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7	LONG TITLE
8	General Description:
9	This bill modifies provisions relating to pedestrian and mobility vehicles.
10	Highlighted Provisions:
11	This bill:
12	<ul><li>provides definitions;</li></ul>
13	repeals the requirement that the Department of Public Safety make rules to
14	authorize a person to operate a pedestrian vehicle on a public highway or sidewalk;
15	provides that a mobility vehicle is a vehicle that:
16	• is certified by the Driver License Division for use by a person with a physical
17	disability; and
18	<ul> <li>complies with the requirements specified by the Driver License Division in</li> </ul>
19	administrative rules;
20	<ul> <li>grants the Driver License Division rulemaking authority to make rules regarding the</li> </ul>
21	eligibility, procedures, and requirements for operating a mobility vehicle on a
22	highway;
23	<ul> <li>specifies application procedures and fees for a mobility vehicle permit;</li> </ul>
24	<ul> <li>prohibits a person from holding a driver license and a mobility vehicle permit;</li> </ul>
25	<ul> <li>repeals the provisions authorizing a mobility vehicle to be operated on a sidewalk;</li> </ul>

• provides that an applicant for a mobility vehicle permit is subject to medical review

**MOBILITY AND PEDESTRIAN VEHICLES** 

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John G. Mathis

Senate Sponsor: Kevin T. Van Tassell



provisions;

28	<ul> <li>authorizes the Driver License Division to deny, suspend, disqualify, or revoke a</li> </ul>
29	mobility vehicle permit in certain circumstances; and
30	<ul> <li>makes technical and conforming changes.</li> </ul>
31	Money Appropriated in this Bill:
32	None
33	Other Special Clauses:
34	This bill takes effect on July 1, 2014.
35	<b>Utah Code Sections Affected:</b>
36	AMENDS:
37	41-6a-1011, as last amended by Laws of Utah 2011, Chapter 366
38	53-3-105, as last amended by Laws of Utah 2011, Chapter 428
39	53-3-221, as last amended by Laws of Utah 2013, Chapter 411
40	53-3-304, as last amended by Laws of Utah 2008, Chapter 382
41	ENACTS:
42	<b>41-6a-1118</b> , Utah Code Annotated 1953
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44	Be it enacted by the Legislature of the state of Utah:
	Be it enacted by the Legislature of the state of Utah:  Section 1. Section 41-6a-1011 is amended to read:
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44 45	Section 1. Section 41-6a-1011 is amended to read:
44 45 46	Section 1. Section 41-6a-1011 is amended to read: 41-6a-1011. Pedestrian vehicles.
44 45 46 47	Section 1. Section 41-6a-1011 is amended to read: 41-6a-1011. Pedestrian vehicles. (1) As used in this section:
44 45 46 47 48	Section 1. Section 41-6a-1011 is amended to read: 41-6a-1011. Pedestrian vehicles.  (1) As used in this section:  (a) (i) "Pedestrian vehicle" means a self-propelled conveyance designed, manufactured,
44 45 46 47 48 49	Section 1. Section 41-6a-1011 is amended to read:  41-6a-1011. Pedestrian vehicles.  (1) As used in this section:  (a) (i) "Pedestrian vehicle" means a self-propelled conveyance designed, manufactured, and intended for the exclusive use of a person with a physical disability.
44 45 46 47 48 49 50	Section 1. Section 41-6a-1011 is amended to read:  41-6a-1011. Pedestrian vehicles.  (1) As used in this section:  (a) (i) "Pedestrian vehicle" means a self-propelled conveyance designed, manufactured, and intended for the exclusive use of a person with a physical disability.  (ii) A "pedestrian vehicle" may not:
44 45 46 47 48 49 50	Section 1. Section 41-6a-1011 is amended to read:  41-6a-1011. Pedestrian vehicles.  (1) As used in this section:  (a) (i) "Pedestrian vehicle" means a self-propelled conveyance designed, manufactured, and intended for the exclusive use of a person with a physical disability.  (ii) A "pedestrian vehicle" may not:  (A) exceed 48 inches in width;
44 45 46 47 48 49 50 51 52	Section 1. Section 41-6a-1011 is amended to read:  41-6a-1011. Pedestrian vehicles.  (1) As used in this section:  (a) (i) "Pedestrian vehicle" means a self-propelled conveyance designed, manufactured, and intended for the exclusive use of a person with a physical disability.  (ii) A "pedestrian vehicle" may not:  (A) exceed 48 inches in width;  (B) have an engine or motor with more than 300 cubic centimeters displacement or
44 45 46 47 48 49 50 51 52 53	Section 1. Section 41-6a-1011 is amended to read:  41-6a-1011. Pedestrian vehicles.  (1) As used in this section:  (a) (i) "Pedestrian vehicle" means a self-propelled conveyance designed, manufactured, and intended for the exclusive use of a person with a physical disability.  (ii) A "pedestrian vehicle" may not:  (A) exceed 48 inches in width;  (B) have an engine or motor with more than 300 cubic centimeters displacement or with more than 12 brake horsepower; and
44 45 46 47 48 49 50 51 52 53	Section 1. Section 41-6a-1011 is amended to read:  41-6a-1011. Pedestrian vehicles.  (1) As used in this section:  (a) (i) "Pedestrian vehicle" means a self-propelled conveyance designed, manufactured, and intended for the exclusive use of a person with a physical disability.  (ii) A "pedestrian vehicle" may not:  (A) exceed 48 inches in width;  (B) have an engine or motor with more than 300 cubic centimeters displacement or with more than 12 brake horsepower; and  (C) be capable of developing a speed in excess of 30 miles per hour.
44 45 46 47 48 49 50 51 52 53 54 55	Section 1. Section 41-6a-1011 is amended to read:  41-6a-1011. Pedestrian vehicles.  (1) As used in this section:  (a) (i) "Pedestrian vehicle" means a self-propelled conveyance designed, manufactured, and intended for the exclusive use of a person with a physical disability.  (ii) A "pedestrian vehicle" may not:  (A) exceed 48 inches in width;  (B) have an engine or motor with more than 300 cubic centimeters displacement or with more than 12 brake horsepower; and  (C) be capable of developing a speed in excess of 30 miles per hour.  (b) "Physical disability" means any bodily impairment which precludes a person from

