

Representative Eric K. Hutchings proposes the following substitute bill:

CRIMINAL JUSTICE PROGRAMS AND AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill amends Utah Code provisions regarding corrections, sentencing, probation and parole, controlled substance offenses, substance abuse and mental health treatment, vehicle offenses, and related provisions to modify penalties and sentencing guidelines, treatment programs for persons in the criminal justice system, and probation and parole compliance and violations to address recidivism.

Highlighted Provisions:

This bill:

- ▶ reduces penalties for specified offenses involving controlled substances and provides that specified penalties be increased for subsequent convictions for the same offenses;
- ▶ reduces the penalties for motor vehicle and vessel offenses as specified;
- ▶ defines criminal risk factors and requires that these factors be considered in providing mental health and substance abuse treatment through governmental programs to individuals involved in the criminal justice system;
- ▶ requires the Division of Substance Abuse and Mental Health to establish standards for mental health and substance abuse treatment, and for treatment providers, concerning individuals who are incarcerated or who are required by a court or the



26 Board of Pardons and Parole to participate in treatment;

27 ▶ requires that the Division of Substance Abuse and Mental Health, working with the

28 courts and the Department of Corrections, establish performance goals and outcome

29 measurements for treatment programs, including recidivism;

30 ▶ requires that the Division of Substance Abuse and Mental Health track the

31 performance and outcome data and make this information available to the public;

32 ▶ requires that the collected data be submitted to the Commission on Criminal and

33 Juvenile Justice and that the commission compile the data and make it available to

34 specified legislative interim committees;

35 ▶ provides that the Commission on Criminal and Juvenile Justice administer a

36 performance incentive grant program that allocates funds to counties for programs

37 and practices that reduce recidivism;

38 ▶ requires that the Sentencing Commission modify sentencing guidelines, criminal

39 history scores, and guidelines for periods of incarceration to implement the

40 recommendations of the Commission on Criminal and Juvenile Justice regarding

41 reducing recidivism;

42 ▶ requires that the Sentencing Commission establish graduated sanctions to provide

43 prompt and effective responses to violations of probation or parole;

44 ▶ requires that the Sentencing Commission establish graduated incentives to provide

45 prompt and effective responses to an offender's compliance and positive conduct;

46 ▶ requires that the Department of Corrections implement the graduated sanctions and

47 incentives established by the Sentencing Commission and requires that the

48 department gather information related to treatment and program outcomes and

49 provide the information to the Commission on Criminal and Juvenile Justice;

50 ▶ provides payments to county jails for housing probation and parole violators as

51 funding is available;

52 ▶ requires that the Department of Corrections develop case action plans for offenders,

53 including a risk and needs assessment and treatment priorities;

54 ▶ provides that the Department of Corrections may impose a sanction of three to five

55 days for violations of probation or parole as part of the program of graduated

56 sanctions;

- 57 ▶ requires that the Department of Corrections evaluate and update inmates' case action
58 plans, including treatment resources and supervision levels to address reentry of
59 inmates into the community at the termination of incarceration;
- 60 ▶ requires that the Department of Corrections establish a program allowing offenders
61 to earn credits of days for compliance with terms of probation or parole, which will
62 reduce the time on probation or parole;
- 63 ▶ requires that the Department of Corrections report annually to the Commission on
64 Criminal and Juvenile Justice the data collected regarding the earned credits
65 program;
- 66 ▶ requires the Department of Corrections to establish standards, including best
67 practices, for treatment programs provided in county jails;
- 68 ▶ requires the Department of Corrections to establish standards and a certification
69 program for the public and private providers of the treatment programs;
- 70 ▶ requires the Department of Corrections to establish goals and outcome
71 measurements regarding the treatment programs, collect related data, and analyze
72 the data to determine effectiveness;
- 73 ▶ requires that the Department of Corrections provide the data collected regarding the
74 treatment programs to the Commission on Criminal and Juvenile Justice for the
75 commission's use in preparing its annual report;
- 76 ▶ requires that the Department of Corrections establish an audit for compliance with
77 the treatment standards;
- 78 ▶ provides that time served in confinement for a violation of probation is counted as
79 time served toward any term of incarceration imposed for the violation of probation;
- 80 ▶ requires that the Board of Pardons and Parole establish an earned time program that
81 reduces the period of incarceration for offenders who successfully complete
82 programs intended to reduce the risk of recidivism, collect data on the
83 implementation of the program, and report the data to the Commission on Criminal
84 and Juvenile Justice; and
- 85 ▶ requires that if the Board of Pardons and Parole orders incarceration for a parole
86 violation, the board shall impose a period of incarceration that is consistent with the
87 guidelines established by the Sentencing Commission.

88 **Money Appropriated in this Bill:**

89 None

90 **Other Special Clauses:**

91 This bill provides a special effective date.

92 **Utah Code Sections Affected:**

93 AMENDS:

94 **41-1a-201**, as last amended by Laws of Utah 2014, Chapter 237

95 **41-1a-205**, as last amended by Laws of Utah 2014, Chapter 229

96 **41-1a-214**, as renumbered and amended by Laws of Utah 1992, Chapter 1

97 **41-1a-218**, as last amended by Laws of Utah 2013, Chapter 91

98 **41-1a-220**, as renumbered and amended by Laws of Utah 1992, Chapter 1

99 **41-1a-221**, as last amended by Laws of Utah 1999, Chapter 238

100 **41-1a-229**, as last amended by Laws of Utah 2014, Chapter 237

101 **41-1a-301**, as last amended by Laws of Utah 2014, Chapter 237

102 **41-1a-401**, as last amended by Laws of Utah 2014, Chapters 61, 237, and 237

103 **41-1a-402**, as last amended by Laws of Utah 2008, Chapter 210

104 **41-1a-403**, as renumbered and amended by Laws of Utah 1992, Chapter 1

105 **41-1a-404**, as last amended by Laws of Utah 2008, Chapter 106

106 **41-1a-414**, as last amended by Laws of Utah 2003, Chapter 1

107 **41-1a-701**, as last amended by Laws of Utah 1993, Chapter 222

108 **41-1a-702**, as last amended by Laws of Utah 2012, Chapter 379

109 **41-1a-703**, as renumbered and amended by Laws of Utah 1992, Chapter 1

110 **41-1a-704**, as last amended by Laws of Utah 1992, Chapter 234 and renumbered and
111 amended by Laws of Utah 1992, Chapter 1

112 **41-1a-803**, as renumbered and amended by Laws of Utah 1992, Chapter 1

113 **41-1a-904**, as renumbered and amended by Laws of Utah 1992, Chapter 1

114 **41-1a-1206**, as last amended by Laws of Utah 2014, Chapters 61, 237, and 237

115 **41-1a-1302**, as enacted by Laws of Utah 1992, Chapter 1

116 **41-1a-1303**, as last amended by Laws of Utah 2013, Chapter 245

117 **41-1a-1303.5**, as enacted by Laws of Utah 2013, Chapter 245

118 **41-1a-1304**, as renumbered and amended by Laws of Utah 1992, Chapter 1

- 119 [41-1a-1307](#), as last amended by Laws of Utah 2002, Chapter 56
- 120 [41-1a-1310](#), as last amended by Laws of Utah 1992, Chapter 218 and renumbered and
- 121 amended by Laws of Utah 1992, Chapter 1
- 122 [41-6a-202](#), as last amended by Laws of Utah 2013, Chapter 47
- 123 [41-6a-216](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 124 [41-6a-304](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 125 [41-6a-305](#), as last amended by Laws of Utah 2014, Chapter 39
- 126 [41-6a-306](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 127 [41-6a-307](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 128 [41-6a-308](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 129 [41-6a-309](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 130 [41-6a-311](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 131 [41-6a-401](#), as last amended by Laws of Utah 2011, Chapter 241
- 132 [41-6a-401.7](#), as enacted by Laws of Utah 2007, Chapter 132
- 133 [41-6a-402](#), as last amended by Laws of Utah 2013, Chapter 65
- 134 [41-6a-405](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 135 [41-6a-407](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 136 [41-6a-518](#), as last amended by Laws of Utah 2011, Chapter 421
- 137 [41-6a-526](#), as last amended by Laws of Utah 2010, Chapters 256 and 276
- 138 [41-6a-601](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 139 [41-6a-605](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 140 [41-6a-702](#), as last amended by Laws of Utah 2013, Chapter 254
- 141 [41-6a-703](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 142 [41-6a-704](#), as last amended by Laws of Utah 2008, Chapter 350
- 143 [41-6a-705](#), as last amended by Laws of Utah 2013, Chapter 210
- 144 [41-6a-706](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 145 [41-6a-706.5](#), as last amended by Laws of Utah 2013, Chapter 431
- 146 [41-6a-707](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 147 [41-6a-708](#), as last amended by Laws of Utah 2013, Chapter 293
- 148 [41-6a-709](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 149 [41-6a-710](#), as last amended by Laws of Utah 2013, Chapter 294

- 150 [41-6a-711](#), as last amended by Laws of Utah 2007, Chapter 52
- 151 [41-6a-712](#), as last amended by Laws of Utah 2011, Chapter 363
- 152 [41-6a-713](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 153 [41-6a-714](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 154 [41-6a-716](#), as enacted by Laws of Utah 2005, Chapter 245
- 155 [41-6a-717](#), as enacted by Laws of Utah 2013, Chapter 233
- 156 [41-6a-801](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 157 [41-6a-802](#), as last amended by Laws of Utah 2012, Chapter 135
- 158 [41-6a-803](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 159 [41-6a-804](#), as last amended by Laws of Utah 2007, Chapter 52
- 160 [41-6a-901](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 161 [41-6a-902](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 162 [41-6a-903](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 163 [41-6a-904](#), as last amended by Laws of Utah 2012, Chapter 308
- 164 [41-6a-906](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 165 [41-6a-907](#), as renumbered and amended by Laws of Utah 2005, Chapter 26
- 166 [41-6a-1001](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 167 [41-6a-1003](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 168 [41-6a-1004](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 169 [41-6a-1005](#), as last amended by Laws of Utah 2012, Chapter 135
- 170 [41-6a-1009](#), as last amended by Laws of Utah 2014, Chapter 306
- 171 [41-6a-1115](#), as last amended by Laws of Utah 2007, Chapter 322
- 172 [41-6a-1116](#), as last amended by Laws of Utah 2007, Chapter 86
- 173 [41-6a-1117](#), as enacted by Laws of Utah 2005, Chapter 111
- 174 [41-6a-1201](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 175 [41-6a-1202](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 176 [41-6a-1203](#), as last amended by Laws of Utah 2012, Chapter 135
- 177 [41-6a-1204](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 178 [41-6a-1205](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 179 [41-6a-1206](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 180 [41-6a-1301](#), as renumbered and amended by Laws of Utah 2005, Chapter 2

- 181 [41-6a-1302](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 182 [41-6a-1307](#), as last amended by Laws of Utah 2008, Chapter 382
- 183 [41-6a-1402](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 184 [41-6a-1404](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 185 [41-6a-1407](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 186 [41-6a-1408](#), as last amended by Laws of Utah 2011, Chapter 386
- 187 [41-6a-1501](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 188 [41-6a-1502](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 189 [41-6a-1503](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 190 [41-6a-1504](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 191 [41-6a-1505](#), as last amended by Laws of Utah 2010, Chapter 363
- 192 [41-6a-1506](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 193 [41-6a-1508](#), as last amended by Laws of Utah 2010, Chapter 255
- 194 [41-6a-1509](#), as last amended by Laws of Utah 2014, Chapters 104 and 229
- 195 [41-6a-1601](#), as last amended by Laws of Utah 2008, Chapters 36 and 382
- 196 [41-6a-1602](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 197 [41-6a-1603](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 198 [41-6a-1604](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 199 [41-6a-1606](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 200 [41-6a-1607](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 201 [41-6a-1608](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 202 [41-6a-1609](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 203 [41-6a-1610](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 204 [41-6a-1611](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 205 [41-6a-1612](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 206 [41-6a-1613](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 207 [41-6a-1616](#), as last amended by Laws of Utah 2006, Chapter 100
- 208 [41-6a-1618](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 209 [41-6a-1619](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 210 [41-6a-1623](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 211 [41-6a-1624](#), as renumbered and amended by Laws of Utah 2005, Chapter 2

- 212 [41-6a-1625](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 213 [41-6a-1626](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 214 [41-6a-1627](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 215 [41-6a-1628](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 216 [41-6a-1630](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 217 [41-6a-1631](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 218 [41-6a-1632](#), as last amended by Laws of Utah 2005, Chapter 26 and renumbered and
- 219 amended by Laws of Utah 2005, Chapter 2
- 220 [41-6a-1633](#), as last amended by Laws of Utah 2009, Chapter 171
- 221 [41-6a-1634](#), as last amended by Laws of Utah 2013, Chapter 140
- 222 [41-6a-1635](#), as last amended by Laws of Utah 2005, Chapter 26 and renumbered and
- 223 amended by Laws of Utah 2005, Chapter 2
- 224 [41-6a-1636](#), as last amended by Laws of Utah 2008, Chapter 382
- 225 [41-6a-1637](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 226 [41-6a-1638](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 227 [41-6a-1639](#), as last amended by Laws of Utah 2008, Chapter 382
- 228 [41-6a-1641](#), as renumbered and amended by Laws of Utah 2005, Chapter 2
- 229 [41-6a-1713](#), as last amended by Laws of Utah 2013, Chapter 365
- 230 [41-8-1](#), as last amended by Laws of Utah 2008, Chapters 36 and 250
- 231 [41-8-2](#), as last amended by Laws of Utah 2006, Chapter 234
- 232 [41-8-3](#), as last amended by Laws of Utah 2006, Chapter 234
- 233 [41-12a-302](#), as last amended by Laws of Utah 2007, Chapter 132
- 234 [41-12a-303.2](#), as last amended by Laws of Utah 2013, Chapters 91 and 138
- 235 [41-22-3](#), as last amended by Laws of Utah 2012, Chapter 319
- 236 [41-22-4](#), as last amended by Laws of Utah 2006, Chapter 160
- 237 [41-22-5.5](#), as last amended by Laws of Utah 2010, Chapter 308
- 238 [41-22-10.1](#), as last amended by Laws of Utah 1999, Chapter 73
- 239 [41-22-10.2](#), as last amended by Laws of Utah 2005, Chapter 2
- 240 [41-22-10.3](#), as last amended by Laws of Utah 2008, Chapter 36
- 241 [41-22-10.7](#), as last amended by Laws of Utah 2010, Chapter 77
- 242 [41-22-11](#), as last amended by Laws of Utah 1986, Second Special Session, Chapter 1

243 41-22-12, as last amended by Laws of Utah 2009, Chapters 289 and 344
244 41-22-12.1, as last amended by Laws of Utah 2002, Chapter 148
245 41-22-12.2, as enacted by Laws of Utah 2009, Chapter 289
246 41-22-12.5, as last amended by Laws of Utah 2009, Chapter 289
247 41-22-12.7, as enacted by Laws of Utah 2009, Chapter 289
248 41-22-13, as last amended by Laws of Utah 1986, Second Special Session, Chapter 1
249 41-22-15, as last amended by Laws of Utah 1989, Chapter 21
250 41-22-17, as last amended by Laws of Utah 2004, Chapter 159
251 53-3-202, as last amended by Laws of Utah 2009, Chapter 253
252 53-3-203, as last amended by Laws of Utah 1997, Chapter 51
253 53-3-207, as last amended by Laws of Utah 2014, Chapter 85
254 53-3-208, as renumbered and amended by Laws of Utah 1993, Chapter 234
255 53-3-210.6, as enacted by Laws of Utah 2008, Chapter 304
256 53-3-213, as last amended by Laws of Utah 2010, Chapter 324
257 53-3-217, as last amended by Laws of Utah 1997, Chapter 51
258 53-3-218, as last amended by Laws of Utah 2011, Chapter 190
259 53-3-412, as last amended by Laws of Utah 2013, Chapter 411
260 53-8-205, as last amended by Laws of Utah 2013, Chapter 453
261 53B-3-107, as last amended by Laws of Utah 2009, Chapter 388
262 58-37-8, as last amended by Laws of Utah 2014, Chapters 19 and 51
263 62A-15-102, as last amended by Laws of Utah 2011, Chapter 342
264 62A-15-103, as last amended by Laws of Utah 2014, Chapters 119, 205, and 240
265 63M-7-204, as renumbered and amended by Laws of Utah 2008, Chapter 382
266 63M-7-404, as renumbered and amended by Laws of Utah 2008, Chapter 382
267 64-13-1, as last amended by Laws of Utah 2003, Chapter 36
268 64-13-6, as last amended by Laws of Utah 2011, Chapter 51
269 64-13-7.5, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 8
270 64-13-14.5, as enacted by Laws of Utah 1987, Chapter 116
271 64-13-21, as last amended by Laws of Utah 2008, Chapter 382
272 64-13-25, as last amended by Laws of Utah 2008, Chapter 382
273 64-13-26, as last amended by Laws of Utah 1989, Chapter 224

- 274 [64-13-29](#), as last amended by Laws of Utah 1994, Chapter 13
- 275 [64-13e-104](#), as last amended by Laws of Utah 2014, Chapter 436
- 276 [72-7-402](#), as last amended by Laws of Utah 2008, Chapters 140 and 382
- 277 [72-7-403](#), as last amended by Laws of Utah 2012, Chapter 304
- 278 [72-7-404](#), as last amended by Laws of Utah 1999, Chapter 21
- 279 [72-7-405](#), as renumbered and amended by Laws of Utah 1998, Chapter 270
- 280 [72-7-406](#), as last amended by Laws of Utah 2012, Chapter 304
- 281 [72-7-407](#), as last amended by Laws of Utah 2008, Chapters 140 and 382
- 282 [72-7-408](#), as last amended by Laws of Utah 2001, Chapter 37
- 283 [72-7-409](#), as last amended by Laws of Utah 2013, Chapter 365
- 284 [73-18-6](#), as last amended by Laws of Utah 1987, Chapter 99
- 285 [73-18-7](#), as last amended by Laws of Utah 2009, Chapter 183
- 286 [73-18-8](#), as last amended by Laws of Utah 2010, Chapter 256
- 287 [73-18-8.1](#), as enacted by Laws of Utah 1990, Chapter 216
- 288 [73-18-13](#), as last amended by Laws of Utah 2012, Chapter 153
- 289 [73-18-15.1](#), as last amended by Laws of Utah 2010, Chapter 256
- 290 [73-18-15.2](#), as last amended by Laws of Utah 2009, Chapter 183
- 291 [73-18-15.3](#), as enacted by Laws of Utah 1998, Chapter 205
- 292 [73-18-16](#), as last amended by Laws of Utah 2012, Chapter 411
- 293 [73-18-20.4](#), as enacted by Laws of Utah 1990, Chapter 216
- 294 [73-18-21](#), as last amended by Laws of Utah 1987, Chapter 99
- 295 [73-18c-302](#), as last amended by Laws of Utah 2006, Chapter 211
- 296 [73-18c-304](#), as last amended by Laws of Utah 2011, Chapter 386
- 297 [76-3-202](#), as last amended by Laws of Utah 2013, Chapter 278
- 298 [77-1-3](#), as last amended by Laws of Utah 2008, Chapter 3
- 299 [77-18-1](#), as last amended by Laws of Utah 2014, Chapters 120 and 170
- 300 [77-27-1](#), as last amended by Laws of Utah 2013, Chapter 41
- 301 [77-27-10](#), as last amended by Laws of Utah 2008, Chapters 294 and 382
- 302 [77-27-11](#), as last amended by Laws of Utah 2010, Chapter 110
- 303 [78A-5-201](#), as renumbered and amended by Laws of Utah 2008, Chapter 3

304 ENACTS:

305 [64-13-10.5](#), Utah Code Annotated 1953

306 [77-27-5.4](#), Utah Code Annotated 1953

307

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

309 Section 1. Section **41-1a-201** is amended to read:

310 **41-1a-201. Function of registration -- Registration required -- Penalty.**

311 (1) Unless exempted, a person may not operate and an owner may not give another
312 person permission to operate a motor vehicle, combination of vehicles, trailer, semitrailer,
313 vintage vehicle, off-highway vehicle, vessel, or park model recreational vehicle in this state
314 unless it has been registered in accordance with this chapter, Title 41, Chapter 22,
315 Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act.

316 (2) A violation of this section is an infraction.

317 Section 2. Section **41-1a-205** is amended to read:

318 **41-1a-205. Safety inspection certificate required for renewal or registration of**
319 **motor vehicle -- Exemptions.**

320 (1) If required in the current year, a safety inspection certificate, as required by Section
321 [53-8-205](#), or proof of exemption from safety inspection shall be presented at the time of, and as
322 a condition of, registration or renewal of registration of a motor vehicle.

323 (2) (a) Except as provided in Subsections (2)(b), (c), and (d), the safety inspection
324 required under this section may be made no more than two months prior to the renewal of
325 registration.

326 (b) (i) If the title of a used motor vehicle is being transferred, a safety inspection
327 certificate issued for the motor vehicle during the previous 11 months may be used to satisfy
328 the requirement under Subsection (1).

329 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, a safety
330 inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle
331 dealer's name during the previous 11 months may be used to satisfy the requirement under
332 Subsection (1).

333 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, a
334 safety inspection certificate issued during the previous 11 months may be used to satisfy the
335 requirement under Subsection (1).

336 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the safety inspection
337 required under this section may be made no more than 11 months prior to the renewal of
338 registration.

339 (e) If the application for renewal of registration is for a six-month registration period
340 under Section 41-1a-215.5, a safety inspection certificate issued during the previous eight
341 months may be used to satisfy the requirement under Subsection (1).

342 (3) (a) The following motor vehicles are exempt from this section:

343 (i) except as provided in Subsection (3)(b), a new motor vehicle when registered the
344 first time, if:

345 (A) a new car predelivery inspection has been made by a dealer;

346 (B) the dealer provides a written disclosure statement listing any known deficiency,
347 existing with the new motor vehicle at the time of delivery, that would cause the motor vehicle
348 to fail a safety inspection given in accordance with Section 53-8-205; and

349 (C) the buyer signs the disclosure statement to acknowledge that the buyer has read and
350 understands the listed deficiencies;

351 (ii) a motor vehicle required to be registered under this chapter that bears a dealer plate
352 or other special plate under Title 41, Chapter 3, Part 5, Special Dealer License Plates, except
353 that if the motor vehicle is propelled by its own power and is not being moved for repair or
354 dismantling, the motor vehicle shall comply with Section 41-6a-1601 regarding safe
355 mechanical condition; and

356 (iii) a vintage vehicle as defined in Section 41-21-1.

357 (b) A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509
358 is subject to a safety inspection:

359 (i) the first time that a person registers an off-highway vehicle as a street-legal
360 all-terrain vehicle; and

361 (ii) subsequently, on the same frequency as described in Subsection 53-8-205(2) based
362 on the age of the vehicle as determined by the model year identified by the manufacturer.

363 (4) (a) A safety inspection certificate shall be displayed on:

364 (i) all registered commercial motor vehicles with a gross vehicle weight rating of
365 26,000 pounds or more;

366 (ii) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with

367 multiple axles;

368 (iii) a combination unit; and

369 (iv) a bus or van for hire.

370 (b) A commercial vehicle under Subsection (4)(a) is exempt from the requirements of
371 Subsection (1).

372 (5) A motor vehicle may be sold and the title assigned to the new owner without a
373 valid safety inspection, but the motor vehicle may not be registered in the new owner's name
374 until the motor vehicle complies with this section.

375 (6) A violation of this section is an infraction.

376 Section 3. Section **41-1a-214** is amended to read:

377 **41-1a-214. Registration card to be signed, carried, and exhibited.**

378 (1) A registration card shall be signed by the owner in ink in the space provided.

379 (2) A registration card shall be carried at all times in the vehicle to which it was issued.

380 (3) The person driving or in control of a vehicle shall display the registration card upon
381 demand of a peace officer or any officer or employee of the division.

382 (4) A violation of this section is an infraction.

383 Section 4. Section **41-1a-218** is amended to read:

384 **41-1a-218. Notice of change of address.**

385 (1) If a person after making application for or obtaining a vehicle registration moves
386 from the address named in the application, the person shall within 10 days of moving notify the
387 division of his old and new addresses.

388 (2) A violation of this section is an infraction.

389 Section 5. Section **41-1a-220** is amended to read:

390 **41-1a-220. Lost or damaged registration card.**

391 (1) If a registration card is lost, mutilated, or becomes illegible the owner of the vehicle
392 for which the registration card was issued, as shown by the records of the division, shall
393 immediately:

394 ~~[(1)]~~ (a) apply for a duplicate;

395 ~~[(2)]~~ (b) furnish the information satisfactory to the division; and

396 ~~[(3)]~~ (c) pay the proper fees.

397 (2) A violation of this section is an infraction.

398 Section 6. Section 41-1a-221 is amended to read:

399 **41-1a-221. Registration of vehicles of political subdivisions or state -- Renewal of**
400 **registration -- Expiration of registration -- Certification of information -- Failure to**
401 **comply.**

402 (1) (a) An entity referred to in Subsection 41-1a-407(1) shall register by June 30 of
403 each year each vehicle that it owns, operates, or leases.

404 (b) This section does not apply to unmarked vehicles referred to in Section 41-1a-407,
405 which shall be registered by the expiration date on the registration card.

406 (2) (a) The entity shall apply to the division to renew registration pursuant to Section
407 41-1a-217.

408 (b) The division shall renew registration pursuant to Section 41-1a-216.

409 (3) A registration card and license plate issued to an entity under this section are in full
410 force and effect until:

411 (a) the registration expires;

412 (b) the vehicle is no longer owned or operated by that entity; or

413 (c) the division takes action as provided in Subsection (6).

414 (4) (a) If the owner of a vehicle subject to the provisions of this section transfers or
415 assigns title or interest in the vehicle, the registration of that vehicle expires.

416 (b) The transferor shall remove the license plates and within 20 days from the date of
417 transfer forward them to the division to be destroyed.

418 (5) Each entity shall:

419 (a) account to the division annually for all "EX" license plates issued to it; and

420 (b) certify to the division that the information is correct.

421 (6) If an entity fails to comply with this section, the division may:

422 (a) refuse to renew the registration of its vehicles;

423 (b) refuse to issue it additional license plates;

424 (c) suspend all its vehicle registrations; and

425 (d) recall license plates issued to an entity refusing to comply with this section.

426 (6) A violation of this section is an infraction.

427 Section 7. Section 41-1a-229 is amended to read:

428 **41-1a-229. Display of gross laden weight.**

429 (1) Each vehicle registered by gross laden weight and exceeding 12,000 pounds of
430 gross laden weight shall have the gross laden weight for which it is registered painted,
431 stenciled, or shown by decal upon both the left and right sides of the vehicle, in a conspicuous
432 place, in letters of a reasonable size as determined by the commission.

433 (2) If vehicles are registered in combination, the gross laden weight for which the
434 combination of vehicles is registered shall be displayed upon the power unit.

435 (3) An owner or operator of a vehicle or combination of vehicles may not display a
436 gross laden weight other than that shown on the certificate of registration of the vehicle.

437 (4) A park model recreational vehicle is exempt from this section.

438 (5) A violation of this section is an infraction.

439 Section 8. Section **41-1a-301** is amended to read:

440 **41-1a-301. Apportioned registration and licensing of interstate vehicles.**

441 (1) (a) An owner or operator of a fleet of commercial vehicles based in this state and
442 operating in two or more jurisdictions may register commercial vehicles for operation under the
443 International Registration Plan or the Uniform Vehicle Registration Proration and Reciprocity
444 Agreement by filing an application with the division.

445 (b) The application shall include information that identifies the vehicle owner, the
446 vehicle, the miles traveled in each jurisdiction, and other information pertinent to the
447 registration of apportioned vehicles.

448 (c) Vehicles operated exclusively in this state may not be apportioned.

449 (2) (a) If no operations were conducted during the preceding year, the application shall
450 contain a statement of the proposed operations and an estimate of annual mileage for each
451 jurisdiction.

452 (b) The division may adjust the estimate if the division is not satisfied with its
453 correctness.

454 (c) At renewal, the registrant shall use the actual mileage from the preceding year in
455 computing fees due each jurisdiction.

456 (3) The registration fee for apportioned vehicles shall be determined as follows:

457 (a) divide the in-jurisdiction miles by the total miles generated during the preceding
458 year;

459 (b) total the fees for each vehicle based on the fees prescribed in Section [41-1a-1206](#);

460 and

461 (c) multiply the sum obtained under Subsection (3)(b) by the quotient obtained under
462 Subsection (3)(a).

463 (4) Trailers or semitrailers of apportioned fleets may be listed separately as "trailer
464 fleets" with the fees paid according to the total distance those trailers were towed in all
465 jurisdictions during the preceding year mileage reporting period.

466 (5) (a) (i) When the proper fees have been paid and the property tax or in lieu fee has
467 been cleared under Section [41-1a-206](#) or [41-1a-207](#), a registration card, annual decal, and
468 where necessary, license plate, will be issued for each unit listed on the application.

469 (ii) An original registration must be carried in each vehicle at all times.

470 (b) Original registration cards for trailers or semitrailers may be carried in the power
471 unit.

472 (c) (i) In lieu of a permanent registration card or license plate, the division may issue
473 one temporary permit authorizing operation of new or unlicensed vehicles until the permanent
474 registration is completed.

475 (ii) Once a temporary permit is issued, the registration process may not be cancelled.
476 Registration must be completed and the fees and any property tax or in lieu fee due must be
477 paid for the vehicle for which the permit was issued.

478 (iii) Temporary permits may not be issued for renewals.

479 (d) (i) The division shall issue one distinctive license plate that displays the letters APP
480 for apportioned vehicles.

481 (ii) The plate shall be displayed on the front of an apportioned truck tractor or power
482 unit or on the rear of any apportioned vehicle.

483 (iii) Distinctive decals displaying the word "apportioned" and the month and year of
484 expiration shall be issued for each apportioned vehicle.

485 (e) A nonrefundable administrative fee, determined by the commission pursuant to
486 Section [63J-1-504](#), shall be charged for each temporary permit, registration, or both.

487 (6) Vehicles that are apportionally registered are fully registered for intrastate and
488 interstate movements, providing the proper interstate and intrastate authority has been secured.

489 (7) (a) Vehicles added to an apportioned fleet after the beginning of the registration
490 year shall be registered by applying the quotient under Subsection (3)(a) for the original

491 application to the fees due for the remainder of the registration year.

492 (b) (i) The owner shall maintain and submit complete annual mileage for each vehicle
493 in each jurisdiction, showing all miles operated by the lessor and lessee.

494 (ii) The fiscal mileage reporting period begins July 1, and continues through June 30 of
495 the year immediately preceding the calendar year in which the registration year begins.

496 (c) (i) An owner-operator, who is a lessor, may be the registrant and the vehicle may be
497 registered in the name of the owner-operator.

498 (ii) The identification plates and registration card shall be the property of the lessor and
499 may reflect both the owner-operator's name and that of the carrier as lessee.

500 (iii) The allocation of fees shall be according to the operational records of the
501 owner-operator.

502 (d) (i) The lessee may be the registrant of a leased vehicle at the option of the lessor.

503 (ii) If a lessee is the registrant of a leased vehicle, both the lessor's and lessee's name
504 shall appear on the registration.

505 (iii) The allocation of fees shall be according to the records of the carrier.

506 (8) (a) Any registrant whose application for apportioned registration has been accepted
507 shall preserve the records on which the application is based for a period of three years after the
508 close of the registration year.

509 (b) The records shall be made available to the division upon request for audit as to
510 accuracy of computations, payments, and assessments for deficiencies, or allowances for
511 credits.

512 (c) An assessment for deficiency or claim for credit may not be made for any period for
513 which records are no longer required.

514 (d) Interest in the amount prescribed by Section 59-1-402 shall be assessed or paid
515 from the date due until paid on deficiencies found due after audit.

516 (e) Registrants with deficiencies are subject to the penalties under Section 59-1-401.

517 (f) The division may enter into agreements with other International Registration Plan
518 jurisdictions for joint audits.

519 (9) (a) Except as provided in Subsection (9)(b), all state fees collected under this
520 section shall be deposited in the Transportation Fund.

521 (b) The following fees may be used by the commission as a dedicated credit to cover

522 the costs of electronic credentialing as provided in Section 41-1a-303:

523 (i) \$5 of each temporary registration permit fee paid under Subsection (12)(a)(i) for a
524 single unit; and

525 (ii) \$10 of each temporary registration permit fee paid under Subsection (12)(a)(ii) for
526 multiple units.

527 (10) If registration is for less than a full year, fees for apportioned registration shall be
528 assessed according to Section 41-1a-1207.

529 (a) (i) If the registrant is replacing a vehicle for one withdrawn from the fleet and the
530 new vehicle is of the same weight category as the replaced vehicle, the registrant must file a
531 supplemental application.

532 (ii) A registration card that transfers the license plate to the new vehicle shall be issued.

533 (iii) When a replacement vehicle is of greater weight than the replaced vehicle,
534 additional registration fees are due.

535 (b) If a vehicle is withdrawn from an apportioned fleet during the period for which it is
536 registered, the registrant shall notify the division and surrender the registration card and license
537 plate of the withdrawn vehicle.

538 (11) (a) An out-of-state carrier with an apportionally registered vehicle who has not
539 presented a certificate of property tax or in lieu fee as required by Section 41-1a-206 or
540 41-1a-207, shall pay, at the time of registration, a proportional part of an equalized highway
541 use tax computed as follows:

542 (i) Multiply the number of vehicles or combination vehicles registered in each weight
543 class by the equivalent tax figure from the following tables:

544	Vehicle or Combination		
	Registered Weight	Age of Vehicle	Equivalent Tax
545	12,000 pounds or less	12 or more years	\$10
546	12,000 pounds or less	9 or more years but less than 12 years	\$50
547	12,000 pounds or less	6 or more years but less than 9 years	\$80
548	12,000 pounds or less	3 or more years but less than 6 years	\$110
549	12,000 pounds or less	Less than 3 years	\$150

550	Vehicle or Combination	Equivalent
	Registered Weight	Tax
551	12,001 - 18,000 pounds	\$150

552	18,001 - 34,000 pounds	200
553	34,001 - 48,000 pounds	300
554	48,001 - 64,000 pounds	450
555	64,001 pounds and over	600

556 (ii) Multiply the equivalent tax value for the total fleet determined under Subsection
 557 (11)(a)(i) by the fraction computed under Subsection (3) for the apportioned fleet for the
 558 registration year.

559 (b) Fees shall be assessed as provided in Section 41-1a-1207.

560 (12) (a) Commercial vehicles meeting the registration requirements of another
 561 jurisdiction may, as an alternative to full or apportioned registration, secure a temporary
 562 registration permit for a period not to exceed 96 hours or until they leave the state, whichever is
 563 less, for a fee of:

564 (i) \$25 for a single unit; and

565 (ii) \$50 for multiple units.

566 (b) A state temporary permit or registration fee is not required from nonresident owners
 567 or operators of vehicles or combination of vehicles having a gross laden weight of 26,000
 568 pounds or less for each single unit or combination.

569 (13) A park model recreational vehicle may not be registered under this section.

570 (14) A violation of this section is an infraction.

571 Section 9. Section 41-1a-401 is amended to read:

572 **41-1a-401. License plates -- Number of plates -- Reflectorization -- Indicia of**
 573 **registration in lieu of or used with plates.**

574 (1) (a) The division upon registering a vehicle shall issue to the owner:

575 (i) one license plate for a motorcycle, trailer, or semitrailer;

576 (ii) one decal for a park model recreational vehicle, in lieu of a license plate, which
 577 shall be attached in plain sight to the rear of the park model recreational vehicle;

578 (iii) one decal for a camper, in lieu of a license plate, which shall be attached in plain

579 sight to the rear of the camper; and

580 (iv) two identical license plates for every other vehicle.

581 (b) The license plate or decal issued under Subsection (1)(a) is for the particular
582 vehicle registered and may not be removed during the term for which the license plate or decal
583 is issued or used upon any other vehicle than the registered vehicle.

584 (2) The division may receive applications for registration renewal, renew registration,
585 and issue new license plates or decals at any time prior to the expiration of registration.

586 (3) (a) All license plates to be manufactured and issued by the division shall be treated
587 with a fully reflective material on the plate face that provides effective and dependable
588 reflective brightness during the service period of the license plate.

589 (b) The division shall prescribe all license plate material specifications and establish
590 and implement procedures for conforming to the specifications.

591 (c) The specifications for the materials used such as the aluminum plate substrate, the
592 reflective sheeting, and glue shall be drawn in a manner so that at least two manufacturers may
593 qualify as suppliers.

594 (d) The granting of contracts for the materials shall be by public bid.

595 (4) (a) The commission may issue, adopt, and require the use of indicia of registration
596 it considers advisable in lieu of or in conjunction with license plates as provided in this part.

597 (b) All provisions of this part relative to license plates apply to these indicia of
598 registration, so far as the provisions are applicable.

599 (5) A violation of this section is an infraction, except that a violation of Subsection
600 (1)(b) is a class C misdemeanor.

601 Section 10. Section **41-1a-402** is amended to read:

602 **41-1a-402. Required colors, numerals, and letters -- Expiration.**

603 (1) Each license plate shall have displayed on it:

604 (a) the registration number assigned to the vehicle for which it is issued;

605 (b) the name of the state; and

606 (c) a registration decal showing the date of expiration displayed in accordance with
607 Subsection (6).

608 (2) If registration is extended by affixing a registration decal to the license plate, the
609 expiration date of the decal governs the expiration date of the license plate.

610 (3) Except as provided in Subsection (4), each original license plate that is not one of
611 the special group license plates issued under Section 41-1a-418 shall be a:

612 (a) statehood centennial license plate with the same color, design, and slogan as the
613 plates issued in conjunction with the statehood centennial; or

614 (b) Ski Utah license plate.

615 (4) Beginning on the date that the division determines the existing inventories of
616 statehood centennial license plates and Ski Utah license plates are exhausted, each license plate
617 that is not one of the special group license plates issued under Section 41-1a-418 shall:

618 (a) display the "Life Elevated" slogan; and

619 (b) have a color and design approved by the 57th Legislature in the 2007 General
620 Session that features:

621 (i) a skier with the "Greatest Snow on Earth" slogan; or

622 (ii) Delicate Arch.

623 (5) (a) Except as provided under Subsection 41-1a-215(2), license plates shall be
624 renewed annually.

625 (b) (i) The division shall issue the vehicle owner a month decal and a year decal upon
626 the vehicle's first registration with the division.

627 (ii) The division shall issue the vehicle owner only a year decal upon subsequent
628 renewals of registration to validate registration renewal.

629 (6) The decals issued in accordance with Subsection (5) shall be applied as follows:

630 (a) for license plates issued beginning in 1974 through 1985, decals displayed on
631 license plates with black lettering on a white background shall be applied to the lower left-hand
632 corner of the rear of the license plate vehicles;

633 (b) decals displayed on statehood centennial license plates and on Ski Utah license
634 plates issued in accordance with Subsection (3) shall be applied to the upper left-hand corner of
635 the rear license plate;

636 (c) decals displayed on special group license plates issued in accordance with Section
637 41-1a-418 shall be applied to the upper right-hand corner of the license plate unless there is a
638 plate indentation on the upper left-hand corner of the license plate;

639 (d) decals displayed on license plates with the "Life Elevated" slogan issued in
640 accordance with Subsection (4) shall be applied in the upper left-hand corner for the month

641 decal and the upper right-hand corner for the year decal;

642 (e) decals issued for truck tractors shall be applied to the front license plate in the
643 position described in Subsection (6)(a), (b), or (d);

644 (f) decals issued for motorcycles shall be applied to the upper corner of the license
645 plate opposite the word "Utah"; and

646 (g) decals displayed on license plates issued under Section 41-1a-416 shall be applied
647 as appropriate for the year of the plate.

648 (7) (a) The month decal issued in accordance with Subsection (5) shall be displayed on
649 the license plate in the left position.

650 (b) The year decal issued in accordance with Subsection (5) shall be displayed on the
651 license plate in the right position.

652 (8) The current year decal issued in accordance with Subsection (5) shall be placed
653 over the previous year decal.

654 (9) If a license plate, month decal, or year decal is lost or destroyed, a replacement shall
655 be issued upon application and payment of the fees required under Section 41-1a-1211 or
656 41-1a-1212.

657 (10) A violation of this section is an infraction.

658 Section 11. Section 41-1a-403 is amended to read:

659 **41-1a-403. Plates to be legible from 100 feet.**

660 (1) License plates and the required letters and numerals on them, except the decals and
661 the slogan, shall be of sufficient size to be plainly readable from a distance of 100 feet during
662 daylight.

663 (2) A violation of this section is an infraction.

664 Section 12. Section 41-1a-404 is amended to read:

665 **41-1a-404. Location and position of plates.**

666 (1) License plates issued for a vehicle other than a motorcycle, trailer, or semitrailer
667 shall be attached to the vehicle, one in the front and the other in the rear.

668 (2) The license plate issued for a motorcycle, trailer, or semitrailer shall be attached to
669 the rear of the motorcycle, trailer, or semitrailer.

670 (3) Every license plate shall at all times be:

671 (a) securely fastened:

672 (i) in a horizontal position to the vehicle for which it is issued to prevent the plate from
673 swinging;

674 (ii) at a height of not less than 12 inches from the ground, measuring from the bottom
675 of the plate; and

676 (iii) in a place and position to be clearly visible; and

677 (b) maintained:

678 (i) free from foreign materials; and

679 (ii) in a condition to be clearly legible.

680 (4) Enforcement by a state or local law enforcement officer of the requirement under
681 Subsection (1) to attach a license plate to the front of a vehicle shall be only as a secondary
682 action when the vehicle has been detained for a suspected violation by any person in the
683 vehicle of Title 41, Motor Vehicles, other than the requirement under Subsection (1) to attach a
684 license plate to the front of the vehicle, or for another offense.

