the time after expiration;

123 (c) establish system procedures and provide training to all criminal justice agencies
124 having access to information contained on the state warrant system;

125 (d) provide technical support, program development, and systems maintenance for the
126 operation of the system; and

127 (e) pay data processing and transaction costs for state, county, and city law
128 enforcement agencies and criminal justice agencies having access to information contained on
129 the state warrant system.

130 (4) (a) Any data processing or transaction costs not funded by legislative appropriation
131 shall be paid on a pro rata basis by all agencies using the system during the fiscal year.

132 (b) This Subsection (4) supersedes any conflicting provision in Subsection (3)(e).

133 Section 5. Section **76-1-302** is amended to read:

134 **76-1-302. Time limitations for prosecution of offenses -- Provisions if DNA**
135 **evidence would identify the defendant -- Commencement of prosecution.**

136 (1) Except as otherwise provided, a prosecution for:

137 (a) a felony or negligent homicide shall be commenced within four years after it is
138 committed, except that prosecution for forcible sexual abuse shall be commenced within eight
139 years after the offense is committed, if within four years after its commission the offense is
140 reported to a law enforcement agency;

141 (b) a misdemeanor other than negligent homicide shall be commenced within two

142 years after it is committed; and

143 (c) any infraction shall be commenced within one year after it is committed.

144 (2) (a) Notwithstanding Subsection (1), prosecution for the offenses listed in
145 Subsections 76-3-203.5(1)(c)(i)(A) through (AA) may be commenced at any time if the
146 identity of the person who committed the crime is unknown but DNA evidence is collected
147 that would identify the person at a later date.

148 (b) Subsection (2)(a) does not apply if the statute of limitations on a crime has run as
149 of May 5, 2003, and no charges have been filed.

150 (3) If the statute of limitations would have run but for the provisions of Subsection (2)
151 and identification of a perpetrator is made through DNA, a prosecution shall be commenced
152 within one year of the discovery of the identity of the perpetrator.

153 (4) A prosecution is commenced upon:

154 (a) the finding and filing of an indictment by a grand jury [~~or upon~~];

155 (b) the filing of a complaint or information; or

156 (c) the issuance of a citation.

157 Section 6. Section **77-7-19** is amended to read:

158 **77-7-19. Appearance required by citation -- Arrest for failure to appear --**

159 **Transfer of cases -- Motor vehicle violations -- Disposition of fines and costs.**

160 (1) [~~Persons~~] A person receiving [~~misdemeanor citations~~] a citation issued pursuant to
161 Section 77-7-18 shall appear before the magistrate designated in the citation on or before the
162 time and date specified in the citation unless the uniform bail schedule adopted by the Judicial
163 Council or Subsection 77-7-21(1) permits forfeiture of bail for the offense charged.

164 (2) A citation may not require a person to appear sooner than five days or later than 14
165 days following its issuance.

166 (3) (a) A person who receives a citation and who fails to comply with Section 77-7-21
167 on or before the time and date and at the court specified is subject to arrest.

168 (b) The magistrate may issue a warrant of arrest based upon a citation that was served
169 and filed in accordance with Section 77-7-20.

170 (4) Except where otherwise provided by law, a citation or information issued for
171 violations of Title 41, Motor Vehicles, shall state that the person receiving the citation or
172 information shall appear before the magistrate who has jurisdiction over the offense charged.

173 (5) Any justice court judge may, upon the motion of either the defense attorney or
174 prosecuting attorney, based on a lack of territorial jurisdiction or the disqualification of the
175 judge, transfer cases to a justice court with territorial jurisdiction or the district court within
176 the county.

177 (6) (a) Clerks and other administrative personnel serving the courts shall ensure that
178 all citations for violation of Title 41, Motor Vehicles, are filed in a court with jurisdiction and
179 venue and shall refuse to receive citations that should be filed in another court.

180 (b) Fines, fees, costs, and forfeitures imposed or collected for violations of Title 41,
181 Motor Vehicles, which are filed contrary to this section shall be paid to the entitled
182 municipality or county by the state, county, or municipal treasurer who has received the fines,
183 fees, costs, or forfeitures from the court which collected them.

184 (c) The accounting and remitting of sums due shall be at the close of the fiscal year of
185 the municipality or county which has received fines, fees, costs, or forfeitures as a result of any
186 improperly filed citations.

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

188 **77-7-20. Service of citation on defendant -- Filing in court -- Contents of**
189 **citations.**

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

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

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

195 (b) the name of the person cited;

196 (c) a brief description of the offense charged;

197 (d) the date, time and place at which the offense is alleged to have occurred;

- 198 (e) the date on which the citation was issued;
- 199 (f) the name of the peace officer or public official who issued the citation, and the
- 200 name of the arresting person if an arrest was made by a private party and the citation was
- 201 issued in lieu of taking the arrested person before a magistrate;
- 202 (g) the time and date on or before and after which the person is to appear;
- 203 (h) the address of the court in which the person is to appear;
- 204 (i) a certification above the signature of the officer issuing the citation in substantially
- 205 the following language: "I certify that a copy of this citation or information (Summons and
- 206 Complaint) was duly served upon the defendant according to law on the above date and I
- 207 know or believe and so allege that the above-named defendant did commit the offense herein
- 208 set forth contrary to law. I further certify that the court to which the defendant has been
- 209 directed to appear is the proper court pursuant to Section 77-7-21."; and
- 210 (j) a notice containing substantially the following language:

211 READ CAREFULLY

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

217 Section 8. Section 77-7-21 is amended to read:

218 **77-7-21. Proceeding on citation -- Voluntary forfeiture of bail -- Parent**
 219 **signature required -- Information, when required.**

- 220 (1) (a) A copy of the citation issued under Section 77-7-18 that is filed with the
- 221 magistrate may be used in lieu of an information to which the person cited may plead guilty or
- 222 no contest and be sentenced or on which bail may be forfeited.
- 223 (b) With the magistrate's approval, a person may voluntarily forfeit bail without
- 224 appearance being required in any case of a class B misdemeanor or less.
- 225 (c) Voluntary forfeiture of bail shall be entered as a conviction and treated the same as

226 if the accused pleaded guilty.

227 (d) If the person cited is under 18 years of age, and if any of the charges allege a
228 violation of Title 41, the court shall promptly mail a copy of the citation or a notice of the
229 citation to the address as shown on the citation, to the attention of the parent or guardian of the
230 defendant.

231 (2) An information shall be filed and proceedings held in accordance with the Rules of
232 Criminal Procedure and all other applicable provisions of this code if the person cited [~~:(a)~~
233 ~~willfully fails to appear before a magistrate pursuant to a citation issued under Section~~
234 ~~77-7-18; (b)~~] pleads not guilty to the offense charged [~~; or~~].

235 [~~(c) does not deposit bail on or before the date set for the person's appearance.~~]

236 (3) (a) The information is an original pleading.

237 (b) If a person cited waives by written agreement the filing of the information, the
238 prosecution may proceed on the citation.