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 $\hat{H} \rightarrow [\underline{bodily}]$ substantial $\leftarrow \hat{H}$ impairment $\hat{H} \rightarrow \underline{in \ one \ or}$
83a	<b>more major life activities</b> $\leftarrow \hat{H}$ 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

90	vehicle;
91	(b) specifying the vehicle requirements for a vehicle to qualify as a mobility vehicle;
92	(c) for acceptable documentation of a mobility vehicle permit applicant's identity,
93	Social Security number if applicable, Utah resident status, and Utah residence address;
94	(d) establishing procedures for the issuance of a mobility vehicle permit to an
95	individual with a physical disability;
96	(e) for examining applicants for a mobility vehicle permit, as necessary for the safety
97	and welfare of the applicant and the traveling public; and
98	(f) granting authority and specifying the conditions and restrictions for a person to
99	operate a mobility vehicle on a public highway.
100	(4) An application for a mobility vehicle permit shall be:
101	(a) made upon a form furnished by the division;
102	(b) accompanied by a nonrefundable fee set under Section 53-3-105; and
103	(c) accompanied by a medical questionnaire form that includes information:
104	(i) that establishes the applicant has a physical disability as defined under Subsection
105	(1)(e); and
106	(ii) to determine whether it would be a public safety hazard to permit the applicant to
107	drive a mobility vehicle on a public highway.
108	(5) An application and fee for a mobility vehicle permit entitle the applicant to:
109	(a) not more than three attempts to pass both the knowledge and skills tests within six
110	months of the date of application; and
111	(b) a mobility vehicle permit after all tests are passed and requirements are completed.
112	(6) A mobility vehicle permit expires on the birth date of the applicant in the fifth year
113	following the year the mobility vehicle permit was issued.
114	(7) A person may not hold both a license certificate and a mobility vehicle permit.
115	Section 3. Section <b>53-3-105</b> is amended to read:
116	53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,
117	and identification cards.
118	The following fees apply under this chapter:
119	(1) An original class D license application under Section 53-3-205 is \$25.
120	(2) An original provisional license application for a class D license under Section