685 (5) A violation of this section is an infraction.

686 Section 13. Section **41-1a-414** is amended to read:

687 **41-1a-414. Parking privileges for persons with disabilities.**

688 (1) As used in this section, "accessible parking space" means a parking space that is
689 clearly identified as reserved for use by a person with a disability and includes:

690 (a) vertical signage, including the international symbol of accessibility, that is visible
691 from a passing vehicle; and

692 (b) a clearly marked access aisle, if provided, that is adjacent to and considered part of
693 the parking space.

694 (2) Except in parking areas designated for emergency use, a person with a disability,
695 qualifying under rules made in accordance with Section **41-1a-420**, may park an appropriately
696 marked vehicle for reasonable periods without charge in metered parking zones and restricted
697 parking areas, in a manner that allows proper access to the vehicle by the person with a
698 disability.

699 (3) (a) Only those vehicles carrying a person with a disability special group license
700 plate, temporary removable windshield placard, or removable windshield placard and
701 transporting a qualifying person with a disability may park in an accessible parking space.

702 (b) A violation of Subsection (3)(a) is a class C misdemeanor.

703 (4) This section applies to and may be enforced on public property and on private
704 property that is used or intended for use by the public.

705 (5) The parking privileges granted by this section also apply to vehicles displaying a
706 person with a disability special group license plate, temporary removable windshield placard,
707 or removable windshield placard issued by another jurisdiction if displayed on a vehicle being
708 used by a person with a disability.

709 Section 14. Section **41-1a-701** is amended to read:

710 **41-1a-701. Transfer by owner -- Removal of plates.**

711 (1) If the owner of a registered vehicle transfers his title or interest to the vehicle the
712 registration of the vehicle expires. The owner shall remove the license plates from the
713 transferred vehicle.

714 (2) Within 20 days from the date of transfer the owner shall forward the plates to the
715 division to be destroyed or may have the plates and the registration number assigned to another
716 vehicle, subject to the rules of the division.

717 (3) A violation of this section is an infraction.

718 Section 15. Section **41-1a-702** is amended to read:

719 **41-1a-702. Endorsement of assignment and warranty of title -- Co-owners.**

720 (1) (a) To transfer a vehicle, vessel, or outboard motor the owner shall endorse the
721 certificate of title issued for the vehicle, vessel, or outboard motor in the space for assignment
722 and warranty of title.

723 (b) The endorsement and assignment shall include a statement of all liens or
724 encumbrances on the vehicle, vessel, or outboard motor.

725 (c) Upon the endorsement and assignment of a certificate of title, the same certificate
726 of title may not be reendorsed and reassigned to a new owner except as provided in Section
727 **41-1a-705**.

728 (2) (a) If a title certificate reflects the names of two or more people as co-owners in the
729 alternative by use of the word "or" or "and/or," each co-owner is considered to have granted the
730 other co-owners the absolute right to endorse and deliver title and to dispose of the vehicle,
731 vessel, or outboard motor.

732 (b) If the title certificate reflects the names of two or more people as co-owners in the
733 conjunctive by use of the word "and," or the title does not reflect any alternative or conjunctive

734 word, the endorsement of each co-owner is required to transfer title to the vehicle, vessel, or
735 outboard motor.

736 (3) The owner shall deliver the certificate of title containing the odometer disclosure
737 statement required under Section 41-1a-902 and the certificate of registration to the purchaser
738 or transferee at the time of, or within 48 hours after delivering the vehicle, vessel, or outboard
739 motor, as applicable, except as provided for under Sections 41-3-301, 41-1a-519, and
740 41-1a-709.

741 (4) A violation of this section is an infraction, except that a violation of Subsection (3)
742 is a class C misdemeanor.

743 Section 16. Section 41-1a-703 is amended to read:

744 **41-1a-703. New owner to secure new registration and new certificate of title.**

745 (1) The transferee before operating or permitting the operation of a transferred vehicle
746 on a highway shall present to the division the certificate of registration and the certificate of
747 title, properly endorsed, and shall apply for a new certificate of title and obtain a new
748 registration for the transferred vehicle, as upon an original registration, except as permitted
749 under Sections 41-1a-223, 41-1a-520, and 41-1a-704.

750 (2) A violation of this section is an infraction.

751 Section 17. Section 41-1a-704 is amended to read:

752 **41-1a-704. Transfer by operation of law.**

753 (1) Except as provided under Subsection (2), if the title or interest of an owner in or to
754 a registered vehicle passes to another person other than by voluntary transfer:

755 (a) the registration of the vehicle expires; and

756 (b) the vehicle may not be operated upon a highway until the person entitled to
757 possession of the vehicle applies for and obtains a valid registration or temporary permit.

758 (2) (a) A vehicle under Subsection (1) may be operated on the highways by the person
759 entitled to its possession or his legal representative, for a distance not exceeding 75 miles, upon
760 displaying on the vehicle the license plates issued to the former owner.

761 (b) If title is vested in a person holding a lien or encumbrance on the vehicle, the new
762 title holder may apply to the Motor Vehicle Enforcement Division for special plates issued
763 under Section 41-3-505 to transporters and may operate the repossessed vehicle under the
764 special plate for the purposes of:

765 (i) transporting the vehicle to a garage or warehouse; or
766 (ii) demonstrating the vehicle for sale.

767 (3) A violation of this section is an infraction.

768 Section 18. Section **41-1a-803** is amended to read:

769 **41-1a-803. Identification numbers -- Assigning numbers -- Requirement for sale.**

770 (1) (a) If a vehicle, vessel, or outboard motor has a permanent manufacturer's
771 identification number, the number shall be used as the vehicle's, vessel's, or outboard motor's
772 identification number.

773 (b) If it has no permanent manufacturer's identification number, the division shall
774 assign an identification number to it.

775 (c) An identification number assigned by the division shall be permanently affixed or
776 imprinted on the vehicle, vessel, or outboard motor as directed by the division.

777 (2) A person may not sell or offer for sale in this state a new vehicle, vessel, or
778 outboard motor without an identification number.

779 (3) (a) Each permanent manufacturer's identification number for a vehicle shall be
780 clearly marked in an accessible place on a vehicle.

781 (b) (i) Each permanent manufacturer's identification number for a vessel shall be
782 clearly marked in an accessible place on the starboard outboard side of the transom or to the
783 starboard outboard side of the hull.

784 (ii) If the permanent manufacturer's identification number is displayed in a location
785 other than on or near the starboard outboard side of the transom, the manufacturer shall notify
786 the division of its location.

787 (4) A person may not destroy, remove, alter, or cover an identification number.

788 (5) A violation of this section is an infraction, except that Subsection (4) is a class C
789 misdemeanor.

790 Section 19. Section **41-1a-904** is amended to read:

791 **41-1a-904. Retention of statements by dealers -- Inspection.**

792 (1) Each dealer required to execute and furnish an odometer mileage disclosure
793 statement under Section **41-1a-902** shall retain at its primary place of business for four years
794 after each transfer of a motor vehicle each statement that he receives and a legible copy of each
795 statement that he issues in connection with those transfers.

796 (2) These statements shall be available for inspection by, and copies shall be furnished
797 to, any peace officer during reasonable business hours.

798 (3) A violation of this section is an infraction.

799 Section 20. Section **41-1a-1206** is amended to read:

800 **41-1a-1206. Registration fees -- Fees by gross laden weight.**

801 (1) Except as provided in Subsections (2) and (3), at the time application is made for
802 registration or renewal of registration of a vehicle or combination of vehicles under this
803 chapter, a registration fee shall be paid to the division as follows:

804 (a) \$44.50 for each motorcycle;

805 (b) \$43 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding
806 motorcycles;

807 (c) unless the semitrailer or trailer is exempt from registration under Section [41-1a-202](#)
808 or is registered under Section [41-1a-301](#):

809 (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

810 (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less
811 gross unladen weight;

812 (d) (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds
813 gross laden weight; plus

814 (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;

815 (e) (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm
816 trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

817 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;

818 (f) (i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not
819 exceeding 14,000 pounds gross laden weight; plus

820 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight; and

821 (g) \$45 for each vintage vehicle that is less than 40 years old.

822 (2) At the time application is made for registration or renewal of registration of a
823 vehicle under this chapter for a six-month registration period under Section [41-1a-215.5](#), a
824 registration fee shall be paid to the division as follows:

825 (a) \$33.50 for each motorcycle; and

826 (b) \$32.50 for each motor vehicle of 12,000 pounds or less gross laden weight,

827 excluding motorcycles.

828 (3) (a) The initial registration fee for a vintage vehicle that is 40 years old or older is
829 \$40.

830 (b) A vintage vehicle that is 40 years old or older is exempt from the renewal of
831 registration fees under Subsection (1).

832 (c) A vehicle with a Purple Heart special group license plate issued in accordance with
833 Section 41-1a-421 is exempt from the registration fees under Subsection (1).

834 (d) A camper is exempt from the registration fees under Subsection (1).

835 (4) If a motor vehicle is operated in combination with a semitrailer or trailer, each
836 motor vehicle shall register for the total gross laden weight of all units of the combination if the
837 total gross laden weight of the combination exceeds 12,000 pounds.

838 (5) (a) Registration fee categories under this section are based on the gross laden
839 weight declared in the licensee's application for registration.

840 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part
841 of 2,000 pounds is a full unit.

842 (6) The owner of a commercial trailer or commercial semitrailer may, as an alternative
843 to registering under Subsection (1)(c), apply for and obtain a special registration and license
844 plate for a fee of \$130.

845 (7) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm
846 truck unless:

847 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and

848 (b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or

849 (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner
850 submits to the division a certificate of emissions inspection or a waiver in compliance with
851 Section 41-6a-1642.

852 (8) A violation of Subsection (7) is a class [B] C misdemeanor that shall be punished
853 by a fine of not less than \$200.

854 (9) Trucks used exclusively to pump cement, bore wells, or perform crane services
855 with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees
856 required for those vehicles under this section.

857 Section 21. Section 41-1a-1302 is amended to read:

858 **41-1a-1302. Infraction.**

859 A violation of any provision of this chapter is [~~a class C misdemeanor~~] an infraction,
860 unless otherwise provided.

861 Section 22. Section **41-1a-1303** is amended to read:

862 **41-1a-1303. Driving without registration or certificate of title.**

863 (1) Except as provided in Section 41-1a-211 or 41-1a-1303.5, a person may not drive
864 or move, or an owner may not knowingly permit to be driven or moved upon any highway any
865 vehicle of a type required to be registered in this state:

866 [~~(1)~~] (a) that is not properly registered or for which a certificate of title has not been
867 issued or applied for; or

868 [~~(2)~~] (b) for which the required fee has not been paid.

869 (2) A violation of this section is an infraction.

870 Section 23. Section **41-1a-1303.5** is amended to read:

871 **41-1a-1303.5. Driving without registration or certificate of title -- Class C**
872 **misdemeanor.**

873 (1) (a) A violation of Subsection 41-1a-202(3), related to registration of vehicles after
874 establishing residency, is a class [~~B~~] C misdemeanor and, except as provided in Subsection
875 (1)(b), has a minimum fine of \$1,000.

876 (b) A court may not dismiss an action brought for a violation of Subsection
877 41-1a-202(3) merely because the defendant has obtained the appropriate registration
878 subsequent to violating the section. The court may, however, reduce the fine to \$200 if the
879 violator presents evidence at the time of the hearing that:

880 (i) the vehicle is currently registered properly; and

881 (ii) the violation has not existed for more than one year.

882 (2) A court may require proof of proper motor vehicle registration as part of any
883 sentence imposed under this section.

884 Section 24. Section **41-1a-1304** is amended to read:

885 **41-1a-1304. Operating motor vehicle, trailer, or semitrailer in excess of registered**
886 **gross laden weight -- Infraction.**

887 It is [~~a class C misdemeanor~~] an infraction for a person to operate, or cause to be
888 operated, a motor vehicle, trailer, or semitrailer, or combination of them the gross laden weight

889 of which is in excess of the gross laden weight for which the motor vehicle, trailer, or
890 semitrailer, or combination of vehicles is registered.

891 Section 25. Section **41-1a-1307** is amended to read:

892 **41-1a-1307. Operation of motor vehicles, trailers, or semitrailers without**
893 **payment of fees -- Infraction.**

894 (1) It is [~~a class C misdemeanor~~] an infraction for a person to operate a motor vehicle,
895 trailer, or semitrailer upon the highways without having paid the title and registration or
896 transfer fees and taxes required by law.

897 (2) In addition to any other penalty, the owner of a motor vehicle, trailer, or semitrailer
898 operated in violation of this section shall pay a penalty equal to title and registration fees in
899 addition to any other fee required under this chapter.

900 (3) A court may require proof of proper vehicle registration as part of any sentence
901 imposed under this section.

902 Section 26. Section **41-1a-1310** is amended to read:

903 **41-1a-1310. Failure to deliver title -- Odometer offenses.**

904 (1) It is [~~a class B misdemeanor~~] an infraction for any person to:

905 [~~(1)~~] (a) fail to properly endorse and deliver a valid certificate of title to a vehicle,
906 vessel, or outboard motor to a transferee or owner lawfully entitled to it in accordance with
907 Section **41-1a-702**, except as provided for under Sections **41-3-301**, **41-1a-519**, and **41-1a-709**;
908 or

909 [~~(2)~~] (b) fail to give an odometer disclosure statement to the transferee as required by
910 Section **41-1a-902**[~~;~~].

911 (2) It is a class B misdemeanor to:

912 [~~(3)~~] (a) operate, or cause to be operated, a motor vehicle knowing that the odometer is
913 disconnected or nonfunctional, except while moving the motor vehicle to a place of repair;

914 [~~(4)~~] (b) offer for sale, sell, use, or install on any part of a motor vehicle or on an
915 odometer in a motor vehicle any device that causes the odometer to register miles or kilometers
916 other than the true miles or kilometers driven as registered by the odometer within the
917 manufacturer's designed tolerance;

918 [~~(5)~~] (c) fail to adjust an odometer or affix a notice as required by Section **41-1a-906**
919 regarding the adjustment;

920 ~~[(6)]~~ (d) remove, alter, or cause to be removed or altered any notice of adjustment
921 affixed to a motor vehicle as required by Section [41-1a-906](#); or

922 (e) accept or give an incomplete odometer statement when an odometer statement is
923 required under Section [41-1a-902](#).

924 ~~[(7)]~~ (3) It is a class C misdemeanor to fail to record the odometer reading on the
925 certificate of title at the time of transfer[; ~~or~~].

926 ~~[(8) accept or give an incomplete odometer statement when an odometer statement is~~
927 ~~required under Section [41-1a-902](#).]~~

928 Section 27. Section **41-6a-202** is amended to read:

929 **41-6a-202. Violations of chapter -- Penalties -- Acceptance of plea of guilty.**

930 (1) As used in this section, "serious bodily injury" is as defined in Section [41-6a-401.3](#).

931 (2) A violation of any provision of this chapter is [~~a class C misdemeanor~~] an
932 infraction, unless otherwise provided.

933 (3) A violation of any provision of Parts 2, 11, 17, and 18 of this chapter is an
934 infraction, unless otherwise provided.

935 (4) (a) If a person has received a citation for a moving traffic violation under this
936 chapter that resulted in a collision and any person involved in the collision sustained serious
937 bodily injury or death as a proximate result of the collision, a court may not accept a plea of
938 guilty or no contest to a charge for the moving traffic violation unless the prosecutor agrees to
939 the plea:

940 (i) in open court;

941 (ii) in writing; or

942 (iii) by another means of communication which the court finds adequate to record the
943 prosecutor's agreement.

944 (b) A peace officer that issues a citation for a moving traffic violation under this
945 chapter shall record on the citation whether the moving traffic violation resulted in a collision
946 in which any person involved in the collision sustained serious bodily injury or death as a
947 proximate result of the traffic collision.

948 Section 28. Section **41-6a-216** is amended to read:

949 **41-6a-216. Removal of plants or other obstructions impairing view -- Notice to**
950 **owner -- Penalty.**

951 (1) The owner of real property shall remove from his property any tree, plant, shrub, or
952 other obstruction, or part of it that constitutes a traffic hazard by obstructing the view of an
953 operator of a vehicle on a highway.

954 (2) When a highway authority determines on the basis of an engineering and traffic
955 investigation that a traffic hazard exists, it shall notify the owner and order that the hazard be
956 removed within 10 days.

957 (3) The failure of the owner to remove the traffic hazard within 10 days is [~~a class C~~
958 ~~misdemeanor~~] an infraction.

959 Section 29. Section **41-6a-304** is amended to read:

960 **41-6a-304. Obeying devices -- Effect of improper position, illegibility, or absence**
961 **-- Presumption of lawful placement and compliance with chapter.**

962 (1) (a) Except as otherwise directed by a peace officer or other authorized personnel
963 under Section **41-6a-209** and except as provided under Section **41-6a-212** for authorized
964 emergency vehicles, the operator of a vehicle shall obey the instructions of any traffic-control
965 device placed or held in accordance with this chapter.

966 (b) A violation of Subsection (1)(a) is an infraction.

967 (2) (a) Any provision of this chapter, for which a traffic-control device is required, may
968 not be enforced if at the time and place of the alleged violation the traffic-control device is not
969 in proper position and sufficiently legible to be seen by an ordinarily observant person.

970 (b) The provisions of this chapter are effective independently of the placement of a
971 traffic-control device unless the provision requires the placement of a traffic-control device
972 prior to its enforcement.

973 (3) A traffic-control device placed or held in a position approximately conforming to
974 the requirements of this chapter is presumed to have been placed or held by the official act or
975 direction of a highway authority or other lawful authority, unless the contrary is established by
976 competent evidence.

977 (4) A traffic-control device placed or held under this chapter and purporting to conform
978 to the lawful requirements of the device is presumed to comply with the requirements of this
979 chapter, unless the contrary is established by competent evidence.

980 Section 30. Section **41-6a-305** is amended to read:

981 **41-6a-305. Traffic-control signal -- At intersections -- At place other than**

982 intersection -- Color of light signal -- Inoperative traffic-control signals -- Affirmative
983 defense.

984 (1) (a) Green, red, and yellow are the only colors that may be used in a traffic-control
985 signal, except for a:

986 (i) pedestrian traffic-control signal that may use white and orange; and

987 (ii) rail vehicle that may use white.

988 (b) Traffic-control signals apply to the operator of a vehicle and to a pedestrian as
989 provided in this section.

990 (2) (a) (i) Except as provided in Subsection (2)(a)(ii), the operator of a vehicle facing a
991 circular green signal may:

992 (A) proceed straight through the intersection;

993 (B) turn right; or

994 (C) turn left.

995 (ii) The operator of a vehicle facing a circular green signal, including an operator
996 turning right or left:

997 (A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the
998 intersection or an adjacent crosswalk at the time the signal is exhibited; and

999 (B) may not turn right or left if a sign at the intersection prohibits the turn.

1000 (b) The operator of a vehicle facing a green arrow signal shown alone or in
1001 combination with another indication:

1002 (i) may cautiously enter the intersection only to make the movement indicated by the
1003 arrow or other indication shown at the same time; and

1004 (ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk
1005 and to other traffic lawfully using the intersection.

1006 (c) Unless otherwise directed by a pedestrian traffic-control signal under Section
1007 41-6a-306, a pedestrian facing any green signal other than a green turn arrow may proceed
1008 across the roadway within any marked or unmarked crosswalk.

1009 (3) (a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal
1010 is warned that the allowable movement related to a green signal is being terminated.

1011 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section
1012 41-6a-306, a pedestrian facing a steady circular yellow or yellow arrow signal is advised that

1013 there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian
1014 may not start to cross the roadway.

1015 (4) (a) Except as provided in Subsection (4)(c), the operator of a vehicle facing a
1016 steady circular red or red arrow signal:

1017 (i) may not enter the intersection unless entering the intersection to make a movement
1018 is permitted by another indication; and

1019 (ii) shall stop at a clearly marked stop line, but if none, before entering the marked or
1020 unmarked crosswalk on the near side of the intersection and shall remain stopped until an
1021 indication to proceed is shown.

1022 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section
1023 [41-6a-306](#), a pedestrian facing a steady red signal alone may not enter the roadway.

1024 (c) (i) (A) The operator of a vehicle facing a steady circular red signal may cautiously
1025 enter the intersection to turn right, or may turn left from a one-way street into a one-way street,
1026 after stopping as required by Subsection (4)(a).

1027 (B) If permitted by a traffic control device on the state highway system, the operator of
1028 a vehicle facing a steady red arrow signal may cautiously enter the intersection to turn left from
1029 a one-way street into a one-way street after stopping as required by Subsection (4)(a).

1030 (ii) The operator of a vehicle under Subsection (4)(c)(i) shall yield the right-of-way to:

1031 (A) another vehicle moving through the intersection in accordance with an official
1032 traffic-control signal; and

1033 (B) a pedestrian lawfully within an adjacent crosswalk.

1034 (5) (a) This section applies to a highway or rail line where a traffic-control signal is
1035 erected and maintained.

1036 (b) Any stop required shall be made at a sign or marking on the highway pavement
1037 indicating where the stop shall be made, but, in the absence of any sign or marking, the stop
1038 shall be made at the signal.

1039 (6) The operator of a vehicle approaching an intersection that has an inoperative
1040 traffic-control signal shall:

1041 (a) stop before entering the intersection; and

1042 (b) yield the right-of-way to any vehicle as required under Section [41-6a-901](#).

1043 (7) (a) For an operator of a motorcycle, moped, or bicycle who is 16 years of age or

1044 older, it is an affirmative defense to a violation of Subsection (4)(a) if the operator of a
1045 motorcycle, moped, or bicycle facing a steady circular red signal or red arrow:

1046 (i) brings the motorcycle, moped, or bicycle to a complete stop at the intersection or
1047 stop line;

1048 (ii) determines that:

1049 (A) the traffic-control signal has not detected the operator's presence by waiting a
1050 reasonable period of time of not less than 90 seconds at the intersection or stop line before
1051 entering the intersection;

1052 (B) no other vehicle that is entitled to have the right-of-way under applicable law is
1053 sitting at, traveling through, or approaching the intersection; and

1054 (C) no pedestrians are attempting to cross at or near the intersection in the direction of
1055 travel of the operator; and

1056 (iii) cautiously enters the intersection and proceeds across the roadway.

1057 (b) The affirmative defense under this section does not apply at an active railroad grade
1058 crossing as defined in Section [41-6a-1005](#).

1059 (8) A violation of this section is an infraction.

1060 Section 31. Section **41-6a-306** is amended to read:

1061 **41-6a-306. Pedestrian traffic-control signals -- Rights and duties.**

1062 (1) A pedestrian facing a steady "Walk" or symbol of "Walking Person" of a pedestrian
1063 traffic-control signal has the right-of-way and may proceed across the roadway in the direction
1064 of the signal.

1065 (2) A pedestrian facing a flashing "Don't Walk" or "Upraised Hand" of a pedestrian
1066 traffic-control signal may not start to cross the roadway in the direction of the signal, but a
1067 pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk
1068 or safety island.

1069 (3) A pedestrian facing a steady "Don't Walk" or "Upraised Hand" of a pedestrian
1070 traffic-control signal may not enter the roadway in the direction of the signal.

1071 (4) A violation of this section is an infraction.

1072 Section 32. Section **41-6a-307** is amended to read:

1073 **41-6a-307. Flashing red or yellow signals -- Rights and duties of operators --**
1074 **Railroad grade crossings excluded.**

1075 (1) Except as provided under Section 41-6a-1203 regarding railroad grade [crossing]
1076 crossings, the:

1077 [(1)] (a) operator of a vehicle facing an illuminated flashing red stop signal used in a
1078 traffic-control signal or with a traffic sign shall stop at a clearly marked stop line, but if none,
1079 before entering the crosswalk on the nearest side of the intersection, or if none, then at a point
1080 nearest the intersecting roadway where the operator has a view of approaching traffic on the
1081 intersecting roadway before entering;

1082 [(2)] (b) right to proceed is subject to the rules applicable after making a stop at a stop
1083 sign; and

1084 [(3)] (c) operator of a vehicle facing an illuminated flashing yellow caution signal may
1085 cautiously proceed through the intersection or cautiously proceed past the signal.

1086 (2) A violation of this section is an infraction.

1087 Section 33. Section 41-6a-308 is amended to read:

1088 **41-6a-308. Lane use control signals -- Colors.**

1089 (1) The operator of a vehicle facing a traffic-control signal placed to control individual
1090 lane use shall obey the signal as follows:

1091 [(1)] (a) Green signal -- vehicular traffic may travel in any lane over which a green
1092 signal is shown.

1093 [(2)] (b) Steady yellow signal -- vehicular traffic is warned that a lane control change is
1094 being made.

1095 [(3)] (c) Steady red signal -- vehicular traffic may not enter or travel in any lane over
1096 which a red signal is shown.

1097 [(4)] (d) Flashing yellow signal -- vehicular traffic may use the lane only for the
1098 purpose of approaching and making a left turn.

1099 (2) A violation of this section is an infraction.

1100 Section 34. Section 41-6a-309 is amended to read:

1101 **41-6a-309. Prohibition of unauthorized signs, signals, lights, or markings --**
1102 **Commercial advertising -- Public nuisance -- Removal.**

1103 (1) Except as provided in Section 41-6a-310, a person may not place, maintain, or
1104 display upon or in view of any highway any unauthorized sign, signal, light, marking, or device
1105 which:

1106 (a) purports to be or which resembles a traffic-control device or railroad sign or signal,
1107 or authorized emergency vehicle flashing light;

1108 (b) attempts to direct the movement of traffic;

1109 (c) hides from view or interferes with the effectiveness of a traffic-control device or
1110 any railroad sign or signal; or

1111 (d) blinds or dazzles an operator on any adjacent highway.

1112 (2) Except as provided under Section [72-7-504](#) regarding logo advertising, a person
1113 may not place or maintain any commercial advertising on any traffic-control device.

1114 (3) The provisions of Subsections (1) and (2) do not prohibit a sign on private property
1115 adjacent to a highway providing directional information in a manner that may not be mistaken
1116 for a traffic-control device.

1117 (4) Every prohibited sign, signal, or light, or marking is a public nuisance and the
1118 highway authority having jurisdiction over the highway may remove it or cause it to be
1119 removed without notice.

1120 (5) A violation of this section is an infraction.

1121 Section 35. Section **41-6a-311** is amended to read:

1122 **41-6a-311. Interference with traffic-control devices prohibited -- Traffic signal**
1123 **preemption device prohibited -- Exceptions -- Defense.**

1124 (1) Except as provided in Subsection (3), a person may not alter, deface, damage,
1125 knock down, or remove any:

1126 (a) traffic-control device;

1127 (b) traffic-monitoring device; or

1128 (c) railroad traffic-control device.

1129 (2) Except as provided in Subsection (3), a person may not:

1130 (a) knowingly use a traffic signal preemption device to interfere with the authorized
1131 operation or the authorized cycle of a traffic-control signal; or

1132 (b) operate a motor vehicle on a highway while in possession of a traffic signal
1133 preemption device.

1134 (3) The provisions of Subsections (1) and (2) do not apply to a person authorized by
1135 the highway authority or railroad authority with jurisdiction over the device.

1136 (4) A violation of Subsection (1) or (2) is a class C misdemeanor.

1137 ~~[(4)]~~ (5) It is an affirmative defense to a charge under Subsection (2)(b) that the traffic
1138 signal preemption device was inoperative and could not be readily used at the time of the
1139 citation or arrest.

1140 Section 36. Section ~~41-6a-401~~ is amended to read:

1141 **41-6a-401. Accident involving property damage -- Duties of operator, occupant,**
1142 **and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

1143 (1) As used in this section, "reason to believe" means information from which a
1144 reasonable person would believe that the person may have been involved in an accident.

1145 (2) (a) The operator of a vehicle who has reason to believe that the operator may have
1146 been involved in an accident resulting only in damage to another vehicle or other property:

1147 (i) may move the vehicle as soon as possible off the roadway or freeway main lines,
1148 shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp shoulder, a
1149 frontage road, the nearest suitable cross street, or other suitable location that does not obstruct
1150 traffic; and

1151 (ii) shall remain at the scene of the accident or the location described in Subsection
1152 (2)(a)(i) until the operator has fulfilled the requirements of this section.

1153 (b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the
1154 determination of fault for an accident.

1155 (c) If the operator has reason to believe that the operator may have been involved in an
1156 accident resulting in damage to another vehicle or other property only after leaving the scene of
1157 the accident, the operator shall immediately comply as nearly as possible with the requirements
1158 of this section.

1159 (3) Except as provided under Subsection (6), if the vehicle or other property is
1160 operated, occupied, or attended by any person or if the owner of the vehicle or property is
1161 present, the operator of the vehicle involved in the accident shall:

1162 (a) give to the persons involved:

1163 (i) the operator's name, address, and the registration number of the vehicle being
1164 operated; and

1165 (ii) the name of the insurance provider covering the vehicle being operated including
1166 the phone number of the agent or provider; and

1167 (b) upon request and if available, exhibit the operator's license to:

- 1168 (i) any investigating peace officer present;
- 1169 (ii) the operator, occupant of, or person attending the vehicle or other property
- 1170 damaged in the accident; and
- 1171 (iii) the owner of property damaged in the accident, if present.
- 1172 (4) The operator of a vehicle involved in an accident shall immediately and by the
- 1173 quickest means of communication available give notice or cause to give notice of the accident
- 1174 to the nearest office of a law enforcement agency if the accident resulted in property damage to
- 1175 an apparent extent of \$1,500 or more.
- 1176 (5) Except as provided under Subsection (6), if the vehicle or other property damaged
- 1177 in the accident is unattended, the operator of the vehicle involved in the accident shall:
- 1178 (a) locate and notify the operator or owner of the vehicle or the owner of other property
- 1179 damaged in the accident of the operator's name, address, and the registration number of the
- 1180 vehicle causing the damage; or
- 1181 (b) attach securely in a conspicuous place on the vehicle or other property a written
- 1182 notice giving the operator's name, address, and the registration number of the vehicle causing
- 1183 the damage.
- 1184 (6) The operator of a vehicle that provides the information required under this section
- 1185 to an investigating peace officer at the scene of the accident is exempt from providing the
- 1186 information to other persons required under this section.
- 1187 ~~[(7) (a) A person who violates the provisions of Subsection (2) is guilty of a class B~~
- 1188 ~~misdemeanor.]~~
- 1189 ~~[(b) A person who violates the provision of Subsection (5) is guilty of a class B~~
- 1190 ~~misdemeanor.]~~
- 1191 (7) A violation of this section is a class C misdemeanor.
- 1192 Section 37. Section **41-6a-401.7** is amended to read:
- 1193 **41-6a-401.7. Accident involving injury, death, or property damage -- Duties of**
- 1194 **operator, occupant, and owner -- Exchange of information -- Notification of law**
- 1195 **enforcement -- Penalties.**
- 1196 (1) The operator of a vehicle involved in an accident under Section [41-6a-401.3](#) or
- 1197 [41-6a-401.5](#) shall:
- 1198 (a) give to the persons involved:

- 1199 (i) the operator's name, address, and the registration number of the vehicle being
1200 operated; and
- 1201 (ii) the name of the insurance provider covering the vehicle being operated including
1202 the phone number of the agent or provider;
- 1203 (b) upon request and if available, exhibit the operator's license to:
- 1204 (i) any investigating peace officer present;
- 1205 (ii) the person struck;
- 1206 (iii) the operator, occupant of, or person attending the vehicle or other property
1207 damaged in the accident; and
- 1208 (iv) the owner of property damaged in the accident, if present; and
- 1209 (c) render to any person injured in the accident reasonable assistance, including
1210 transporting or making arrangements for transporting, of the injured person to a physician or
1211 hospital for medical treatment if:
- 1212 (i) it is apparent that treatment is necessary; or
- 1213 (ii) transportation is requested by the injured person.
- 1214 (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or
1215 41-6a-401.5 shall immediately and by the quickest means of communication available give
1216 notice or cause to give notice of the accident to the nearest office of a law enforcement agency.
- 1217 (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 or
1218 41-6a-401.5 who is not the operator of the vehicle shall give or cause to give the immediate
1219 notice required under Subsection (2) if:
- 1220 (a) the operator of a vehicle involved in an accident is physically incapable of giving
1221 the notice; and
- 1222 (b) the occupant is capable of giving an immediate notice.
- 1223 (4) Except as provided under Subsection (5), if a vehicle or other property damaged in
1224 the accident is unattended, the operator of the vehicle involved in the accident shall:
- 1225 (a) locate and notify the operator or owner of the vehicle or the owner of other property
1226 damaged in the accident of the operator's name, address, and the registration number of the
1227 vehicle causing the damage; or
- 1228 (b) attach securely in a conspicuous place on the vehicle or other property a written
1229 notice giving the operator's name, address, and the registration number of the vehicle causing

1230 the damage.

1231 (5) The operator of a vehicle that provides the information required under this section
1232 to an investigating peace officer at the scene of the accident is exempt from providing the
1233 information to other persons required under this section.

1234 ~~[(6) A person who violates Subsection (4) is guilty of a class B misdemeanor.]~~

1235 (6) A violation of this section is a class C misdemeanor.

1236 Section 38. Section ~~41-6a-402~~ is amended to read:

1237 **41-6a-402. Accident reports -- Duty of operator and investigative officer to file.**

1238 (1) The department may require any operator of a vehicle involved in an accident
1239 resulting in injury to or death of any person or total property damage to the apparent extent of
1240 \$1,500 or more to file within 10 days after the request:

1241 (a) a report of the accident to the department in a manner specified by the department;
1242 and

1243 (b) a supplemental report when the original report is insufficient in the opinion of the
1244 department.

1245 (2) The department may require witnesses of accidents to file reports to the department.

1246 (3) (a) An accident report is not required under this section from any person who is
1247 physically incapable of making a report, during the period of incapacity.

1248 (b) If the operator is physically incapable of making an accident report under this
1249 section and the operator is not the owner of the vehicle, the owner of the vehicle involved in
1250 the accident shall within 15 days after becoming aware of the accident make the report required
1251 of the operator under this section.

1252 (4) (a) The department shall, upon request, supply to law enforcement agencies, justice
1253 court judges, sheriffs, garages, and other appropriate agencies or individuals forms for accident
1254 reports required under this part.

1255 (b) A request for an accident report form under Subsection (4)(a) shall be made in a
1256 manner specified by the division.

1257 (c) The accident reports shall:

1258 (i) provide sufficient detail to disclose the cause, conditions then existing, and the
1259 persons and vehicles involved in the accident; and

1260 (ii) contain all of the information required that is available.

1261 (5) (a) A person shall file an accident report if required under this section.

1262 (b) The department shall suspend the license or permit to operate a motor vehicle and
1263 any nonresident operating privileges of any person failing to file an accident report in
1264 accordance with this section.

1265 (c) The suspension under Subsection (5)(b) shall be in effect until the report has been
1266 filed except that the department may extend the suspension not to exceed 30 days.

1267 (6) (a) A peace officer who, in the regular course of duty, investigates a motor vehicle
1268 accident described under Subsection (1) shall file an electronic copy of the report of the
1269 accident with the department within 10 days after completing the investigation.

1270 (b) The accident report shall be made either at the time of and at the scene of the
1271 accident or later by interviewing participants or witnesses.

1272 (7) The accident reports required to be filed with the department under this section and
1273 the information in them are protected and confidential and may be disclosed only as provided
1274 in Section [41-6a-404](#).

1275 (8) (a) In addition to the reports required under this part, a local highway authority
1276 may, by ordinance, require that for each accident that occurs within its jurisdiction, the operator
1277 of a vehicle involved in an accident, or the owner of the vehicle involved in an accident, shall
1278 file with the local law enforcement agency a report of the accident or a copy of any report
1279 required to be filed with the department under this part.

1280 (b) All reports are for the confidential use of the municipal department and are subject
1281 to the provisions of Section [41-6a-404](#).

1282 (9) A violation of this section is an infraction.

1283 Section 39. Section **41-6a-405** is amended to read:

1284 **41-6a-405. Garage keeper to report damaged vehicle without damage sticker.**

1285 (1) (a) The person in charge of any garage or repair shop shall make a report to the
1286 nearest law enforcement agency within 24 hours of receiving a vehicle which shows evidence
1287 of having been:

1288 (i) involved in an accident for which an accident report may be requested under Section
1289 [41-6a-402](#); or

1290 (ii) struck by any bullet.

1291 (b) The report required under Subsection (1)(a) shall include the:

- 1292 (i) vehicle identification number;
- 1293 (ii) registration number; and
- 1294 (iii) name and address of the owner or operator of the vehicle.

1295 (2) If a damaged vehicle sticker describing the damage is affixed to the vehicle by a
 1296 peace officer, a report under Subsection (1) is not required.

1297 (3) A violation of Subsection (1) is an infraction.

1298 Section 40. Section **41-6a-407** is amended to read:

1299 **41-6a-407. Livestock on highway -- Restrictions -- Collision, action for damages.**

1300 (1) (a) A person who owns or is in possession or control of any livestock may not
 1301 willfully or negligently permit any of the livestock to stray or remain unaccompanied on a
 1302 highway, if both sides of the highway are separated from adjoining property by a fence, wall,
 1303 hedge, sidewalk, curb, lawn, or building.

1304 (b) Subsection (1)(a) does not apply to range stock drifting onto any highway moving
 1305 to or from their accustomed ranges.

1306 (2) (a) A person may not drive any livestock upon, over, or across any highway during
 1307 the period from half an hour after sunset to half an hour before sunrise.

1308 (b) Subsection (2)(a) does not apply if the person has a sufficient number of herders
 1309 with warning lights on continual duty to open the road to permit the passage of vehicles.

1310 (3) A violation of Subsection (1) or (2) is an infraction.

1311 [~~(3)~~] (4) In any civil action brought for damages caused by collision with any domestic
 1312 animal or livestock on a highway, there is no presumption that the collision was due to
 1313 negligence on behalf of the owner or the person in possession of the domestic animal or
 1314 livestock.

1315 Section 41. Section **41-6a-518** is amended to read:

1316 **41-6a-518. Ignition interlock devices -- Use -- Probationer to pay cost --**
 1317 **Impecuniosity -- Fee.**

1318 (1) As used in this section:

1319 (a) "Commissioner" means the commissioner of the Department of Public Safety.

1320 (b) "Ignition interlock system" or "system" means a constant monitoring device or any
 1321 similar device certified by the commissioner that prevents a motor vehicle from being started
 1322 or continuously operated without first determining the driver's breath alcohol concentration.

1323 (c) "Probation provider" means the supervisor and monitor of the ignition interlock
1324 system required as a condition of probation who contracts with the court in accordance with
1325 Subsections 41-6a-507(2) and (3).

1326 (2) (a) In addition to any other penalties imposed under Sections 41-6a-503 and
1327 41-6a-505, and in addition to any requirements imposed as a condition of probation, the court
1328 may require that any person who is convicted of violating Section 41-6a-502 and who is
1329 granted probation may not operate a motor vehicle during the period of probation unless that
1330 motor vehicle is equipped with a functioning, certified ignition interlock system installed and
1331 calibrated so that the motor vehicle will not start or continuously operate if the operator's blood
1332 alcohol concentration exceeds a level ordered by the court.

1333 (b) If a person convicted of violating Section 41-6a-502 was under the age of 21 when
1334 the violation occurred, the court shall order the installation of the ignition interlock system as a
1335 condition of probation.

1336 (c) The division shall post the ignition interlock restriction on the electronic record
1337 available to law enforcement.

1338 (d) This section does not apply to a person convicted of a violation of Section
1339 41-6a-502 whose violation involves drugs other than alcohol.

1340 (3) If the court imposes the use of an ignition interlock system as a condition of
1341 probation, the court shall:

1342 (a) stipulate on the record the requirement for and the period of the use of an ignition
1343 interlock system;

1344 (b) order that an ignition interlock system be installed on each motor vehicle owned or
1345 operated by the probationer, at the probationer's expense;

1346 (c) immediately notify the Driver License Division and the person's probation provider
1347 of the order; and

1348 (d) require the probationer to provide proof of compliance with the court's order to the
1349 probation provider within 30 days of the order.

1350 (4) (a) The probationer shall provide timely proof of installation within 30 days of an
1351 order imposing the use of a system or show cause why the order was not complied with to the
1352 court or to the probationer's probation provider.

1353 (b) The probation provider shall notify the court of failure to comply under Subsection

1354 (4)(a).

1355 (c) For failure to comply under Subsection (4)(a) or upon receiving the notification
1356 under Subsection (4)(b), the court shall order the Driver License Division to suspend the
1357 probationer's driving privileges for the remaining period during which the compliance was
1358 imposed.

1359 (d) Cause for failure to comply means any reason the court finds sufficiently justifiable
1360 to excuse the probationer's failure to comply with the court's order.

1361 (5) (a) Any probationer required to install an ignition interlock system shall have the
1362 system monitored by the manufacturer or dealer of the system for proper use and accuracy at
1363 least semiannually and more frequently as the court may order.

1364 (b) (i) A report of the monitoring shall be issued by the manufacturer or dealer to the
1365 court or the person's probation provider.

1366 (ii) The report shall be issued within 14 days following each monitoring.

1367 (6) (a) If an ignition interlock system is ordered installed, the probationer shall pay the
1368 reasonable costs of leasing or buying and installing and maintaining the system.

1369 (b) A probationer may not be excluded from this section for inability to pay the costs,
1370 unless:

1371 (i) the probationer files an affidavit of impecuniosity; and

1372 (ii) the court enters a finding that the probationer is impecunious.

1373 (c) In lieu of waiver of the entire amount of the cost, the court may direct the
1374 probationer to make partial or installment payments of costs when appropriate.

1375 (d) The ignition interlock provider shall cover the costs of waivers by the court under
1376 this Subsection (6).

