

59 ~~[(b) Authority to operate a pedestrian vehicle on public highways or sidewalks shall be~~
 60 ~~granted according to rules promulgated by the commissioner of public safety.]~~

61 (3) (a) A person with a physical disability may operate a pedestrian vehicle with a
 62 motor of not more than .5 brake horsepower capable of developing a speed of not more than
 63 eight miles per hour:

- 64 (i) on the sidewalk; and
- 65 (ii) in all places where pedestrians are allowed.

66 (b) A permit, license, registration, authority, application, or restriction may not be
 67 required or imposed on a person with a physical disability who operates a pedestrian vehicle
 68 under this Subsection (3).

69 (c) The provisions of this Subsection (3) supercede the provision of Subsection (2)(b).
 70 Section 2. Section **41-6a-1118** is enacted to read:

71 **41-6a-1118. Mobility vehicles.**

72 (1) As used in this section:

73 (a) "Division" means the Driver License Division created in Section 53-3-103.

74 (b) "Mobility vehicle" means a vehicle that:

- 75 (i) is certified by the division for use by a person with a physical disability; and
- 76 (ii) complies with the requirements specified by the division in rules made under

77 Subsection (3).

78 (c) "Mobility vehicle certification" means evidence that a vehicle meets the
 79 requirements for certification by the division as a mobility vehicle.

80 (d) "Mobility vehicle permit" means a permit issued by the division granting authority
 81 and specifying the conditions for a person with a physical disability to operate a mobility
 82 vehicle on a public highway.

83 (e) "Physical disability" means a ~~Ĥ→~~ [bodily] substantial ~~←Ĥ~~ impairment ~~Ĥ→~~ in one or
 83a more major life activities ~~←Ĥ~~ that prevents an individual from
 84 qualifying to obtain a license certificate.

85 (2) A person may operate a mobility vehicle on a public highway in accordance with
 86 rules made by the division under Subsection (3).

87 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 88 division shall make rules:

89 (a) establishing procedures for certification of a vehicle to be operated as a mobility

183 Bureau of Criminal Identification provides under Section 53-3-205.5.

184 (29) An original mobility vehicle permit application under Section 41-6a-1118 is \$25.

185 (30) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$25.

186 (31) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$10.

187 Section 4. Section **53-3-221** is amended to read:

188 **53-3-221. Offenses that may result in denial, suspension, disqualification, or**
 189 **revocation of license without hearing -- Additional grounds for suspension -- Point system**
 190 **for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.**

191 (1) By following the emergency procedures in Title 63G, Chapter 4, Administrative
 192 Procedures Act, the division may immediately deny, suspend, disqualify, or revoke the license
 193 or permit of any person without hearing and without receiving a record of the person's
 194 conviction of crime when the division has been notified or has reason to believe the person:

195 (a) has committed any offenses for which mandatory suspension or revocation of a
 196 license is required upon conviction under Section 53-3-220;

197 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an
 198 accident resulting in death or injury to any other person, or serious property damage;

199 (c) is incompetent to drive a motor vehicle or mobility vehicle or ~~H→ [is afflicted with]~~
 199a **has a ←H**

200 mental or physical ~~H→ [infirmities or disabilities]~~ **disability ←H** rendering it unsafe for the
 200a person to drive a motor

201 vehicle or mobility vehicle upon the highways;

202 (d) has committed a serious violation of the motor vehicle laws of this state;

203 (e) has knowingly committed a violation of Section 53-3-229; or

204 (f) has been convicted of serious offenses against traffic laws governing the movement
 205 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard
 206 for the safety of other persons on the highways.

207 (2) (a) The division may suspend the license of a person under Subsection (1) when the
 208 person has failed to comply with the terms stated on a traffic citation issued in this state, except
 209 this Subsection (2) does not apply to highway weight limit violations or violations of law
 210 governing the transportation of hazardous materials.

211 (b) This Subsection (2) applies to parking and standing violations only if a court has
 212 issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy
 213 the terms of the citation.

369 (b) The provisions of Subsection (12)(a) do not apply for:

370 (i) a CDL license holder; or

371 (ii) a violation that occurred in a commercial motor vehicle.