- 121 53-3-205 is \$30.
- 122 (3) An original application for a motorcycle endorsement under Section 53-3-205 is
- 123 \$9.50.
- 124 (4) An original application for a taxicab endorsement under Section 53-3-205 is \$7.
- 125 (5) A learner permit application under Section 53-3-210.5 is \$15.
- 126 (6) A renewal of a class D license under Section 53-3-214 is \$25 unless Subsection
- 127 (10) applies.
- 128 (7) A renewal of a provisional license application for a class D license under Section
- 129 53-3-214 is \$25.
- 130 (8) A renewal of a motorcycle endorsement under Section 53-3-214 is \$9.50.
- (9) A renewal of a taxicab endorsement under Section 53-3-214 is \$7.
- 132 (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
- 133 \$13.
- 134 (11) An extension of a class D license under Section 53-3-214 is \$20 unless Subsection
- 135 (15) applies.
- 136 (12) An extension of a provisional license application for a class D license under
- 137 Section 53-3-214 is \$20.
- 138 (13) An extension of a motorcycle endorsement under Section 53-3-214 is \$9.50.
- 139 (14) An extension of a taxicab endorsement under Section 53-3-214 is \$7.
- 140 (15) An extension of a class D license for a person 65 and older under Section
- 141 53-3-214 is \$11.
- 142 (16) An original or renewal application for a commercial class A, B, or C license or an
- original or renewal of a provisional commercial class A or B license under Part 4, Uniform
- 144 Commercial Driver License Act, is:
- (a) \$40 for the knowledge test; and
- (b) \$60 for the skills test.
- 147 (17) Each original CDL endorsement for passengers, hazardous material, double or
- triple trailers, or tankers is \$7.
- 149 (18) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
- 150 Driver License Act, is \$7.
- 151 (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver

License Act, is \$7.

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- 153 (20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$20.
- (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.
- 155 (21) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.
- 156 (22) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$18.
- 157 (23) (a) A license reinstatement application under Section 53-3-205 is \$30.
- 158 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or 159 combination of alcohol and any drug-related offense is \$35 in addition to the fee under 160 Subsection (23)(a).
- (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under Part 4, Uniform Commercial Driver License Act, is \$170.
  - (b) This administrative fee is in addition to the fees under Subsection (23).
- 166 (25) (a) An administrative fee for providing the driving record of a driver under 167 Section 53-3-104 or 53-3-420 is \$6.
- 168 (b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county, state, or federal agency.
- 170 (26) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.
- 171 (27) (a) Except as provided under Subsections (27)(b) and (c), an identification card 172 application under Section 53-3-808 is \$18.
  - (b) An identification card application under Section 53-3-808 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$13.
  - (c) A fee may not be charged for an identification card application if the person applying:
    - (i) has not been issued a Utah driver license;
- 178 (ii) is indigent; and
- (iii) is at least 18 years of age.
- 180 (28) In addition to any license application fees collected under this chapter, the division 181 shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the 182 fees that the Bureau of Criminal Identification is authorized to collect for the services the

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 $\hat{H} \rightarrow [is \ afflicted \ with$
199a	<u>has a</u> ←Ĥ
200	mental or physical $\hat{H} \rightarrow [infirmities or disabilities]$ disability $\leftarrow \hat{H}$ 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

(c) (i) This Subsection (2) may not be exercised unless notice of the pending suspension of the driving privilege has been sent at least 10 days previously to the person at the address provided to the division.