1377 (7) (a) If a probationer is required in the course and scope of employment to operate a
1378 motor vehicle owned by the probationer's employer, the probationer may operate that motor
1379 vehicle without installation of an ignition interlock system only if:

1380 (i) the motor vehicle is used in the course and scope of employment;

1381 (ii) the employer has been notified that the employee is restricted; and

1382 (iii) the employee has proof of the notification in the employee's possession while
1383 operating the employer's motor vehicle.

1384 (b) (i) To the extent that an employer-owned motor vehicle is made available to a

1385 probationer subject to this section for personal use, no exemption under this section shall apply.

1386 (ii) A probationer intending to operate an employer-owned motor vehicle for personal
1387 use and who is restricted to the operation of a motor vehicle equipped with an ignition interlock
1388 system shall notify the employer and obtain consent in writing from the employer to install a
1389 system in the employer-owned motor vehicle.

1390 (c) A motor vehicle owned by a business entity that is all or partly owned or controlled
1391 by a probationer subject to this section is not a motor vehicle owned by the employer and does
1392 not qualify for an exemption under this Subsection (7).

1393 (8) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1394 the commissioner shall make rules setting standards for the certification of ignition interlock
1395 systems.

1396 (b) The standards under Subsection (8)(a) shall require that the system:

1397 (i) not impede the safe operation of the motor vehicle;

1398 (ii) have features that make circumventing difficult and that do not interfere with the
1399 normal use of the motor vehicle;

1400 (iii) require a deep lung breath sample as a measure of breath alcohol concentration;

1401 (iv) prevent the motor vehicle from being started if the driver's breath alcohol
1402 concentration exceeds a specified level;

1403 (v) work accurately and reliably in an unsupervised environment;

1404 (vi) resist tampering and give evidence if tampering is attempted;

1405 (vii) operate reliably over the range of motor vehicle environments; and

1406 (viii) be manufactured by a party who will provide liability insurance.

1407 (c) The commissioner may adopt in whole or in part, the guidelines, rules, studies, or
1408 independent laboratory tests relied upon in certification of ignition interlock systems by other
1409 states.

1410 (d) A list of certified systems shall be published by the commissioner and the cost of
1411 certification shall be borne by the manufacturers or dealers of ignition interlock systems
1412 seeking to sell, offer for sale, or lease the systems.

1413 (e) (i) In accordance with Section [63J-1-504](#), the commissioner may establish an
1414 annual dollar assessment against the manufacturers of ignition interlock systems distributed in
1415 the state for the costs incurred in certifying.

1416 (ii) The assessment under Subsection (8)(e)(i) shall be apportioned among the
1417 manufacturers on a fair and reasonable basis.

1418 (f) The commissioner shall require a provider of an ignition interlock system certified
1419 in accordance with this section to comply with the requirements of Title 53, Chapter 3, Part 10,
1420 Ignition Interlock System Program Act.

1421 (9) A violation of this section is a class C misdemeanor.

1422 [~~9~~] (10) There shall be no liability on the part of, and no cause of action of any nature
1423 shall arise against, the state or its employees in connection with the installation, use, operation,
1424 maintenance, or supervision of an interlock ignition system as required under this section.

1425 Section 42. Section ~~41-6a-526~~ is amended to read:

1426 **41-6a-526. Drinking alcoholic beverage and open containers in motor vehicle**
1427 **prohibited -- Definitions -- Exceptions.**

1428 (1) As used in this section:

1429 (a) "Alcoholic beverage" has the same meaning as defined in Section [32B-1-102](#).

1430 (b) "Chartered bus" has the same meaning as defined in Section [32B-1-102](#).

1431 (c) "Limousine" has the same meaning as defined in Section [32B-1-102](#).

1432 (d) (i) "Passenger compartment" means the area of the vehicle normally occupied by
1433 the operator and passengers.

1434 (ii) "Passenger compartment" includes areas accessible to the operator and passengers
1435 while traveling, including a utility or glove compartment.

1436 (iii) "Passenger compartment" does not include a separate front or rear trunk
1437 compartment or other area of the vehicle not accessible to the operator or passengers while
1438 inside the vehicle.

1439 (e) "Waters of the state" has the same meaning as defined in Section [73-18-2](#).

1440 (2) A person may not drink any alcoholic beverage while operating a motor vehicle or
1441 while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any
1442 highway or waters of the state.

1443 (3) A person may not keep, carry, possess, transport, or allow another to keep, carry,
1444 possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on
1445 any highway or waters of the state, any container which contains any alcoholic beverage if the
1446 container has been opened, its seal broken, or the contents of the container partially consumed.

- 1447 (4) Subsections (2) and (3) do not apply to a passenger:
1448 (a) in the living quarters of a motor home or camper;
1449 (b) who has carried an alcoholic beverage onto a limousine or chartered bus that is in
1450 compliance with Subsections 32B-4-415(4)(b) and (c); or
1451 (c) in a motorboat on the waters of the state.
1452 (5) Subsection (3) does not apply to passengers traveling in any licensed taxicab or bus.
1453 (6) A violation of Subsection (2) or (3) is a class C misdemeanor.

1454 Section 43. Section 41-6a-601 is amended to read:

1455 **41-6a-601. Speed regulations -- Safe and appropriate speeds at certain locations**
1456 **-- Prima facie speed limits -- Emergency power of the governor.**

1457 (1) A person may not operate a vehicle at a speed greater than is reasonable and
1458 prudent under the existing conditions, giving regard to the actual and potential hazards then
1459 existing, including when:

- 1460 (a) approaching and crossing an intersection or railroad grade crossing;
1461 (b) approaching and going around a curve;
1462 (c) approaching a hill crest;
1463 (d) traveling upon any narrow or winding roadway; and
1464 (e) approaching other hazards that exist due to pedestrians, other traffic, weather, or
1465 highway conditions.

1466 (2) Subject to Subsections (1) and (4) and Sections 41-6a-602 and 41-6a-603, the
1467 following speeds are lawful:

- 1468 (a) 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303;
1469 (b) 25 miles per hour in any urban district; and
1470 (c) 55 miles per hour in other locations.

1471 (3) Except as provided in Section 41-6a-604, any speed in excess of the limits provided
1472 in this section or established under Sections 41-6a-602 and 41-6a-603 is prima facie evidence
1473 that the speed is not reasonable or prudent and that it is unlawful.

1474 (4) A violation of Subsection (1) is a class C misdemeanor.

1475 [~~4~~] (5) The governor by proclamation in time of war or emergency may change the
1476 speed limits on the highways of the state.

1477 Section 44. Section 41-6a-605 is amended to read:

1478 **41-6a-605. Minimum speed regulations.**

1479 (1) A person may not operate a motor vehicle at a speed so slow as to impede or block
1480 the normal and reasonable movement of traffic except when:

- 1481 (a) a reduced speed is necessary for safe operation;
- 1482 (b) upon a grade; or
- 1483 (c) in compliance with a traffic-control device.

1484 (2) Operating a motor vehicle on a limited access highway at less than the speed limit
1485 side by side with and at the same speed as a vehicle operated in the adjacent right lane is
1486 evidence of a violation of Subsection (1).

1487 (3) (a) If, based on an engineering and traffic investigation, a highway authority
1488 determines that slow speeds on any part of a highway under its jurisdiction consistently impede
1489 the normal and reasonable movement of traffic, the highway authority may post a minimum
1490 speed limit.

1491 (b) If a minimum speed limit is posted under this Subsection (3), a person may not
1492 operate a vehicle at a speed below the posted minimum speed limit except:

- 1493 (i) when necessary for safe operation; or
- 1494 (ii) in accordance with Section [41-6a-205](#).

1495 (c) The minimum speed limit is effective when appropriate signs giving notice are
1496 erected along the highway or section of the highway.

1497 (4) A violation of this section is an infraction.

1498 Section 45. Section **41-6a-702** is amended to read:

1499 **41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --**

1500 **Penalties.**

1501 (1) As used in this section and Section [41-6a-704](#), "general purpose lane" means a
1502 highway lane open to vehicular traffic but does not include a designated:

- 1503 (a) high occupancy vehicle (HOV) lane; or
- 1504 (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway
1505 off-ramp.

1506 (2) On a freeway or section of a freeway which has three or more general purpose lanes
1507 in the same direction, a person may not operate a vehicle in the left most general purpose lane
1508 if the person's:

- 1509 (a) vehicle is drawing a trailer or semitrailer regardless of size; or
1510 (b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more
1511 pounds.
- 1512 (3) Subsection (2) does not apply to a person operating a vehicle who is:
1513 (a) preparing to turn left or taking a different highway split or an exit on the left;
1514 (b) responding to emergency conditions;
1515 (c) avoiding actual or potential traffic moving onto the highway from an acceleration or
1516 merging lane; or
1517 (d) following direction signs that direct use of a designated lane.
- 1518 (4) (a) A highway authority may designate a specific lane or lanes of travel for any type
1519 of vehicle on a highway or portion of a highway under its jurisdiction for the:
1520 (i) safety of the public;
1521 (ii) efficient maintenance of a highway; or
1522 (iii) use of high occupancy vehicles.
- 1523 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs
1524 giving notice are erected on the highway or portion of the highway.
- 1525 (c) If a highway authority establishes an HOV lane, the highway authority shall
1526 annually report to the Transportation Interim Committee no later than November 30 of each
1527 year regarding:
1528 (i) the types of vehicles that may access the lane;
1529 (ii) where, when, and how a vehicle may access the lane;
1530 (iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of
1531 persons specified for the lane;
1532 (iv) the usage of the HOV lane as compared to the usage of the general purpose lanes
1533 along the same stretch of highway; and
1534 (v) the compliance issues, safety risks, and impacts of the lane parameters described
1535 under Subsections (4)(c)(i), (ii), and (iii).
- 1536 (5) (a) Subject to Subsection (5)(b) and beginning on July 1, 2011, the lane designation
1537 under Subsection (4)(a)(iii) shall allow a vehicle with a clean fuel vehicle decal issued in
1538 accordance with Section 72-6-121 to travel in lanes designated for the use of high occupancy
1539 vehicles regardless of the number of occupants as permitted by federal law or federal

1540 regulation.

1541 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1542 the Department of Transportation may make rules to allow a vehicle with a clean fuel vehicle
1543 decal to travel in lanes designated for the use of high occupancy vehicles regardless of the
1544 number of occupants as permitted by federal law or federal regulation.

1545 (ii) Except as provided in Subsection (5)(b)(iii), the Department of Transportation may
1546 not issue more than 6,000 clean fuel vehicle decals under Section 72-6-121.

1547 (iii) The Department of Transportation may, through rules made under Subsection
1548 (5)(b)(i), increase the number of clean fuel vehicle decals issued in accordance with Section
1549 72-6-121 beyond the minimum described in Subsection (5)(b)(ii) if the increased issuance will
1550 allow the Department of Transportation to continue to meet its goals for operational
1551 management of the lane designated under Subsection (4)(a)(iii).

1552 (6) A person who operates a vehicle in violation of Subsection (2) or in violation of the
1553 restrictions made under Subsection (4) is guilty of [~~a class C misdemeanor~~] an infraction.

1554 Section 46. Section 41-6a-703 is amended to read:

1555 **41-6a-703. Passing vehicles proceeding in opposite directions.**

1556 (1) In accordance with Section 41-6a-701, a person operating a vehicle proceeding in
1557 an opposite direction from another vehicle shall pass the other vehicle to the right.

1558 (2) On a roadway having width for not more than one line of traffic in each direction,
1559 the operator of a vehicle shall, as nearly as possible, give to the other at least 1/2 of the main
1560 traveled portion of the roadway.

1561 (3) A violation of this section is an infraction.

1562 Section 47. Section 41-6a-704 is amended to read:

1563 **41-6a-704. Overtaking and passing vehicles proceeding in same direction.**

1564 (1) (a) On any highway:

1565 (i) the operator of a vehicle overtaking another vehicle proceeding in the same
1566 direction shall:

1567 (A) except as provided under Section 41-6a-705, promptly pass the overtaken vehicle
1568 on the left at a safe distance; and

1569 (B) enter a right-hand lane or the right side of the roadway only when safely clear of the
1570 overtaken vehicle;

1571 (ii) the operator of an overtaken vehicle:
1572 (A) shall give way to the right in favor of the overtaking vehicle; and
1573 (B) may not increase the speed of the vehicle until completely passed by the overtaking
1574 vehicle.

1575 (b) The exemption from the minimum speed regulations for a vehicle operating on a
1576 grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as
1577 required under Subsection (1)(a)(i)(A).

1578 (2) On a highway having more than one lane in the same direction, the operator of a
1579 vehicle traveling in the left general purpose lane:

1580 (a) shall, upon being overtaken by another vehicle in the same lane, yield to the
1581 overtaking vehicle by moving safely to a lane to the right; and

1582 (b) may not impede the movement or free flow of traffic in the left general purpose
1583 lane.

1584 (3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle
1585 following directly behind the operator's vehicle at a distance so that less than two seconds
1586 elapse before reaching the location of the operator's vehicle when space is available for the
1587 operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie
1588 evidence that the operator is violating Subsection (2).

1589 (4) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling
1590 in the left general purpose lane when:

1591 (a) overtaking and passing another vehicle proceeding in the same direction in
1592 accordance with Subsection (1)(a)(i);

1593 (b) preparing to turn left or taking a different highway or an exit on the left;

1594 (c) responding to emergency conditions;

1595 (d) avoiding actual or potential traffic moving onto the highway from an acceleration
1596 or merging lane; or

1597 (e) following the direction of a traffic-control device that directs the use of a designated
1598 lane.

1599 (5) A violation of Subsection (1) or (2) is an infraction.

1600 Section 48. Section 41-6a-705 is amended to read:

1601 **41-6a-705. Passing upon right -- When permissible.**

1602 (1) The operator of a vehicle may overtake and pass on the right of another vehicle
1603 only:

- 1604 (a) when the vehicle overtaken is making or preparing to make a left turn; or
- 1605 (b) on a roadway with unobstructed pavement of sufficient width for two or more lines
1606 of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

1607 (2) The operator of a vehicle may overtake and pass another vehicle on the right only
1608 under conditions permitting the movement with safety.

1609 (3) Except for a person operating a bicycle, the operator of a vehicle may not overtake
1610 and pass another vehicle if the movement is made by driving off the roadway.

1611 (4) A violation of this section is an infraction.

1612 Section 49. Section **41-6a-706** is amended to read:

1613 **41-6a-706. Limitation on passing -- Prohibitions.**

1614 (1) Subject to the provisions of Section **41-6a-707**, on a two-way highway, a person
1615 may not operate a vehicle to the left side of the center of the roadway to pass another vehicle
1616 proceeding in the same direction unless the left side is:

- 1617 (a) clearly visible; and
- 1618 (b) free of oncoming traffic for a sufficient distance to permit the passing movement to
1619 be completed without interfering with the operation of any vehicle approaching from the
1620 opposite direction in accordance with Subsection (2).

1621 (2) The person operating the overtaking vehicle shall return the vehicle to an
1622 authorized lane of travel:

- 1623 (a) as soon as practical; and
- 1624 (b) if the passing movement involves the use of a lane authorized for vehicles
1625 approaching in the opposite direction, before coming within 200 feet of any vehicle
1626 approaching from the opposite direction.

1627 (3) A violation of this section is an infraction.

1628 Section 50. Section **41-6a-706.5** is amended to read:

1629 **41-6a-706.5. Definitions -- Operation of motor vehicle near a vulnerable user of a**
1630 **highway prohibited -- Endangering a vulnerable user of a highway prohibited.**

1631 (1) As used in this section, "vulnerable user of a highway" means:

- 1632 (a) a pedestrian, including a person engaged in work upon a highway or upon utilities

1633 facilities along a highway or providing emergency services within the right-of-way of a
1634 highway;

1635 (b) a person riding an animal; or

1636 (c) a person operating any of the following on a highway:

1637 (i) a farm tractor or implement of husbandry, without an enclosed shell;

1638 (ii) a skateboard;

1639 (iii) roller skates;

1640 (iv) in-line skates;

1641 (v) a bicycle;

1642 (vi) an electric-assisted bicycle;

1643 (vii) an electric personal assistive mobility device;

1644 (viii) a moped;

1645 (ix) a motor-driven cycle;

1646 (x) a motorized scooter;

1647 (xi) a motorcycle; or

1648 (xii) a manual wheelchair.

1649 (2) An operator of a motor vehicle may not knowingly, intentionally, or recklessly:

1650 (a) operate a motor vehicle within three feet of a vulnerable user of a highway;

1651 (b) distract or attempt to distract a vulnerable user of a highway for the purpose of
1652 causing violence or injury to the vulnerable user of a highway; or

1653 (c) force or attempt to force a vulnerable user of a highway off of the roadway for a
1654 purpose unrelated to public safety.

1655 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is [~~a class~~
1656 ~~€ misdemeanor~~] an infraction.

1657 (b) A violation of Subsection (2) that results in bodily injury to the vulnerable user of a
1658 highway is a class [~~B~~] C misdemeanor.

1659 Section 51. Section ~~41-6a-707~~ is amended to read:

1660 **41-6a-707. Limitations on driving on left side of road -- Exceptions.**

1661 (1) A person may not operate a vehicle on the left side of the roadway:

1662 (a) when approaching or on a crest of a grade or a curve on the highway where the
1663 person's view is obstructed within a distance which creates a hazard if another vehicle

1664 approached from the opposite direction;

1665 (b) when approaching within 100 feet of or traversing any intersection or railroad grade
1666 crossing unless otherwise indicated by a traffic-control device or a peace officer; or

1667 (c) when the view is obstructed while approaching within 100 feet of any bridge,
1668 viaduct, or tunnel.

1669 (2) Subsection (1) does not apply:

1670 (a) on a one-way roadway;

1671 (b) under the conditions described in Subsection 41-6a-701(1)(b); or

1672 (c) to a person operating a vehicle turning left onto or from an alley, private road, or
1673 driveway.

1674 (3) A violation of Subsection (1) is an infraction.

1675 Section 52. Section 41-6a-708 is amended to read:

1676 **41-6a-708. Signs and markings on roadway -- No-passing zones -- Exceptions.**

1677 (1) (a) A highway authority may designate no-passing zones on any portion of a
1678 highway under its jurisdiction if the highway authority determines passing is especially
1679 hazardous.

1680 (b) A highway authority shall designate a no-passing zone under Subsection (1)(a) by
1681 placing appropriate traffic-control devices on the highway.

1682 (2) A person operating a vehicle may not drive on the left side of:

1683 (a) the roadway within the no-passing zone; or

1684 (b) any pavement striping designed to mark the no-passing zone.

1685 (3) Subsection (2) does not apply:

1686 (a) under the conditions described under Subsections 41-6a-701(1)(b) and (c); or

1687 (b) to a person operating a vehicle turning left onto or from an alley, private road, or
1688 driveway.

1689 (3) A violation of Subsection (2) is an infraction.

1690 Section 53. Section 41-6a-709 is amended to read:

1691 **41-6a-709. One-way traffic.**

1692 (1) A highway authority may designate any highway, roadway, part of a roadway, or
1693 specific lanes under the highway authority's jurisdiction for one direction of vehicle travel at all
1694 times as indicated by traffic-control devices.

1695 (2) On a roadway designated for one-way traffic, a person operating a vehicle shall
1696 operate the vehicle in the direction indicated by traffic-control devices.

1697 (3) A person operating a vehicle in a roundabout shall operate the vehicle only to the
1698 right of the roundabout island.

1699 (4) A violation of Subsection (2) or (3) is an infraction.

1700 Section 54. Section **41-6a-710** is amended to read:

1701 **41-6a-710. Roadway divided into marked lanes -- Provisions -- Traffic-control**
1702 **devices.**

1703 On a roadway divided into two or more clearly marked lanes for traffic the following
1704 provisions apply and any violation of this section is an infraction:

1705 (1) (a) A person operating a vehicle:

1706 (i) shall keep the vehicle as nearly as practical entirely within a single lane; and

1707 (ii) may not move the vehicle from the lane until the operator has reasonably
1708 determined the movement can be made safely.

1709 (b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person
1710 acting under the same conditions and having regard for actual and potential hazards then
1711 existing would determine that the movement could be made safely.

1712 (2) (a) On a roadway divided into three or more lanes and providing for two-way
1713 movement of traffic, a person operating a vehicle may not drive in the center lane except:

1714 (i) when overtaking and passing another vehicle traveling in the same direction, and
1715 when the center lane is:

1716 (A) clear of traffic within a safe distance; and

1717 (B) not a two-way left turn lane;

1718 (ii) in preparation of making or completing a left turn in compliance with Section
1719 [41-6a-801](#); or

1720 (iii) where the center lane is allocated exclusively to traffic moving in the same
1721 direction that the vehicle is proceeding as indicated by traffic-control devices.

1722 (b) Notwithstanding Subsection (2)(a)(i) and in accordance with Subsection (1)(a), a
1723 person operating a vehicle may drive in a center lane that is a two-way left turn lane if:

1724 (i) the center lane is:

1725 (A) on a roadway divided into three or more lanes that provides for two-way

1726 movement of traffic; and

1727 (B) clear of traffic within a safe distance;

1728 (ii) there is only one lane of travel in the direction the person operating the vehicle is
1729 traveling; and

1730 (iii) the person operating the vehicle is overtaking and passing a bicycle or moped that
1731 is moving at less than the reasonable speed of traffic that is present.

1732 (3) (a) A highway authority may erect traffic-control devices directing specified traffic
1733 to use a designated lane or designating those lanes to be used by traffic moving in a particular
1734 direction regardless of the center of the roadway.

1735 (b) An operator of a vehicle shall obey the directions of a traffic-control device erected
1736 under Subsection (3)(a).

1737 Section 55. Section **41-6a-711** is amended to read:

1738 **41-6a-711. Following another vehicle -- Safe distance -- Exceptions.**

1739 (1) The operator of a vehicle:

1740 (a) may not follow another vehicle more closely than is reasonable and prudent, having
1741 regard for the:

1742 (i) speed of the vehicles;

1743 (ii) traffic upon the highway; and

1744 (iii) condition of the highway; and

1745 (b) shall follow at a distance so that at least two seconds elapse before reaching the
1746 location of the vehicle directly in front of the operator's vehicle.

1747 (2) Subsection (1)(b) does not apply to funeral processions or to congested traffic
1748 conditions resulting in prevailing vehicle speeds of less than 35 miles per hour.

1749 (3) A violation of Subsection (1) is an infraction.

1750 Section 56. Section **41-6a-712** is amended to read:

1751 **41-6a-712. Divided highway -- Use of right-hand side -- Crossing only where**
1752 **permitted.**

1753 (1) A person operating a vehicle on a divided highway shall use the right-hand roadway
1754 unless directed or permitted to use another roadway by a traffic-control device or a peace
1755 officer.

1756 (2) A person operating a vehicle may not operate the vehicle over, across, or within any

1757 dividing space, median, or barrier of a divided highway, except when:

1758 (a) authorized by a traffic-control device or a peace officer; or

1759 (b) operating a tow truck in response to a customer service call and the tow truck motor

1760 carrier has already received authorization from the local law enforcement agency in the

1761 jurisdiction where the vehicle to be towed is located.

1762 (3) A violation of this section is an infraction.

1763 Section 57. Section **41-6a-713** is amended to read:

1764 **41-6a-713. Driving over gore area or island prohibited -- Exceptions -- Penalties.**

1765 (1) (a) A person may not operate a vehicle over, across, or within any part of a gore
1766 area or an island.

1767 (b) Subsection (1)(a) does not apply to:

1768 (i) a person operating a vehicle that is disabled; or

1769 (ii) an operator of an authorized emergency vehicle under conditions described under

1770 Section [41-6a-208](#).

1771 (2) A person who violates Subsection (1) is guilty of [~~class C misdemeanor~~] an
1772 infraction.

1773 Section 58. Section **41-6a-714** is amended to read:

1774 **41-6a-714. Freeway and controlled-access highways -- Driving onto and from**
1775 **highways where permitted.**

1776 (1) A person may not operate a vehicle onto or from any freeway or other
1777 controlled-access highway except at entrances and exits established by the highway authority
1778 having jurisdiction over the highway.

1779 (2) A violation of Subsection (1) is an infraction.

1780 Section 59. Section **41-6a-716** is amended to read:

1781 **41-6a-716. Driving on tollway without paying toll prohibited.**

1782 (1) As used in this section, "tollway" has the same meaning as defined in Section
1783 [72-6-118](#).

1784 (2) The operator of a vehicle traveling on a tollway shall pay the toll imposed by the
1785 department or other entity for that tollway under Section [72-6-118](#).

1786 (3) A person who violates Subsection (2) is guilty of [~~a class C misdemeanor~~] an
1787 infraction.

1788 Section 60. Section **41-6a-717** is amended to read:

1789 **41-6a-717. Use of runaway vehicle ramps.**

1790 (1) A person may not use a runaway vehicle ramp unless the person is in an emergency
1791 situation requiring the use of the ramp to stop the person's vehicle.

1792 (2) A person may not stop, stand, or park a vehicle on a runaway vehicle ramp or in the
1793 pathway of the runaway vehicle ramp.

1794 (3) A violation of this section is an infraction.

1795 Section 61. Section **41-6a-801** is amended to read:

1796 **41-6a-801. Turning -- Manner -- Traffic-control devices.**

1797 The operator of a vehicle shall make turns as follows, and a violation of this section is
1798 an infraction:

1799 (1) Right turns: both a right turn and an approach for a right turn shall be made as close
1800 as practical to the right-hand curb or edge of the roadway.

1801 (2) Left turns:

1802 (a) the operator of a vehicle intending to turn left shall approach the turn from the
1803 extreme left-hand lane for traffic moving in the same direction;

1804 (b) whenever practicable, shall be made by turning onto the roadway being entered in
1805 the extreme left-hand lane for traffic moving in the new direction, unless otherwise directed by
1806 a traffic-control device; and

1807 (c) may be made on a highway across solid double yellow line pavement markings
1808 indicating a two-direction, no-passing zone.

1809 (3) Two-way left turn lanes:

1810 (a) where a two-way left turn lane is provided, a left turn may not be made from any
1811 other lane;

1812 (b) a vehicle may not be driven in the two-way left turn lane except when preparing for
1813 or making:

1814 (i) a left turn from or into the roadway; or

1815 (ii) a U-turn except when prohibited by a traffic-control device;

1816 (c) (i) except as provided under Subsection (3)(c)(ii), the operator of a vehicle
1817 intending to turn left may not enter a two-way left turn lane more than 500 feet prior to making
1818 the turn;

1819 (ii) if traffic in the two-way left turn lane extends beyond 500 feet, the operator of a
1820 vehicle intending to turn left may enter the two-way left turn lane immediately upon reaching
1821 the last vehicle in the two-way left turn lane;

1822 (d) the operator of a vehicle that has turned left into the two-way left turn lane may not
1823 travel in the lane more than 500 feet unless the operator intends to turn left and Subsection
1824 (3)(c)(ii) applies; and

1825 (e) the operator of a vehicle may not travel straight through an intersection in a
1826 two-way left turn lane.

1827 (4) (a) A highway authority in its jurisdiction may provide exceptions to the provisions
1828 of this section by erecting traffic-control devices directing a different course to be traveled by
1829 turning vehicles.

1830 (b) The operator of a vehicle may not turn a vehicle in violation of a traffic-control
1831 device erected under Subsection (4)(a).

1832 Section 62. Section **41-6a-802** is amended to read:

1833 **41-6a-802. Turning around -- Where prohibited -- Visibility.**

1834 (1) As used in this section, "railroad grade crossing" means the area between the
1835 passive or active warning signs where a railroad track and roadway intersect.

1836 (2) The operator of a vehicle may not make a U-turn or turn the vehicle to proceed in
1837 the opposite direction:

1838 (a) unless the movement can be made safely and without interfering with other traffic;

1839 (b) on any curve, or upon the approach to, or near the crest of a grade, if the vehicle is
1840 not visible at a distance of 500 feet by the operator of any other vehicle approaching from
1841 either direction; and

1842 (c) on a railroad track or railroad grade crossing.

1843 (3) A violation of Subsection (2) is an infraction.

1844 Section 63. Section **41-6a-803** is amended to read:

1845 **41-6a-803. Moving a vehicle -- Safety.**

1846 (1) A person may not move a vehicle which is stopped, standing, or parked until the
1847 movement may be made with reasonable safety.

1848 (2) A violation of this section is an infraction.

1849 Section 64. Section **41-6a-804** is amended to read:

1850 **41-6a-804. Turning or changing lanes -- Safety -- Signals -- Stopping or sudden**
1851 **decrease in speed -- Signal flashing -- Where prohibited.**

1852 (1) (a) A person may not turn a vehicle or move right or left on a roadway or change
1853 lanes until:

1854 (i) the movement can be made with reasonable safety; and

1855 (ii) an appropriate signal has been given as provided under this section.

1856 (b) A signal of intention to turn right or left or to change lanes shall be given
1857 continuously for at least the last two seconds preceding the beginning of the movement.

1858 (2) A person may not stop or suddenly decrease the speed of a vehicle without first
1859 giving an appropriate signal to the operator of any vehicle immediately to the rear when there is
1860 opportunity to give a signal.

1861 (3) (a) A stop or turn signal when required shall be given either by the hand and arm or
1862 by signal lamps.

1863 (b) If hand and arm signals are used, a person operating a vehicle shall give the
1864 required hand and arm signals from the left side of the vehicle as follows:

1865 (i) left turn: hand and arm extended horizontally;

1866 (ii) right turn: hand and arm extended upward; and

1867 (iii) stop or decrease speed: hand and arm extended downward.

1868 (c) (i) A person operating a bicycle or device propelled by human power may give the
1869 required hand and arm signals for a right turn by extending the right hand and arm horizontally
1870 to the right.

1871 (ii) This Subsection (3)(c) is an exception to the provision of Subsection (3)(b)(ii).

1872 (4) A person required to make a signal under this section may not flash a signal:

1873 (a) on one side only on a disabled vehicle;

1874 (b) as a courtesy or "do pass" to operators of other vehicles approaching from the rear;

1875 or

1876 (c) on one side only of a parked vehicle.

1877 (5) A violation of this section is an infraction.

1878 Section 65. Section **41-6a-901** is amended to read:

1879 **41-6a-901. Right-of-way between vehicles -- Unregulated intersection.**

1880 (1) The operator of a vehicle approaching an intersection not regulated by a

1881 traffic-control device shall yield the right-of-way to any vehicle that has entered the
1882 intersection from a different highway.

1883 (2) Except as specified in Subsection (3) and unless otherwise directed by a peace
1884 officer, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the
1885 right when:

1886 (a) more than one vehicle enters or approaches an intersection from different highways
1887 at approximately the same time; and

1888 (b) the intersection:

1889 (i) is not regulated by a traffic-control device;

1890 (ii) is not regulated because the traffic-control signal is inoperative; or

1891 (iii) is regulated from all directions by stop signs.

1892 (3) The operator of a vehicle approaching an intersection not regulated by a
1893 traffic-control device:

1894 (a) from a highway that does not continue beyond the intersection, shall yield the
1895 right-of-way to the operator of any vehicle on the intersecting highway; and

1896 (b) from a highway that is not paved, shall yield the right-of-way to the operator of any
1897 vehicle on a paved intersecting highway.

1898 (4) A violation of this section is an infraction.

1899 Section 66. Section **41-6a-902** is amended to read:

1900 **41-6a-902. Right-of-way -- Stop or yield signals -- Yield -- Collisions at**
1901 **intersections or junctions of roadways -- Evidence.**

1902 (1) Preferential right-of-way may be indicated by stop signs or yield signs under
1903 Section [41-6a-906](#).

1904 (2) (a) Except when directed to proceed by a peace officer, every operator of a vehicle
1905 approaching a stop sign shall stop:

1906 (i) at a clearly marked stop line;

1907 (ii) before entering the crosswalk on the near side of the intersection if there is not a
1908 clearly marked stop line; or

1909 (iii) at a point nearest the intersecting roadway where the operator has a view of
1910 approaching traffic on the intersecting roadway before entering it if there is not a clearly
1911 marked stop line or a crosswalk.

1912 (b) After having stopped at a stop sign, the operator of a vehicle shall yield the
1913 right-of-way to any vehicle in the intersection or approaching on another roadway so closely as
1914 to constitute an immediate hazard.

1915 (c) The operator of a vehicle approaching a stop sign shall yield the right-of-way to
1916 pedestrians within an adjacent crosswalk.

1917 (3) (a) The operator of a vehicle approaching a yield sign shall:

1918 (i) slow down to a speed reasonable for the existing conditions; and

1919 (ii) if required for safety, stop as provided under Subsection (2).

1920 (b) (i) After slowing or stopping at a yield sign, the operator of a vehicle shall yield the
1921 right-of-way to any vehicle in the intersection or approaching on another roadway so closely as
1922 to constitute an immediate hazard during the time the operator is moving across or within the
1923 intersection or junction of roadways.

1924 (ii) The operator of a vehicle approaching a yield sign shall yield to pedestrians within
1925 an adjacent crosswalk.

1926 (4) (a) A collision is prima facie evidence of an operator's failure to yield the
1927 right-of-way after passing a yield sign without stopping if the operator is involved in a
1928 collision:

1929 (i) with a vehicle in the intersection or junction of roadways; or

1930 (ii) with a pedestrian at an adjacent crosswalk.

1931 (b) A collision under Subsection (4)(a) is not considered negligence per se in
1932 determining liability for the accident.

1933 (5) A violation of Subsection (2) or (3) is an infraction.

1934 Section 67. Section **41-6a-903** is amended to read:

1935 **41-6a-903. Yield right-of-way -- Vehicle turning left -- Entering or crossing**
1936 **highway other than from another roadway -- Merging lanes.**

1937 (1) The operator of a vehicle:

1938 [~~(1)~~] (a) intending to turn to the left shall yield the right-of-way to any vehicle
1939 approaching from the opposite direction which is so close to the turning vehicle as to constitute
1940 an immediate hazard;

1941 [~~(2)~~] (b) about to enter or cross a highway from any place other than another highway
1942 shall yield the right-of-way to all vehicles approaching on the highway to be entered or crossed;

1943 and

1944 ~~[(3)]~~ (c) traveling in a lane that is about to merge into a continuing lane, shall yield the
1945 right-of-way to all vehicles traveling in the continuing lane and which are so close as to be an
1946 immediate hazard.

1947 (2) A violation of Subsection (1) is an infraction.

1948 Section 68. Section **41-6a-904** is amended to read:

1949 **41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary**
1950 **emergency vehicle -- Duties of respective operators.**

1951 (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon
1952 the immediate approach of an authorized emergency vehicle using audible or visual signals
1953 under Section [41-6a-212](#) or [41-6a-1625](#), shall:

1954 (a) yield the right-of-way and immediately move to a position parallel to, and as close
1955 as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

1956 (b) then stop and remain stopped until the authorized emergency vehicle has passed.

1957 (2) The operator of a vehicle, upon approaching a stationary authorized emergency
1958 vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

1959 (a) reduce the speed of the vehicle;

1960 (b) provide as much space as practical to the stationary authorized emergency vehicle;

1961 and

1962 (c) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if
1963 practical, with due regard to safety and traffic conditions, make a lane change into a lane not
1964 adjacent to the authorized emergency vehicle.

1965 (3) The operator of a vehicle, upon approaching a stationary tow truck or highway
1966 maintenance vehicle that is displaying flashing amber lights, shall:

1967 (a) reduce the speed of the vehicle; and

1968 (b) provide as much space as practical to the stationary tow truck or highway
1969 maintenance vehicle.

1970 (4) This section does not relieve the operator of an authorized emergency vehicle, tow
1971 truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all
1972 persons using the highway.

1973 (5) (a) (i) In addition to the penalties prescribed under ~~[Section [41-6a-202](#)]~~ Subsection

1974 (7), a person who violates this section shall attend a four hour live classroom defensive driving
1975 course approved by:

- 1976 (A) the Driver License Division; or
- 1977 (B) a court in this state.

1978 (ii) Upon completion of the four hour live classroom course under Subsection (5)(a)(i),
1979 the person shall provide to the Driver License Division a certificate of attendance of the
1980 classroom course.

1981 (b) The Driver License Division shall suspend a person's driver license for a period of
1982 90 days if the person:

- 1983 (i) violates a provision of Subsections (1) through (3); and
- 1984 (ii) fails to meet the requirements of Subsection (5)(a)(i) within 90 days of sentencing
1985 for or pleading guilty to a violation of this section.

1986 (c) Notwithstanding the provisions of Subsection (5)(b), the Driver License Division
1987 shall shorten the 90-day suspension period imposed under Subsection (5)(b) effective
1988 immediately upon receiving a certificate of attendance of the four hour live classroom course
1989 required under Subsection (5)(a)(i) if the certificate of attendance is received prior to
1990 completion of the suspension period.

1991 (d) A person whose license is suspended under Subsection (5)(b) is required to pay the
1992 license reinstatement fees under Subsection 53-3-105(23), including a person whose
1993 suspension is shortened as described under Subsection (5)(c).

1994 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1995 Driver License Division shall make rules to implement the provisions of this part.

1996 (7) A violation of Subsection (1), (2), or (3) is a class C misdemeanor.

1997 Section 69. Section **41-6a-906** is amended to read:

1998 **41-6a-906. Designation of through highways -- Stop signs, yield signs, and**
1999 **traffic-control devices -- Designation of intersections as locations for preferential**
2000 **right-of-way treatment.**

2001 (1) A highway authority, with reference to highways under its jurisdiction, may erect
2002 and maintain stop signs, yield signs, or other traffic-control devices to designate:

- 2003 [~~(1)~~] (a) through highways; or
- 2004 [~~(2)~~] (b) intersections or other roadway junctions at which vehicular traffic on one or

2005 more of the roadways should yield or stop and yield before entering the intersection or
2006 junction.

2007 (2) A violation of Subsection (1) is an infraction.

2008 Section 70. Section **41-6a-907** is amended to read:

2009 **41-6a-907. Vehicles emerging from alleys, buildings, private roads, or driveways**
2010 **must stop prior to sidewalk area or street.**

2011 (1) The operator of a vehicle emerging from an alley, building, private road or
2012 driveway within a business or residence district shall stop:

2013 [(1)] (a) the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk
2014 area extending across the alley, building, private road, or driveway; or

2015 [(2)] (b) if there is no sidewalk area, at the point nearest the street to be entered where
2016 the operator has a view of approaching traffic.

2017 (2) A violation of Subsection (1) is an infraction.

2018 Section 71. Section **41-6a-1001** is amended to read:

2019 **41-6a-1001. Pedestrians subject to traffic-control devices -- Other controls.**

2020 (1) A pedestrian shall obey the instructions of a traffic-control device specifically
2021 applicable to the pedestrian unless otherwise directed by a peace officer.

2022 (2) A pedestrian is subject to traffic and pedestrian-control signals under Sections
2023 [41-6a-305](#) and [41-6a-306](#).

2024 (3) A violation of this section is an infraction.

2025 Section 72. Section **41-6a-1003** is amended to read:

2026 **41-6a-1003. Pedestrians yielding right-of-way -- Limits on pedestrians.**

2027 (1) A pedestrian crossing a roadway at any point other than within a marked crosswalk
2028 or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles
2029 on the roadway.

2030 (2) A pedestrian crossing a roadway at a point where there is a pedestrian tunnel or
2031 overhead pedestrian crossing shall yield the right-of-way to all vehicles on the roadway.

2032 (3) Between adjacent intersections at which traffic-control signals are in operation, a
2033 pedestrian may not cross at any place except in a marked crosswalk.

2034 (4) (a) A pedestrian may not cross a roadway intersection diagonally unless authorized
2035 by a traffic-control device.

2036 (b) If a pedestrian is authorized to cross diagonally under Subsection (4)(a), the
2037 pedestrian shall cross only as directed by the appropriate traffic-control device.

2038 (5) A violation of this section is an infraction.

2039 Section 73. Section **41-6a-1004** is amended to read:

2040 **41-6a-1004. Emergency vehicle -- Necessary signals -- Duties of operator --**
2041 **Pedestrian to yield.**

2042 (1) A pedestrian shall yield the right-of-way to an authorized emergency vehicle upon
2043 the immediate approach of an authorized emergency vehicle using audible or visual signals in
2044 accordance with Section [41-6a-212](#) or [41-6a-1625](#).

2045 (2) This section does not relieve the operator of an authorized emergency vehicle from:

2046 (a) the duty to drive with regard for the safety of all persons using the highway; nor

2047 (b) from the duty to exercise care to avoid colliding with a pedestrian.

2048 (3) A violation of this section is an infraction.

2049 Section 74. Section **41-6a-1005** is amended to read:

2050 **41-6a-1005. Limitation on pedestrians related to railroad grade crossings or**
2051 **bridges.**

2052 (1) As used in this section, "active railroad grade crossing" means a railroad grade
2053 crossing when:

2054 (a) the gate or barrier is closed or is being opened or closed;

2055 (b) warning lights are flashing;

2056 (c) audible warning devices are being sounded; or

2057 (d) other traffic control devices signal the approach of a railroad train.

2058 (2) A pedestrian may not pass through, around, over, or under or remain on a crossing
2059 gate or barrier at an active railroad grade crossing or bridge.

2060 (3) A pedestrian may not enter or remain within the area between a railroad track and a
2061 railroad sign or signal if the railroad grade crossing is active.

2062 (4) A pedestrian may not occupy or remain on a railroad grade crossing when the
2063 railroad sign or signal is not active except to cross the railroad crossing on a designated
2064 walkway.

2065 (5) A pedestrian may not remain in an area between railroad signs or signals, railroad
2066 gates, or rail crossing arms if the railroad grade crossing is active.

2067 (6) A violation of Subsection (2), (3), (4), or (5) is an infraction.