372 (13) (a) By following the emergency procedures in Title 63G, Chapter 4,
373 Administrative Procedures Act, the division may immediately suspend the license of a person
374 if it has reason to believe that the person is the owner of a motor vehicle for which security is
375 required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
376 Operators Act, and has driven the motor vehicle or permitted it to be driven within this state
377 without the security being in effect.

378 (b) The division may immediately suspend a driving privilege card holder's driving
379 privilege card if the division receives notification from the Motor Vehicle Division that:

380 (i) the driving privilege card holder is the registered owner of a vehicle; and

381 (ii) the driving privilege card holder's vehicle registration has been revoked under
382 Subsection 41-1a-110(2)(a)(ii)(A).

383 (c) Section 41-12a-411 regarding the requirement of proof of owner's or operator's
384 security applies to persons whose driving privileges are suspended under this Subsection (13).

385 (d) If the division exercises the right of immediate suspension granted under this
386 Subsection (13), the notice and hearing provisions of Subsection (5) apply.

387 (e) A person whose license suspension has been sustained or whose license has been
388 revoked by the division under this Subsection (13) may file a request for agency action
389 requesting a hearing.

390 (14) The division may deny an individual's license if the person fails to comply with
391 the requirement to downgrade the person's CDL to a class D license under Section 53-3-410.1.

392 (15) The division may deny a person's class A, B, C, or D license if the person fails to
393 comply with the requirement to have a K restriction removed from the person's license.

394 (16) Any suspension or revocation of a person's license under this section also
395 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License
396 Act.

397 Section 5. Section **53-3-304** is amended to read:

398 **53-3-304. Licensing of $\hat{H} \rightarrow$ [impaired] $\leftarrow \hat{H}$ persons $\hat{H} \rightarrow$ with impairments $\leftarrow \hat{H}$ --**
398a **Medical review -- Restricted license --**
399 **Procedures.**

400 (1) (a) If the division has reason to believe that an applicant for a license or a mobility
 401 vehicle permit is ~~H→~~ **[an-impaired]** ~~a ←H~~ person ~~H→~~ **with an impairment** ~~←H~~, the division
 401a may require one or both of the following:

402 (i) a physical examination of the applicant by a health care professional and the
 403 submittal by the health care professional of a signed medical report indicating the results of the
 404 physical examination;

405 (ii) a follow-up medical review of the applicant by a health care professional and
 406 completion of a medical report at intervals established by the division under standards
 407 recommended by the board.

408 (b) The format of the medical report required under Subsection (1)(a) shall be devised
 409 by the division with the advice of the board and shall elicit the necessary medical information
 410 to determine whether it would be a public safety hazard to permit the applicant to drive a motor
 411 vehicle or mobility vehicle on the highways.

412 (2) (a) The division may grant a restricted license to ~~H→~~ **[an-impaired]** ~~a ←H~~ person
 412a ~~H→~~ **with an impairment** ~~←H~~ who is
 413 otherwise qualified to obtain a license.

414 (b) The division may grant a restricted mobility vehicle permit to ~~H→~~ **[an-impaired]** ~~a ←H~~
 414a person
 415 ~~H→~~ **with an impairment** ~~←H~~ who is otherwise qualified to obtain a mobility vehicle permit.

416 [~~b~~] (c) The license or mobility vehicle permit continues in effect until its expiration
 417 date so long as the licensee complies with the requirements set forth by the division.

418 [~~c~~] (d) The license or mobility vehicle permit renewal is subject to the conditions of
 419 this section.

420 [~~d~~] (e) Any physical, mental, or emotional impairment of the applicant that in the
 421 opinion of the division does not affect the applicant's ability to exercise reasonable and
 422 ordinary control at all times in driving a motor vehicle upon the highway, does not prevent
 423 granting a license or mobility vehicle permit to the applicant.

424 (3) (a) If an examination is required under this section, the division is not bound by the
 425 recommendation of the examining health care professional but shall give fair consideration to
 426 the recommendation in acting upon the application. The criterion is whether upon all the
 427 evidence it is safe to permit the applicant to drive a motor vehicle or mobility vehicle.

428 (b) In deciding whether to grant or deny a license or mobility vehicle permit, the
 429 division may be guided by the opinion of experts in the fields of diagnosing and treating
 430 mental, physical, or emotional disabilities and may take into consideration any other factors