- (ii) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of a suspension that occurred as a result of failure to comply with the terms stated on a traffic citation.
- (3) (a) The division may suspend the license of a person under Subsection (1) when the division has been notified by a court that the person has an outstanding unpaid fine, an outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a court.
- (b) The suspension remains in effect until the division is notified by the court that the order has been satisfied.
- (c) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of the suspension.
- (4) (a) The division shall make rules establishing a point system as provided for in this Subsection (4).
- (b) (i) The division shall assign a number of points to each type of moving traffic violation as a measure of its seriousness.
- (ii) The points shall be based upon actual relationships between types of traffic violations and motor vehicle traffic accidents.
- (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points against a person's driving record for a conviction of a traffic violation:
  - (A) that occurred in another state; and

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- (B) that was committed on or after July 1, 2011.
- (iv) The provisions of Subsection (4)(b)(iii) do not apply to:
- 239 (A) a reckless or impaired driving violation or a speeding violation for exceeding the 240 posted speed limit by 21 or more miles per hour; or
  - (B) an offense committed in another state which, if committed within Utah, would result in the mandatory suspension or revocation of a license upon conviction under Section 53-3-220.
- 244 (c) Every person convicted of a traffic violation shall have assessed against the person's

- driving record the number of points that the division has assigned to the type of violation of which the person has been convicted, except that the number of points assessed shall be decreased by 10% if on the abstract of the court record of the conviction the court has graded the severity of violation as minimum, and shall be increased by 10% if on the abstract the court has graded the severity of violation as maximum.
- (d) (i) A separate procedure for assessing points for speeding offenses shall be established by the division based upon the severity of the offense.
  - (ii) The severity of a speeding violation shall be graded as:
  - (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;
- (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per hour; and
  - (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.
  - (iii) Consideration shall be made for assessment of no points on minimum speeding violations, except for speeding violations in school zones.
  - (e) (i) Points assessed against a person's driving record shall be deleted for violations occurring before a time limit set by the division.
    - (ii) The time limit may not exceed three years.
  - (iii) The division may also delete points to reward violation-free driving for periods of time set by the division.
  - (f) (i) By publication in two newspapers having general circulation throughout the state, the division shall give notice of the number of points it has assigned to each type of traffic violation, the time limit set by the division for the deletion of points, and the point level at which the division will generally take action to deny or suspend under this section.
  - (ii) The division may not change any of the information provided above regarding points without first giving new notice in the same manner.
  - (5) (a) (i) Upon denying or suspending the license of a person under this section, the division shall immediately notify the licensee in a manner specified by the division and afford him an opportunity for a hearing in the county where the licensee resides.
  - (ii) The hearing shall be documented, and the division or its authorized agent may administer oaths, may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee.

(iii) One or more members of the division may conduct the hearing, and any decision made after a hearing before any number of the members of the division is as valid as if made after a hearing before the full membership of the division.

- (iv) After the hearing the division shall either rescind its order of denial or suspension, extend the denial or suspension of the license, or revoke the license.
- (b) The denial or suspension of the license remains in effect pending qualifications determined by the division regarding a person:
  - (i) whose license has been denied or suspended following reexamination;
  - (ii) who is incompetent to drive a motor vehicle;

- (iii) who is afflicted with mental or physical infirmities that might make him dangerous on the highways; or
  - (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.
- (6) (a) Subject to Subsection (6)(d), the division shall suspend a person's license when the division receives notice from the Office of Recovery Services that the Office of Recovery Services has ordered the suspension of the person's license.
- (b) A suspension under Subsection (6)(a) shall remain in effect until the division receives notice from the Office of Recovery Services that the Office of Recovery Services has rescinded the order of suspension.
- (c) After an order of suspension is rescinded under Subsection (6)(b), a report authorized by Section 53-3-104 may not contain any evidence of the suspension.
- (d) (i) If the division suspends a person's license under this Subsection (6), the division shall, upon application, issue a temporary limited driver license to the person if that person needs a driver license for employment, education, or child visitation.
  - (ii) The temporary limited driver license described in this section:
- (A) shall provide that the person may operate a motor vehicle only for the purpose of driving to or from the person's place of employment, education, or child visitation;
- (B) shall prohibit the person from driving a motor vehicle for any purpose other than a purpose described in Subsection (6)(d)(ii)(A); and
- (C) shall expire 90 days after the day on which the temporary limited driver license is issued.
  - (iii) (A) During the period beginning on the day on which a temporary limited driver

license is issued under this Subsection (6), and ending on the day that the temporary limited driver license expires, the suspension described in this Subsection (6) only applies if the person who is suspended operates a motor vehicle for a purpose other than employment, education, or child visitation.