2068 Section 75. Section **41-6a-1009** is amended to read:

2069 **41-6a-1009. Use of roadway by pedestrians -- Prohibited activities.**

2070 (1) Where there is a sidewalk provided and its use is practicable, a pedestrian may not
2071 walk along or on an adjacent roadway.

2072 (2) Where a sidewalk is not provided, a pedestrian walking along or on a highway shall
2073 walk only on the shoulder, as far as practicable from the edge of the roadway.

2074 (3) Where a sidewalk or a shoulder is not available, a pedestrian walking along or on a
2075 highway shall:

2076 (a) walk as near as practicable to the outside edge of the roadway; and

2077 (b) if on a two-way roadway, walk only on the left side of the roadway facing traffic.

2078 (4) (a) An individual may not engage in conduct that impedes or blocks traffic within
2079 any of the following:

2080 (i) an interstate system, as defined in Section [72-1-102](#);

2081 (ii) a freeway, as defined in Section [41-6a-102](#);

2082 (iii) a state highway, as defined in Title 72, Chapter 4, Designation of State Highways
2083 Act; or

2084 (iv) a state route, or "SR," as defined in Section [72-1-102](#).

2085 (b) The locations described in Subsection (4)(a) include:

2086 (i) shoulder areas, as defined in Section [41-6a-102](#);

2087 (ii) on-ramps;

2088 (iii) off-ramps; and

2089 (iv) an area between the roadways of a divided highway, as defined in Section
2090 [41-6a-102](#).

2091 (c) The locations described in Subsection (4)(a) do not include sidewalks, as defined in
2092 Section [41-6a-102](#).

2093 (d) Conduct that impedes or blocks traffic may include:

2094 (i) loitering;

2095 (ii) demonstrating or picketing;

2096 (iii) distributing materials;

2097 (iv) gathering signatures;

- 2098 (v) holding signs; or
2099 (vi) soliciting rides, contributions, or other business.
2100 (e) Conduct that impedes or blocks traffic does not include the conduct described in
2101 Section [41-6a-209](#).
2102 (f) A county or municipality may adopt a resolution, ordinance, or regulation
2103 prohibiting conduct in locations described in Subsections (4)(a) and (b) within any of the
2104 roadways under its jurisdiction.
2105 (g) (i) The state, a county, or a municipality shall create a permitting process for
2106 granting a person an exemption from this Subsection (4).
2107 (ii) Upon receipt of a valid permit application, the state, a county, or a municipality
2108 shall grant a person a temporary exemption from this Subsection (4) for a specified location or
2109 time.
2110 (h) Nothing in this section prohibits a temporary spontaneous demonstration.
2111 (5) A pedestrian who is under the influence of alcohol or any drug to a degree which
2112 renders the pedestrian a hazard may not walk or be on a highway except on a sidewalk or
2113 sidewalk area.
2114 (6) Except as otherwise provided in this chapter, a pedestrian on a roadway shall yield
2115 the right-of-way to all vehicles on the roadway.
2116 (7) A pedestrian may not walk along or on a no-access freeway facility except during
2117 an emergency.
2118 (8) (a) As used in this Subsection (8):
2119 (i) "Aggressive manner" means intentionally:
2120 (A) persisting in approaching or following an individual after the individual has
2121 negatively responded to the solicitation;
2122 (B) engaging in conduct that would cause a reasonable individual to fear imminent
2123 bodily harm;
2124 (C) engaging in conduct that would intimidate a reasonable individual into giving
2125 money or goods;
2126 (D) blocking the path of an individual; or
2127 (E) physically contacting an individual or the individual's personal property without
2128 that individual's consent.

2129 (ii) "Bank" is as defined in Section 13-42-102.

2130 (iii) "Sidewalk" is as defined in Section 41-6a-102.

2131 (b) An individual may not solicit money or goods from another individual in an
2132 aggressive manner:

2133 (i) during the business hours of a bank if either the individual soliciting, or the
2134 individual being solicited, is on the portion of a sidewalk that is within 10 feet of the bank's
2135 entrance or exit; or

2136 (ii) on the portion of a sidewalk that is within 10 feet of an automated teller machine.

2137 (9) A violation of this section is an infraction.

2138 Section 76. Section 41-6a-1115 is amended to read:

2139 **41-6a-1115. Motor assisted scooters -- Conflicting provisions -- Restrictions --**
2140 **Penalties.**

2141 (1) (a) Except as otherwise provided in this section, a motor assisted scooter is subject
2142 to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.

2143 (b) For a person operating a motor assisted scooter, the following provisions do not
2144 apply:

2145 (i) seating positions under Section 41-6a-1501;

2146 (ii) required lights, horns, and mirrors under Section 41-6a-1506;

2147 (iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and

2148 (iv) driver licensing requirements under Section 53-3-202.

2149 (2) A person under 15 years of age may not operate a motor assisted scooter using the
2150 motor unless the person is under the direct supervision of the person's parent or guardian.

2151 (3) A person under eight years of age may not operate a motor assisted scooter with the
2152 motor running on any public property, highway, path, or sidewalk.

2153 (4) A person may not operate a motor assisted scooter:

2154 (a) in a public parking structure;

2155 (b) on public property posted as an area prohibiting skateboards;

2156 (c) on a highway consisting of a total of four or more lanes designated for regular
2157 vehicular traffic;

2158 (d) on a highway with a posted speed limit greater than 25 miles per hour;

2159 (e) while carrying more persons at one time than the number for which it is designed;

2160 or

2161 (f) that has been structurally or mechanically altered from the original manufacturer's
2162 design.

2163 (5) Except where posted or prohibited by local ordinance, a motor assisted scooter is
2164 considered a nonmotorized vehicle if it is being used with the motor turned off.

2165 (6) An owner may not authorize or knowingly permit a person to operate a motor
2166 assisted scooter in violation of this section.

2167 (7) A person who violates this section is guilty of [~~a class C misdemeanor~~] an
2168 infraction.

2169 Section 77. Section **41-6a-1116** is amended to read:

2170 **41-6a-1116. Electric personal assistive mobility devices -- Conflicting provisions**
2171 **-- Restrictions -- Penalties.**

2172 (1) (a) Except as otherwise provided in this section, an electric personal assistive
2173 mobility device is subject to the provisions under this chapter for a bicycle, moped, or a
2174 motor-driven cycle.

2175 (b) For a person operating an electric personal assistive mobility device, the following
2176 provisions do not apply:

2177 (i) seating positions under Section [41-6a-1501](#);

2178 (ii) required lights, horns, and mirrors under Section [41-6a-1506](#);

2179 (iii) entitlement to full use of a lane under Subsection [41-6a-1502\(1\)](#); and

2180 (iv) driver licensing requirements under Section [53-3-202](#).

2181 (2) A person under 15 years of age may not operate an electric personal assistive
2182 mobility device using the motor unless the person is under the direct supervision of the person's
2183 parent or guardian.

2184 (3) A person may not operate an electric personal assistive mobility device:

2185 (a) on a highway consisting of a total of four or more lanes designated for regular
2186 vehicular traffic;

2187 (b) on a highway with a posted speed limit greater than 35 miles per hour; or

2188 (c) that has been structurally or mechanically altered from the original manufacturer's
2189 design.

2190 (4) An owner may not authorize or knowingly permit a person to operate an electric

2191 personal assistive mobility device in violation of this section.

2192 (5) A person may operate an electric personal assistive mobility device on a sidewalk if
2193 the operation does not:

2194 (a) exceed a speed which is greater than is reasonable or prudent having due regard for
2195 weather, visibility, and pedestrians; or

2196 (b) endanger the safety of other persons or property.

2197 (6) A person operating an electric personal assistive mobility device shall yield to a
2198 pedestrian or other person using a mobility aid.

2199 (7) (a) An electric personal assistive mobility device may be operated on:

2200 (i) a path or trail designed for the use of a bicycle; or

2201 (ii) on a highway where a bicycle is allowed if the speed limit on the highway does not
2202 exceed 35 miles per hour.

2203 (b) A person operating an electric personal assistive mobility device in an area
2204 described in Subsection (7)(a)(i) or (ii) is subject to the laws governing bicycles.

2205 (8) A person may operate an electric personal assistive mobility device at night if the
2206 device is equipped with or the operator is wearing:

2207 (a) a lamp pointing to the front that emits a white light visible from a distance of not
2208 less than 300 feet in front of the device; and

2209 (b) front, rear, and side reflectors.

2210 (9) A person may not operate an electric personal assistive mobility device while
2211 carrying an article that prevents the person from keeping both hands on the handlebars or
2212 interferes with the person's ability to safely operate the electric personal assistive mobility
2213 device.

2214 (10) Only one person may operate an electric personal assistive mobility device at a
2215 time.

2216 (11) A person may not park an electric personal assistive mobility device on a highway
2217 or sidewalk in a manner that obstructs vehicular or pedestrian traffic.

2218 (12) A person who violates this section is guilty of [~~a class C misdemeanor~~] an
2219 infraction.

2220 Section 78. Section **41-6a-1117** is amended to read:

2221 **41-6a-1117. Mini-motorcycle restrictions -- Exceptions.**

2222 (1) A person may not operate a mini-motorcycle on any public property, highway, path,
2223 or sidewalk unless:

2224 (a) the mini-motorcycle is registered for highway use in accordance with Title 41,
2225 Chapter 1a, Motor Vehicle Act; and

2226 (b) the operator is licensed to operate a motorcycle in accordance with Title 53,
2227 Chapter 3, Uniform Driver License Act.

2228 (2) An owner may not authorize or knowingly permit a person to operate a
2229 mini-motorcycle in violation of this section.

2230 (3) A person who violates this section is guilty of [~~a class C misdemeanor~~] an
2231 infraction.

2232 Section 79. Section **41-6a-1201** is amended to read:

2233 **41-6a-1201. Driving on tracks.**

2234 (1) The operator of a vehicle proceeding on any track in front of a railroad train on a
2235 highway shall remove the vehicle from the track as soon as practicable after signal from the
2236 operator of the train.

2237 (2) When a railroad train has started to cross an intersection, an operator of a vehicle
2238 may not drive:

2239 (a) on or across the tracks; or

2240 (b) in the path of the train within the intersection in front of the train.

2241 (3) A violation of this section is an infraction.

2242 Section 80. Section **41-6a-1202** is amended to read:

2243 **41-6a-1202. Driving through safety zone.**

2244 (1) The operator of a vehicle may not drive through or within a safety zone.

2245 (2) A violation of this section is an infraction.

2246 Section 81. Section **41-6a-1203** is amended to read:

2247 **41-6a-1203. Railroad grade crossing -- Duty to stop -- Malfunctions and school**
2248 **buses -- Driving through, around, or under gate or barrier prohibited.**

2249 (1) As used in this section, "active railroad grade crossing" has the same meaning as
2250 defined in Section [41-6a-1005](#).

2251 (2) Whenever a person operating a vehicle approaches a railroad grade crossing, the
2252 operator of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of

2253 the railroad track and may not proceed if:

2254 (a) a clearly visible electric or mechanical signal device gives warning of the
2255 immediate approach of a train;

2256 (b) a crossing gate is lowered, or when a human flagman gives or continues to give a
2257 signal of the approach or passage of a train;

2258 (c) a railroad train approaching within approximately 1,500 feet of the highway
2259 crossing emits a signal audible and the train by reason of its speed or nearness to the crossing is
2260 an immediate hazard;

2261 (d) an approaching train is plainly visible and is in hazardous proximity to the crossing;
2262 or

2263 (e) there is any other condition that makes it unsafe to proceed through the crossing.

2264 (3) (a) An operator of a vehicle who suspects a false activation or malfunction of a
2265 railroad grade crossing signal device where there is no gate or barrier may drive a vehicle
2266 through the railroad grade crossing after stopping if:

2267 (i) the operator of a vehicle has a clear line of sight of at least one mile of the railroad
2268 tracks in all directions;

2269 (ii) there is no evidence of an approaching train;

2270 (iii) the vehicle can cross over the tracks safely; and

2271 (iv) the operator of a school bus is compliant with written district policy.

2272 (b) As soon as is reasonably possible, the operator of a school bus shall notify the
2273 driver's dispatcher and the dispatcher shall notify the owner of the railroad track where the
2274 grade crossing signal device is located of the false activation or malfunction.

2275 (4) (a) A person may not drive a vehicle through, around, or under a crossing gate or
2276 barrier at a railroad grade crossing if the railroad grade crossing is active.

2277 (b) A person may not cause a non-rail vehicle, whether or not occupied, to pass
2278 through, around, over, or under or remain on a gate or barrier at a railroad grade crossing if the
2279 railroad grade crossing is active.

2280 (c) A person may not cause a non-rail vehicle, whether or not occupied, to pass around,
2281 through, over, or under or remain in a rail or fixed guideway right-of-way in a manner that
2282 would cause a railroad train or other rail vehicle to make contact with the non-rail vehicle.

2283 (5) A violation of this section is an infraction.

2284 Section 82. Section **41-6a-1204** is amended to read:

2285 **41-6a-1204. Trains -- Interference with vehicles limited.**

2286 (1) A person or government agency may not operate a train in a manner to prevent
2287 vehicular use of a roadway for a period of time in excess of five consecutive minutes except:

2288 [~~(1)~~] (a) when necessary to comply with signals affecting the safety of the movement of
2289 trains;

2290 [~~(2)~~] (b) when necessary to avoid striking any object or person on the track;

2291 [~~(3)~~] (c) when the train is disabled;

2292 [~~(4)~~] (d) when the train is in motion or while engaged in switching operations;

2293 [~~(5)~~] (e) when there is no vehicular traffic waiting to use the crossing;

2294 [~~(6)~~] (f) when necessary to comply with a governmental safety regulation; or

2295 [~~(7)~~] (g) as determined by a highway authority.

2296 (2) A violation of this section is an infraction.

2297 Section 83. Section **41-6a-1205** is amended to read:

2298 **41-6a-1205. Railroad grade crossings -- Certain vehicles must stop -- Exceptions**
2299 **-- Rules.**

2300 (1) An operator of a commercial motor vehicle, as defined under Section [53-3-102](#),
2301 shall upon approaching a railroad grade crossing:

2302 (a) unless Subsection (2) applies, slow down and check that the tracks are clear of an
2303 approaching train;

2304 (b) stop within 50 feet, but not closer than 15 feet, from the nearest rail of the railroad
2305 track before reaching the crossing if the tracks are not clear;

2306 (c) obey all traffic control devices or the directions of a peace officer, or other crossing
2307 official at the crossing; and

2308 (d) before proceeding over a railroad grade crossing:

2309 (i) ensure that the vehicle has sufficient space to drive completely through a railroad
2310 grade crossing without stopping; and

2311 (ii) ensure that the vehicle has sufficient undercarriage clearance to safely and
2312 completely pass through the crossing.

2313 (2) (a) Except as provided in Subsection (3), the operator of a vehicle described in 49
2314 CFR 392.10 shall stop within 50 feet, but not closer than 15 feet, from the nearest rail of the

2315 railroad track before crossing, at grade, any track of a railroad.

2316 (b) While stopped, the operator shall look in both directions along the track for any
2317 sign of an approaching train and look and listen for signals indicating the approach of any train.

2318 (c) The operator may proceed across the railroad track only when the movement may
2319 be made with reasonable safety.

2320 (d) After stopping as required and upon safely proceeding, the operator shall only cross
2321 the railroad track in a gear that ensures no necessity for manually changing gears while
2322 traversing the crossing.

2323 (e) The operator may not manually shift gears while crossing the railroad track.

2324 (3) This section does not apply at a:

2325 (a) railroad grade crossing where traffic is controlled by a peace officer or other
2326 crossing official;

2327 (b) railroad grade crossing where traffic is regulated by a traffic-control signal;

2328 (c) railroad grade crossing where a traffic-control device gives notice that the stopping
2329 requirements of this section are not applicable; or

2330 (d) other railroad grade crossings excluded under 49 CFR 392.10.

2331 (4) A violation of this section is an infraction.

2332 Section 84. Section **41-6a-1206** is amended to read:

2333 **41-6a-1206. Railroad crossing duties respecting crawler type tractor, power**
2334 **shovel, derrick, or other equipment or structure.**

2335 (1) A person may not operate or move the following on or across any tracks at a
2336 railroad grade crossing without first complying with this section:

2337 (a) a crawler type tractor;

2338 (b) a power shovel;

2339 (c) a derrick;

2340 (d) a roller; or

2341 (e) any equipment or structure having:

2342 (i) normal operating speed of 10 or less miles per hour; or

2343 (ii) a vertical body or load clearance of less than:

2344 (A) 1/2 inch per foot of the distance between any two adjacent axles; or

2345 (B) in any event, nine inches measured above the level surface of a roadway.

2346 (2) Notice of an intended crossing under this section shall be given to the railroad and a
2347 reasonable time shall be given to the railroad to provide proper protection at the crossing.

2348 (3) (a) Before making a crossing under this section the person operating or moving the
2349 vehicle or equipment shall first stop within 50 feet but not closer than 15 feet from the nearest
2350 rail of the railway.

2351 (b) While stopped, the operator of the vehicle shall listen and look in both directions
2352 along the track for any approaching train and for signals indicating the approach of a railroad
2353 train.

2354 (c) The operator may proceed across the track only when the crossing can be made
2355 safely.

2356 (4) The operator of a vehicle shall obey all traffic control devices or the directions of a
2357 peace officer or other crossing official at the crossing.

2358 (5) A violation of this section is an infraction.

2359 Section 85. Section **41-6a-1301** is amended to read:

2360 **41-6a-1301. Standards and specifications for lighting and special warning devices**
2361 **on school buses.**

2362 (1) (a) A school bus shall be equipped with red signal lamps mounted as high and as
2363 widely spaced laterally as practicable.

2364 (b) The red signal lamps shall display two alternately flashing red lights, located at the
2365 same level, to the front and rear of the school bus.

2366 (c) The red signal lamps shall be visible at 500 feet in normal sunlight.

2367 (2) (a) A school bus shall be equipped with yellow signal lamps mounted near each of
2368 the four red signal lamps and at the same level but closer to the vertical centerline of the bus.

2369 (b) The yellow signal lamps shall display two alternately flashing yellow lights to the
2370 front and rear of the school bus.

2371 (c) The yellow signal lamps shall be visible at 500 feet in normal sunlight.

2372 (3) A school bus driver shall activate the yellow signal lamps at least 100 feet, but not
2373 more than 500 feet, before every stop at which the alternately flashing red lights are activated.

2374 (4) A violation of this section is an infraction.

2375 Section 86. Section **41-6a-1302** is amended to read:

2376 **41-6a-1302. School bus -- Signs and light signals -- Flashing amber lights --**

2377 **Flashing red lights -- Passing school bus -- Duty to stop -- Travel in opposite direction --**
2378 **Penalties.**

2379 (1) A school bus, when operated for the transportation of school children, shall:

2380 (a) bear on the front and rear of the bus a plainly visible sign containing the words
2381 "school bus" in letters not less than eight inches in height, which shall be removed or covered
2382 when the vehicle is not in use for the transportation of school children; and

2383 (b) be equipped with alternating flashing amber and red light signals visible from the
2384 front and rear, of a type approved and mounted as required under Section 41-6a-1301 and
2385 prescribed by the department under Section 41-6a-1601.

2386 (2) The operator of a vehicle on a highway, upon meeting or overtaking a school bus
2387 equipped with signals required under this section which is displaying alternating flashing:

2388 (a) amber warning light signals, shall slow the vehicle, but may proceed past the school
2389 bus using due care and caution at a speed not greater than specified in Subsection 41-6a-601(2)
2390 for school zones for the safety of the school children that may be in the vicinity; or

2391 (b) red light signals visible from the front or rear, shall stop immediately before
2392 reaching the bus and may not proceed until the flashing red light signals cease operation.

2393 (3) The operator of a vehicle need not stop upon meeting or passing a school bus
2394 displaying alternating flashing red light signals if the school bus is traveling in the opposite
2395 direction when:

2396 (a) traveling on a divided highway;

2397 (b) the bus is stopped at an intersection or other place controlled by a traffic-control
2398 signal or by a peace officer; or

2399 (c) on a highway of five or more lanes, which may include a left-turn lane or two-way
2400 left turn lane.

2401 (4) (a) The operator of a school bus shall operate alternating flashing red light signals
2402 at all times when:

2403 (i) children are unloading from a school bus to cross a highway;

2404 (ii) a school bus is stopped for the purpose of loading children who must cross a
2405 highway to board the bus; or

2406 (iii) it would be hazardous for vehicles to proceed past the stopped school bus.

2407 (b) The alternating flashing red light signals may not be operated except:

2408 (i) when the school bus is stopped for loading or unloading school children; or
2409 (ii) for an emergency purpose.

2410 (5) The operator of a school bus being operated on a highway shall have the headlights
2411 of the school bus lighted.

2412 (6) (a) A violation of Subsection (2) or (3) is a class C misdemeanor and the minimum
2413 fine is:

2414 (i) \$100 for a first offense;

2415 (ii) \$200 for a second offense within three years of a previous conviction or bail
2416 forfeiture; and

2417 (iii) \$500 for a third or subsequent offense within three years of a previous conviction
2418 or bail forfeiture.

2419 (b) A violation of Subsection (5) is [~~a class C misdemeanor~~] an infraction and the fine
2420 is \$50.

2421 (c) The court may order the person to perform compensatory service in lieu of the fine
2422 or any portion of the fine if the court makes the reasons for the waiver part of the record.

2423 (7) A violation of Subsection (1) or (4) is an infraction.

2424 [~~(7)~~] (8) The Driver License Division shall develop and implement a record system to
2425 distinguish:

2426 (a) a conviction or bail forfeiture under this section from other convictions; and

2427 (b) between a first and subsequent conviction or bail forfeiture under this section.

2428 Section 87. Section ~~41-6a-1307~~ is amended to read:

2429 **41-6a-1307. School bus parking zones -- Establishment -- Uniform markings --**

2430 **Penalty.**

2431 (1) As used in this section, "school bus parking zone" means a parking space that is
2432 clearly identified as reserved for use by a school bus.

2433 (2) A highway authority for highways under its jurisdiction and school boards for
2434 roadways located on school property may establish and locate school bus parking zones in
2435 accordance with specifications established under Subsection (3).

2436 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2437 Department of Transportation, after consultation with local highway authorities and school
2438 boards which may include input from school traffic safety committees established under

2439 Section 53A-3-402, shall make rules establishing specifications for uniform signage or
2440 markings to clearly identify school bus parking zones.

2441 (4) A person may not stop, stand, or park a vehicle other than a school bus, whether
2442 occupied or not, in a clearly identified school bus parking zone.

2443 (5) (a) A violation of Subsection (4) is an infraction.

2444 [~~5~~] (b) A person who violates Subsection (4) shall pay a minimum fine of \$75.

2445 Section 88. Section 41-6a-1402 is amended to read:

2446 **41-6a-1402. Stopping or parking on roadways -- Angle parking -- Traffic-control**
2447 **devices prohibiting or restricting.**

2448 (1) Except as otherwise provided in this section, a vehicle stopped or parked on a
2449 two-way roadway shall be stopped or parked with the right-hand wheels:

2450 (a) parallel to and within 12 inches of the right-hand curb; or

2451 (b) as close as practicable to the right edge of the right-hand shoulder.

2452 (2) Except when otherwise provided by local ordinance, a vehicle stopped or parked on
2453 a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway in the
2454 direction of authorized traffic movement with its:

2455 (a) right-hand wheels:

2456 (i) within 12 inches of the right-hand curb; or

2457 (ii) as close as practicable to the right edge of the right-hand shoulder; or

2458 (b) left-hand wheels:

2459 (i) within 12 inches of the left-hand curb; or

2460 (ii) as close as practicable to the left edge of the left-hand shoulder.

2461 (3) (a) Except as provided in Subsection (3)(b), local highway authorities may by
2462 ordinance permit angle parking on any roadway.

2463 (b) Angle parking is not permitted on any federal-aid or state highway unless the
2464 Department of Transportation has determined that the roadway is of sufficient width to permit
2465 angle parking without interfering with the free movement of traffic.

2466 (4) (a) The Department of Transportation, with respect to highways under its
2467 jurisdiction, may place traffic-control devices prohibiting or restricting the stopping, standing,
2468 or parking of vehicles on a highway where:

2469 (i) the stopping, standing, or parking is dangerous to those using the highway; or

2470 (ii) the stopping, standing, or parking of vehicles would unduly interfere with the free
2471 movement of traffic.

2472 (b) A person may not stop, stand, or park a vehicle in violation of the restriction
2473 indicated by the devices under Subsection (4)(a).

2474 (5) A violation of this section is an infraction.

2475 Section 89. Section **41-6a-1404** is amended to read:

2476 **41-6a-1404. Stopping or parking on roadway outside business or residential**
2477 **district.**

2478 (1) Outside a business or residence district, a person may not stop, park, or leave
2479 standing a vehicle, whether attended or unattended, on the roadway when it is practical to stop,
2480 park, or leave the vehicle off the roadway.

2481 (2) A person who stops, parks, or leaves a vehicle standing on a roadway shall:

2482 (a) leave an unobstructed width of the highway opposite the vehicle for the free
2483 passage of other vehicles; and

2484 (b) leave the vehicle so that other vehicle operators have a clear view of the stopped
2485 vehicle from a distance of 200 feet in each direction on the roadway.

2486 (3) This section and Sections **41-6a-1401** and **41-6a-1402** do not apply to the operator
2487 of a vehicle if the vehicle becomes disabled while on the paved or main traveled portion of a
2488 roadway in a manner and to the extent that it is impossible to avoid stopping and temporarily
2489 leaving the disabled vehicle on the paved or main traveled portion of the roadway.

2490 (4) A violation of this section is an infraction.

2491 Section 90. Section **41-6a-1407** is amended to read:

2492 **41-6a-1407. Removal of unattended vehicles prohibited without authorization --**
2493 **Penalties.**

2494 (1) In cases not amounting to burglary or theft of a vehicle, a person may not remove
2495 an unattended vehicle without prior authorization of:

2496 (a) a peace officer;

2497 (b) a law enforcement agency;

2498 (c) a highway authority having jurisdiction over the highway on which there is an
2499 unattended vehicle; or

2500 (d) the owner or person in lawful possession or control of the real property.

2501 (2) (a) An authorization from a person specified under Subsection (1)(a), (b), or (c)
2502 shall be in a form specified by the Motor Vehicle Division.

2503 (b) The removal of the unattended vehicle shall comply with requirements of Section
2504 41-6a-1406.

2505 (3) The removal of the unattended vehicle authorized under Subsection (1)(d) shall
2506 comply with requirements of Section 72-9-603.

2507 (4) A person who violates Subsection (1) or (3) is guilty of [~~a class C misdemeanor~~] an
2508 infraction.

2509 Section 91. Section 41-6a-1408 is amended to read:

2510 **41-6a-1408. Abandoned vehicles -- Removal by peace officer -- Report -- Vehicle**
2511 **identification.**

2512 (1) As used in this section, "abandoned vehicle, vessel, or outboard motor" means a
2513 vehicle, vessel, or outboard motor that is left unattended:

2514 (a) on a highway or on or in the waters of the state for a period in excess of 48 hours;

2515 or

2516 (b) on public or private property for a period in excess of seven days without express or
2517 implied consent of the owner or person in lawful possession or control of the property.

2518 (2) A person may not abandon a vehicle, vessel, or outboard motor on a highway or on
2519 or in the waters of the state.

2520 (3) A person may not abandon a vehicle, vessel, or outboard motor on public or private
2521 property without the express or implied consent of the owner or person in lawful possession or
2522 control of the property.

2523 (4) A peace officer who has reasonable grounds to believe that a vehicle, vessel, or
2524 outboard motor has been abandoned may remove the vehicle, vessel, or outboard motor or
2525 cause it to be removed in accordance with Section 41-6a-1406 or 73-18-20.1.

2526 (5) If the motor number, manufacturer's number or identification mark of the
2527 abandoned vehicle, vessel, or outboard motor has been defaced, altered or obliterated, the
2528 vehicle, vessel, or outboard motor may not be released or sold until:

2529 (a) the original motor number, manufacturer's number or identification mark has been
2530 replaced; or

2531 (b) a new number assigned by the Motor Vehicle Division has been stamped on the

2532 vehicle, vessel, or outboard motor.

2533 (6) A violation of this section is an infraction.

2534 Section 92. Section **41-6a-1501** is amended to read:

2535 **41-6a-1501. Motorcycle or motor-driven cycle -- Place for operator to ride --**

2536 **Passengers.**

2537 (1) A person operating a motorcycle or motor-driven cycle shall ride only on the
2538 permanent and regular seat attached to the motorcycle or motor-driven cycle.

2539 (2) (a) Except as provided in Subsection (2)(b):

2540 (i) a person operating a motorcycle or motor-driven cycle may not carry any other
2541 person on the motorcycle or motor-driven cycle; and

2542 (ii) a passenger may not ride on a motorcycle or a motor-driven cycle.

2543 (b) If a motorcycle or motor-driven cycle is designed to carry more than one person, a
2544 passenger may ride on:

2545 (i) the permanent and regular seat, if designed for two persons; or

2546 (ii) another seat firmly attached to the motorcycle or motor-driven cycle at the rear or
2547 side of the operator.

2548 (3) A person shall ride on a motorcycle or motor-driven cycle only while sitting astride
2549 the seat, facing forward, with one leg on either side of the motorcycle or motor-driven cycle.

2550 (4) A person may not operate a motorcycle or motor-driven cycle while carrying a
2551 package, bundle, or other article which prevents the person from keeping both hands on the
2552 handlebars.

2553 (5) An operator of a motorcycle or motor-driven cycle may not carry a person and a
2554 person may not ride in a position that interferes with:

2555 (a) the operation or control of the motorcycle or motor-driven cycle; or

2556 (b) the view of the operator.

2557 (6) A violation of this section is an infraction.

2558 Section 93. Section **41-6a-1502** is amended to read:

2559 **41-6a-1502. Motorcycles, motor-driven cycles, or all-terrain type I vehicles --**

2560 **Operation on public highways.**

2561 (1) (a) A motorcycle or a motor-driven cycle is entitled to full use of a lane.

2562 (b) A person may not operate a motor vehicle in a manner that deprives a motorcycle or

2563 motor-driven cycle of the full use of a lane.

2564 (c) This Subsection (1) does not apply to motorcycles or motor-driven cycles operated
2565 two abreast in a single lane.

2566 (2) The operator of a motorcycle or motor-driven cycle may not overtake and pass in
2567 the same lane occupied by the vehicle being overtaken.

2568 (3) A person may not operate a motorcycle or motor-driven cycle between:

2569 (a) lanes of traffic; or

2570 (b) adjacent lines or rows of vehicles.

2571 (4) Motorcycles or motor-driven cycles may not be operated more than two abreast in a
2572 single lane.

2573 (5) Subsections (2) and (3) do not apply to peace officers acting in the peace officers'
2574 official capacities.

2575 (6) The provisions of this section also apply to all-terrain type I vehicles.

2576 (7) A violation of this section is an infraction.

2577 Section 94. Section **41-6a-1503** is amended to read:

2578 **41-6a-1503. Motorcycle or motor-driven cycle -- Attaching to another vehicle**
2579 **prohibited.**

2580 (1) A person riding on a motorcycle or motor-driven cycle may not attach himself to
2581 any other vehicle on a roadway.

2582 (2) A violation of this section is an infraction.

2583 Section 95. Section **41-6a-1504** is amended to read:

2584 **41-6a-1504. Motorcycle or motor-driven cycle -- Footrests for passenger -- Height**
2585 **of handlebars limited.**

2586 (1) A motorcycle or motor-driven vehicle carrying a passenger on a public highway,
2587 other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger.

2588 (2) A person may not operate a motorcycle or motor-driven cycle with handlebars
2589 above shoulder height.

2590 (3) A violation of this section is an infraction.

2591 Section 96. Section **41-6a-1505** is amended to read:

2592 **41-6a-1505. Motorcycle or motor-driven cycle -- Protective headgear -- Closed**
2593 **cab excepted -- Electric assisted bicycles, motor assisted scooters, electric personal**

2594 **assistive mobility devices.**

2595 (1) A person under the age of 18 may not operate or ride on a motorcycle or
2596 motor-driven cycle on a highway unless the person is wearing protective headgear which
2597 complies with specifications adopted under Subsection (3).

2598 (2) This section does not apply to persons riding within an enclosed cab.

2599 (3) The following standards and specifications for protective headgear are adopted:

2600 (a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and

2601 (b) 16 C.F.R. Part 1203 related to protective headgear for bicycles, motor assisted
2602 scooters, and electric personal assistive mobility devices.

2603 (4) A court shall waive \$8 of a fine charged to a person operating a motorcycle or
2604 motor-driven cycle for a moving traffic violation if the person was:

2605 (a) 18 years of age or older at the time of operation; and

2606 (b) wearing protective headgear that complies with the specifications adopted under
2607 Subsection (3) at the time of operation.

2608 (5) The failure to wear protective headgear:

2609 (a) does not constitute contributory or comparative negligence on the part of a person
2610 seeking recovery for injuries; and

2611 (b) may not be introduced as evidence in any civil litigation on the issue of negligence,
2612 injuries, or the mitigation of damages.

2613 (6) Notwithstanding Subsection (4), a court may not waive \$8 of a fine charged to a
2614 person operating a motorcycle or motor-driven cycle for a driving under the influence violation
2615 of Section [41-6a-502](#).

2616 (7) A violation of this section is an infraction.

2617 Section 97. Section **41-6a-1506** is amended to read:

2618 **41-6a-1506. Motorcycles -- Required equipment -- Brakes.**

2619 (1) A motorcycle and a motor-driven cycle shall be equipped with the following items:

2620 (a) one head lamp which, when factory equipped with an automatic lighting ignition
2621 system, may not be disconnected;

2622 (b) one tail lamp;

2623 (c) either a tail lamp or a separate lamp which illuminates the rear license plate with a
2624 white light;

- 2625 (d) one red reflector on the rear, either separate or as part of the tail lamp;
- 2626 (e) one stop lamp;
- 2627 (f) a braking system, other than parking brake, in accordance with Section 41-6a-1623;
- 2628 (g) a horn or warning device in accordance with Section 41-6a-1625;
- 2629 (h) a muffler and emission control system in accordance with Section 41-6a-1626;
- 2630 (i) a mirror in accordance with Section 41-6a-1627; and
- 2631 (j) tires in accordance with Section 41-6a-1636.

2632 (2) The department may require an inspection of the braking system on a motor-driven
2633 cycle and disapprove a braking system that is not designed or constructed as to insure
2634 reasonable and reliable performance in actual use in accordance with Section 41-6a-1623.

2635 (3) A person may not operate a motor-driven cycle on a highway if the department has
2636 disapproved the braking system on the motor-driven cycle.

2637 (4) (a) Upon notice to the party to whom the motor-driven cycle is registered, the
2638 department may suspend the registration of a motor-driven cycle if the department has
2639 disapproved the braking system under this section.

2640 (b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse
2641 to register a motor-driven cycle if it has reason to believe the motor-driven cycle has a braking
2642 system disapproved under this section.

2643 (5) A violation of this section is an infraction.

2644 Section 98. Section 41-6a-1508 is amended to read:

2645 **41-6a-1508. Low-speed vehicle.**

2646 (1) Except as otherwise provided in this section, a low-speed vehicle is considered a
2647 motor vehicle for purposes of the Utah Code including requirements for:

- 2648 (a) traffic rules under Title 41, Chapter 6a, Traffic Code;
- 2649 (b) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;
- 2650 (c) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of

2651 Motor Vehicle Owners and Operators Act;

2652 (d) vehicle registration, titling, vehicle identification numbers, license plates, and
2653 registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

2654 (e) vehicle taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, and
2655 fee in lieu of property taxes or in lieu fees under Section 59-2-405;

2656 (f) motor vehicle dealer licensing under Title 41, Chapter 3, Motor Vehicle Business
2657 Regulation Act;

2658 (g) motor vehicle safety inspection requirements under Section 53-8-205; and

2659 (h) safety belt requirements under Title 41, Chapter 6a, Part 18, Motor Vehicle Safety
2660 Belt Usage Act.

2661 (2) (a) A low-speed vehicle shall comply with federal safety standards established in 49
2662 C.F.R. 571.500 and shall be equipped with:

2663 (i) headlamps;

2664 (ii) front and rear turn signals, tail lamps, and stop lamps;

2665 (iii) turn signal lamps;

2666 (iv) reflex reflectors one on the rear of the vehicle and one on the left and right side and
2667 as far to the rear of the vehicle as practical;

2668 (v) a parking brake;

2669 (vi) a windshield that meets the standards under Section 41-6a-1635, including a
2670 device for cleaning rain, snow, or other moisture from the windshield; and

2671 (vii) an exterior rearview mirror on the driver's side and either an interior rearview
2672 mirror or an exterior rearview mirror on the passenger side.

2673 (b) A low-speed vehicle that complies with this Subsection (2) and Subsection (3) and
2674 that is not altered from the manufacturer is considered to comply with equipment requirements
2675 under Part 16, Vehicle Equipment.

2676 (3) A person may not operate a low-speed vehicle that has been structurally altered
2677 from the original manufacturer's design.

2678 (4) A low-speed vehicle is exempt from a motor vehicle emissions inspection and
2679 maintenance program requirements under Section 41-6a-1642.

2680 (5) (a) Except to cross a highway at an intersection, a low-speed vehicle may not be
2681 operated on a highway with a posted speed limit of more than 35 miles per hour.

2682 (b) In addition to the restrictions under Subsection (5)(a), a highway authority, may
2683 prohibit or restrict the operation of a low-speed vehicle on any highway under its jurisdiction, if
2684 the highway authority determines the prohibition or restriction is necessary for public safety.

2685 (6) A person may not operate a low-speed vehicle on a highway without displaying on
2686 the rear of the low-speed vehicle, a slow-moving vehicle identification emblem that complies

2687 with the Society of Automotive Engineers standard SAE J943.

2688 (7) A person who violates Subsection (2), (3), (5), or (6) is guilty of [~~a class C~~
2689 ~~misdemeanor~~] an infraction.

2690 Section 99. Section **41-6a-1509** is amended to read:

2691 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**
2692 **Registration and licensing requirements -- Equipment requirements.**

2693 (1) (a) Except as provided in Subsection (1)(b), an all-terrain type I vehicle, utility type
2694 vehicle, or full-sized all-terrain vehicle that meets the requirements of this section may be
2695 operated as a street-legal ATV on a street or highway unless the highway is an interstate
2696 freeway or a limited access highway as defined in Section [41-6a-102](#).

2697 (b) Unless a street or highway is designated as open for street-legal ATV use by the
2698 controlling highway authority in accordance with Section [41-22-10.5](#), a person may not operate
2699 a street-legal ATV on a street or highway in accordance with Subsection (1)(a) if the highway
2700 is under the jurisdiction of:

2701 (i) a county of the first class; or

2702 (ii) a municipality that is within a county of the first class.

2703 (2) A street-legal ATV shall comply with the same requirements as:

2704 (a) a motorcycle for:

2705 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;

2706 (ii) registration, titling, odometer statement, vehicle identification, license plates, and
2707 registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

2708 (iii) fees in lieu of property taxes or in lieu of fees under Section [59-2-405.2](#); and

2709 (iv) the county motor vehicle emissions inspection and maintenance programs under
2710 Section [41-6a-1642](#);

2711 (b) a motor vehicle for:

2712 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

2713 (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
2714 Motor Vehicle Owners and Operators Act; and

2715 (iii) safety inspection requirements under Title 53, Chapter 8, Part 2, Motor Vehicle
2716 Safety Inspection Act, except that a street-legal ATV shall be subject to a safety inspection:

2717 (A) when registered for the first time; and

2718 (B) subsequently, on the same frequency as described in Subsection 53-8-205(2) based
2719 on the age of the vehicle as determined by the model year identified by the manufacturer; and

2720 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title
2721 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business
2722 Regulation Act, unless otherwise specified in this section.

2723 (3) (a) An all-terrain type I vehicle and a utility type vehicle being operated as a
2724 street-legal ATV shall be equipped with:

2725 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;

2726 (ii) one or more tail lamps;

2727 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
2728 with a white light;

2729 (iv) one or more red reflectors on the rear;

2730 (v) one or more stop lamps on the rear;

2731 (vi) amber or red electric turn signals, one on each side of the front and rear;

2732 (vii) a braking system, other than a parking brake, that meets the requirements of
2733 Section 41-6a-1623;

2734 (viii) a horn or other warning device that meets the requirements of Section
2735 41-6a-1625;

2736 (ix) a muffler and emission control system that meets the requirements of Section
2737 41-6a-1626;

2738 (x) rearview mirrors on the right and left side of the driver in accordance with Section
2739 41-6a-1627;

2740 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;

2741 (xii) a speedometer, illuminated for nighttime operation;

2742 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
2743 seat designed for passengers, including a footrest and handhold for each passenger;

2744 (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and

2745 (xv) tires that:

2746 (A) do not exceed 29 inches in height;

2747 (B) are not larger than the tires that the all-terrain vehicle manufacturer made available
2748 for the all-terrain vehicle model; and

- 2749 (C) have at least 2/32 inches or greater tire tread.
- 2750 (b) A full-sized all-terrain vehicle being operated as a street-legal all-terrain vehicle
- 2751 shall be equipped with:
- 2752 (i) two headlamps that meet the requirements of Section [41-6a-1603](#);
- 2753 (ii) two tail lamps;
- 2754 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
- 2755 with a white light;
- 2756 (iv) one or more red reflectors on the rear;
- 2757 (v) two stop lamps on the rear;
- 2758 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 2759 (vii) a braking system, other than a parking brake, that meets the requirements of
- 2760 Section [41-6a-1623](#);
- 2761 (viii) a horn or other warning device that meets the requirements of Section
- 2762 [41-6a-1625](#);
- 2763 (ix) a muffler and emission control system that meets the requirements of Section
- 2764 [41-6a-1626](#);
- 2765 (x) rearview mirrors on the right and left side of the driver in accordance with Section
- 2766 [41-6a-1627](#);
- 2767 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 2768 (xii) a speedometer, illuminated for nighttime operation;
- 2769 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
- 2770 seat designed for passengers, including a footrest and handhold for each passenger;
- 2771 (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and
- 2772 (xv) tires that:
- 2773 (A) do not exceed 44 inches in height; and
- 2774 (B) have at least 2/32 inches or greater tire tread.
- 2775 (4) (a) Subject to the requirement in Subsection (4)(b), an operator of a street-legal
- 2776 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway in accordance
- 2777 with this section, may not exceed the lesser of:
- 2778 (i) the posted speed limit; or
- 2779 (ii) 45 miles per hour.

