

**MINUTES OF THE SENATE  
TRANSPORTATION & PUBLIC UTILITIES & TECHNOLOGY  
STANDING COMMITTEE  
FRIDAY, FEBRUARY 6, 2009, 2:00 P.M.  
ROOM 215, SENATE BUILDING, STATE CAPITOL COMPLEX**

Members Present:            Sen. Steve Urquhart, Chair  
                                  Sen. David Hinkins  
                                  Sen. Sheldon Killpack  
                                  Sen. Peter Knudson  
                                  Sen. Brent Goodfellow  
                                  Sen. Karen Mayne

Members Absent:            Sen. Kevin VanTassell

Staff Present:              Leif Elder, Policy Analyst  
                                  Cami Deavila, Secretary

Public Speakers Present:    Brent Gardner, Utah Association of Counties  
                                  Sam Klemm, Wasatch Front Regional Counsel  
                                  Kim Gibb, Driver License Division  
                                  Art Brown, President, MADD  
                                  Jim Olsen, President, Utah Food Industry Association

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

Committee Chair Urquhart called the meeting to order at 2:08 p.m.

1. SB0052, New Motor Vehicle Franchise Amendments (*S. Killpack*)

S.B. 52 was not considered.

2. SB0057, Local Option Transportation Corridor Preservation Fund Amendments  
(*R. Okerlund*)

Sen. Okerlund introduced the bill.

Mr. Gardner and Mr. Klemm spoke to the bill.

**MOTION:** Sen. Goodfellow moved to amend S.B. 57, Local Option Transportation Corridor Preservation Fund Amendments, as follows:

1. *Page 1, Lines 18 through 20:*

- 18           ▶ requires the department to annually allocate the interest earned on fund  
                  monies to each  
19 county based on the proportionate amount of interest earned on each county's  
20 allocation of funds on an average monthly balance basis; and

2. *Page 3, Lines 67 through 69:*

- 67           (e) The department shall annually allocate the interest earned on fund monies to  
                  each county  
68 based on the proportionate amount of interest earned on each county's allocation of funds  
                  under  
69 Subsection (4)(d) on an average monthly balance basis.

The motion passed unanimously with Sens. Hinkins and Killpack absent for the vote.

**MOTION:** Sen. Goodfellow moved to pass S.B. 57, Local Option Transportation Corridor Preservation Fund Amendments, as amended, out of committee with a favorable recommendation.

The motion passed unanimously.

**MOTION:** Sen. Killpack moved to place S.B. 57, Local Option Transportation Corridor Preservation Fund Amendments, on the consent calendar.

The motion passed unanimously.

3. HB0021, Amendments to Driver License Sanction Requirements (R. Greenwood)

Rep. Greenwood introduced the bill.

Ms. Gibb spoke for the bill.

**MOTION:** Sen. Hinkins moved to pass H.B. 21, Amendments to Driver License Sanction Requirements, out of committee with a favorable recommendation.

The motion passed unanimously.

4. HCR001, Concurrent Resolution on Certification of Compressed Natural Gas Vehicles (J. Draxler)

Rep. Draxler introduced the bill.

**MOTION:** Sen. Knudson moved to pass H.C.R. 1, Concurrent Resolution on Certification

of Compressed Natural Gas Vehicles, out of committee with a favorable recommendation.

The motion passed unanimously.

**MOTION:** Sen. Knudson moved to place H.C.R. 1, Concurrent Resolution on Certification of Compressed Natural Gas Vehicles, on the consent calendar.

The motion passed unanimously.

**MOTION:** Sen. Killpack moved to recess.

The motion passed unanimously and the meeting recessed at 2:40 p.m.

Committee Chair Urquhart reconvened the meeting at 2:50 p.m.

5. SB0147, Driver License Revisions (*L. Hillyard*)

Sen. Hillyard introduced the bill.

Mr. Brown spoke to the bill.

**MOTION:** Sen. Knudson moved to replace S.B. 147, Driver License Revisions, with 1st Sub. S.B. 147, Driver License Revisions.

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

**MOTION:** Sen. Hinkins moved to pass 1st Sub. S.B. 147, Driver License Revisions, out of committee with a favorable recommendation.

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

6. SB0149, Prohibition of Text Messaging or Electronic Mail Communication While Driving (*L. Hillyard*)

Sen. Hillyard introduced the bill.

Mr. Olsen spoke for the bill.

**MOTION:** Sen. Knudson moved to amend S.B. 149, Prohibition of Text Messaging or Electronic Mail Communication While Driving, as follows:

1. *Page 2, Lines 29 through 32:*

- 29           ▶ provides that a judge or justice may ~~{recommend}~~ order that a person's driver license be

30 suspended for three months upon conviction of the prohibition on using a wireless  
31 communication device for text messaging or electronic mail communication while  
32 operating a motor vehicle;

2. *Page 3, Lines 81 through 83:*

81 (a) the person has also inflicted serious bodily injury upon another as a proximate  
82 result of using a wireless communication device for text messaging or electronic mail  
83 communication while operating a motor vehicle on a highway in this state; ~~{-and}~~

3. *Page 5, Lines 129 through 132:*

129 (5) Upon a conviction of the prohibition on using a wireless communication device  
for  
130 text messaging or electronic mail communication while operating a motor vehicle under  
131 Section 41-6a-1716, a judge or justice may ~~{-recommend-}~~ order a suspension of  
the convicted person's  
132 license for a period of three months.

4. *Page 9, Lines 248 through 251:*

248 (b) Criminal homicide is automobile homicide, a third degree felony, if the person  
249 operates a motor vehicle in a negligent manner ~~{-causing the death of another and~~  
was} while using a  
250 wireless communication device for text messaging or electronic mail communication at the  
251 time of operation causing the death of another .

5. *Page 9, Lines 254 through 257:*

254 (b) Criminal homicide is automobile homicide, a second degree felony, if the person  
255 operates a motor vehicle in a criminally negligent manner ~~{-causing the death of~~  
another and was} while  
256 using a wireless communication device for text messaging or electronic mail  
communication at  
257 the time of operation causing the death of another .

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

**MOTION:** Sen. Mayne moved to pass S.B. 149, Prohibition of Text Messaging or Electronic Mail Communication While Driving, as amended, out of committee with a favorable recommendation.

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

**Approval of Minutes**

**MOTION:** Sen. Knudson moved to approve the minutes of February 4, 2009 meeting.

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

**MOTION:** Sen. Killpack moved to adjourn.

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

Sen. Urquhart adjourned the meeting at 3:30 p.m.

Minutes were reported by Cami Deavila.

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Sen. Steve Urquhart, Committee Chair