- (B) Upon expiration of a temporary limited driver license described in this Subsection (6)(d):
- (I) a suspension described in Subsection (6)(a) shall be in full effect until the division receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and
- (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any reason.
- (iv) The division is not required to issue a limited driver license to a person under this Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver license.
- (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this part.
- (7) (a) The division may suspend or revoke the license of any resident of this state upon receiving notice of the conviction of that person in another state of an offense committed there that, if committed in this state, would be grounds for the suspension or revocation of a license.
- (b) The division may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws of this state, forward a certified copy of the record to the motor vehicle administrator in the state where the person convicted is a resident.
- (8) (a) The division may suspend or revoke the license of any nonresident to drive a motor vehicle in this state for any cause for which the license of a resident driver may be suspended or revoked.
- (b) Any nonresident who drives a motor vehicle upon a highway when the person's license has been suspended or revoked by the division is guilty of a class C misdemeanor.
- (9) (a) The division may not deny or suspend the license of any person for a period of more than one year except:
  - (i) for failure to comply with the terms of a traffic citation under Subsection (2);

338 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges 339 under Section 53-3-219; 340 (iii) when extending a denial or suspension upon receiving certain records or reports 341 under Subsection 53-3-220(2); 342 (iv) for failure to give and maintain owner's or operator's security under Section 343 41-12a-411; 344 (v) when the division suspends the license under Subsection (6); or 345 (vi) when the division denies the license under Subsection (14). 346 (b) The division may suspend the license of a person under Subsection (2) until the 347 person shows satisfactory evidence of compliance with the terms of the traffic citation. 348 (10) (a) By following the emergency procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may immediately suspend the license of any 349 350 person without hearing and without receiving a record of the person's conviction for a crime when the division has reason to believe that the person's license was granted by the division 351 352 through error or fraud or that the necessary consent for the license has been withdrawn or is 353 terminated. 354 (b) The procedure upon suspension is the same as under Subsection (5), except that 355 after the hearing the division shall either rescind its order of suspension or cancel the license. 356 (11) (a) The division, having good cause to believe that a licensed driver is 357 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified 358 by the division of at least five days to the licensee require him to submit to an examination. 359 (b) Upon the conclusion of the examination the division may suspend or revoke the 360 person's license, permit him to retain the license, or grant a license subject to a restriction 361 imposed in accordance with Section 53-3-208. 362 (c) Refusal or neglect of the licensee to submit to an examination is grounds for 363 suspension or revocation of the licensee's license. 364 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section 365 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in 366 this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed 367 limit and did not result in an accident, unless authorized in a manner specified by the division by the individual whose report is being requested. 368

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 <b>53-3-304</b> is amended to read:
398	53-3-304. Licensing of $\hat{H} \rightarrow [\frac{\text{impaired}}{\text{impaired}}] \leftarrow \hat{H}$ persons $\hat{H} \rightarrow \frac{\text{with impairments}}{\text{impairments}} \leftarrow \hat{H}$
398a	Medical review Restricted license
399	Procedures.

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430

400	(1) (a) If the division has reason to believe that an applicant for a license or a mobility
401	<u>vehicle permit</u> is $\hat{H} \rightarrow [an impaired] \underline{a} \leftarrow \hat{H}$ person $\hat{H} \rightarrow \underline{with \ an \ impairment} \leftarrow \hat{H}$ , 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 $\hat{H} \rightarrow [an impaired] \underline{a} \leftarrow \hat{H}$ person
112a	Ĥ→ with an impairment ←Ĥ who is
413	otherwise qualified to obtain a license.
414	(b) The division may grant a restricted mobility vehicle permit to $\hat{H} \rightarrow [\underline{an impaired}] \underline{a} \leftarrow \hat{H}$
414a	person
415	Ĥ→ with an impairment ←Ĥ 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

division may be guided by the opinion of experts in the fields of diagnosing and treating

mental, physical, or emotional disabilities and may take into consideration any other factors

431	that bear on the issue of public safety.
432	(4) Information provided under this section relating to physical, mental, or emotional
433	impairment is classified under Title 63G, Chapter 2, Government Records Access and
434	Management Act.
435	Section 6. Effective date.
436	This bill takes effect on July 1, 2014.

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