2780 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
2781 all-terrain vehicle on a highway with a posted speed limit higher than 45 miles per hour, shall:

2782 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
2783 roadway; and

2784 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front
2785 and back of both sides of the vehicle.

2786 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be
2787 operated on the highways of another state has the same rights and privileges as a street-legal
2788 ATV that is granted operating privileges on the highways of this state, subject to the
2789 restrictions under this section and rules made by the Board of Parks and Recreation, if the other
2790 state offers reciprocal operating privileges to Utah residents.

2791 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2792 Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating
2793 privileges for nonresident users granted under Subsection (5)(a).

2794 (6) Nothing in this chapter shall restrict the operation of an off-highway vehicle in
2795 accordance with Section [41-22-10.5](#).

2796 (7) A violation of this section is an infraction.

2797 Section 100. Section **41-6a-1601** is amended to read:

2798 **41-6a-1601. Operation of unsafe or improperly equipped vehicles on public**
2799 **highways -- Exceptions.**

2800 (1) (a) A person may not operate or move and an owner may not cause or knowingly
2801 permit to be operated or moved on a highway a vehicle or combination of vehicles which:

2802 (i) is in an unsafe condition that may endanger any person;

2803 (ii) does not contain those parts or is not at all times equipped with lamps and other
2804 equipment in proper condition and adjustment as required in this chapter;

2805 (iii) is equipped in any manner in violation of this chapter; or

2806 (iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality
2807 Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local
2808 health departments.

2809 (b) A person may not do any act forbidden or fail to perform any act required under this
2810 chapter.

2811 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2812 and in coordination with the rules made under Section 53-8-204, the department shall make
2813 rules setting minimum standards covering the design, construction, condition, and operation of
2814 vehicle equipment for safely operating a motor vehicle on the highway as required under this
2815 part.

2816 (b) The rules under Subsection (2)(a):

2817 (i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and
2818 Regulations;

2819 (ii) may incorporate by reference, in whole or in part, the federal standards under
2820 Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on
2821 motor vehicle safety;

2822 (iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;

2823 (iv) shall include standards for the emergency lights of authorized emergency vehicles;

2824 (v) may provide standards and specifications applicable to lighting equipment on
2825 school buses consistent with:

2826 (A) this part;

2827 (B) federal motor vehicle safety standards; and

2828 (C) current specifications of the Society of Automotive Engineers;

2829 (vi) shall provide procedures for the submission, review, approval, disapproval,
2830 issuance of an approval certificate, and expiration or renewal of approval of any part as
2831 required under Section 41-6a-1620;

2832 (vii) shall establish specifications for the display or etching of a vehicle identification
2833 number on a vehicle;

2834 (viii) shall establish specifications in compliance with this part for a flare, fusee,
2835 electric lantern, warning flag, or portable reflector used in compliance with this part;

2836 (ix) shall establish approved safety and law enforcement purposes when video display
2837 is visible to the motor vehicle operator; and

2838 (x) shall include standards and specifications for both original equipment and parts
2839 included when a vehicle is manufactured and aftermarket equipment and parts included after
2840 the original manufacture of a vehicle.

2841 (c) The following standards and specifications for vehicle equipment are adopted:

- 2842 (i) 49 C.F.R. 571.209 related to safety belts;
- 2843 (ii) 49 C.F.R. 571.213 related to child restraint devices;
- 2844 (iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles
- 2845 and trailers operated in interstate commerce;
- 2846 (iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and
- 2847 (v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related
- 2848 to air conditioning equipment.
- 2849 (3) Nothing in this chapter or the rules made by the department prohibit:
- 2850 (a) equipment required by the United States Department of Transportation; or
- 2851 (b) the use of additional parts and accessories on a vehicle not inconsistent with the
- 2852 provisions of this chapter or the rules made by the department.
- 2853 (4) Except as specifically made applicable, the provisions of this chapter and rules of
- 2854 the department with respect to equipment required on vehicles do not apply to:
- 2855 (a) implements of husbandry;
- 2856 (b) road machinery;
- 2857 (c) road rollers;
- 2858 (d) farm tractors;
- 2859 (e) motorcycles;
- 2860 (f) motor-driven cycles;
- 2861 (g) vehicles moved solely by human power;
- 2862 (h) off-highway vehicles registered under Section 41-22-3 either:
- 2863 (i) on a highway designated as open for off-highway vehicle use; or
- 2864 (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or
- 2865 (i) off-highway implements of husbandry when operated in the manner prescribed by
- 2866 Subsections 41-22-5.5(3) through (5).
- 2867 (5) The vehicles referred to in Subsections (4)(h) and (i) are subject to the equipment
- 2868 requirements of Title 41, Chapter 22, Off-highway Vehicles, and the rules made under that
- 2869 chapter.
- 2870 (6) (a) (i) Except as provided in Subsection (6)(a)(ii), a federal motor vehicle safety
- 2871 standard supersedes any conflicting provision of this chapter.
- 2872 (ii) Federal motor vehicle safety standards do not supersede the provisions of Section

2873 [41-6a-1509](#) governing the requirements for and use of street-legal all-terrain vehicles on
2874 highways.

2875 (b) The department:

2876 (i) shall report any conflict found under Subsection (6)(a) to the appropriate
2877 committees or officials of the Legislature; and

2878 (ii) may adopt a rule to replace the superseded provision.

2879 (7) A violation of this section is an infraction.

2880 Section 101. Section **41-6a-1602** is amended to read:

2881 **41-6a-1602. Permit to operate vehicle in violation of equipment regulations.**

2882 (1) The department may issue a permit which will allow temporary operation of a
2883 vehicle in violation of the provisions of this chapter or in violation of rules made by the
2884 department.

2885 (2) The permit shall be carried in the vehicle and shall be displayed upon demand of a
2886 magistrate or peace officer.

2887 (3) (a) The department may limit the time, manner, or duration of operation and may
2888 otherwise prescribe conditions of operation that are necessary to protect the safety of highway
2889 users or efficient movement of traffic.

2890 (b) Any conditions shall be stated on the permit and a person may not violate them.

2891 (4) A violation of this section is an infraction.

2892 Section 102. Section **41-6a-1603** is amended to read:

2893 **41-6a-1603. Lights and illuminating devices -- Duty to display -- Time.**

2894 (1) (a) The operator of a vehicle shall turn on the lamps or lights of the vehicle on a
2895 highway at any time from a half hour after sunset to a half hour before sunrise and at any other
2896 time when, due to insufficient light or unfavorable atmospheric conditions, persons and
2897 vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead.

2898 (b) The lights, lighted lamps, and other lamps and illuminating devices under
2899 Subsection (1)(a) shall be lighted as respectively required for different classes of vehicles,
2900 subject to the exceptions for parked vehicles under Section [41-6a-1607](#).

2901 (2) Whenever a requirement is made as to distance from which certain lamps and
2902 devices shall render objects visible or within which the lamps or devices shall be visible, the
2903 provisions apply during the times specified under Subsection (1)(a) for a vehicle without load

2904 on a straight, level, unlighted highway under normal atmospheric conditions, unless a different
2905 time or condition is expressly stated.

2906 (3) Whenever a requirement is made as to the mounted height of lamps or devices it
2907 shall mean from the center of the lamp or device to the level ground upon which the vehicle
2908 stands when the vehicle is without a load.

2909 (4) A violation of this section is an infraction.

2910 Section 103. Section **41-6a-1604** is amended to read:

2911 **41-6a-1604. Motor vehicle head lamp, tail lamps, stop lamps, and other lamps --**
2912 **Requirements.**

2913 (1) A motor vehicle shall be equipped with at least two head lamps with at least one on
2914 each side of the front of the motor vehicle.

2915 (2) (a) A motor vehicle, trailer, semitrailer, pole trailer, and any other vehicle which is
2916 being drawn at the end of a combination of vehicles, shall be equipped with at least two tail
2917 lamps and two or more red reflectors mounted on the rear.

2918 (b) (i) Except as provided under Subsections (2)(b)(ii), (2)(c), and Section [41-6a-1612](#),
2919 all stop lamps or other lamps and reflectors mounted on the rear of a vehicle shall display or
2920 reflect a red color.

2921 (ii) A turn signal or hazard warning light may be red or yellow.

2922 (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to
2923 illuminate with a white light the rear registration plate.

2924 (3) (a) A motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two
2925 or more stop lamps and flashing turn signals.

2926 (b) A supplemental stop lamp may be mounted on the rear of a vehicle, if the
2927 supplemental stop lamp:

2928 (i) emits a red light;

2929 (ii) is mounted:

2930 (A) and constructed so that no light emitted from the device, either direct or reflected,
2931 is visible to the driver;

2932 (B) not lower than 15 inches above the roadway; and

2933 (C) on the vertical center line of the vehicle; and

2934 (iii) is the size, design, and candle power that conforms to federal standards regulating

2935 stop lamps.

2936 (4) (a) Each head lamp, tail lamp, supplemental stop lamp, flashing turn lamp, other
2937 lamp, or reflector required under this part shall comply with the requirements and limitations
2938 established under Section [41-6a-1601](#).

2939 (b) The department, by rules made under Section [41-6a-1601](#), may require trucks,
2940 buses, motor homes, motor vehicles with truck-campers, trailers, semitrailers, and pole trailers
2941 to have additional lamps and reflectors.

2942 (5) The department, by rules made under Section [41-6a-1601](#), may allow:

2943 (a) one tail lamp on any vehicle equipped with only one when it was made;

2944 (b) one stop lamp on any vehicle equipped with only one when it was made; and

2945 (c) passenger cars and trucks with a width less than 80 inches and manufactured or
2946 assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.

2947 (6) A violation of this section is an infraction.

2948 Section 104. Section **41-6a-1606** is amended to read:

2949 **41-6a-1606. Load extending beyond rear of vehicle -- Duty to display lamps and**
2950 **reflectors or flags.**

2951 (1) If a load on a vehicle extends to the rear four feet or more beyond the bed or body
2952 of the vehicle, the operator shall display lamps, reflectors, or flags at the extreme rear end of
2953 the load in accordance with this section.

2954 (2) During hours of darkness as specified in Section [41-6a-1603](#), the following shall be
2955 displayed:

2956 (a) two red reflectors located so as to indicate maximum width; and

2957 (b) two red lamps, one on each side with one red lamp located so as to indicate
2958 maximum overhang.

2959 (3) (a) At a time other than the time indicated under Subsection (2), on a vehicle
2960 having a load which extends beyond its sides or more than four feet beyond its rear, red flags
2961 shall be displayed marking the extremities of the load, at each point where a lamp or reflector
2962 is required under Subsection (2).

2963 (b) The red flags shall be at least 12 inches square.

2964 (4) A violation of this section is an infraction.

2965 Section 105. Section **41-6a-1607** is amended to read:

2966 **41-6a-1607. Parking lamps required -- Use when vehicle parked at night -- Head**
2967 **lamps dimmed.**

2968 (1) (a) A vehicle shall be equipped with one or more parking lamps.

2969 (b) The parking lamps shall comply with requirements established under Section
2970 **41-6a-1601.**

2971 (2) A vehicle parked or stopped on a roadway or shoulder, whether attended or
2972 unattended, shall display lighted parking lamps if conditions exist as specified under
2973 Subsection **41-6a-1603(1)(a).**

2974 (3) Any lighted head lamps on a parked vehicle shall be dimmed.

2975 (4) A violation of this section is an infraction.

2976 Section 106. Section **41-6a-1608** is amended to read:

2977 **41-6a-1608. Farm tractors and equipment -- Lamps and reflectors --**
2978 **Slow-moving vehicle emblem.**

2979 (1) (a) A farm tractor and a self-propelled implement of husbandry manufactured or
2980 assembled after January 1, 1970, shall be equipped with hazard warning lights of a type
2981 described in Section **41-6a-1611.**

2982 (b) The hazard warning lights shall be:

2983 (i) visible from a distance of not less than 1,000 feet to the front and rear in normal
2984 sunlight; and

2985 (ii) displayed whenever a farm tractor or self-propelled implement of husbandry is
2986 operated on a highway.

2987 (2) (a) A farm tractor and a self-propelled implement of husbandry manufactured or
2988 assembled after January 1, 1970, shall be equipped with lamps and reflectors as required under
2989 this section.

2990 (b) A farm tractor and a self-propelled implement of husbandry manufactured or
2991 assembled prior to January 1, 1970 shall be equipped with lamps and reflectors as required in
2992 this section if operated on a highway under the conditions specified under Subsection
2993 **41-6a-1603(1)(a).**

2994 (3) Subject to the provisions of Subsection (2), a farm tractor and an implement of
2995 husbandry shall be equipped with:

2996 (a) at least two head lamps;

2997 (b) at least one red lamp visible when lighted from a distance of not less than 1,000
2998 feet to the rear mounted as far to the left of the center of the vehicle as practicable; and

2999 (c) at least two red reflectors visible from all distances within 600 feet to 100 feet to
3000 the rear when directly in front of lawful lower beams of head lamps.

3001 (4) Towed farm equipment or a towed implement of husbandry shall be equipped with
3002 lamps and reflectors as provided under this Subsection (4), if operated on a highway under the
3003 conditions specified under Subsection 41-6a-1603(1)(a).

3004 (a) If the towed unit or its load extends more than four feet to the rear of the tractor or
3005 obscures any light on a tractor, the towed unit shall be equipped on the rear with at least two
3006 red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in
3007 front of lawful lower beams of head lamps.

3008 (b) (i) If the towed unit extends more than four feet to the left of the center line of the
3009 tractor, the towed unit shall be equipped on the front with an amber reflector visible from all
3010 distances within 600 feet to 100 feet to the front when directly in front of lawful lower beams
3011 of head lamps.

3012 (ii) The reflector under Subsection (4)(b)(i) shall be positioned to indicate, as nearly as
3013 practicable, the extreme left projection of the towed unit.

3014 (c) If the towed unit or its load obscures either of the vehicle hazard warning lights on
3015 the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in
3016 Subsection (1).

3017 (5) (a) The two red reflectors required under Subsections (3) and (4) shall be positioned
3018 to show, as nearly as practicable, the extreme width of the vehicle or combination of vehicles
3019 as viewed from the rear of the vehicle or combination of vehicles.

3020 (b) Reflective tape or paint may be used in lieu of the reflectors required under this
3021 section.

3022 (6) (a) A slow-moving vehicle emblem mounted on the rear is required on:

3023 (i) a farm tractor and a self-propelled implement of husbandry designed for operation at
3024 speeds not in excess of 25 miles per hour; or

3025 (ii) towed farm equipment or a towed implement of husbandry if the towed unit or any
3026 load on it obscures the slow-moving vehicle emblem on the farm tractor or self-propelled
3027 implement of husbandry.

3028 (b) The slow-moving vehicle emblem's design, size, mounting, and position on the
3029 vehicle required under this Subsection (6), shall:

3030 (i) comply with current standards and specifications of the American Society of
3031 Agricultural Engineers; and

3032 (ii) be approved by the department.

3033 (c) A slow-moving vehicle identification emblem may not be:

3034 (i) used except as required under this section and Sections 41-6a-1508 and 41-6a-1609;

3035 or

3036 (ii) displayed on a vehicle traveling at a speed in excess of 25 miles per hour.

3037 (7) A violation of this section is an infraction.

3038 Section 107. Section 41-6a-1609 is amended to read:

3039 **41-6a-1609. Lamps and reflectors on vehicles not otherwise specified --**

3040 **Slow-moving vehicle identification emblems on animal-drawn vehicles.**

3041 (1) An animal-drawn vehicle, a vehicle under Section 41-6a-1604, and a vehicle not
3042 specifically required by the provisions of other sections in this chapter to be equipped with
3043 lamps or other lighting devices, shall be equipped with lamps or other lighting devices if
3044 operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a) as
3045 follows:

3046 (a) at least one lamp displaying a white light visible from a distance of not less than
3047 1,000 feet to the front of the vehicle; and

3048 (b) (i) two lamps displaying red light visible from a distance of not less than 1,000 feet
3049 to the rear of the vehicle; or

3050 (ii) one lamp displaying a red light visible from a distance of not less than 1,000 feet to
3051 the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when
3052 illuminated by the lawful lower beams of head lamps.

3053 (2) An animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle
3054 identification emblem as provided under Section 41-6a-1608.

3055 (3) A violation of this section is an infraction.

3056 Section 108. Section 41-6a-1610 is amended to read:

3057 **41-6a-1610. Spot lamps.**

3058 (1) A motor vehicle may not be equipped with more than two spot lamps.

3059 (2) A lighted spot lamp may not be aimed or used so that any part of the high intensity
3060 portion of the beam strikes the windshield, or any windows, mirror, or occupant of another
3061 vehicle in use.

3062 (3) This section does not apply to spot lamps on an authorized emergency vehicle.

3063 (4) A violation of this section is an infraction.

3064 Section 109. Section **41-6a-1611** is amended to read:

3065 **41-6a-1611. Hazard warning lamps.**

3066 (1) A vehicle manufactured with hazard warning lights shall be equipped with hazard
3067 warning lights for the purpose of warning the operators of other vehicles of the presence of a
3068 vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or
3069 passing.

3070 (2) In addition to the requirements of Subsection (1), a bus, truck, truck-tractor, trailer,
3071 semitrailer, or pole trailer shall be equipped with hazard warning lights if the bus, truck,
3072 truck-tractor, trailer, semitrailer, or pole trailer is 80 inches or more in overall width or 30 feet
3073 or more in overall length.

3074 (3) The hazard warning lights required under this section shall comply with rules made
3075 by the department under Section [41-6a-1601](#).

3076 (4) A violation of this section is an infraction.

3077 Section 110. Section **41-6a-1612** is amended to read:

3078 **41-6a-1612. Back-up lamps -- Side marker lamps.**

3079 (1) (a) A motor vehicle may be equipped with one or more back-up lamps either
3080 separately or in combination with other lamps.

3081 (b) A back-up lamp or lamps may not be lighted when the motor vehicle is in forward
3082 motion.

3083 (c) A lighted back-up lamp shall emit a white light.

3084 (2) A vehicle may be equipped with one or more side marker lamps that may be
3085 flashed in conjunction with turn or vehicular hazard warning signals.

3086 (3) A back-up lamp and side marker lamp under this section shall comply with rules
3087 made by the department under Section [41-6a-1601](#).

3088 (4) A violation of this section is an infraction.

3089 Section 111. Section **41-6a-1613** is amended to read:

3090 **41-6a-1613. Lamp required for operation of vehicle on highway or adjacent**
3091 **shoulder -- Dimming of lights.**

3092 (1) (a) If a vehicle is operated on a highway or shoulder adjacent to the highway under
3093 the conditions specified under Subsection **41-6a-1603**(1)(a), the operator of a vehicle shall use
3094 a high or low beam distribution of light or composite beam except as provided under
3095 Subsection (1)(c).

3096 (b) Except as provided under Subsection (1)(c), the distribution of light or composite
3097 beam shall be directed high enough and of sufficient intensity to reveal persons and vehicles at
3098 a safe distance in advance of the vehicle.

3099 (c) The operator of a vehicle shall use a low beam distribution of light or composite
3100 beam if the vehicle approaches:

- 3101 (i) an oncoming vehicle within 500 feet; or
3102 (ii) another vehicle from the rear within 300 feet.

3103 (2) (a) The low beam distribution of light or composite beam shall be aimed to avoid
3104 projecting glaring rays into the:

- 3105 (i) eyes of an oncoming operator; or
3106 (ii) rearview mirror of a vehicle approached from the rear.

3107 (b) A vehicle is not in violation of Subsection (2)(a) if:

- 3108 (i) the vehicle has not been significantly altered from the original vehicle
3109 manufacturer's specifications; or

3110 (ii) the glaring rays result from road contour or a temporary load on the vehicle.

3111 (3) A violation of this section is an infraction.

3112 Section 112. Section **41-6a-1616** is amended to read:

3113 **41-6a-1616. High intensity beams -- Red or blue lights -- Flashing lights -- Color**
3114 **of rear lights and reflectors.**

3115 (1) (a) Except as provided under Subsection (1)(b), under the conditions specified
3116 under Subsection **41-6a-1603**(1)(a), a lighted lamp or illuminating device on a vehicle, which
3117 projects a beam of light of an intensity greater than 300 candlepower shall be directed so that
3118 no part of the high intensity portion of the beam will strike the level of the roadway on which
3119 the vehicle stands at a distance of more than 75 feet from the vehicle.

3120 (b) The provisions of Subsection (1)(a) do not apply to head lamps, spot lamps,

3121 auxiliary lamps, flashing turn signals, hazard warning lamps, and school bus warning lamps.

3122 (c) A motor vehicle on a highway may not have more than a total of four lamps lighted
3123 on the front of the vehicle including head lamps, auxiliary lamps, spot lamps, or any other lamp
3124 if the lamp projects a beam of an intensity greater than 300 candlepower.

3125 (2) (a) Except for an authorized emergency vehicle and a school bus, a person may not
3126 operate or move any vehicle or equipment on a highway with a lamp or device capable of
3127 displaying a red light that is visible from directly in front of the center of the vehicle.

3128 (b) Except for a law enforcement vehicle, a person may not operate or move any
3129 vehicle or equipment on a highway with a lamp or device capable of displaying a blue light that
3130 is visible from directly in front of the center of the vehicle.

3131 (3) A person may not use flashing lights on a vehicle except for:

3132 (a) taillights of bicycles under Section 41-6a-1114;

3133 (b) authorized emergency vehicles under rules made by the department under Section
3134 41-6a-1601;

3135 (c) turn signals under Section 41-6a-1604;

3136 (d) hazard warning lights under Sections 41-6a-1608 and 41-6a-1611;

3137 (e) school bus flashing lights under Section 41-6a-1302; and

3138 (f) vehicles engaged in highway construction or maintenance under Section
3139 41-6a-1617.

3140 (4) A person may not use a rotating light on any vehicle other than an authorized
3141 emergency vehicle.

3142 (5) A violation of this section is an infraction.

3143 Section 113. Section 41-6a-1618 is amended to read:

3144 **41-6a-1618. Sale or use of unapproved lighting equipment or devices prohibited.**

3145 (1) Except as provided under Subsection (2), a person may not use, have for sale, sell,
3146 or offer for sale for use on or as a part of the equipment of a motor vehicle, trailer, semitrailer,
3147 or pole trailer any head lamp, auxiliary fog lamp, rear lamp, signal lamp, required reflector, or
3148 any parts of that equipment which tend to change the original design or performance, unless the
3149 part or equipment complies with the specifications adopted under Section 41-6a-1601.

3150 (2) The provisions of Subsection (1) do not apply to equipment in actual use prior to
3151 July 1, 1979 or to replacement parts of this equipment.

3152 (3) A person may not use on a motor vehicle, trailer, semitrailer, or pole trailer any
3153 lamps under this section unless the lamps are mounted, adjusted, and aimed in accordance with
3154 this part.

3155 (4) A violation of this section is an infraction.

3156 Section 114. Section **41-6a-1619** is amended to read:

3157 **41-6a-1619. Sale of unapproved equipment prohibited -- Trademark or brand**
3158 **name.**

3159 (1) A person shall not sell or offer for sale any equipment or parts that do not comply
3160 with the standards adopted under Section **41-6a-1601** including any lamp, reflector, hydraulic
3161 brake fluid, seat belt, safety glass, emergency disablement warning device, studded tire,
3162 motorcycle helmet, eye protection device for motorists, or red rear bicycle reflector.

3163 (2) Any equipment described under Subsection (1) or Section **41-6a-1618** or any
3164 package containing the equipment shall bear the manufacturer's trademark or brand name
3165 unless it complies with identification requirements of the United States Department of
3166 Transportation or other federal agencies.

3167 (3) A violation of this section is an infraction.

3168 Section 115. Section **41-6a-1623** is amended to read:

3169 **41-6a-1623. Braking systems required -- Adoption of performance requirements**
3170 **by department.**

3171 (1) A motor vehicle and a combination of vehicles shall have a service braking system
3172 which will stop the motor vehicle or combination of vehicles within:

3173 (a) 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard
3174 surface; or

3175 (b) a shorter distance as may be specified by the department in accordance with federal
3176 standards.

3177 (2) A motor vehicle and a combination of vehicles shall have a parking brake system:

3178 (a) adequate to hold the motor vehicle or combination of vehicles on any grade on
3179 which it is operated under all conditions of loading on a surface free from snow, ice or loose
3180 material; or

3181 (b) which complies with performance standards issued by the department in accordance
3182 with federal standards.

3183 (3) In addition to the requirements of Subsections (1) and (2), if necessary for safe
3184 operation, the department may by rule require additional braking systems in accordance with
3185 federal standards.

3186 (4) A violation of this section is an infraction.

3187 Section 116. Section **41-6a-1624** is amended to read:

3188 **41-6a-1624. Failure to repair a damaged or deployed airbag -- Penalty.**

3189 (1) As used in this section, "person" includes the owner or lessee of a motor vehicle, a
3190 body shop, dealer, remanufacturer, salvage rebuilder, vehicle service maintenance facility, or
3191 any entity or individual engaged in the repair or replacement of motor vehicles or airbag
3192 passive restraint systems.

3193 (2) Except as provided under Subsection (3), if a repair to a vehicle to be used on a
3194 highway is initiated, a person who has actual knowledge that a motor vehicle's airbag passive
3195 restraint system is damaged or has been deployed may not fail or cause another person to fail to
3196 fully restore, arm, and return to original operating condition, the motor vehicle's airbag passive
3197 restraint system.

3198 (3) In the course of repairing a motor vehicle, a person who has actual knowledge that
3199 the motor vehicle's airbag passive restraint system is damaged or has been deployed shall notify
3200 the owner or lessee of the vehicle, in a form approved by the Department of Public Safety, that
3201 the failure to repair and fully restore the motor vehicle's airbag passive restraint system is a
3202 class B misdemeanor.

3203 (4) Unless acting under a dismantling permit under Section [41-1a-1010](#), a person may
3204 not remove or modify a motor vehicle's airbag passive restraint system with the intent of
3205 rendering the motor vehicle's airbag passive restraint system inoperable.

3206 (5) A person who violates this section is guilty of a class ~~[B]~~ C misdemeanor.

3207 Section 117. Section **41-6a-1625** is amended to read:

3208 **41-6a-1625. Horns and warning devices -- Emergency vehicles.**

3209 (1) (a) A motor vehicle operated on a highway shall be equipped with a horn or other
3210 warning device in good working order.

3211 (b) The horn or other warning device:

3212 (i) shall be capable of emitting sound audible under normal conditions from a distance
3213 of not less than 200 feet; and

- 3214 (ii) may not emit an unreasonably loud or harsh sound or a whistle.
- 3215 (c) The operator of a motor vehicle:
- 3216 (i) when reasonably necessary to insure safe operation, shall give audible warning with
- 3217 the horn; and
- 3218 (ii) except as provided under Subsection (1)(c)(i), may not use the horn on a highway.
- 3219 (2) Except as provided under this section, a vehicle may not be equipped with and a
- 3220 person may not use on a vehicle a siren, whistle, or bell.
- 3221 (3) (a) A vehicle may be equipped with a theft alarm signal device if it is arranged so
- 3222 that it cannot be used by the operator as an ordinary warning signal.
- 3223 (b) A theft alarm signal device may:
- 3224 (i) use a whistle, bell, horn or other audible signal; and
- 3225 (ii) not use a siren.
- 3226 (4) (a) An authorized emergency vehicle shall be equipped with a siren, whistle, or bell
- 3227 capable of emitting sound audible under normal conditions from a distance of not less than 500
- 3228 feet.
- 3229 (b) The type of sound shall be approved by the department based on standards adopted
- 3230 by rules under Section [41-6a-1601](#).
- 3231 (c) The siren on an authorized emergency vehicle may not be used except:
- 3232 (i) when the vehicle is operated in response to an emergency call; or
- 3233 (ii) in the immediate pursuit of an actual or suspected violator of the law.
- 3234 (d) The operator of an authorized emergency vehicle shall sound the siren in
- 3235 accordance with this section when reasonably necessary to warn pedestrians and other vehicle
- 3236 operators of the approach of the authorized emergency vehicle.
- 3237 (5) A violation of this section is an infraction.
- 3238 Section 118. Section **41-6a-1626** is amended to read:
- 3239 **41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution**
- 3240 **control devices.**
- 3241 (1) (a) A vehicle shall be equipped, maintained, and operated to prevent excessive or
- 3242 unusual noise.
- 3243 (b) A motor vehicle shall be equipped with a muffler or other effective noise
- 3244 suppressing system in good working order and in constant operation.

3245 (c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.

3246 (2) (a) Except while the engine is being warmed to the recommended operating
3247 temperature, the engine and power mechanism of a:

3248 (i) gasoline-powered motor vehicle may not emit visible contaminants during
3249 operation;

3250 (ii) diesel engine manufactured on or after January 1, 1973, may not emit visible
3251 contaminants of a shade or density darker than 20% opacity; and

3252 (iii) diesel engine manufactured before January 1, 1973, may not emit visible
3253 contaminants of a shade or density darker than 40% opacity.

3254 (b) A person who violates the provisions of Subsection (2)(a) is guilty of [~~a class C~~
3255 misdemeanor] an infraction.

3256 (3) (a) A motor vehicle equipped by a manufacturer with air pollution control devices
3257 shall maintain the devices in good working order and in constant operation.

3258 (b) For purposes of the first sale of a vehicle at retail, an air pollution control device
3259 may be substituted for the manufacturer's original device if the substituted device is at least as
3260 effective in the reduction of emissions from the vehicle motor as the air pollution control
3261 device furnished by the manufacturer of the vehicle as standard equipment for the same vehicle
3262 class.

3263 (c) A person who renders inoperable an air pollution control device on a motor vehicle
3264 is guilty of a class [~~B~~] C misdemeanor.

3265 (4) Subsection (3) does not apply to a motor vehicle altered and modified to use clean
3266 fuel, as defined under Section [59-13-102](#), when the emissions from the modified or altered
3267 motor vehicle are at levels that comply with existing state or federal standards for the emission
3268 of pollutants from a motor vehicle of the same class.

3269 (5) A violation of this section is an infraction, except that a violation of Subsection (3)
3270 is a class C misdemeanor.

3271 Section 119. Section **41-6a-1627** is amended to read:

3272 **41-6a-1627. Mirrors.**

3273 (1) (a) A motor vehicle shall be equipped with a mirror mounted on the left side of the
3274 vehicle.

3275 (b) A mirror under Subsection (1)(a) shall be located to reflect to the driver a view of

3276 the highway to the rear of the vehicle.

3277 (2) (a) Except for a motorcycle, in addition to the mirror required under Subsection (1),
3278 a motor vehicle shall be equipped with a mirror mounted either inside the vehicle
3279 approximately in the center or outside the vehicle on the right side.

3280 (b) The mirror under Subsection (2)(a) shall be located to reflect to the driver a view of
3281 the highway to the rear of the vehicle.

3282 (3) A violation of this section is an infraction.

3283 Section 120. Section **41-6a-1628** is amended to read:

3284 **41-6a-1628. Seat belts -- Design and installation -- Specifications or requirements.**

3285 (1) A safety belt installed in a vehicle to accommodate an adult person shall be
3286 designed and installed to prevent or materially reduce the movement of the person using the
3287 safety belt in the event of collision or upset of the vehicle.

3288 (2) A person may not sell, offer, or keep for sale a safety belt or attachments for use in
3289 a vehicle that does not comply with the specifications under Section [41-6a-1601](#).

3290 (3) A violation of this section is an infraction.

3291 Section 121. Section **41-6a-1630** is amended to read:

3292 **41-6a-1630. Standards applicable to vehicles.**

3293 (1) The following standards apply to vehicles under Sections [41-6a-1629](#) through
3294 [41-6a-1633](#):

3295 (a) A replacement part and equipment used in a mechanical alteration shall be:

- 3296 (i) designed and capable of performing the function for which they are intended; and
3297 (ii) equal to or greater in strength and durability than the original parts provided by the
3298 original manufacturer.

3299 (b) Except for original equipment, a person may not use spacers to increase wheel track
3300 width of a vehicle.

3301 (c) A person may not use axle blocks to alter the suspension on the front axle of a
3302 vehicle.

3303 (d) A person may not stack two or more axle blocks of a vehicle.

3304 (2) (a) In doubtful or unusual cases, or to meet specific industrial requirements,
3305 personnel of the Utah Highway Patrol shall inspect the vehicle to determine:

- 3306 (i) the road worthiness and safe condition of the vehicle; and

3307 (ii) whether it complies with Sections 41-6a-1629 through 41-6a-1633.

3308 (b) If the vehicle complies, the Utah Highway Patrol shall issue a permit of approval
3309 that shall be carried in the vehicle.

3310 (3) (a) Upon notice to the party to whom the motor vehicle is registered, the
3311 department shall suspend the registration of any motor vehicle equipped, altered, or modified in
3312 violation of Sections 41-6a-1629 through 41-6a-1633.

3313 (b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse
3314 to register any motor vehicle it has reason to believe is equipped, altered, or modified in
3315 violation of Sections 41-6a-1629 through 41-6a-1633.

3316 (4) A violation of this section is a class C misdemeanor.

3317 Section 122. Section 41-6a-1631 is amended to read:

3318 **41-6a-1631. Prohibitions.**

3319 (1) A person may not operate on a highway a motor vehicle that is mechanically altered
3320 or changed:

3321 (a) in any way that may under normal operation:

3322 (i) cause the motor vehicle body or chassis to come in contact with the roadway;

3323 (ii) expose the fuel tank to damage from collision; or

3324 (iii) cause the wheels to come in contact with the body;

3325 (b) in any manner that may impair the safe operation of the vehicle;

3326 (c) so that any part of the vehicle other than tires, rims, and mudguards are less than
3327 three inches above the ground;

3328 (d) to a frame height of more than 24 inches for a motor vehicle with a gross vehicle
3329 weight rating of less than 4,500 pounds;

3330 (e) to a frame height of more than 26 inches for a motor vehicle with a gross vehicle
3331 weight rating of at least 4,500 pounds and less than 7,500 pounds;

3332 (f) to a frame height of more than 28 inches for a motor vehicle with a gross vehicle
3333 weight rating of at least 7,500 pounds;

3334 (g) by stacking or attaching vehicle frames (one from on top of or beneath another
3335 frame); or

3336 (h) so that the lowest portion of the body floor is raised more than three inches above
3337 the top of the frame.

3338 (2) If the wheel track is increased beyond the O.E.M. specification, the top 50% of the
3339 tires shall be covered by the original fenders, by rubber, or other flexible fender extenders
3340 under any loading condition.

3341 (3) A violation of this section is a class C misdemeanor.

3342 Section 123. Section **41-6a-1632** is amended to read:

3343 **41-6a-1632. Bumpers.**

3344 (1) A motor vehicle shall be equipped with a bumper on both front and rear of the
3345 motor vehicle, except a motor vehicle that was not originally designed or manufactured with a
3346 bumper or bumpers.

3347 (2) (a) On a motor vehicle required to have bumpers under Subsection (1), a bumper
3348 shall be:

3349 (i) at least 4.5 inches in vertical height;

3350 (ii) centered on the vehicle's center line; and

3351 (iii) extend no less than the width of the respective wheel track distance.

3352 (b) A bumper shall be securely mounted, horizontal load bearing, and attached to the
3353 motor vehicle's frame to effectively transfer impact when engaged.

3354 (3) If a motor vehicle is originally or later equipped with a bumper, the bumper shall:

3355 (a) be maintained in operational condition; and

3356 (b) comply with this section.

3357 (4) A violation of this section is an infraction.

3358 Section 124. Section **41-6a-1633** is amended to read:

3359 **41-6a-1633. Mudguards or flaps at rear wheels of trucks, trailers, truck tractors,**
3360 **or altered motor vehicles -- Exemptions.**

3361 (1) (a) Except as provided in Subsection (2), when operated on a highway, the
3362 following vehicles shall be equipped with wheel covers, mudguards, flaps, or splash aprons
3363 behind the rearmost wheels to prevent, as far as practicable, the wheels from throwing dirt,
3364 water, or other materials on other vehicles:

3365 (i) a vehicle that has been altered:

3366 (A) from the original manufacturer's frame height; or

3367 (B) in any other manner so that the motor vehicle's wheels may throw dirt, water, or
3368 other materials on other vehicles;

- 3369 (ii) any truck with a gross vehicle weight rating of 10,500 pounds or more;
- 3370 (iii) any truck tractor; and
- 3371 (iv) any trailer or semitrailer with an unladen weight of 750 pounds or more.
- 3372 (b) The wheel covers, mudguards, flaps, or splash aprons shall:
- 3373 (i) be at least as wide as the tires they are protecting;
- 3374 (ii) be directly in line with the tires; and
- 3375 (iii) have a ground clearance of not more than 50% of the diameter of a rear-axle
- 3376 wheel, under any conditions of loading of the motor vehicle.
- 3377 (2) Wheel covers, mudguards, flaps, or splash aprons are not required:
- 3378 (a) if the motor vehicle, trailer, or semitrailer is designed and constructed so that the
- 3379 requirements of Subsection (1) are accomplished by means of fenders, body construction, or
- 3380 other means of enclosure; or
- 3381 (b) on a vehicle operated or driven during fair weather on well-maintained,
- 3382 hard-surfaced roads if the motor vehicle:
- 3383 (i) was made in America prior to 1935;
- 3384 (ii) is registered as a vintage vehicle; or
- 3385 (iii) is a custom vehicle as defined under Section [41-6a-1507](#).
- 3386 (3) Except as provided in Subsection (2)(b), rear wheels not covered at the top by
- 3387 fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means
- 3388 extending rearward at least to the center line of the rearmost axle.
- 3389 (4) A violation of this section is an infraction.
- 3390 Section 125. Section **41-6a-1634** is amended to read:
- 3391 **41-6a-1634. Safety chains on towed vehicles required -- Exceptions.**
- 3392 (1) A towed vehicle shall be coupled by means of a safety chain, cable or equivalent
- 3393 device, in addition to the regular trailer hitch or coupling.
- 3394 (2) Except as provided under Subsection (3), a safety chain, cable or equivalent device
- 3395 shall be:
- 3396 (a) securely connected with the chassis of the towing vehicle, the towed vehicle, and
- 3397 the drawbar;
- 3398 (b) of sufficient material and strength to prevent the two vehicles from becoming
- 3399 separated; and

3400 (c) attached to:
 3401 (i) have no more slack than is necessary for proper turning;
 3402 (ii) the trailer drawbar to prevent it from dropping to the ground; and
 3403 (iii) assure the towed vehicle follows substantially in the course of the towing vehicle
 3404 in case the vehicles become separated.

3405 (3) A violation of Subsection (1) or (2) is an infraction.

3406 [~~(3)~~] (4) The provisions of Subsection (2) do not apply to a:

3407 (a) semitrailer having a connecting device composed of a fifth wheel and king pin
 3408 assembly;
 3409 (b) pole trailer; or
 3410 (c) trailer being towed by a bicycle.

3411 Section 126. Section **41-6a-1635** is amended to read:

3412 **41-6a-1635. Windshields and windows -- Tinting -- Obstructions reducing**
 3413 **visibility -- Wipers -- Prohibitions.**

3414 (1) Except as provided in Subsections (2) and (3), a person may not operate a motor
 3415 vehicle with:

3416 (a) a windshield that allows less than 70% light transmittance;
 3417 (b) a front side window that allows less than 43% light transmittance;
 3418 (c) any windshield or window that is composed of, covered by, or treated with any
 3419 material or component that presents a metallic or mirrored appearance; or
 3420 (d) any sign, poster, or other nontransparent material on the windshield or side
 3421 windows of the motor vehicle except:

3422 (i) a certificate or other paper required to be so displayed by law; or
 3423 (ii) the vehicle's identification number displayed or etched in accordance with rules
 3424 made by the department under Section [41-6a-1601](#).

3425 (2) Nontransparent materials may be used:

3426 (a) along the top edge of the windshield if the materials do not extend downward more
 3427 than four inches from the top edge of the windshield or beyond the AS-1 line whichever is
 3428 lowest;

3429 (b) in the lower left-hand corner of the windshield provided they do not extend more
 3430 than three inches to the right of the left edge or more than four inches above the bottom edge of

3431 the windshield; or

3432 (c) on the rear windows including rear side windows located behind the vehicle

3433 operator.

3434 (3) A windshield or other window is considered to comply with the requirements of
3435 Subsection (1) if the windshield or other window meets the federal statutes and regulations for
3436 motor vehicle window composition, covering, light transmittance, and treatment.

3437 (4) Except for material used on the windshield in compliance with Subsections (2)(a)
3438 and (b), a motor vehicle with tinting or nontransparent material on any window shall be
3439 equipped with rear-view mirrors mounted on the left side and on the right side of the motor
3440 vehicle to reflect to the driver a view of the highway to the rear of the motor vehicle.

3441 (5) (a) (i) The windshield on a motor vehicle shall be equipped with a device for
3442 cleaning rain, snow, or other moisture from the windshield.

3443 (ii) The device shall be constructed to be operated by the operator of the motor vehicle.

3444 (b) A windshield wiper on a motor vehicle shall be maintained in good working order.

3445 (6) A person may not have for sale, sell, offer for sale, install, cover, or treat a
3446 windshield or window in violation of this section.

3447 (7) Notwithstanding this section, any person subject to the federal Motor Vehicle
3448 Safety Standards, including motor vehicle manufacturers, distributors, dealers, importers, and
3449 repair businesses, shall comply with the federal standards on motor vehicle window tinting.

3450 (8) A violation of this section is an infraction.

3451 Section 127. Section **41-6a-1636** is amended to read:

3452 **41-6a-1636. Tires which are prohibited -- Regulatory powers of state**
3453 **transportation department -- Winter use of studs -- Special permits -- Tread depth.**

3454 (1) A solid rubber tire on a vehicle shall have rubber on its entire traction surface at
3455 least one inch thick above the edge of the flange of the entire periphery.

3456 (2) A person may not operate or move on a highway a motor vehicle, trailer, or
3457 semitrailer having a metal tire in contact with the roadway.

3458 (3) Except as otherwise provided in this section, a person may not have a tire on a
3459 vehicle that is moved on a highway that has on the tire's periphery a block, stud, flange, cleat,
3460 or spike or any other protuberances of any material other than rubber which projects beyond the
3461 tread of the traction surface of the tire.

3462 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3463 Department of Transportation may make rules to permit the use of tires on a vehicle having
3464 protuberances other than rubber, if the department concludes that protuberances do not:

3465 (a) damage the highway significantly; or

3466 (b) constitute a hazard to life, health, or property.

3467 (5) Notwithstanding any other provision of this section, a person may use:

3468 (a) a tire with protuberances consisting of tungsten carbide studs on a vehicle if the
3469 studs:

3470 (i) are only used during the winter periods of October 15 through December 31 and
3471 January 1 through March 31 of each year;

3472 (ii) do not project beyond the tread of the traction surface of the tire more than .050
3473 inches; and

3474 (iii) are not used on a vehicle with a maximum gross weight in excess of 9,000 pounds
3475 unless the vehicle is an emergency vehicle or school bus;

3476 (b) farm machinery with tires having protuberances which will not injure the highway;
3477 and

3478 (c) tire chains of reasonable proportions on a vehicle when required for safety because
3479 of snow, ice, or other conditions tending to cause a vehicle to skid.

3480 (6) Notwithstanding any other provision of this chapter, a highway authority, for a
3481 highway under its jurisdiction, may issue special permits authorizing the operation on a
3482 highway of:

3483 (a) farm tractors;

3484 (b) other farm machinery; or

3485 (c) traction engines or tractors having movable tracks with transverse corrugations on
3486 the periphery of the movable tracks.

3487 (7) (a) A person may not operate a vehicle if one or more of the tires in use on the
3488 vehicle:

3489 (i) is in an unsafe operating condition; or

3490 (ii) has a tread depth less than 2/32 inch measured in any two adjacent tread grooves at
3491 three equally spaced intervals around the circumference of the tire.

3492 (b) The measurement under Subsection (7)(a) may not be made at the location of any

3493 tread wear indicator, tie bar, hump, or fillet.

3494 (8) A person in the business of selling tires may not sell or offer for sale for highway
3495 use any tire prohibited for use under Subsection (7).

3496 (9) A violation of this section is an infraction.

3497 Section 128. Section **41-6a-1637** is amended to read:

3498 **41-6a-1637. Flares, fusees, or electric lanterns and flags -- Alternative reflector**
3499 **units -- Duty to carry in trucks and buses -- Requirements.**

3500 (1) Except as provided under Subsection (2) and unless the vehicle is carrying the
3501 equipment required under this section, a person may not operate a truck, bus or truck-tractor, or
3502 a motor vehicle towing a house trailer:

3503 (a) on a highway outside an urban district; or

3504 (b) on a divided highway during hours of darkness specified under Section [41-6a-1603](#).

3505 (2) (a) The vehicle shall carry at least:

3506 (i) three flares;

3507 (ii) three red electric lanterns;

3508 (iii) three portable red emergency reflectors; or

3509 (iv) three red-burning fusees.

3510 (b) The equipment required under Subsections (2)(a)(i) and (ii) shall be capable of
3511 being seen and distinguished at a distance of not less than 600 feet under normal atmospheric
3512 conditions during the hours of darkness.

3513 (c) The equipment required under Subsection (2)(a)(iii) shall be capable of reflecting
3514 red light clearly visible from a distance of not less than 600 feet under normal atmospheric
3515 conditions during the hours of darkness when directly in front of lawful lower beams of head
3516 lamps.

3517 (3) A flare, fusee, electric lantern, warning flag, or portable reflector used under this
3518 section or Section [41-6a-1638](#) shall comply with specifications adopted under Section
3519 [41-6a-1601](#).

3520 (4) (a) A person may not operate a motor vehicle used for the transportation of
3521 explosives or any cargo tank truck used for the transportation of flammable liquids or
3522 compressed gases under the conditions specified under Subsections (1)(a) and (b) unless there
3523 is carried in the vehicle:

- 3524 (i) three red electric lanterns; or
- 3525 (ii) three portable red emergency reflectors.

3526 (b) A person operating a vehicle specified under Subsection (4)(a) or a vehicle using
3527 compressed gas as a motor fuel may not carry in the vehicle a flare, fusee, or signal produced
3528 by flame.

3529 (5) A person may not operate a vehicle described under this section on a highway
3530 outside of an urban district or on a divided highway during daylight hours unless at least two
3531 red flags, not less than 12 inches square, with standards to support the flags are carried in the
3532 vehicle.

3533 (6) A violation of this section is an infraction.

3534 Section 129. Section **41-6a-1638** is amended to read:

3535 **41-6a-1638. Warning signal around disabled vehicle -- Time and place.**

3536 (1) (a) When a truck, bus, truck-tractor, trailer, semitrailer, or pole trailer 80 inches or
3537 more in over-all width or 30 feet or more in over-all length is stopped on a roadway or adjacent
3538 shoulder, the operator shall immediately actuate vehicular hazard warning signal lamps
3539 meeting the requirements of Section [41-6a-1611](#).

3540 (b) The signal lights need not be displayed by a vehicle:

- 3541 (i) parked lawfully in an urban district;
- 3542 (ii) stopped lawfully to receive or discharge passengers;
- 3543 (iii) stopped to avoid conflict with other traffic or to comply with the directions of a
3544 peace officer or an official traffic-control device; or
- 3545 (iv) while the devices specified in Subsections (2) through (6) are in place.

3546 (2) (a) Except as provided in Subsection (3), if a vehicle of a type specified under
3547 Subsection (1) is disabled or stopped for more than 10 minutes on a roadway outside of an
3548 urban district under the conditions specified under Subsection [41-6a-1603](#)(1), the operator of
3549 the vehicle shall display the following warning devices:

3550 (i) a lighted fusee, a lighted red electric lantern, or a portable red emergency reflector
3551 shall immediately be placed at the traffic side of the vehicle in the direction of the nearest
3552 approaching traffic; and

3553 (ii) as soon as possible after placing the warning devices under Subsection (2)(a)(i) but
3554 within the burning period of the fusee (15 minutes), the driver shall place three liquid-burning

3555 flares (pot torches), or three lighted red electric lanterns, or three portable red emergency
3556 reflectors on the roadway in the following order:

3557 (A) one approximately 100 feet from the disabled vehicle in the center of the lane
3558 occupied by the vehicle and toward traffic approaching in that lane;

3559 (B) one approximately 100 feet in the opposite direction from the disabled vehicle and
3560 in the center of the traffic lane occupied by the vehicle; and

3561 (C) one at the traffic side of the disabled vehicle not less than 10 feet rearward or
3562 forward of the disabled vehicle in the direction of the nearest approaching traffic.

3563 (b) If a lighted red electric lantern or a red portable emergency reflector has been
3564 placed at the traffic side of the vehicle in accordance with Subsection (2)(a)(ii)(A), a rearward
3565 lantern or reflector under Subsection (2)(a)(ii)(C) is not required.

3566 (3) If a vehicle specified under this section is disabled, or stopped for more than 10
3567 minutes:

3568 (a) within 500 feet of a curve, hillcrest, or other obstruction to view, the warning
3569 device in that direction shall be placed to afford ample warning to other users of the highway,
3570 but in no case less than 100 feet or more than 500 feet from the disabled vehicle;

3571 (b) on a roadway of a divided highway under the conditions specified under Subsection
3572 [41-6a-1603\(1\)](#), the appropriate warning devices required under Subsections (2) and (4) shall be
3573 placed as follows:

3574 (i) one at a distance of approximately 200 feet from the vehicle in the center of the lane
3575 occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

3576 (ii) one at a distance of approximately 100 feet from the vehicle, in the center of the
3577 lane occupied by the vehicle and in the direction of traffic approaching in that lane; and

3578 (iii) one at the traffic side of the vehicle and approximately 10 feet from the vehicle in
3579 the direction of the nearest approaching traffic; or

3580 (c) on a roadway outside of an urban district or on the roadway of a divided highway
3581 not under the conditions specified under Subsection [41-6a-1603\(1\)](#), the driver of the vehicle
3582 shall display two red flags as follows:

3583 (i) if traffic on the roadway moves in two directions, one flag shall be placed
3584 approximately 100 feet to the rear and one flag approximately 100 feet in advance of the
3585 vehicle in the center of the lane occupied by the vehicle; or

3586 (ii) on a one-way roadway, one flag shall be placed approximately 100 feet and one flag
3587 approximately 200 feet to the rear of the vehicle in the center of the lane occupied by the
3588 vehicle.

3589 (4) When a motor vehicle used in the transportation of explosives or any cargo tank
3590 truck used for the transportation of any flammable liquid or compressed gas is disabled, or
3591 stopped for more than 10 minutes, at any time and place specified under Subsection (2) or (3),
3592 the operator of the vehicle shall immediately display red electric lanterns or portable red
3593 emergency reflectors in the same number and manner as specified in Subsection (2) or (3).

3594 (5) The warning devices specified under Subsections (2) through (4) are not required to
3595 be displayed where there is sufficient light to reveal persons and vehicles within a distance of
3596 1,000 feet.

3597 (6) If a vehicle described under this section is stopped entirely off the roadway and on
3598 an adjacent shoulder, the warning devices shall be placed, as nearly as practicable, on the
3599 shoulder near the edge of the roadway.

3600 (7) A violation of this section is an infraction.

3601 Section 130. Section **41-6a-1639** is amended to read:

3602 **41-6a-1639. Hazardous materials -- Transportation regulations -- Fire**
3603 **extinguishers.**

3604 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3605 the Department of Transportation shall make rules for the safe transportation of hazardous
3606 materials.

3607 (b) The rules shall adopt by reference or be consistent with current Hazardous
3608 Materials Regulations of the United States Department of Transportation.

3609 (c) An adoption by reference under Subsection (1)(b) shall be construed to incorporate
3610 amendments thereto as may be made from time to time.

3611 (2) A person operating a vehicle transporting any hazardous material as a cargo or part
3612 of a cargo on a highway shall at all times comply with rules made by the Department of
3613 Transportation under this section including being:

3614 (a) marked or placarded; and

3615 (b) equipped with fire extinguishers:

3616 (i) of a type, size, and number approved by rule; and

3617 (ii) that are filled, ready for immediate use, and placed at a convenient point on the
3618 vehicle.

3619 (c) A violation of Subsection (2)(a) or (b) is an infraction.

3620 Section 131. Section **41-6a-1641** is amended to read:

3621 **41-6a-1641. Video display in motor vehicles prohibited if visible to driver --**
3622 **Exceptions.**

3623 (1) A motor vehicle may not be operated on a highway if the motor vehicle is equipped
3624 with a video display located so that the display is visible to the operator of the vehicle.

3625 (2) This section does not prohibit the use of a video display used exclusively for:

3626 (a) safety or law enforcement purposes if the use is approved by rule of the department
3627 under Section [41-6a-1601](#);

3628 (b) motor vehicle navigation; or

3629 (c) monitoring of equipment and operating systems of the motor vehicle.

3630 (3) A violation of this section is an infraction.

3631 Section 132. Section **41-6a-1713** is amended to read:

3632 **41-6a-1713. Penalty for littering on a highway.**

3633 (1) A person who violates any of the provisions of Section [41-6a-1712](#) is guilty of [~~a~~
3634 ~~class C misdemeanor~~] an infraction and shall be fined:

3635 (a) not less than \$200 for a violation; or

3636 (b) not less than \$500 for a second or subsequent violation within three years of a
3637 previous violation of this section.

3638 (2) The sentencing judge may require that the offender devote at least eight hours in
3639 cleaning up:

3640 (a) litter caused by the offender; and

3641 (b) existing litter from a safe area designated by the sentencing judge.

3642 Section 133. Section **41-8-1** is amended to read:

3643 **41-8-1. Operation of vehicle by persons under 16 prohibited -- Exceptions for**
3644 **off-highway vehicles and off-highway implements of husbandry.**

3645 (1) A person under 16 years of age, whether resident or nonresident of this state, may
3646 not operate a motor vehicle upon any highway of this state.

3647 (2) This section does not apply to a person operating:

- 3648 (a) a motor vehicle under a permit issued under Section 53-3-210.5;
- 3649 (b) an off-highway vehicle registered under Section 41-22-3 either:
- 3650 (i) on a highway designated as open for off-highway vehicle use; or
- 3651 (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or
- 3652 (c) an off-highway implement of husbandry in the manner prescribed by Subsections
- 3653 41-22-5.5(3) through (5).

3654 (3) A violation of this section is an infraction.

3655 Section 134. Section 41-8-2 is amended to read:

3656 **41-8-2. Operation of vehicle by persons under 17 during night hours prohibited**

3657 **-- Exceptions.**

3658 (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a
3659 person younger than 17 years of age, whether resident or nonresident of this state, may not
3660 operate a motor vehicle upon any highway of this state between the hours of 12:00 a.m. and
3661 5:00 a.m.

3662 (2) It is an affirmative defense to a charge under Subsection (1) that the person is
3663 operating a motor vehicle:

3664 (a) accompanied by a licensed driver at least 21 years of age who is occupying a seat
3665 next to the driver;

3666 (b) for the driver's employment, including the trip to and from the driver's residence
3667 and the driver's employment;

3668 (c) directly to the driver's residence from a school-sponsored activity if:

3669 (i) transportation to the activity is provided by a school or school district; and

3670 (ii) the transportation under Subsection (2)(c)(i) commences from and returns to the
3671 school property where the driver is enrolled;

3672 (d) on assignment of a farmer or rancher and the driver is engaged in an agricultural
3673 operation; or

3674 (e) in an emergency.

3675 (3) (a) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver
3676 License Act, a violation of this section is [~~a class C misdemeanor~~] an infraction.

3677 (b) A peace officer may not seize or impound a vehicle if:

3678 (i) the operator of the vehicle is cited for a violation of this section; and

3679 (ii) the seizure or impoundment is not otherwise authorized under Section 41-1a-1101,
3680 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527.

3681 Section 135. Section 41-8-3 is amended to read:

3682 **41-8-3. Operation of vehicle by persons under 16 and six months -- Passenger**
3683 **limitations -- Exceptions -- Penalties.**

3684 (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a
3685 person, whether resident or nonresident of this state, may not operate a motor vehicle upon any
3686 highway of this state with any passenger who is not an immediate family member of the driver
3687 until the earlier of:

3688 (a) six months from the date the person's driver license was issued; or

3689 (b) the person reaches 18 years of age.

3690 (2) It is an affirmative defense to a charge under Subsection (1) that the person is
3691 operating a motor vehicle:

3692 (a) accompanied by a licensed driver at least 21 years of age who is occupying a seat
3693 next to the driver;

3694 (b) on assignment of a farmer or rancher and the driver is engaged in an agricultural
3695 operation; or

3696 (c) in an emergency.

3697 (3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver
3698 License Act, a violation of this section is [~~a class C misdemeanor~~] an infraction.

3699 (4) (a) Enforcement of this section by state or local law enforcement officers shall be
3700 only as a secondary action when an operator of a motor vehicle has been detained for a
3701 suspected violation of Title 41, other than this section, or for another offense.

3702 (b) A peace officer may not seize or impound a vehicle if:

3703 (i) the operator of the vehicle is cited for a violation of this section; and

3704 (ii) the seizure or impoundment is not otherwise authorized under Section 41-1a-1101,
3705 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527.

3706 Section 136. Section 41-12a-302 is amended to read:

3707 **41-12a-302. Operating motor vehicle without owner's or operator's security --**
3708 **Penalty.**

3709 (1) (a) Except as provided in Subsection (1)(b), an owner of a motor vehicle on which

3710 owner's or operator's security is required under Section 41-12a-301, who operates the owner's
3711 vehicle or permits it to be operated on a highway in this state without owner's security being in
3712 effect is guilty of a class [B] C misdemeanor, and the fine shall be not less than:

3713 (i) \$400 for a first offense; and

3714 (ii) \$1,000 for a second and subsequent offense within three years of a previous
3715 conviction or bail forfeiture.

3716 (b) A court may waive up to \$300 of the fine charged to the owner of a motor vehicle
3717 under Subsection (1)(a)(i) if the owner demonstrates that owner's or operator's security required
3718 under Section 41-12a-301 was obtained subsequent to the violation but before sentencing.

3719 (2) (a) Except as provided under Subsection (2)(b), any other person who operates a
3720 motor vehicle upon a highway in Utah with the knowledge that the owner does not have
3721 owner's security in effect for the motor vehicle is also guilty of a class [B] C misdemeanor, and
3722 the fine shall be not less than:

3723 (i) \$400 for a first offense; and

3724 (ii) \$1,000 for a second and subsequent offense within three years of a previous
3725 conviction or bail forfeiture.

3726 (b) A person that has in effect owner's security on a Utah-registered motor vehicle or
3727 its equivalent that covers the operation, by the person, of the motor vehicle in question is
3728 exempt from this Subsection (2).

3729 Section 137. Section 41-12a-303.2 is amended to read:

3730 **41-12a-303.2. Evidence of owner's or operator's security to be carried when**
3731 **operating motor vehicle -- Defense -- Penalties.**

3732 (1) As used in this section:

3733 (a) "Division" means the Motor Vehicle Division of the State Tax Commission.

3734 (b) "Registration materials" means the evidences of motor vehicle registration,
3735 including all registration cards, license plates, temporary permits, and nonresident temporary
3736 permits.

3737 (2) (a) (i) A person operating a motor vehicle shall:

3738 (A) have in the person's immediate possession evidence of owner's or operator's
3739 security for the motor vehicle the person is operating; and

3740 (B) display it upon demand of a peace officer.

3741 (ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is
3742 operating:

3743 (A) a government-owned or leased motor vehicle; or

3744 (B) an employer-owned or leased motor vehicle and is driving it with the employer's
3745 permission.

3746 (b) Evidence of owner's or operator's security includes any one of the following:

3747 (i) a copy of the operator's valid:

3748 (A) insurance policy;

3749 (B) insurance policy declaration page;

3750 (C) binder notice;

3751 (D) renewal notice; or

3752 (E) card issued by an insurance company as evidence of insurance;

3753 (ii) a certificate of insurance issued under Section 41-12a-402;

3754 (iii) a certified copy of a surety bond issued under Section 41-12a-405;

3755 (iv) a certificate of the state treasurer issued under Section 41-12a-406;

3756 (v) a certificate of self-funded coverage issued under Section 41-12a-407; or

3757 (vi) information that the vehicle or driver is insured from the Uninsured Motorist
3758 Identification Database Program created under Title 41, Chapter 12a, Part 8.

3759 (c) A card issued by an insurance company as evidence of owner's or operator's
3760 security under Subsection (2)(b)(i)(E) on or after July 1, 2014, may not display the owner's or
3761 operator's address on the card.

3762 (d) (i) A person may provide to a peace officer evidence of owner's or operator's
3763 security described in this Subsection (2) in:

3764 (A) a hard copy format; or

3765 (B) an electronic format using a mobile electronic device.

3766 (ii) If a person provides evidence of owner's or operator's security in an electronic
3767 format using a mobile electronic device under this Subsection (2)(d), the peace officer viewing
3768 the owner's or operator's security on the mobile electronic device may not view any other
3769 content on the mobile electronic device.

3770 (iii) Notwithstanding any other provision under this section, a peace officer is not
3771 subject to civil liability or criminal penalties under this section if the peace officer inadvertently

3772 views content other than the evidence of owner's or operator's security on the mobile electronic
3773 device.

3774 (e) (i) Evidence of owner's or operator's security from the Uninsured Motorist
3775 Identification Database Program described under Subsection (2)(b)(vi) supercedes any
3776 evidence of owner's or operator's security described under Subsection (2)(b)(i)(D) or (E).

3777 (ii) A peace officer may not cite or arrest a person for a violation of Subsection (2)(a) if
3778 the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a,
3779 Part 8, information indicates that the vehicle or driver is insured.

3780 (3) It is an affirmative defense to a charge under this section that the person had
3781 owner's or operator's security in effect for the vehicle the person was operating at the time of
3782 the person's citation or arrest.

3783 (4) (a) Evidence of owner's or operator's security as defined under Subsection (2)(b) or
3784 a written statement from an insurance producer or company verifying that the person had the
3785 required motor vehicle insurance coverage on the date specified is considered proof of owner's
3786 or operator's security for purposes of Subsection (3) and Section 41-12a-804.

3787 (b) The court considering a citation issued under this section shall allow the evidence
3788 or a written statement under Subsection (4)(a) and a copy of the citation to be faxed or mailed
3789 to the clerk of the court to satisfy Subsection (3).

3790 (c) The notice under Section 41-12a-804 shall specify that the written statement under
3791 Subsection (4)(a) and a copy of the notice shall be faxed or mailed to the designated agent to
3792 satisfy the proof of owner's or operator's security required under Section 41-12a-804.

3793 (5) A violation of this section is a class [B] C misdemeanor, and the fine shall be not
3794 less than:

3795 (a) \$400 for a first offense; and

3796 (b) \$1,000 for a second and subsequent offense within three years of a previous
3797 conviction or bail forfeiture.

3798 (6) Upon receiving notification from a court of a conviction for a violation of this
3799 section, the department:

3800 (a) shall suspend the person's driver license; and

3801 (b) may not renew the person's driver license or issue a driver license to the person
3802 until the person gives the department proof of owner's or operator's security.

3803 (i) This proof of owner's or operator's security shall be given by any of the ways
3804 required under Section 41-12a-401.

3805 (ii) This proof of owner's or operator's security shall be maintained with the department
3806 for a three-year period.

3807 (iii) An insurer that provides a certificate of insurance as provided under Section
3808 41-12a-402 or 41-12a-403 may not terminate the insurance policy unless notice of termination
3809 is filed with the department no later than 10 days after termination as required under Section
3810 41-12a-404.

3811 (iv) If a person who has canceled the certificate of insurance applies for a license
3812 within three years from the date proof of owner's or operator's security was originally required,
3813 the department shall refuse the application unless the person reestablishes proof of owner's or
3814 operator's security and maintains the proof for the remainder of the three-year period.

3815 Section 138. Section 41-22-3 is amended to read:

3816 **41-22-3. Registration of vehicles -- Application -- Issuance of sticker and card --**
3817 **Proof of property tax payment -- Records.**

3818 (1) (a) Unless exempted under Section 41-22-9, a person may not operate or transport
3819 and an owner may not give another person permission to operate or transport any off-highway
3820 vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle
3821 is registered under this chapter for the current year.

3822 (b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway
3823 vehicle which can be used or transported on any public land, trail, street, or highway in this
3824 state, unless the off-highway vehicle is registered or is in the process of being registered under
3825 this chapter for the current year.

3826 (2) The owner of an off-highway vehicle subject to registration under this chapter shall
3827 apply to the Motor Vehicle Division for registration on forms approved by the Motor Vehicle
3828 Division.

3829 (3) Each application for registration of an off-highway vehicle shall be accompanied
3830 by:

3831 (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of
3832 sale showing ownership, make, model, horsepower or displacement, and serial number;

3833 (b) the past registration card; or

3834 (c) the fee for a duplicate.

3835 (4) (a) Upon each annual registration, the Motor Vehicle Division shall issue a
3836 registration sticker and a registration card for each off-highway vehicle registered.

3837 (b) The registration sticker shall:

3838 (i) contain a unique number using numbers, letters, or combination of numbers and
3839 letters to identify the off-highway vehicle for which it is issued;

3840 (ii) be affixed to the off-highway vehicle for which it is issued in a plainly visible
3841 position as prescribed by rule of the board under Section 41-22-5.1; and

3842 (iii) be maintained free of foreign materials and in a condition to be clearly legible.

3843 (c) At all times, a registration card shall be kept with the off-highway vehicle and shall
3844 be available for inspection by a law enforcement officer.

3845 (5) (a) Except as provided by Subsection (5)(c), an applicant for a registration card and
3846 registration sticker shall provide the Motor Vehicle Division a certificate, described under
3847 Subsection (5)(b), from the county assessor of the county in which the off-highway vehicle has
3848 situs for taxation.

3849 (b) The certificate required under Subsection (5)(a) shall state one of the following:

3850 (i) the property tax on the off-highway vehicle for the current year has been paid;

3851 (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to
3852 secure the payment of the tax; or

3853 (iii) the off-highway vehicle is exempt by law from payment of property tax for the
3854 current year.

3855 (c) An off-highway vehicle for which an off-highway implement of husbandry sticker
3856 has been issued in accordance with Section 41-22-5.5 is exempt from the requirement under
3857 this Subsection (5).

3858 (6) (a) All records of the division made or kept under this section shall be classified by
3859 the Motor Vehicle Division in the same manner as motor vehicle records are classified under
3860 Section 41-1a-116.

3861 (b) Division records are available for inspection in the same manner as motor vehicle
3862 records under Section 41-1a-116.

3863 (7) A violation of this section is an infraction.

3864 Section 139. Section 41-22-4 is amended to read:

3865 **41-22-4. Falsification of documents unlawful -- Alteration or removal of serial**
3866 **number unlawful -- Display of sticker.**

3867 (1) A person may not:

3868 ~~[(1)]~~ (a) knowingly falsify an application for registration, affidavit of ownership, or bill
3869 of sale for any off-highway vehicle;

3870 ~~[(2)]~~ (b) alter, deface, or remove any manufacturer's serial number on any off-highway
3871 vehicle;

3872 ~~[(3)]~~ (c) use or permit the use or display of any registration sticker, registration card, or
3873 permit upon an off-highway vehicle or in the operation of any off-highway vehicle other than
3874 the vehicle for which it was issued; or

3875 ~~[(4)]~~ (d) alter or deface a registration sticker, registration card, or permit issued to an
3876 off-highway vehicle.

3877 (2) A violation of this section is a class C misdemeanor.

3878 Section 140. Section **41-22-5.5** is amended to read:

3879 **41-22-5.5. Off-highway husbandry vehicles.**

3880 (1) (a) (i) The owner of an all-terrain type I vehicle, motorcycle, all-terrain type II
3881 vehicle, or snowmobile used for agricultural purposes may apply to the Motor Vehicle Division
3882 for an off-highway implement of husbandry sticker.

3883 (ii) Each application under Subsection (1)(a)(i) shall be accompanied by:

3884 (A) evidence of ownership;

3885 (B) a title or a manufacturer's certificate of origin; and

3886 (C) a signed statement certifying that the off-highway vehicle is used for agricultural
3887 purposes.

3888 (iii) The owner shall receive an off-highway implement of husbandry sticker upon
3889 production of:

3890 (A) the documents required under this Subsection (1); and

3891 (B) payment of an off-highway implement of husbandry sticker fee established by the
3892 board not to exceed \$10.

3893 (b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or
3894 highways, it shall also be registered under Section [41-22-3](#).

3895 (c) The off-highway implement of husbandry sticker shall be displayed in a manner

3896 prescribed by the board and shall identify the all-terrain type I vehicle, motorcycle, or
3897 snowmobile as an off-highway implement of husbandry.

3898 (2) The off-highway implement of husbandry sticker is valid only for the life of the
3899 ownership of the all-terrain type I vehicle, motorcycle, or snowmobile and is not transferable.

3900 (3) The off-highway implement of husbandry sticker is valid for an all-terrain type I
3901 vehicle, motorcycle, or snowmobile which is being operated adjacent to a roadway:

3902 (a) when the all-terrain type I vehicle, motorcycle, or snowmobile is only being used to
3903 travel from one parcel of land owned or operated by the owner of the vehicle to another parcel
3904 of land owned or operated by the owner; and

3905 (b) when this operation is necessary for the furtherance of agricultural purposes.

3906 (4) If the operation of an off-highway implement of husbandry adjacent to a roadway is
3907 impractical, it may be operated on the roadway if the operator exercises due care towards
3908 conventional motor vehicle traffic.

3909 (5) It is unlawful to operate an off-highway implement of husbandry along, across, or
3910 within the boundaries of an interstate freeway.

3911 (6) A violation of this section is an infraction.

3912 Section 141. Section **41-22-10.1** is amended to read:

3913 **41-22-10.1. Vehicles operated on posted public land.**

3914 (1) Currently registered off-highway vehicles may be operated on public land, trails,
3915 streets, or highways that are posted by sign or designated by map or description as open to
3916 off-highway vehicle use by the controlling federal, state, county, or municipal agency.

3917 (2) The controlling federal, state, county, or municipal agency may:

3918 (a) provide a map or description showing or describing land, trails, streets, or highways
3919 open to off-highway vehicle use; or

3920 (b) post signs designating lands, trails, streets, or highways open to off-highway
3921 vehicle use.

3922 (3) Liability may not be imposed on any federal, state, county, or municipality relating
3923 to the designation or maintenance of any land, trail, street, or highway open for off-highway
3924 vehicle use.

3925 (4) A violation of this section is an infraction.

3926 Section 142. Section **41-22-10.2** is amended to read:

3927 **41-22-10.2. Off-highway vehicles -- Prohibited on interstate freeway.**

3928 (1) It is unlawful for an off-highway vehicle to operate along, across, or within the
3929 boundaries of an interstate freeway or controlled access highway, as defined in Section
3930 41-6a-102.

3931 (2) A violation of this section is an infraction.

3932 Section 143. Section 41-22-10.3 is amended to read:

3933 **41-22-10.3. Operation of vehicles on highways -- Limits.**

3934 A person may not operate an off-highway vehicle upon any street or highway, not
3935 designated as open to off-highway vehicle use, except:

3936 (1) when crossing a street or highway and the operator comes to a complete stop before
3937 crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a
3938 right angle;

3939 (2) when loading or unloading an off-highway vehicle from a vehicle or trailer, which
3940 shall be done with due regard for safety, and at the nearest practical point of operation;

3941 (3) when an emergency exists, during any period of time and at those locations when
3942 the operation of conventional motor vehicles is impractical or when the operation is directed by
3943 a peace officer or other public authority; or

3944 (4) when operating a street-legal all-terrain vehicle on a highway in accordance with
3945 Section 41-6a-1509.

3946 (5) A violation of this section is an infraction.

3947 Section 144. Section 41-22-10.7 is amended to read:

3948 **41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.**

3949 (1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped
3950 with:

3951 (a) brakes adequate to control the movement of and to stop and hold the vehicle under
3952 normal operating conditions;

3953 (b) headlights and taillights when operated between sunset and sunrise;

3954 (c) a noise control device and except for a snowmobile, a spark arrestor device; and

3955 (d) when operated on sand dunes designated by the board, a safety flag that is:

3956 (i) red or orange in color;

3957 (ii) a minimum of six by 12 inches; and

3958 (iii) attached to:

3959 (A) the off-highway vehicle so that the safety flag is at least eight feet above the
3960 surface of level ground; or

3961 (B) the protective headgear of a person operating a motorcycle so that the safety flag is
3962 at least 18 inches above the top of the person's head.

3963 (2) A violation of Subsection (1) is an infraction.

3964 [~~(2)~~] (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3965 Act, the board may make rules which set standards for the equipment and which designate sand
3966 dunes where safety flags are required under Subsection (1).

3967 [~~(3)~~] (4) An off-highway implement of husbandry used only in agricultural operations
3968 and not operated on a highway, is exempt from the provisions of this section.

3969 Section 145. Section **41-22-11** is amended to read:

3970 **41-22-11. Agencies authorized to erect regulatory signs on public land.**

3971 (1) No person, except an agent of an appropriate federal, state, county, or city agency,
3972 operating within that agency's authority, may place a regulatory sign governing off-highway
3973 vehicle use on any public land.

3974 (2) A violation of this section is an infraction.

3975 Section 146. Section **41-22-12** is amended to read:

3976 **41-22-12. Restrictions on use of public lands.**

3977 (1) Except as provided in Sections [79-4-203](#) and [79-4-304](#), federal agencies are
3978 encouraged and agencies of the state and its subdivisions shall pursue opportunities to open
3979 public land to responsible off-highway vehicle use and cross-country motor vehicle travel.

3980 (2) A person may not tear down, mutilate, deface, or destroy:

3981 (a) a sign, signboard, or other notice that prohibits or regulates the use of an
3982 off-highway vehicle on public land; or

3983 (b) a fence or other enclosure or a gate or bars belonging to the fence or other
3984 enclosure.

3985 (3) A violation of Subsection (2) is an infraction.

3986 Section 147. Section **41-22-12.1** is amended to read:

3987 **41-22-12.1. Restrictions on use of snowmobile trails.**

3988 (1) A person may not operate a wheeled vehicle with a gross vehicle weight of 800

3989 pounds or more on any snowmobile trail that the division has marked, posted, designated, or
3990 maintained as a snowmobile trail.

3991 (2) A violation of this section is an infraction.

3992 Section 148. Section **41-22-12.2** is amended to read:

3993 **41-22-12.2. Unlawful cross-country motor vehicle travel on public land.**

3994 (1) A person may not operate and an owner of a motor vehicle may not give another
3995 person permission to operate a motor vehicle cross-country on any public land not designated
3996 for that use by the controlling agency.

3997 (2) A person who violates this section is guilty of [~~a class C misdemeanor~~] an
3998 infraction.

3999 (3) As part of any sentence for a conviction of a violation of this section, the court:

4000 (a) may impose a fine not to exceed \$150; and

4001 (b) may require the person to perform community service in the form of repairing any
4002 damage to the public land caused by the unlawful cross-country motor vehicle travel.

4003 Section 149. Section **41-22-12.5** is amended to read:

4004 **41-22-12.5. Restrictions on use of privately-owned lands without permission --**
4005 **Unlawful for person to tamper with signs or fencing on privately-owned land.**

4006 (1) (a) A person may not operate or accompany a person operating a motor vehicle on
4007 privately-owned land of any other person, firm, or corporation without permission from the
4008 owner or person in charge.

4009 (b) A person operating or accompanying a person operating a motor vehicle may not
4010 refuse to immediately leave private land upon request of the owner or person in charge of the
4011 land.

4012 (c) Subsections (1)(a) and (b) do not apply to prescriptive easements on privately
4013 owned land.

4014 (d) A person who violates Subsection (1)(a) [~~or (b) is guilty of a class C misdemeanor~~]
4015 is guilty of an infraction.

4016 (e) A person who violates Subsection (1)(b) is guilty of a class C misdemeanor.

4017 [~~(e)~~] (f) As part of any sentence for a conviction of a violation of Subsection (1)(a) or
4018 (b), the court may:

4019 (i) impose a fine of not more than \$150;

4020 (ii) require the person to pay restitution not to exceed \$500 for any damage caused by
4021 the unlawful motor vehicle travel; and

4022 (iii) require the person to perform community service in the form of repairing any
4023 damage caused by the unlawful motor vehicle travel.

4024 (2) A person operating or accompanying a person operating a motor vehicle may not
4025 obstruct an entrance or exit to private property without the owner's permission.

4026 (3) A person may not:

4027 (a) tear down, mutilate, or destroy any sign, signboards, or other notice which regulates
4028 trespassing for purposes of operating a motor vehicle on land; or

4029 (b) tear down, deface, or destroy any fence or other enclosure or any gate or bars
4030 belonging to the fence or enclosure.

4031 (4) (a) A violation of Subsection (2) is an infraction.

4032 (b) A violation of Subsection (3) is a class C misdemeanor.

4033 Section 150. Section **41-22-12.7** is amended to read:

4034 **41-22-12.7. Enhanced penalties for unlawful motor vehicle use on public or**
4035 **private property.**

4036 (1) A person is guilty of a class [B] C misdemeanor for unlawful cross-country use of a
4037 motor vehicle on public land or unlawful motor vehicle use on private property if the person:

4038 (a) violates Section [41-22-12.2](#), [41-22-12.5](#), or [41-22-13](#); and

4039 (b) (i) has been convicted of violating Section [41-22-12](#), [41-22-12.2](#), [41-22-12.5](#), or
4040 [41-22-13](#) within the last two years; or

4041 (ii) knowingly, intentionally, or recklessly:

4042 (A) damages vegetation, trees, wetlands, riparian areas, fences, structures, or
4043 improvements; or

4044 (B) harasses wildlife or livestock.

4045 (2) As part of any sentence for a conviction of a violation described in Subsection (1),
4046 the court may:

4047 (a) impose a fine not to exceed \$300;

4048 (b) require the person to pay restitution not to exceed \$1,000 for damage caused by the
4049 unlawful motor vehicle use; and

4050 (c) require the person to perform community service in the form of repairing any

4051 damage to the public land caused by the unlawful motor vehicle use.

4052 (3) As part of any sentence for a conviction described in Subsection (1) that is within
4053 five years of a prior conviction described in Subsection (1), the court may:

4054 (a) impose a fine not to exceed \$1,000;

4055 (b) require the person to pay restitution not to exceed \$2,000 for damage caused by the
4056 unlawful motor vehicle use; and

4057 (c) require the person to perform community service in the form of repairing any
4058 damage caused by the unlawful motor vehicle use.

4059 Section 151. Section **41-22-13** is amended to read:

4060 **41-22-13. Prohibited uses.**

4061 (1) No person may operate an off-highway vehicle in connection with acts of
4062 vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage
4063 to the environment which includes excessive pollution of air, water, or land, abuse of the
4064 watershed, impairment of plant or animal life, or excessive mechanical noise.

4065 (2) A violation of this section is an infraction.

4066 Section 152. Section **41-22-15** is amended to read:

4067 **41-22-15. Permission required for race or organized event.**

4068 (1) No person may organize, promote, or hold an off-highway vehicle race or other
4069 organized event on any land or highway within this state, except as permitted by the
4070 appropriate agency or landowner having jurisdiction over the land or highway.

4071 (2) A violation of this section is an infraction.

4072 Section 153. Section **41-22-17** is amended to read:

4073 **41-22-17. Penalties for violations.**

4074 (1) Except as otherwise provided, a person who violates the provisions of this chapter
4075 is guilty of [~~a class C misdemeanor~~] an infraction.

4076 (2) The division may revoke or suspend the registration of any off-highway vehicle
4077 whose application for registration has been falsified. The owner shall surrender to the division,
4078 within 15 days of suspension or revocation, the suspended or revoked registration card and
4079 registration sticker.

4080 Section 154. Section **53-3-202** is amended to read:

4081 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

4082 (1) A person may not drive a motor vehicle on a highway in this state unless the person
4083 is:

4084 (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the
4085 division under this chapter;

4086 (b) driving an official United States Government class D motor vehicle with a valid
4087 United States Government driver permit or license for that type of vehicle;

4088 (c) driving a road roller, road machinery, or any farm tractor or implement of
4089 husbandry temporarily drawn, moved, or propelled on the highways;

4090 (d) a nonresident who is at least 16 years of age and younger than 18 years of age who
4091 has in the nonresident's immediate possession a valid license certificate issued to the
4092 nonresident in the nonresident's home state or country and is driving in the class or classes
4093 identified on the home state license certificate, except those persons referred to in Part 6,
4094 Drivers' License Compact, of this chapter;

4095 (e) a nonresident who is at least 18 years of age and who has in the nonresident's
4096 immediate possession a valid license certificate issued to the nonresident in the nonresident's
4097 home state or country if driving in the class or classes identified on the home state license
4098 certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

4099 (f) driving under a learner permit in accordance with Section [53-3-210.5](#);

4100 (g) driving with a temporary license certificate issued in accordance with Section
4101 [53-3-207](#); or

4102 (h) exempt under Title 41, Chapter 22, Off-Highway Vehicles.

4103 (2) A person may not drive or, while within the passenger compartment of a motor
4104 vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a
4105 motor vehicle upon a highway unless the person:

4106 (a) holds a valid license issued under this chapter for the type or class of motor vehicle
4107 being towed; or

4108 (b) is exempted under either Subsection (1)(b) or (1)(c).

4109 (3) A person may not drive a motor vehicle as a taxicab on a highway of this state
4110 unless the person has a taxicab endorsement issued by the division on his license certificate.

4111 (4) (a) Except as provided in Subsections (4)(b) and (c), a person may not operate:

4112 (i) a motorcycle unless the person has a valid class D driver license and a motorcycle

4113 endorsement issued under this chapter;

4114 (ii) a street legal all-terrain vehicle unless the person has a valid class D driver license;

4115 or

4116 (iii) a motor-driven cycle unless the person has a valid class D driver license and a
4117 motorcycle endorsement issued under this chapter.

4118 (b) A person operating a moped, as defined in Section 41-6a-102, or an electric assisted
4119 bicycle, as defined in Section 41-6a-102, is not required to have a motorcycle endorsement
4120 issued under this chapter.

4121 (c) A person is not required to have a valid class D driver license if the person is:

4122 (i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance
4123 with Section 41-6a-1115; or

4124 (ii) operating an electric personal assistive mobility device, as defined in Section
4125 41-6a-102, in accordance with Section 41-6a-1116.

4126 (5) A person who violates this section is guilty of [~~a class C misdemeanor~~] an
4127 infraction.

4128 Section 155. Section 53-3-203 is amended to read:

4129 **53-3-203. Authorizing or permitting driving in violation of chapter -- Renting of**
4130 **motor vehicles -- License requirements -- Employees must be licensed -- Violations.**

4131 (1) A person may not authorize or knowingly permit a motor vehicle owned by him or
4132 under his control to be driven by a person in violation of this chapter.

4133 (2) (a) A person may not rent a motor vehicle to another person unless the person who
4134 will be the driver is licensed in this state, or in the case of a nonresident, licensed under the
4135 laws of the state or country of his residence.

4136 (b) A person may not rent a motor vehicle to another person until he has inspected the
4137 license certificate of the person who will be the driver and verified the signature on the license
4138 certificate by comparison with the signature of the person who will be the driver written in his
4139 presence.

4140 (c) A person renting a motor vehicle to another shall keep a record of the:

4141 (i) registration number of the rented motor vehicle;

4142 (ii) name and address of the person to whom the motor vehicle is rented;

4143 (iii) number of the license certificate of the renter; and

4144 (iv) date and place the license certificate was issued.

4145 (d) The record is open to inspection by any peace officer or officer or employee of the
4146 division.

4147 (3) A person may not employ a person to drive a motor vehicle who is not licensed as
4148 required under this chapter.

4149 (4) A person who violates [~~Subsection (1), (2)(a), or (3)~~] this section is guilty of [a
4150 class C misdemeanor] an infraction.

4151 Section 156. Section **53-3-207** is amended to read:

4152 **53-3-207. License certificates or driving privilege cards issued to drivers by class**
4153 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**
4154 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

4155 (1) As used in this section:

4156 (a) "Driving privilege" means the privilege granted under this chapter to drive a motor
4157 vehicle.

4158 (b) "Governmental entity" means the state and its political subdivisions as defined in
4159 this Subsection (1).

4160 (c) "Political subdivision" means any county, city, town, school district, public transit
4161 district, community development and renewal agency, special improvement or taxing district,
4162 local district, special service district, an entity created by an interlocal agreement adopted under
4163 Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
4164 corporation.

4165 (d) "State" means this state, and includes any office, department, agency, authority,
4166 commission, board, institution, hospital, college, university, children's justice center, or other
4167 instrumentality of the state.

4168 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a
4169 regular license certificate, a limited-term license certificate, or a driving privilege card
4170 indicating the type or class of motor vehicle the person may drive.

4171 (b) A person may not drive a class of motor vehicle unless granted the privilege in that
4172 class.

4173 (3) (a) Every regular license certificate, limited-term license certificate, or driving
4174 privilege card shall bear:

- 4175 (i) the distinguishing number assigned to the person by the division;
4176 (ii) the name, birth date, and Utah residence address of the person;
4177 (iii) a brief description of the person for the purpose of identification;
4178 (iv) any restrictions imposed on the license under Section 53-3-208;
4179 (v) a photograph of the person;
4180 (vi) a photograph or other facsimile of the person's signature;
4181 (vii) an indication whether the person intends to make an anatomical gift under Title
4182 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended
4183 under Subsection 53-3-214(3); and
4184 (viii) except as provided in Subsection (3)(b), if the person states that the person is a
4185 veteran of the United States military on the application for a driver license in accordance with
4186 Section 53-3-205 and provides verification that the person was granted an honorable or general
4187 discharge from the United States Armed Forces, an indication that the person is a United States
4188 military veteran for a regular license certificate or limited-term license certificate issued on or
4189 after July 1, 2011.
- 4190 (b) A regular license certificate or limited-term license certificate issued to any person
4191 younger than 21 years on a portrait-style format as required in Subsection (5)(b)(i) is not
4192 required to include an indication that the person is a United States military veteran under
4193 Subsection (3)(a)(viii).
- 4194 (c) A new license certificate issued by the division may not bear the person's Social
4195 Security number.
- 4196 (d) (i) The regular license certificate, limited-term license certificate, or driving
4197 privilege card shall be of an impervious material, resistant to wear, damage, and alteration.
- 4198 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the regular
4199 license certificate, limited-term license certificate, or driving privilege card shall be as
4200 prescribed by the commissioner.
- 4201 (iii) The commissioner may also prescribe the issuance of a special type of limited
4202 regular license certificate, limited-term license certificate, or driving privilege card under
4203 Subsection 53-3-220(4).
- 4204 (4) (a) (i) The division, upon determining after an examination that an applicant is
4205 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a

4206 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term
4207 license certificate.

4208 (ii) (A) The division shall issue a temporary regular license certificate or temporary
4209 limited-term license certificate allowing the person to drive a motor vehicle while the division
4210 is completing its investigation to determine whether the person is entitled to be granted a
4211 driving privilege.

4212 (B) A temporary regular license certificate or a temporary limited-term license
4213 certificate issued under this Subsection (4) shall be recognized and have the same rights and
4214 privileges as a regular license certificate or a limited-term license certificate.

4215 (b) The temporary regular license certificate or temporary limited-term license
4216 certificate shall be in the person's immediate possession while driving a motor vehicle, and it is
4217 invalid when the person's regular license certificate or limited-term license certificate has been
4218 issued or when, for good cause, the privilege has been refused.

4219 (c) The division shall indicate on the temporary regular license certificate or temporary
4220 limited-term license certificate a date after which it is not valid as a temporary license.

4221 (d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a
4222 temporary driving privilege card or other temporary permit to an applicant for a driving
4223 privilege card.

4224 (ii) The division may issue a learner permit issued in accordance with Section
4225 [53-3-210.5](#) to an applicant for a driving privilege card.

4226 (5) (a) The division shall distinguish learner permits, temporary permits, regular
4227 license certificates, limited-term license certificates, and driving privilege cards issued to any
4228 person younger than 21 years of age by use of plainly printed information or the use of a color
4229 or other means not used for other regular license certificates, limited-term license certificates,
4230 or driving privilege cards.

4231 (b) The division shall distinguish a regular license certificate, limited-term license
4232 certificate, or driving privilege card issued to any person:

4233 (i) younger than 21 years of age by use of a portrait-style format not used for other
4234 regular license certificates, limited-term license certificates, or driving privilege cards and by
4235 plainly printing the date the regular license certificate, limited-term license certificate, or
4236 driving privilege card holder is 21 years of age, which is the legal age for purchasing an

4237 alcoholic beverage or alcoholic product under Section 32B-4-403; and

4238 (ii) younger than 19 years of age, by plainly printing the date the regular license
4239 certificate, limited-term license certificate, or driving privilege card holder is 19 years of age,
4240 which is the legal age for purchasing tobacco products under Section 76-10-104.

4241 (6) The division shall distinguish a limited-term license certificate by clearly indicating
4242 on the document:

4243 (a) that it is temporary; and

4244 (b) its expiration date.

4245 (7) (a) The division shall only issue a driving privilege card to a person whose privilege
4246 was obtained without providing evidence of lawful presence in the United States as required
4247 under Subsection 53-3-205(8).

4248 (b) The division shall distinguish a driving privilege card from a license certificate by:

4249 (i) use of a format, color, font, or other means; and

4250 (ii) clearly displaying on the front of the driving privilege card a phrase substantially
4251 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

4252 (8) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary
4253 permit, temporary regular license certificate, temporary limited-term license certificate, or any
4254 other temporary permit.

4255 (9) The division shall issue temporary license certificates of the same nature, except as
4256 to duration, as the license certificates that they temporarily replace, as are necessary to
4257 implement applicable provisions of this section and Section 53-3-223.

4258 (10) (a) A governmental entity may not accept a driving privilege card as proof of
4259 personal identification.

4260 (b) A driving privilege card may not be used as a document providing proof of a
4261 person's age for any government required purpose.

4262 (11) A person who violates Subsection (2)(b) is guilty of [~~a class C misdemeanor~~] an
4263 infraction.

4264 (12) Unless otherwise provided, the provisions, requirements, classes, endorsements,
4265 fees, restrictions, and sanctions under this code apply to a:

4266 (a) driving privilege in the same way as a license or limited-term license issued under
4267 this chapter; and

4268 (b) limited-term license certificate or driving privilege card in the same way as a
4269 regular license certificate issued under this chapter.

4270 Section 157. Section **53-3-208** is amended to read:

4271 **53-3-208. Restrictions.**

4272 (1) (a) When granting a license, the division may for good cause impose restrictions,
4273 suitable to the licensee's driving ability, for the type of motor vehicle or special mechanical
4274 control devices required on a motor vehicle that the licensee may drive.

4275 (b) The division may impose other restrictions on the licensee as it determines
4276 appropriate to assure safe driving of a motor vehicle by the licensee.

4277 (2) The division may either grant a special restricted license or may set forth
4278 restrictions upon the regular license certificate.

4279 (3) (a) The division may suspend or revoke any license upon receiving satisfactory
4280 evidence of any violation of the restrictions imposed on the license.

4281 (b) Each licensee is entitled to a hearing for a suspension or revocation under this
4282 chapter.

4283 (4) It is [~~a class C misdemeanor~~] an infraction for a person to drive a motor vehicle in
4284 violation of the restrictions imposed on his license under this section.

4285 Section 158. Section **53-3-210.6** is amended to read:

4286 **53-3-210.6. Motorcycle learner permit.**

4287 (1) The division, upon receiving an application for a motorcycle learner permit, may
4288 issue a motorcycle learner permit effective for six months to an applicant who:

4289 (a) holds an original or provisional class D license, a CDL, or an out-of-state
4290 equivalent of an original or provisional class D license or a CDL; and

4291 (b) has passed the motorcycle knowledge test.

4292 (2) A motorcycle learner permit entitles an applicant to operate a motorcycle on a
4293 highway subject to the restrictions in Subsection (3).

4294 (3) (a) For the first two months from the date a motorcycle learner permit is issued, the
4295 operator of a motorcycle holding the motorcycle learner permit may not operate a motorcycle:

4296 (i) on a highway with a posted speed limit of more than 60 miles per hour;

4297 (ii) with any passengers; or

4298 (iii) during the nighttime hours after 10 p.m. and before 6 a.m.

4299 (b) For the third through sixth months from the date a motorcycle learner permit is
4300 issued, the operator of a motorcycle holding the motorcycle learner permit may operate a
4301 motorcycle without any restrictions imposed under this Subsection (3).

4302 (c) It is an affirmative defense to a charge that a person who has been issued a
4303 motorcycle learner permit is operating a motorcycle in violation of the restrictions under
4304 Subsection (3)(a) if the person is operating the motorcycle:

4305 (i) for the operator's employment, including the trip to and from the operator's
4306 residence and the operator's employment;

4307 (ii) on assignment of a rancher or farmer and the operator is engaged in an agricultural
4308 operation; or

4309 (iii) in an emergency.

4310 (d) A violation of Subsection (3)(a) is an infraction.

4311 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4312 division shall make rules governing the issuance of a motorcycle learner permit and
4313 establishing the proof requirements for an applicant to demonstrate that the applicant has
4314 completed a motorcycle rider education program.

4315 Section 159. Section **53-3-213** is amended to read:

4316 **53-3-213. Age and experience requirements to drive school bus or certain other**
4317 **carriers -- Misdemeanor to drive unauthorized class of motor vehicle -- Waiver of driving**
4318 **examination by third party certification.**

4319 (1) (a) A person must be at least 21 years of age:

4320 (i) to drive any school bus;

4321 (ii) to drive any commercial motor vehicle outside this state; or

4322 (iii) while transporting passengers for hire or hazardous materials.

4323 (b) Subject to the requirements of Subsection (1)(a), the division may grant a
4324 commercial driver license to any applicant who is at least 18 years of age and has had at least
4325 one year of previous driving experience.

4326 (c) It is [~~a class C misdemeanor~~] an infraction for any person to drive a class of motor
4327 vehicle for which he is not licensed.

4328 (2) (a) At the discretion of the commissioner and under standards established by the
4329 division, persons employed as commercial drivers may submit a third party certification as

4330 provided in Part 4, Uniform Commercial Driver License Act, in lieu of the driving segment of
4331 the examination.

4332 (b) The division shall maintain necessary records and set standards to certify
4333 companies desiring to qualify under Subsection (2)(a).

4334 Section 160. Section **53-3-217** is amended to read:

4335 **53-3-217. License to be carried when driving motor vehicle -- Production in court**
4336 **-- Violation.**

4337 (1) (a) The licensee shall have his license certificate in his immediate possession at all
4338 times when driving a motor vehicle.

4339 (b) A licensee shall display his license certificate upon demand of a justice of peace, a
4340 peace officer, or a field deputy or inspector of the division.

4341 (2) It is a defense to a charge under this section that the person charged produces in
4342 court a license certificate issued to him and valid at the time of his citation or arrest.

4343 (3) A person who violates Subsection (1)(a) or (1)(b) is guilty of [~~a class C~~
4344 misdemeanor] an infraction.

4345 Section 161. Section **53-3-218** is amended to read:

4346 **53-3-218. Court to report convictions and may recommend suspension of license**
4347 **-- Severity of speeding violation defined.**

4348 (1) As used in this section, "conviction" means conviction by the court of first
4349 impression or final administrative determination in an administrative traffic proceeding.

4350 (2) (a) Except as provided in Subsection (2)(c), a court having jurisdiction over offenses
4351 committed under this chapter or any other law of this state, or under any municipal ordinance
4352 regulating driving motor vehicles on highways or driving motorboats on the water, shall
4353 forward to the division within five days, an abstract of the court record of the conviction or
4354 plea held in abeyance of any person in the court for a reportable traffic or motorboating
4355 violation of any laws or ordinances, and may recommend the suspension of the license of the
4356 person convicted.

4357 (b) When the division receives a court record of a conviction or plea in abeyance for a
4358 motorboat violation, the division may only take action against a person's driver license if the
4359 motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the
4360 Influence and Reckless Driving.

4361 (c) (i) A court [is] may not [~~required to~~] forward to the division [~~within five days~~] an
4362 abstract of the court record of the conviction for a violation described in Subsection
4363 53-3-220(1)(c) and the Driver License Division [is] may not [~~required to~~] suspend a person's
4364 license for a violation described in Subsection 53-3-220(1)(c) if:

4365 (A) the violation did not involve a motor vehicle; and

4366 (B) the person convicted of a violation described in Subsection 53-3-220(1)(c):

4367 (I) is participating in or has successfully completed substance abuse treatment at a
4368 licensed substance abuse treatment program that is approved by the Division of Substance
4369 Abuse and Mental Health in accordance with Section 62A-15-105; or

4370 (II) is participating in or has successfully completed probation through the Department
4371 of Corrections Adult Probation and Parole in accordance with Section 77-18-1.

4372 (ii) If the person convicted of a violation described in Subsection 53-3-220(1)(c) fails
4373 to comply with the terms of a substance abuse treatment program under Subsection
4374 (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II):

4375 (A) the substance abuse treatment program licensed by the Division of Substance
4376 Abuse and Mental Health or the Department of Corrections Adult Probation and Parole shall
4377 immediately provide an affidavit or other sworn information to the court notifying the court
4378 that the person has failed to comply with the terms of a substance abuse treatment program
4379 under Subsection (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II);

4380 (B) upon receipt of an affidavit or sworn statement under Subsection (2)(c)(ii)(A), the
4381 court shall immediately forward an abstract of the court record of the conviction for a violation
4382 described in Subsection 53-3-220(1)(c) to the division; and

4383 (C) the division shall immediately suspend the person's license in accordance with
4384 Subsection 53-3-220(1)(c).

4385 (3) The abstract shall be made in the form prescribed by the division and shall include:

4386 (a) the name, date of birth, and address of the party charged;

4387 (b) the license certificate number of the party charged, if any;

4388 (c) the registration number of the motor vehicle or motorboat involved;

4389 (d) whether the motor vehicle was a commercial motor vehicle;

4390 (e) whether the motor vehicle carried hazardous materials;

4391 (f) whether the motor vehicle carried 16 or more occupants;

- 4392 (g) whether the driver presented a commercial driver license;
- 4393 (h) the nature of the offense;
- 4394 (i) whether the offense involved an accident;
- 4395 (j) the driver's blood alcohol content, if applicable;
- 4396 (k) if the offense involved a speeding violation:
- 4397 (i) the posted speed limit;
- 4398 (ii) the actual speed; and
- 4399 (iii) whether the speeding violation occurred on a highway that is part of the interstate

4400 system as defined in Section [72-1-102](#);

4401 (l) the date of the hearing;

4402 (m) the plea;

4403 (n) the judgment or whether bail was forfeited; and

4404 (o) the severity of the violation, which shall be graded by the court as "minimum,"
4405 "intermediate," or "maximum" as established in accordance with Subsection [53-3-221](#)(4).

4406 (4) When a convicted person secures a judgment of acquittal or reversal in any
4407 appellate court after conviction in the court of first impression, the division shall reinstate the
4408 convicted person's license immediately upon receipt of a certified copy of the judgment of
4409 acquittal or reversal.

4410 (5) Upon a conviction for a violation of the prohibition on using a handheld wireless
4411 communication device for text messaging or electronic mail communication while operating a
4412 moving motor vehicle under Section [41-6a-1716](#), a judge may order a suspension of the
4413 convicted person's license for a period of three months.

4414 (6) Upon a conviction for a violation of careless driving under Section [41-6a-1715](#) that
4415 causes or results in the death of another person, a judge may order a revocation of the convicted
4416 person's license for a period of one year.

4417 Section 162. Section **53-3-412** is amended to read:

4418 **53-3-412. CDL classifications, endorsements, and restrictions.**

4419 (1) A CDL may be granted with the following classifications, endorsements, and
4420 restrictions:

4421 (a) Classifications:

4422 (i) Class A: any combination of vehicles with a GVWR of 26,001 pounds or more, if

- 4423 the GVWR of the one or more vehicles being towed is in excess of 10,000 pounds;
- 4424 (ii) Class B: any single motor vehicle with a GVWR of 26,001 pounds or more,
4425 including that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less;
4426 and
- 4427 (iii) Class C: any single motor vehicle with a GVWR of less than 26,001 pounds or
4428 that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less when the
4429 vehicle is designed:
- 4430 (A) to carry 16 or more passengers, including the driver;
- 4431 (B) as a school bus, and weighing less than 26,001 pounds GVWR; or
- 4432 (C) to transport hazardous materials that requires the vehicle to be placarded under 49
4433 C.F.R. Part 172, Subpart F.
- 4434 (b) Endorsements:
- 4435 (i) "H" authorizes the driver to drive a commercial motor vehicle transporting
4436 hazardous materials as defined in 49 C.F.R. Sec. 383.5.
- 4437 (ii) "N" authorizes the driver to drive a tank vehicle.
- 4438 (iii) "P" authorizes the driver to drive a motor vehicle designed to carry 16 or more
4439 passengers including the driver.
- 4440 (iv) "S" authorizes the driver to transport preprimary, primary, or secondary school
4441 students from home to school, school to home, or to and from school-sponsored events.
- 4442 (v) "T" authorizes the driver to drive a commercial motor vehicle with a double or
4443 triple trailer.
- 4444 (vi) "X" authorizes the driver to drive a tank vehicle and transport hazardous materials.
- 4445 (c) Restrictions:
- 4446 (i) "E" restricts the driver from driving a commercial motor vehicle with a manual
4447 transmission.
- 4448 (ii) "K" restricts the driver to driving intrastate only any commercial motor vehicle as
4449 defined by 49 C.F.R. Parts 383 and 390.
- 4450 (iii) "L" restricts the driver to driving a commercial motor vehicle not equipped with
4451 air brakes.
- 4452 (iv) "J" provides for other CDL restrictions.
- 4453 (v) "M" restricts a driver from transporting passengers using a class A bus.

4454 (vi) "N" restricts a driver from transporting passengers using a class A or class B bus.

4455 (vii) "O" restricts a driver from driving a commercial motor vehicle equipped with a
4456 tractor trailer.

4457 (viii) (A) "V" indicates that the driver has been issued a variance by the Federal Motor
4458 Carrier Safety Administration in reference to the driver's medical certification status.

4459 (B) A driver with a "V" restriction shall have the letter outlining the specifications for
4460 the variance in the driver's possession along with the driver's commercial driver license when
4461 operating a commercial motor vehicle.

4462 (ix) "Z" restricts a driver from driving a commercial motor vehicle with non-fully
4463 equipped air brakes.

4464 (2) A commercial driver instruction permit may be granted with the following
4465 classifications, endorsements, and restrictions:

4466 (a) Classifications:

4467 (i) Class A: any combination of vehicles with a GVWR of 26,001 pounds or more, if
4468 the GVWR of the one or more vehicles being towed is in excess of 10,000 pounds;

4469 (ii) Class B: any single motor vehicle with a GVWR of 26,001 pounds or more,
4470 including that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less;
4471 and

4472 (iii) Class C: any single motor vehicle with a GVWR of less than 26,001 pounds or
4473 that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less when the
4474 vehicle is designed:

4475 (A) to carry 16 or more passengers, including the driver;

4476 (B) as a school bus, and weighing less than 26,001 pounds GVWR; or

4477 (C) to transport hazardous material that requires the vehicle to be placarded under 49
4478 C.F.R. Part 172, Subpart F.

4479 (b) Endorsements:

4480 (i) "N" authorizes the driver to drive a tank vehicle. An "N" endorsement may only be
4481 issued with an "X" restriction.

4482 (ii) "P" authorizes the driver to drive a motor vehicle designed to carry 16 or more
4483 passengers including the driver. A "P" endorsement may only be issued with a "P" restriction.

4484 (iii) "S" authorizes the driver to transport preprimary, primary, or secondary school

4485 students from home to school, school to home, or to and from school-sponsored events. An
4486 "S" endorsement may only be issued with a "P" restriction.

4487 (c) Restrictions:

4488 (i) "K" restricts the driver to driving intrastate only any commercial motor vehicle as
4489 defined by 49 C.F.R. Parts 383 and 390.

4490 (ii) "L" restricts the driver to driving a commercial motor vehicle not equipped with air
4491 brakes.

4492 (iii) "M" restricts a driver from transporting passengers using a class A bus.

4493 (iv) "N" restricts a driver from transporting passengers using a class A or class B bus.

4494 (v) "P" restricts a driver from having one or more passengers in the vehicle while
4495 driving a commercial motor vehicle bus unless the passenger is:

4496 (A) a federal or state auditor or inspector;

4497 (B) a test examiner;

4498 (C) another trainee; or

4499 (D) the CDL holder accompanying the CDIP holder as required in 49 C.F.R. Sec.
4500 383.25.

4501 (vi) (A) "V" indicates that the driver has been issued a variance by the Federal Motor
4502 Carrier Safety Administration in reference to the driver's medical certification status.

4503 (B) A driver with a "V" restriction shall have the letter outlining the specifications for
4504 the variance in the driver's possession along with the driver's commercial driver license when
4505 operating a commercial motor vehicle.

4506 (vii) "X" restricts a driver from having cargo in a commercial motor vehicle tank
4507 vehicle.

4508 (3) A violation of this section is a class C misdemeanor.

4509 Section 163. Section **53-8-205** is amended to read:

4510 **53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety**
4511 **inspection certificate required -- Out-of-state permits.**

4512 (1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway
4513 a motor vehicle required to be registered in this state unless the motor vehicle has passed a
4514 safety inspection if required in the current year.

4515 (b) Subsection (1)(a) does not apply to:

- 4516 (i) a vehicle that is exempt from registration under Section 41-1a-205;
- 4517 (ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a
- 4518 street-legal all-terrain vehicle in accordance with Section 41-6a-1509;
- 4519 (iii) a vintage vehicle as defined in Section 41-21-1;
- 4520 (iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:
- 4521 (A) is operating with an apportioned registration under Section 41-1a-301; and
- 4522 (B) has a valid annual federal inspection that complies with the requirements of 49
- 4523 C.F.R. Sec. 396.17; and
- 4524 (v) a trailer, semitrailer, or trailering equipment attached to a commercial motor vehicle
- 4525 described in Subsection (1)(b)(iv) that has a valid annual federal inspection that complies with
- 4526 the requirements of 49 C.F.R. Sec. 396.17.
- 4527 (2) Except as provided in Subsection (3), the frequency of the safety inspection shall be
- 4528 determined based on the age of the vehicle determined by model year and shall:
- 4529 (a) be required each year for a vehicle that is 10 or more years old on January 1; or
- 4530 (b) for each vehicle that is less than 10 years old on January 1, be required in the fourth
- 4531 year and the eighth year;
- 4532 (c) be made by a safety inspector certified by the division at a safety inspection station
- 4533 authorized by the division;
- 4534 (d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to
- 4535 ensure proper adjustment and condition as required by department rules; and
- 4536 (e) include an inspection for the display of license plates in accordance with Section
- 4537 41-1a-404.
- 4538 (3) (a) (i) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a
- 4539 safety inspection when an application is made for initial registration as a salvage vehicle.
- 4540 (ii) After initial registration as a salvage vehicle, the frequency of the safety inspection
- 4541 shall correspond with the model year, as provided in Subsection (2).
- 4542 (b) Beginning on the date that the Motor Vehicle Division has implemented the Motor
- 4543 Vehicle Division's GenTax system, a commercial vehicle as defined in Section 41-1a-102 with
- 4544 a gross vehicle weight rating of 10,001 pounds or more is required to pass a safety inspection
- 4545 annually or comply with Subsection (1)(b)(iv)(B).
- 4546 (4) (a) A safety inspection station shall issue two safety inspection certificates to the

4547 owner of:

- 4548 (i) each motor vehicle that passes a safety inspection under this section; and
- 4549 (ii) a street-legal all-terrain vehicle that meets all the equipment requirements in
- 4550 Section [41-6a-1509](#).

4551 (b) A safety inspection station shall use one safety inspection certificate issued under
4552 this Subsection (4) for processing the vehicle registration.

4553 (c) A person operating a motor vehicle shall have in the person's immediate possession
4554 a safety inspection certificate or other evidence of compliance with the requirement to obtain a
4555 safety inspection under this section.

4556 (5) The division may:

4557 (a) authorize the acceptance in this state of a safety inspection certificate issued in
4558 another state having a safety inspection law similar to this state; and

4559 (b) extend the time within which a safety inspection certificate must be obtained by the
4560 resident owner of a vehicle that was not in this state during the time a safety inspection was
4561 required.

4562 (6) A violation of this section is an infraction.

4563 Section 164. Section **53B-3-107** is amended to read:

4564 **53B-3-107. Traffic violations -- Notice of rule or regulation.**

4565 (1) It is a violation of this section for any person to operate or park a vehicle upon any
4566 property owned or controlled by a state institution of higher education contrary to posted signs
4567 authorized by the published rules and regulations of the institution or to block or impede traffic
4568 through or on any of these properties.

4569 (2) A violation of Subsection (1) is a class C misdemeanor.

4570 [~~2~~] (3) Notice of a rule or regulation to all persons is sufficient if the rule or
4571 regulation is published in one issue of a newspaper of general circulation in the county or
4572 counties in which the institution and the campus or facility is located.

4573 Section 165. Section **58-37-8** is amended to read:

4574 **58-37-8. Prohibited acts -- Penalties.**

4575 (1) Prohibited acts A -- Penalties:

4576 (a) Except as authorized by this chapter, it is unlawful for any person to knowingly and
4577 intentionally:

- 4578 (i) produce, manufacture, or dispense, or to possess with intent to produce,
4579 manufacture, or dispense, a controlled or counterfeit substance;
- 4580 (ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or
4581 arrange to distribute a controlled or counterfeit substance;
- 4582 (iii) possess a controlled or counterfeit substance with intent to distribute; or
4583 (iv) engage in a continuing criminal enterprise where:
- 4584 (A) the person participates, directs, or engages in conduct which results in any
4585 violation of any provision of Title 58, Chapters 37, 37a, 37b, 37c, or 37d that is a felony; and
4586 (B) the violation is a part of a continuing series of two or more violations of Title 58,
4587 Chapters 37, 37a, 37b, 37c, or 37d on separate occasions that are undertaken in concert with
4588 five or more persons with respect to whom the person occupies a position of organizer,
4589 supervisor, or any other position of management.
- 4590 (b) Any person convicted of violating Subsection (1)(a) with respect to:
- 4591 (i) a substance or a counterfeit of a substance classified in Schedule I or II, a controlled
4592 substance analog, or gammahydroxybutyric acid as listed in Schedule III is guilty of a second
4593 degree felony, punishable by imprisonment for not more than 15 years, and upon a second or
4594 subsequent conviction is guilty of a first degree felony;
- 4595 (ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or
4596 marijuana, or a substance listed in Section 58-37-4.2 is guilty of a third degree felony, and
4597 upon a second or subsequent conviction is guilty of a second degree felony; or
- 4598 (iii) a substance or a counterfeit of a substance classified in Schedule V is guilty of a
4599 class A misdemeanor and upon a second or subsequent conviction is guilty of a third degree
4600 felony.
- 4601 (c) Any person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii)
4602 may be sentenced to imprisonment for an indeterminate term as provided by law, but if the trier
4603 of fact finds a firearm as defined in Section 76-10-501 was used, carried, or possessed on his
4604 person or in his immediate possession during the commission or in furtherance of the offense,
4605 the court shall additionally sentence the person convicted for a term of one year to run
4606 consecutively and not concurrently; and the court may additionally sentence the person
4607 convicted for an indeterminate term not to exceed five years to run consecutively and not
4608 concurrently.

4609 (d) Any person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree
4610 felony punishable by imprisonment for an indeterminate term of not less than seven years and
4611 which may be for life. Imposition or execution of the sentence may not be suspended, and the
4612 person is not eligible for probation.

4613 (2) Prohibited acts B -- Penalties:

4614 (a) It is unlawful:

4615 (i) for any person knowingly and intentionally to possess or use a controlled substance
4616 analog or a controlled substance, unless it was obtained under a valid prescription or order,
4617 directly from a practitioner while acting in the course of the person's professional practice, or as
4618 otherwise authorized by this chapter;

4619 (ii) for any owner, tenant, licensee, or person in control of any building, room,
4620 tenement, vehicle, boat, aircraft, or other place knowingly and intentionally to permit them to
4621 be occupied by persons unlawfully possessing, using, or distributing controlled substances in
4622 any of those locations; or

4623 (iii) for any person knowingly and intentionally to possess an altered or forged
4624 prescription or written order for a controlled substance.

4625 (b) Any person convicted of violating Subsection (2)(a)(i) with respect to:

4626 (i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree felony;
4627 or

4628 (ii) a substance classified in Schedule I or II, [~~marijuana, if the amount is more than 16~~
4629 ~~ounces, but less than 100 pounds,~~] or a controlled substance analog, is guilty of a class A
4630 misdemeanor on a first or second conviction, and on a third or subsequent conviction is guilty
4631 of a third degree felony[; or].

4632 [~~(iii) marijuana, if the marijuana is not in the form of an extracted resin from any part~~
4633 ~~of the plant, and the amount is more than one ounce but less than 16 ounces, is guilty of a class~~
4634 ~~A misdemeanor.]~~

4635 (c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a
4636 conviction under Subsection (1)(a), that person shall be sentenced to a one degree greater
4637 penalty than provided in this Subsection (2).

4638 (d) Any person who violates Subsection (2)(a)(i) with respect to all other controlled
4639 substances not included in Subsection (2)(b)(i)[; or (ii), [~~or (iii),~~] including a substance listed

4640 in Section 58-37-4.2, or [~~less than one ounce of~~] marijuana, is guilty of a class B misdemeanor.
4641 Upon a [~~second~~] third conviction the person is guilty of a class A misdemeanor, and upon a
4642 [~~third~~] fourth or subsequent conviction the person is guilty of a third degree felony.

4643 (e) Any person convicted of violating Subsection (2)(a)(i) while inside the exterior
4644 boundaries of property occupied by any correctional facility as defined in Section 64-13-1 or
4645 any public jail or other place of confinement shall be sentenced to a penalty one degree greater
4646 than provided in Subsection (2)(b), and if the conviction is with respect to controlled
4647 substances as listed in:

4648 (i) Subsection (2)(b), the person may be sentenced to imprisonment for an
4649 indeterminate term as provided by law, and:

4650 (A) the court shall additionally sentence the person convicted to a term of one year to
4651 run consecutively and not concurrently; and

4652 (B) the court may additionally sentence the person convicted for an indeterminate term
4653 not to exceed five years to run consecutively and not concurrently; and

4654 (ii) Subsection (2)(d), the person may be sentenced to imprisonment for an
4655 indeterminate term as provided by law, and the court shall additionally sentence the person
4656 convicted to a term of six months to run consecutively and not concurrently.

4657 (f) Any person convicted of violating Subsection (2)(a)(ii) or(iii) is:

4658 (i) on a first conviction, guilty of a class B misdemeanor;

4659 (ii) on a second conviction, guilty of a class A misdemeanor; and

4660 (iii) on a third or subsequent conviction, guilty of a third degree felony.

4661 (g) A person is subject to the penalties under Subsection (2)(h) who, in an offense not
4662 amounting to a violation of Section 76-5-207:

4663 (i) violates Subsection (2)(a)(i) by knowingly and intentionally having in the person's
4664 body any measurable amount of a controlled substance; and

4665 (ii) operates a motor vehicle as defined in Section 76-5-207 in a negligent manner,
4666 causing serious bodily injury as defined in Section 76-1-601 or the death of another.

4667 (h) A person who violates Subsection (2)(g) by having in the person's body:

4668 (i) a controlled substance classified under Schedule I, other than those described in
4669 Subsection (2)(h)(ii), or a controlled substance classified under Schedule II is guilty of a second
4670 degree felony;

4671 (ii) marijuana, tetrahydrocannabinols, or equivalents described in Subsection
4672 58-37-4(2)(a)(iii)(S) or (AA), or a substance listed in Section 58-37-4.2 is guilty of a third
4673 degree felony; or

4674 (iii) any controlled substance classified under Schedules III, IV, or V is guilty of a class
4675 A misdemeanor.

4676 (i) A person is guilty of a separate offense for each victim suffering serious bodily
4677 injury or death as a result of the person's negligent driving in violation of Subsection
4678 58-37-8(2)(g) whether or not the injuries arise from the same episode of driving.

4679 (3) Prohibited acts C -- Penalties:

4680 (a) It is unlawful for any person knowingly and intentionally:

4681 (i) to use in the course of the manufacture or distribution of a controlled substance a
4682 license number which is fictitious, revoked, suspended, or issued to another person or, for the
4683 purpose of obtaining a controlled substance, to assume the title of, or represent oneself to be, a
4684 manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized
4685 person;

4686 (ii) to acquire or obtain possession of, to procure or attempt to procure the
4687 administration of, to obtain a prescription for, to prescribe or dispense to any person known to
4688 be attempting to acquire or obtain possession of, or to procure the administration of any
4689 controlled substance by misrepresentation or failure by the person to disclose receiving any
4690 controlled substance from another source, fraud, forgery, deception, subterfuge, alteration of a
4691 prescription or written order for a controlled substance, or the use of a false name or address;

4692 (iii) to make any false or forged prescription or written order for a controlled substance,
4693 or to utter the same, or to alter any prescription or written order issued or written under the
4694 terms of this chapter; or

4695 (iv) to make, distribute, or possess any punch, die, plate, stone, or other thing designed
4696 to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or
4697 device of another or any likeness of any of the foregoing upon any drug or container or labeling
4698 so as to render any drug a counterfeit controlled substance.

4699 ~~[(b) Any person convicted of violating Subsection (3)(a) is guilty of a third degree~~
4700 ~~felony.]~~

4701 (b) (i) A first or second conviction under Subsection (3)(a)(i), (ii), or (iii) is guilty of a

4702 class A misdemeanor.

4703 (ii) A third or subsequent conviction under Subsection (3)(a)(i), (ii), or (iii) is a third
4704 degree felony.

4705 (d) A violation of Subsection (3)(a)(iv) is a third degree felony.

4706 (4) Prohibited acts D -- Penalties:

4707 (a) Notwithstanding other provisions of this section, a person not authorized under this
4708 chapter who commits any act [~~declared to be~~] that is unlawful under [~~this section, Title 58,~~
4709 ~~Chapter 37a, Utah Drug Paraphernalia Act, or under Title 58, Chapter 37b, Imitation~~
4710 ~~Controlled Substances Act;~~] Subsection (1)(a), Section [58-37a-5](#), or Section [58-37b-4](#) is upon
4711 conviction subject to the penalties and classifications under this Subsection (4) if the trier of
4712 fact finds the act is committed:

4713 (i) in a public or private elementary or secondary school or on the grounds of any of
4714 those schools during the hours of 6 a.m. through 10 p.m.;

4715 (ii) in a public or private vocational school or postsecondary institution or on the
4716 grounds of any of those schools or institutions during the hours of 6 a.m. through 10 p.m.;

4717 [~~(iii) in those portions of any building, park, stadium, or other structure or grounds~~
4718 ~~which are, at the time of the act, being used for an activity sponsored by or through a school or~~
4719 ~~institution under Subsections (4)(a)(i) and (ii);]~~

4720 [~~(iv)~~] (iii) in or on the grounds of a preschool or child-care facility during the
4721 preschool's or facility's hours of operation;

4722 [~~(v)~~] (iv) in a public park, amusement park, arcade, or recreation center;

4723 [~~(vi)~~] (v) in or on the grounds of a house of worship as defined in Section [76-10-501](#);

4724 [~~(vii) in a shopping mall, sports facility, stadium, arena, theater, movie house,~~
4725 ~~playhouse, or parking lot or structure adjacent thereto;]~~

4726 [~~(viii)~~] (vi) in or on the grounds of a library when the library is open to the public;

4727 [~~(ix)~~] (vii) within any area that is within [~~1,000~~] 100 feet of any structure, facility, or
4728 grounds included in Subsections (4)(a)(i), (ii), (iii), (iv), (v), and (vi)[~~and (vii)~~];

4729 [~~(x)~~] (viii) in the presence of a person younger than 18 years of age, regardless of
4730 where the act occurs; or

4731 [~~(xi)~~] (ix) for the purpose of facilitating, arranging, or causing the transport, delivery,
4732 or distribution of a substance in violation of this section to an inmate or on the grounds of any

4733 correctional facility as defined in Section 76-8-311.3.

4734 (b) (i) A person convicted under this Subsection (4) is guilty of a first degree felony
4735 and shall be imprisoned for a term of not less than five years if the penalty that would
4736 otherwise have been established but for this Subsection (4) would have been a first degree
4737 felony.

4738 (ii) Imposition or execution of the sentence may not be suspended, and the person is
4739 not eligible for probation.

4740 (c) If the classification that would otherwise have been established would have been
4741 less than a first degree felony but for this Subsection (4), a person convicted under this
4742 Subsection (4) is guilty of one degree more than the maximum penalty prescribed for that
4743 offense. This Subsection (4)(c) does not apply to a violation of Subsection (2)(g).

4744 (d) (i) If the violation is of Subsection (4)(a)~~(xi)~~(ix):

4745 (A) the person may be sentenced to imprisonment for an indeterminate term as
4746 provided by law, and the court shall additionally sentence the person convicted for a term of
4747 one year to run consecutively and not concurrently; and

4748 (B) the court may additionally sentence the person convicted for an indeterminate term
4749 not to exceed five years to run consecutively and not concurrently; and

4750 (ii) the penalties under this Subsection (4)(d) apply also to any person who, acting with
4751 the mental state required for the commission of an offense, directly or indirectly solicits,
4752 requests, commands, coerces, encourages, or intentionally aids another person to commit a
4753 violation of Subsection (4)(a)~~(xi)~~(ix).

4754 (e) It is not a defense to a prosecution under this Subsection (4) that the actor
4755 mistakenly believed the individual to be 18 years of age or older at the time of the offense or
4756 was unaware of the individual's true age; nor that the actor mistakenly believed that the
4757 location where the act occurred was not as described in Subsection (4)(a) or was unaware that
4758 the location where the act occurred was as described in Subsection (4)(a).

4759 (5) Any violation of this chapter for which no penalty is specified is a class B
4760 misdemeanor.

4761 (6) (a) For purposes of penalty enhancement under Subsections (1)~~(b)~~ and (2)~~(c)~~, a
4762 plea of guilty or no contest to a violation of this section which is held in abeyance under Title
4763 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has

4764 been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

4765 (b) A prior conviction used for a penalty enhancement under Subsection (2) shall be a
4766 conviction that is:

4767 (i) from a separate criminal episode than the current charge; and

4768 (ii) from a conviction that is separate from any other conviction used to enhance the
4769 current charge.

4770 (7) A person may be charged and sentenced for a violation of this section,
4771 notwithstanding a charge and sentence for a violation of any other section of this chapter.

4772 (8) (a) Any penalty imposed for violation of this section is in addition to, and not in
4773 lieu of, any civil or administrative penalty or sanction authorized by law.

4774 (b) Where violation of this chapter violates a federal law or the law of another state,
4775 conviction or acquittal under federal law or the law of another state for the same act is a bar to
4776 prosecution in this state.

4777 (9) In any prosecution for a violation of this chapter, evidence or proof which shows a
4778 person or persons produced, manufactured, possessed, distributed, or dispensed a controlled
4779 substance or substances, is prima facie evidence that the person or persons did so with
4780 knowledge of the character of the substance or substances.

4781 (10) This section does not prohibit a veterinarian, in good faith and in the course of the
4782 veterinarian's professional practice only and not for humans, from prescribing, dispensing, or
4783 administering controlled substances or from causing the substances to be administered by an
4784 assistant or orderly under the veterinarian's direction and supervision.

4785 (11) Civil or criminal liability may not be imposed under this section on:

4786 (a) any person registered under this chapter who manufactures, distributes, or possesses
4787 an imitation controlled substance for use as a placebo or investigational new drug by a
4788 registered practitioner in the ordinary course of professional practice or research; or

4789 (b) any law enforcement officer acting in the course and legitimate scope of the
4790 officer's employment.

4791 (12) (a) Civil or criminal liability may not be imposed under this section on any Indian,
4792 as defined in Subsection 58-37-2(1)(v), who uses, possesses, or transports peyote for bona fide
4793 traditional ceremonial purposes in connection with the practice of a traditional Indian religion
4794 as defined in Subsection 58-37-2(1)(w).

4795 (b) In a prosecution alleging violation of this section regarding peyote as defined in
4796 Subsection 58-37-4(2)(a)(iii)(V), it is an affirmative defense that the peyote was used,
4797 possessed, or transported by an Indian for bona fide traditional ceremonial purposes in
4798 connection with the practice of a traditional Indian religion.

4799 (c) (i) The defendant shall provide written notice of intent to claim an affirmative
4800 defense under this Subsection (12) as soon as practicable, but not later than 10 days prior to
4801 trial.

4802 (ii) The notice shall include the specific claims of the affirmative defense.

4803 (iii) The court may waive the notice requirement in the interest of justice for good
4804 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.

4805 (d) The defendant shall establish the affirmative defense under this Subsection (12) by
4806 a preponderance of the evidence. If the defense is established, it is a complete defense to the
4807 charges.

4808 (13) (a) It is an affirmative defense that the person produced, possessed, or
4809 administered a controlled substance listed in Section 58-37-4.2 if the person:

4810 (i) was engaged in medical research; and

4811 (ii) was a holder of a valid license to possess controlled substances under Section
4812 58-37-6.

4813 (b) It is not a defense under Subsection (13)(a) that the person prescribed or dispensed
4814 a controlled substance listed in Section 58-37-4.2.

4815 (14) It is an affirmative defense that the person possessed, in the person's body, a
4816 controlled substance listed in Section 58-37-4.2 if:

4817 (a) the person was the subject of medical research conducted by a holder of a valid
4818 license to possess controlled substances under Section 58-37-6; and

4819 (b) the substance was administered to the person by the medical researcher.

4820 (15) The application of any increase in penalty under this section to a violation of
4821 Subsection (2)(a)(i) may not result in any greater penalty than a second degree felony. This
4822 Subsection (15) takes precedence over any conflicting provision of this section.

4823 (16) (a) It is an affirmative defense to an allegation of the commission of an offense
4824 listed in Subsection (16)(b) that the person:

4825 (i) reasonably believes that the person or another person is experiencing an overdose

4826 event due to the ingestion, injection, inhalation, or other introduction into the human body of a
4827 controlled substance or other substance;

4828 (ii) reports in good faith the overdose event to a medical provider, an emergency
4829 medical service provider as defined in Section 26-8a-102, a law enforcement officer, a 911
4830 emergency call system, or an emergency dispatch system, or the person is the subject of a
4831 report made under this Subsection (16);

4832 (iii) provides in the report under Subsection (16)(a)(ii) a functional description of the
4833 actual location of the overdose event that facilitates responding to the person experiencing the
4834 overdose event;

4835 (iv) remains at the location of the person experiencing the overdose event until a
4836 responding law enforcement officer or emergency medical service provider arrives, or remains
4837 at the medical care facility where the person experiencing an overdose event is located until a
4838 responding law enforcement officer arrives;

4839 (v) cooperates with the responding medical provider, emergency medical service
4840 provider, and law enforcement officer, including providing information regarding the person
4841 experiencing the overdose event and any substances the person may have injected, inhaled, or
4842 otherwise introduced into the person's body; and

4843 (vi) is alleged to have committed the offense in the same course of events from which
4844 the reported overdose arose.

4845 (b) The offenses referred to in Subsection (16)(a) are:

4846 (i) the possession or use of less than 16 ounces of marijuana;

4847 (ii) the possession or use of a scheduled or listed controlled substance other than
4848 marijuana; and

4849 (iii) any violation of Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b,
4850 Imitation Controlled Substances Act.

4851 (c) As used in this Subsection (16) and in Section 76-3-203.11, "good faith" does not
4852 include seeking medical assistance under this section during the course of a law enforcement
4853 agency's execution of a search warrant, execution of an arrest warrant, or other lawful search.

4854 (17) If any provision of this chapter, or the application of any provision to any person
4855 or circumstances, is held invalid, the remainder of this chapter shall be given effect without the
4856 invalid provision or application.

4857 (18) A legislative body of a political subdivision may not enact an ordinance that is
4858 less restrictive than any provision of this chapter.

4859 Section 166. Section **62A-15-102** is amended to read:

4860 **62A-15-102. Definitions.**

4861 As used in this chapter:

4862 (1) "Criminal risk factors" means a person's characteristics and behaviors that:

4863 (a) affect the person's risk of engaging in criminal behavior; and

4864 (b) are diminished when addressed by effective treatment, supervision, and other

4865 support resources, resulting in reduced risk of criminal behavior.

4866 [~~1~~] (2) "Director" means the director of the Division of Substance Abuse and Mental
4867 Health.

4868 [~~2~~] (3) "Division" means the Division of Substance Abuse and Mental Health
4869 established in Section [62A-15-103](#).

4870 [~~3~~] (4) "Local mental health authority" means a county legislative body.

4871 [~~4~~] (5) "Local substance abuse authority" means a county legislative body.

4872 [~~5~~] (6) (a) "Public funds" means federal money received from the Department of
4873 Human Services or the Department of Health, and state money appropriated by the Legislature
4874 to the Department of Human Services, the Department of Health, a county governing body, or a
4875 local substance abuse authority, or a local mental health authority for the purposes of providing
4876 substance abuse or mental health programs or services.

4877 (b) "Public funds" include federal and state money that has been transferred by a local
4878 substance abuse authority or a local mental health authority to a private provider under an
4879 annual or otherwise ongoing contract to provide comprehensive substance abuse or mental
4880 health programs or services for the local substance abuse authority or local mental health
4881 authority. The money maintains the nature of "public funds" while in the possession of the
4882 private entity that has an annual or otherwise ongoing contract with a local substance abuse
4883 authority or a local mental health authority to provide comprehensive substance abuse or
4884 mental health programs or services for the local substance abuse authority or local mental
4885 health authority.

4886 (c) Public funds received for the provision of services pursuant to substance abuse or
4887 mental health service plans may not be used for any other purpose except those authorized in

4888 the contract between the local mental health or substance abuse authority and provider for the
4889 provision of plan services.

4890 ~~[(6)]~~ (7) "Severe mental disorder" means schizophrenia, major depression, bipolar
4891 disorders, delusional disorders, psychotic disorders, and other mental disorders as defined by
4892 the division.

4893 Section 167. Section **62A-15-103** is amended to read:

4894 **62A-15-103. Division -- Creation -- Responsibilities.**

4895 (1) There is created the Division of Substance Abuse and Mental Health within the
4896 department, under the administration and general supervision of the executive director. The
4897 division is the substance abuse authority and the mental health authority for this state.

4898 (2) The division shall:

4899 (a) (i) educate the general public regarding the nature and consequences of substance
4900 abuse by promoting school and community-based prevention programs;

4901 (ii) render support and assistance to public schools through approved school-based
4902 substance abuse education programs aimed at prevention of substance abuse;

4903 (iii) promote or establish programs for the prevention of substance abuse within the
4904 community setting through community-based prevention programs;

4905 (iv) cooperate with and assist treatment centers, recovery residences, and other
4906 organizations that provide services to individuals recovering from a substance abuse disorder,
4907 by identifying and disseminating information about effective practices and programs;

4908 (v) promote integrated programs that address an individual's substance abuse, mental
4909 health, ~~[and]~~ physical ~~[healthcare needs]~~ health, and criminal risk factors;

4910 (vi) establish and promote an evidence-based continuum of screening, assessment,
4911 prevention, treatment, and recovery support services in the community for individuals with
4912 substance abuse and mental illness that addresses criminal risk factors;

4913 ~~[(vi)]~~ (vii) evaluate the effectiveness of programs described in Subsection (2);

4914 ~~[(vii)]~~ (viii) consider the impact of the programs described in Subsection (2) on:

4915 (A) emergency department utilization;

4916 (B) jail and prison populations;

4917 (C) the homeless population; and

4918 (D) the child welfare system; and

4919 [~~viii~~] (ix) promote or establish programs for education and certification of instructors
4920 to educate persons convicted of driving under the influence of alcohol or drugs or driving with
4921 any measurable controlled substance in the body;

4922 (b) (i) collect and disseminate information pertaining to mental health;

4923 (ii) provide direction over the state hospital including approval of its budget,
4924 administrative policy, and coordination of services with local service plans;

4925 (iii) promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative
4926 Rulemaking Act, to educate families concerning mental illness and promote family
4927 involvement, when appropriate, and with patient consent, in the treatment program of a family
4928 member; and

4929 (iv) promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative
4930 Rulemaking Act, to direct that all individuals receiving services through local mental health
4931 authorities or the Utah State Hospital be informed about and, if desired, provided assistance in
4932 completion of a declaration for mental health treatment in accordance with Section
4933 [62A-15-1002](#);

4934 (c) (i) consult and coordinate with local substance abuse authorities and local mental
4935 health authorities regarding programs and services;

4936 (ii) provide consultation and other assistance to public and private agencies and groups
4937 working on substance abuse and mental health issues;

4938 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
4939 medical and social agencies, public health authorities, law enforcement agencies, education and
4940 research organizations, and other related groups;

4941 (iv) promote or conduct research on substance abuse and mental health issues, and
4942 submit to the governor and the Legislature recommendations for changes in policy and
4943 legislation;

4944 (v) receive, distribute, and provide direction over public funds for substance abuse and
4945 mental health services;

4946 (vi) monitor and evaluate programs provided by local substance abuse authorities and
4947 local mental health authorities;

4948 (vii) examine expenditures of any local, state, and federal funds;

4949 (viii) monitor the expenditure of public funds by:

- 4950 (A) local substance abuse authorities;
- 4951 (B) local mental health authorities; and
- 4952 (C) in counties where they exist, the private contract provider that has an annual or
4953 otherwise ongoing contract to provide comprehensive substance abuse or mental health
4954 programs or services for the local substance abuse authority or local mental health authorities;
- 4955 (ix) contract with local substance abuse authorities and local mental health authorities
4956 to provide a comprehensive continuum of services that include community-based services for
4957 individuals involved in the criminal justice system, in accordance with division policy, contract
4958 provisions, and the local plan;
- 4959 (x) contract with private and public entities for special statewide or nonclinical
4960 services, or services for individuals involved in the criminal justice system, according to
4961 division rules;
- 4962 (xi) review and approve each local substance abuse authority's plan and each local
4963 mental health authority's plan in order to ensure:
- 4964 (A) a statewide comprehensive continuum of substance abuse services;
- 4965 (B) a statewide comprehensive continuum of mental health services;
- 4966 (C) services result in improved overall health and functioning; [~~and~~]
- 4967 (D) a statewide comprehensive continuum of community-based services designed to
4968 reduce criminal risk factors for individuals who are determined to have substance abuse or
4969 mental illness conditions or both, and who are involved in the criminal justice system;
- 4970 (E) compliance, where appropriate, with the certification requirements in Subsection
4971 (2)(i); and
- 4972 [~~(F)~~] (F) appropriate expenditure of public funds;
- 4973 (xii) review and make recommendations regarding each local substance abuse
4974 authority's contract with its provider of substance abuse programs and services and each local
4975 mental health authority's contract with its provider of mental health programs and services to
4976 ensure compliance with state and federal law and policy;
- 4977 (xiii) monitor and ensure compliance with division rules and contract requirements;
- 4978 and
- 4979 (xiv) withhold funds from local substance abuse authorities, local mental health
4980 authorities, and public and private providers for contract noncompliance, failure to comply

4981 with division directives regarding the use of public funds, or for misuse of public funds or
4982 money;

4983 (d) assure that the requirements of this part are met and applied uniformly by local
4984 substance abuse authorities and local mental health authorities across the state;

4985 (e) require each local substance abuse authority and each local mental health authority
4986 to submit its plan to the division by May 1 of each year;

4987 (f) conduct an annual program audit and review of each local substance abuse authority
4988 in the state and its contract provider and each local mental health authority in the state and its
4989 contract provider, including:

4990 (i) a review and determination regarding whether:

4991 (A) public funds allocated to local substance abuse authorities and local mental health
4992 authorities are consistent with services rendered and outcomes reported by them or their
4993 contract providers; and

4994 (B) each local substance abuse authority and each local mental health authority is
4995 exercising sufficient oversight and control over public funds allocated for substance abuse and
4996 mental health programs and services; and

4997 (ii) items determined by the division to be necessary and appropriate; and

4998 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,
4999 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account
5000 Act[-];

5001 (h) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
5002 Rulemaking Act, minimum standards and requirements for the provision of substance abuse
5003 and mental health treatment to individuals who are required to participate in treatment by the
5004 court or the Board of Pardons and Parole, or who are incarcerated, including:

5005 (i) collaboration with the Department of Corrections and the Utah Substance Abuse
5006 Advisory Council to develop and coordinate the standards;

5007 (ii) determining that the standards ensure available treatment includes the most current
5008 practices and procedures demonstrated by recognized scientific research to reduce recidivism,
5009 including focus on the individual's criminal risk factors; and

5010 (iii) requiring that all public and private treatment programs meet the standards
5011 established under this Subsection (2)(h) in order to receive public funds allocated to the

5012 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
5013 for the costs of providing screening, assessment, prevention, treatment, and recovery support;

5014 (i) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
5015 Rulemaking Act, the requirements and procedures for the certification of licensed public and
5016 private providers who provide, as part of their practice, substance abuse and mental health
5017 treatment to individuals involved in the criminal justice system, including:

5018 (i) collaboration with the Department of Corrections and the Utah Substance Abuse
5019 Advisory Council to develop, coordinate, and implement the certification process;

5020 (ii) basing the certification process on the standards developed under Subsection (2)(h)
5021 for the treatment of individuals involved in the criminal justice system; and

5022 (iii) the requirement that all public and private providers of treatment to individuals
5023 involved in the criminal justice system shall obtain certification on or before July 1, 2016, and
5024 shall renew the certification every two years, in order to qualify for funds allocated to the
5025 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
5026 on or after July 1, 2016;

5027 (j) (i) establish performance goals and outcome measurements for all treatment
5028 programs for which minimum standards are established under Subsection (2)(h), including
5029 recidivism data obtained in collaboration with the Administrative Office of the Courts and the
5030 Department of Corrections; and

5031 (ii) collect data to track and determine whether the goals and measurements are being
5032 attained and make this information available to the public;

5033 (k) in its discretion, use the data to make decisions regarding the use of funds allocated
5034 to the division, the Administrative Office of the Courts, and the Department of Corrections to
5035 provide treatment for which standards are established under Subsection (2)(h); and

5036 (l) annually, on or before August 31, submit the data collected under Subsection (2)(j)
5037 to the Commission on Criminal and Juvenile Justice, which shall compile a report of findings
5038 based on the data and provide the report to the legislative Judiciary Interim Committee, the
5039 Health and Human Services Interim Committee, the Law Enforcement and Criminal Justice
5040 Interim Committee, and the related appropriations subcommittees.

5041 (3) (a) The division may refuse to contract with and may pursue its legal remedies
5042 against any local substance abuse authority or local mental health authority that fails, or has

5043 failed, to expend public funds in accordance with state law, division policy, contract
5044 provisions, or directives issued in accordance with state law.

5045 (b) The division may withhold funds from a local substance abuse authority or local
5046 mental health authority if the authority's contract with its provider of substance abuse or mental
5047 health programs or services fails to comply with state and federal law or policy.

5048 (4) Before reissuing or renewing a contract with any local substance abuse authority or
5049 local mental health authority, the division shall review and determine whether the local
5050 substance abuse authority or local mental health authority is complying with its oversight and
5051 management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and
5052 17-43-309. Nothing in this Subsection (4) may be used as a defense to the responsibility and
5053 liability described in Section 17-43-303 and to the responsibility and liability described in
5054 Section 17-43-203.

5055 (5) In carrying out its duties and responsibilities, the division may not duplicate
5056 treatment or educational facilities that exist in other divisions or departments of the state, but
5057 shall work in conjunction with those divisions and departments in rendering the treatment or
5058 educational services that those divisions and departments are competent and able to provide.

5059 (6) The division may accept in the name of and on behalf of the state donations, gifts,
5060 devises, or bequests of real or personal property or services to be used as specified by the
5061 donor.

5062 (7) The division shall annually review with each local substance abuse authority and
5063 each local mental health authority the authority's statutory and contract responsibilities
5064 regarding:

5065 (a) the use of public funds;

5066 (b) oversight responsibilities regarding public funds; and

5067 (c) governance of substance abuse and mental health programs and services.

5068 (8) The Legislature may refuse to appropriate funds to the division upon the division's
5069 failure to comply with the provisions of this part.

5070 (9) If a local substance abuse authority contacts the division under Subsection
5071 17-43-201(9) for assistance in providing treatment services to a pregnant woman or pregnant
5072 minor, the division shall:

5073 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the

5074 capacity to provide the treatment services; or

5075 (b) otherwise ensure that treatment services are made available to the pregnant woman
5076 or pregnant minor.

5077 Section 168. Section **63M-7-204** is amended to read:

5078 **63M-7-204. Duties of commission.**

5079 The State Commission on Criminal and Juvenile Justice administration shall:

5080 (1) promote the commission's purposes as enumerated in Section [63M-7-201](#);

5081 (2) promote the communication and coordination of all criminal and juvenile justice
5082 agencies;

5083 (3) study, evaluate, and report on the status of crime in the state and on the
5084 effectiveness of criminal justice policies, procedures, and programs that are directed toward the
5085 reduction of crime in the state;

5086 (4) study, evaluate, and report on programs initiated by state and local agencies to
5087 address reducing recidivism, including changes in penalties and sentencing guidelines intended
5088 to reduce recidivism, as resources allow;

5089 [~~4~~] (5) study, evaluate, and report on policies, procedures, and programs of other
5090 jurisdictions which have effectively reduced crime;

5091 [~~5~~] (6) identify and promote the implementation of specific policies and programs the
5092 commission determines will significantly reduce crime in Utah;

5093 [~~6~~] (7) provide analysis and recommendations on all criminal and juvenile justice
5094 legislation, state budget, and facility requests, including program and fiscal impact on all
5095 components of the criminal and juvenile justice system;

5096 [~~7~~] (8) provide analysis, accountability, recommendations, and supervision for state
5097 and federal criminal justice grant money;

5098 [~~8~~] (9) provide public information on the criminal and juvenile justice system and
5099 give technical assistance to agencies or local units of government on methods to promote
5100 public awareness;

5101 [~~9~~] (10) promote research and program evaluation as an integral part of the criminal
5102 and juvenile justice system;

5103 [~~10~~] (11) provide a comprehensive criminal justice plan annually;

5104 [~~11~~] (12) review agency forecasts regarding future demands on the criminal and

5105 juvenile justice systems, including specific projections for secure bed space;

5106 ~~[(12)]~~ (13) promote the development of criminal and juvenile justice information

5107 systems that are consistent with common standards for data storage and are capable of

5108 appropriately sharing information with other criminal justice information systems by:

5109 (a) developing and maintaining common data standards for use by all state criminal

5110 justice agencies;

5111 (b) annually performing audits of criminal history record information maintained by

5112 state criminal justice agencies to assess their accuracy, completeness, and adherence to

5113 standards;

5114 (c) defining and developing state and local programs and projects associated with the

5115 improvement of information management for law enforcement and the administration of

5116 justice; and

5117 (d) establishing general policies concerning criminal and juvenile justice information

5118 systems and making rules as necessary to carry out the duties under this Subsection ~~[(12)]~~ (13)

5119 and Subsection ~~[(10)]~~ (11);

5120 ~~[(13)]~~ (14) allocate and administer grants, from money made available, for approved

5121 education programs to help prevent the sexual exploitation of children; ~~[and]~~

5122 ~~[(14)]~~ (15) allocate and administer grants funded from money from the Law

5123 Enforcement Operations Account created in Section 51-9-411 for law enforcement operations

5124 and programs related to reducing illegal drug activity and related criminal activity~~[-]~~;

5125 (16) request, receive, and evaluate data and recommendations collected and reported by

5126 agencies and contractors related to policies recommended by the commission regarding

5127 recidivism reduction; and

5128 (17) establish and administer a performance incentive grant program that allocates

5129 funds appropriated by the Legislature to programs and practices implemented by counties that

5130 reduce recidivism and reduce the number of offenders per capita who are incarcerated.

5131 Section 169. Section **63M-7-404** is amended to read:

5132 **63M-7-404. Purpose -- Duties.**

5133 (1) The purpose of the commission shall be to develop guidelines and propose

5134 recommendations to the Legislature, the governor, and the Judicial Council about the

5135 sentencing and release of juvenile and adult offenders in order to:

5136 ~~[(1)]~~ (a) respond to public comment;

5137 ~~[(2)]~~ (b) relate sentencing practices and correctional resources;

5138 ~~[(3)]~~ (c) increase equity in criminal sentencing;

5139 ~~[(4)]~~ (d) better define responsibility in criminal sentencing; and

5140 ~~[(5)]~~ (e) enhance the discretion of sentencing judges while preserving the role of the

5141 Board of Pardons and Parole and the Youth Parole Authority.

5142 (2) (a) The commission shall modify the sentencing guidelines for adult offenders to

5143 implement the recommendations of the Commission on Criminal and Juvenile Justice for

5144 reducing recidivism.

5145 (b) The modifications under Subsection (2)(a) shall be for the purposes of protecting

5146 the public and ensuring efficient use of state funds.

5147 (3) (a) The commission shall modify the criminal history score in the sentencing

5148 guidelines for adult offenders to implement the recommendations of the Commission on

5149 Criminal and Juvenile Justice for reducing recidivism.

5150 (b) The modifications to the criminal history score under Subsection (3)(a) shall

5151 include factors in an offender's criminal history that are relevant to the accurate determination

5152 of an individual's risk of offending again.

5153 (4) (a) The commission shall establish sentencing guidelines for periods of

5154 incarceration for individuals who are on probation and:

5155 (i) who have violated one or more conditions of probation; and

5156 (ii) whose probation has been revoked by the court.

5157 (b) The guidelines shall consider the seriousness of the violation of the conditions of

5158 probation, the probationer's conduct while on probation, and the probationer's criminal history.

5159 (5) (a) The commission shall establish sentencing guidelines for periods of

5160 incarceration for individuals who are on parole and:

5161 (i) who have violated a condition of parole; and

5162 (ii) whose parole has been revoked by the Board of Pardons and Parole.

5163 (b) The guidelines shall consider the seriousness of the violation of the conditions of

5164 parole, the individual's conduct while on parole, and the individual's criminal history.

5165 (6) The commission shall establish graduated sanctions to facilitate the prompt and

5166 effective response to an individual's violation of the terms of probation or parole by the adult

5167 probation and parole section of the Department of Corrections in order to implement the
5168 recommendations of the Commission on Criminal and Juvenile Justice for reducing recidivism,
5169 including:

5170 (a) sanctions to be used in response to a violation of the terms of probation or parole;

5171 (b) when violations should be reported to the court or the Board of Pardons and Parole;

5172 and

5173 (c) a range of sanctions that may not exceed a period of incarceration of more than:

5174 (i) three consecutive days; and

5175 (ii) a total of five days in a period of 30 days.

5176 (7) The commission shall establish graduated incentives to facilitate a prompt and
5177 effective response by the adult probation and parole section of the Department of Corrections
5178 to an offender's:

5179 (a) compliance with the terms of probation or parole; and

5180 (b) positive conduct that exceeds those terms.

5181 Section 170. Section **64-13-1** is amended to read:

5182 **64-13-1. Definitions.**

5183 As used in this chapter:

5184 (1) "Case action plan" means a document developed by the Department of Corrections
5185 that identifies the program priorities for the treatment of the offender, including the criminal
5186 risk factors as determined by a risk and needs assessment conducted by the department.

5187 ~~(1)~~ (2) "Community correctional center" means a nonsecure correctional facility
5188 operated:

5189 (a) by the department; or

5190 (b) under a contract with the department.

5191 ~~(2)~~ (3) "Correctional facility" means any facility operated to house offenders, either in
5192 a secure or nonsecure setting:

5193 (a) by the department; or

5194 (b) under a contract with the department.

5195 (4) "Criminal risk factors" means a person's characteristics and behaviors that:

5196 (a) affect that person's risk of engaging in criminal behavior; and

5197 (b) are diminished when addressed by effective treatment, supervision, and other

5198 support resources, resulting in a reduced risk of criminal behavior.

5199 [~~(3)~~] (5) "Department" means the Department of Corrections.

5200 [~~(4)~~] (6) "Emergency" means any riot, disturbance, homicide, inmate violence
5201 occurring in any correctional facility, or any situation that presents immediate danger to the
5202 safety, security, and control of the department.

5203 [~~(5)~~] (7) "Executive director" means the executive director of the Department of
5204 Corrections.

5205 [~~(6)~~] (8) "Inmate" means any person who is committed to the custody of the department
5206 and who is housed at a correctional facility or at a county jail at the request of the department.

5207 [~~(7)~~] (9) "Offender" means any person who has been convicted of a crime for which he
5208 may be committed to the custody of the department and is at least one of the following:

5209 (a) committed to the custody of the department;

5210 (b) on probation; or

5211 (c) on parole.

5212 (10) "Risk and needs assessment" means an actuarial tool validated on criminal
5213 offenders that determines:

5214 (a) an individual's risk of reoffending; and

5215 (b) the criminal risk factors that, when addressed, reduce the individual's risk of
5216 reoffending.

5217 [~~(8)~~] (11) "Secure correctional facility" means any prison, penitentiary, or other
5218 institution operated by the department or under contract for the confinement of offenders,
5219 where force may be used to restrain them if they attempt to leave the institution without
5220 authorization.

5221 Section 171. Section **64-13-6** is amended to read:

5222 **64-13-6. Department duties.**

5223 (1) The department shall:

5224 (a) protect the public through institutional care and confinement, and supervision in the
5225 community of offenders where appropriate;

5226 (b) implement court-ordered punishment of offenders;

5227 (c) provide program opportunities for offenders;

5228 (d) provide treatment for sex offenders who are found to be treatable based upon

5229 criteria developed by the department;

5230 (e) provide the results of ongoing assessment of sex offenders and objective diagnostic
5231 testing to sentencing and release authorities;

5232 (f) manage programs that take into account the needs and interests of victims, where
5233 reasonable;

5234 (g) supervise probationers and parolees as directed by statute and implemented by the
5235 courts and the Board of Pardons and Parole;

5236 (h) subject to Subsection (2), investigate criminal conduct involving offenders
5237 incarcerated in a state correctional facility;

5238 (i) cooperate and exchange information with other state, local, and federal law
5239 enforcement agencies to achieve greater success in prevention and detection of crime and
5240 apprehension of criminals; ~~and~~

5241 (j) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
5242 Offender Supervision~~[-]; and~~

5243 (k) establish a case action plan for each offender as follows:

5244 (i) if an offender is to be supervised in the community, the case action plan shall be
5245 established for the offender not more than 90 days after supervision by the department begins;
5246 and

5247 (ii) if the offender is committed to the custody of the department, the case action plan
5248 shall be established for the offender not more than 120 days after the commitment.

5249 (2) The department may in the course of supervising probationers and parolees:

5250 (a) impose graduated sanctions, as established by the Utah Sentencing Commission
5251 under Subsection [63M-7-404\(5\)](#), for an individual's violation of one or more terms of the
5252 probation or parole; and

5253 (b) upon approval by the court or the Board of Pardons and Parole, impose as a
5254 sanction for an individual's violation of the terms of probation or parole a period of
5255 incarceration of not more than three consecutive days and not more than a total of five days
5256 within a period of 30 days.

5257 ~~[(2)]~~ (3) (a) By following the procedures in Subsection ~~[(2)]~~ (3)(b), the department may
5258 investigate the following occurrences at state correctional facilities:

5259 (i) criminal conduct of departmental employees;

5260 (ii) felony crimes resulting in serious bodily injury;

5261 (iii) death of any person; or

5262 (iv) aggravated kidnaping.

5263 (b) Prior to investigating any occurrence specified in Subsection ~~[(2)]~~ (3)(a), the

5264 department shall:

5265 (i) notify the sheriff or other appropriate law enforcement agency promptly after
5266 ascertaining facts sufficient to believe an occurrence specified in Subsection ~~[(2)]~~ (3)(a) has
5267 occurred; and

5268 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to
5269 conduct an investigation involving an occurrence specified in Subsection ~~[(2)]~~ (3)(a).

5270 ~~[(3)]~~ (4) Upon request, the department shall provide copies of investigative reports of
5271 criminal conduct to the sheriff or other appropriate law enforcement agencies.

5272 ~~[(4)]~~ (5) The department shall provide data to the Commission on Criminal and
5273 Juvenile Justice to show the criteria for determining sex offender treatability, the
5274 implementation and effectiveness of sex offender treatment, and the results of ongoing
5275 assessment and objective diagnostic testing. The Commission on Criminal and Juvenile
5276 Justice shall then report these data in writing to the Judiciary Interim Committee, if requested
5277 by the committee, and to the appropriate appropriations subcommittee annually.

5278 ~~[(5)]~~ (6) The Department of Corrections shall collect accounts receivable ordered by
5279 the district court as a result of prosecution for a criminal offense according to the requirements
5280 and during the time periods established in Subsection 77-18-1(9).

5281 Section 172. Section 64-13-7.5 is amended to read:

5282 **64-13-7.5. Persons in need of mental health services -- Contracts.**

5283 (1) Except as provided for in Subsection (2), when the department determines that a
5284 person in its custody is in need of mental health services, the department shall contract with the
5285 Division of Substance Abuse and Mental Health, local mental health authorities, or the state
5286 hospital to provide mental health services for that person. Those services may be provided at
5287 the Utah State Hospital or in community programs provided by or under contract with the
5288 Division of Substance Abuse and Mental Health, a local mental health authority, or other
5289 public or private mental health care providers.

5290 (2) (a) If the Division of Substance Abuse and Mental Health, a local mental health

5291 authority, or the state hospital notifies the department that it is unable to provide mental health
5292 services under Subsection (1), the department may contract with other public or private mental
5293 health care providers to provide mental health services for persons in its custody.

5294 (b) The standards established by rule under Section 64-13-25 apply to the public or
5295 private mental health care providers with whom the department contracts under this Subsection
5296 (2).

5297 (3) A person who provides mental health services for sex offender treatment as
5298 required in Section 64-13-6 shall be licensed as a mental health professional in accordance with
5299 Title 58, Chapter 60, Mental Health Professional Practice Act, or Title 58, Chapter 61,
5300 Psychologist Licensing Act, and exhibit competency to practice in the area of sex offender
5301 treatment based on education, training, and practice.

5302 Section 173. Section 64-13-10.5 is enacted to read:

5303 **64-13-10.5. Transition and reentry of inmates at termination of incarceration.**

5304 (1) The department shall evaluate and update the case action plan as necessary to
5305 prepare for the offender's transition from incarceration to release, including:

5306 (a) establishing the supervision level and program needs, based on the offender's
5307 criminal risk factors;

5308 (b) identifying barriers to the offender's ability to obtain housing, food, clothing, and
5309 transportation;

5310 (c) identifying community-based treatment resources that are reasonably accessible to
5311 the offender; and

5312 (d) establishing the initial supervision procedures and strategy for the offender's parole
5313 officer.

5314 (2) The department shall notify the Board of Pardons and Parole not fewer than 30 days
5315 prior to an offender's release of:

5316 (a) the offender's case action plan; and

5317 (b) any specific conditions of parole necessary to better facilitate transition to the
5318 community.

5319 Section 174. Section 64-13-14.5 is amended to read:

5320 **64-13-14.5. Limits of confinement place -- Release status -- Work release.**

5321 (1) The department may extend the limits of the place of confinement of an inmate

5322 when, as established by department policies and procedures, there is cause to believe the
5323 inmate will honor [his] the trust, by authorizing [him] the inmate under prescribed conditions:

5324 (a) to leave temporarily for purposes specified by department policies and procedures
5325 to visit specifically designated places for a period not to exceed 30 days;

5326 (b) to participate in a voluntary training program in the community while housed at a
5327 correctional facility or to work at paid employment;

5328 (c) to be housed in a nonsecure community correctional center operated by the
5329 department; or

5330 (d) to be housed in any other facility under contract with the department.

5331 (2) The department shall establish rules governing offenders on release status. A copy
5332 of the rules shall be furnished to the offender and to any employer or other person participating
5333 in the offender's release program. Any employer or other participating person shall agree in
5334 writing to abide by the rules and to notify the department of the offender's discharge or other
5335 release from a release program activity, or of any violation of the rules governing release status.

5336 (3) The willful failure of an inmate to remain within the extended limits of his
5337 confinement or to return within the time prescribed to an institution or facility designated by
5338 the department is an escape from custody.

5339 (4) If an offender is arrested for the commission of a crime, the arresting authority shall
5340 immediately notify the department of the arrest.

5341 (5) The department may impose appropriate sanctions pursuant to Section 64-13-21
5342 upon offenders who violate [rules] guidelines established by the Utah Sentencing Commission,
5343 including prosecution for escape under Section 76-8-309 and for unauthorized absence.

5344 (6) An inmate who is housed at a nonsecure correctional facility and on work release
5345 may not be required to work for less than the current federally established minimum wage, or
5346 under substandard working conditions.

5347 Section 175. Section **64-13-21** is amended to read:

5348 **64-13-21. Supervision of sentenced offenders placed in community -- Rulemaking**
5349 **-- POST certified parole or probation officers and peace officers -- Duties -- Supervision**
5350 **fee.**

5351 (1) (a) The department, except as otherwise provided by law, shall supervise sentenced
5352 offenders placed in the community on probation by the courts, on parole by the Board of

5353 Pardons and Parole, or upon acceptance for supervision under the terms of the Interstate
5354 Compact for the Supervision of Parolees and Probationers.

5355 (b) Standards for the supervision of offenders shall be established by the department in
5356 accordance with [~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~] sentencing
5357 guidelines, including the graduated sanctions matrix, established by the Utah Sentencing
5358 Commission, giving priority, based on available resources, to felony offenders and offenders
5359 sentenced pursuant to Subsection 58-37-8(2)(b)(ii).

5360 (2) The department shall apply graduated sanctions established by the Utah Sentencing
5361 Commission to facilitate a prompt and appropriate response to an individual's violation of the
5362 terms of probation or parole, including:

5363 (a) sanctions to be used in response to a violation of the terms of probation or parole;
5364 and

5365 (b) requesting approval from the court or Board of Pardons and Parole to impose a
5366 sanction for an individual's violation of the terms of probation or parole, for a period of
5367 incarceration of not more than three consecutive days and not more than a total of five days
5368 within a period of 30 days.

5369 (3) The department shall implement a program of graduated incentives as established
5370 by the Utah Sentencing Commission to facilitate the department's prompt and appropriate
5371 response to an offender's:

5372 (a) compliance with the terms of probation or parole; or

5373 (b) positive conduct that exceeds those terms.

5374 (4) (a) The department shall, in collaboration with the Commission on Criminal and
5375 Juvenile Justice, create standards and procedures for the collection of information related to the
5376 use of the graduated sanctions and incentives, and offenders' outcomes.

5377 (b) The collected information shall be provided to the Commission on Criminal and
5378 Juvenile Justice not less frequently than annually on or before August 31.

5379 [~~2~~] (5) Employees of the department who are POST certified as law enforcement
5380 officers or correctional officers and who are designated as parole and probation officers by the
5381 executive director have the following duties:

5382 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance
5383 with the conditions of the parole or probation agreement;

5384 (b) investigating or apprehending any offender who has escaped from the custody of
5385 the department or absconded from supervision;

5386 (c) providing investigative services for the courts, the department, or the Board of
5387 Pardons and Parole;

5388 (d) supervising any offender during transportation; or

5389 (e) collecting DNA specimens when the specimens are required under Section
5390 [53-10-404](#).

5391 ~~[(3)]~~ (6) (a) A monthly supervision fee of \$30 shall be collected from each offender on
5392 probation or parole. The fee may be suspended or waived by the department upon a showing
5393 by the offender that imposition would create a substantial hardship or if the offender owes
5394 restitution to a victim.

5395 (b) (i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
5396 Administrative Rulemaking Act, specifying the criteria for suspension or waiver of the
5397 supervision fee and the circumstances under which an offender may request a hearing.

5398 (ii) In determining whether the imposition of the supervision fee would constitute a
5399 substantial hardship, the department shall consider the financial resources of the offender and
5400 the burden that the fee would impose, with regard to the offender's other obligations.

5401 (7) (a) The department shall establish a program allowing an offender on probation
5402 under Section [77-18-1](#) or on parole under Subsection [76-3-202\(1\)\(a\)](#) to earn credits for the
5403 offender's compliance with the terms of the offender's probation or parole, which shall be
5404 applied to reducing the period of probation or parole as provided in this Subsection (7).

5405 (b) The program shall provide that an offender earns a reduction credit of 30 days from
5406 the offender's period of probation or parole for each month the offender completes without any
5407 violation of the terms of the offender's probation or parole agreement, including the case action
5408 plan.

5409 (c) The department shall maintain a record of credits earned by an offender under this
5410 Subsection (7) and shall request from the court or the Board of Pardons and Parole the
5411 termination of probation or parole not fewer than 30 days prior to the termination date that
5412 reflects the credits earned under this Subsection (7).

5413 (d) This Subsection (7) does not prohibit the department from requesting a termination
5414 date earlier than the termination date established by earned credits under Subsection (7)(c).

5415 (e) The court or the Board of Pardons and Parole shall terminate an offender's
5416 probation or parole upon completion of the period of probation or parole accrued by time
5417 served and credits earned under this Subsection (7) unless the court or the Board of Pardons
5418 and Parole finds that termination would interrupt the completion of a necessary treatment
5419 program, in which case the termination of probation or parole shall occur when the treatment
5420 program is completed.

5421 (f) The department shall report annually to the Commission on Criminal and Juvenile
5422 Justice on or before August 31:

5423 (i) the number of offenders who have earned probation or parole credits under this
5424 Subsection (7) in one or more months of the preceding fiscal year and the percentage of the
5425 offenders on probation or parole during that time that this number represents;

5426 (ii) the average number of credits earned by those offenders who earned credits; and

5427 (iii) the number of offenders who earned credits by county of residence while on
5428 probation or parole.

5429 Section 176. Section **64-13-25** is amended to read:

5430 **64-13-25. Standards for programs -- Audits.**

5431 (1) To promote accountability and to ensure safe and professional operation of
5432 correctional programs, the department shall establish minimum standards for the organization
5433 and operation of its programs, including collaborating with the Department of Human Services
5434 to establish minimum standards for programs providing assistance for individuals involved in
5435 the criminal justice system.

5436 (a) The standards shall be promulgated according to state rulemaking provisions.
5437 Those standards that apply to offenders are exempt from the provisions of Title 63G, Chapter
5438 3, the Utah Administrative Rulemaking Act. Offenders are not a class of persons under that
5439 act.

5440 (b) Standards shall provide for inquiring into and processing offender complaints.

5441 (c) (i) The department shall establish minimum standards and qualifications for
5442 treatment programs provided in county jails to which persons committed to the state prison are
5443 placed by jail contract under Section [64-13e-103](#).

5444 (ii) In establishing the standards and qualifications for the treatment programs, the
5445 department shall:

5446 (A) consult and collaborate with the county sheriffs and the Division of Substance
5447 Abuse and Mental Health; and

5448 (B) include programs demonstrated by recognized scientific research to reduce
5449 recidivism by addressing an offender's criminal risk factors as determined by a risk and needs
5450 assessment.

5451 (iii) All jails contracting to house offenders committed to the state prison shall meet the
5452 minimum standards for treatment programs as established under this Subsection (1)(c).

5453 (d) (i) The department shall establish minimum standards of treatment for sex
5454 offenders, which shall include the requirements under Subsection 64-13-7.5(3) regarding
5455 licensure and competency.

5456 (ii) The standards shall require the use of the most current best practices demonstrated
5457 by recognized scientific research to address an offender's criminal risk factors.

5458 (iii) The department shall collaborate with the Division of Substance Abuse and
5459 Mental Health to develop and effectively distribute the standards to jails and to mental health
5460 professionals who desire to provide mental health treatment for sex offenders.

5461 (iv) The department shall establish the standards by administrative rule pursuant to
5462 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5463 (2) [~~There shall be~~] The department shall establish an audit for compliance with
5464 standards established under this section according to policies and procedures established by the
5465 department, for continued operation of correctional and treatment programs provided to
5466 offenders committed to the department's custody, including inmates housed in county jails by
5467 contract with the Department of Corrections.

5468 (a) At least every three years, the department shall internally audit all programs for
5469 compliance with established standards.

5470 (b) All financial statements and accounts of the department shall be reviewed during
5471 the audit. Written review shall be provided to the managers of the programs and the executive
5472 director of the department.

5473 (c) The reports shall be classified as confidential internal working papers and access is
5474 available at the discretion of the executive director or the governor, or upon court order.

5475 (3) The department shall establish a certification program for public and private
5476 providers of treatment for sex offenders on probation or parole that requires the providers' sex

5477 offender treatment practices meet the standards and practices established under Subsection
5478 (1)(d) to reduce sex offender recidivism.

5479 (a) The department shall collaborate with the Division of Substance Abuse and Mental
5480 Health to develop, coordinate, and implement the certification program.

5481 (b) The certification program shall be based on the standards under Subsection (1)(d)
5482 and shall require renewal of certification every two years.

5483 (c) All public and private providers of sex offender treatment, including those
5484 providing treatment to offenders housed in county jails by contract under Section [64-13e-103](#),
5485 shall comply with these standards on and after July 1, 2016, in order to begin receiving or
5486 continue receiving payment from the department to provide sex offender treatment on or after
5487 July 1, 2016.

5488 (d) The department shall establish the certification program by administrative rule
5489 pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5490 (4) The department shall establish performance goals and outcome measurements for
5491 all programs that are subject to the minimum standards established under this section and shall
5492 collect data to analyze and evaluate whether the goals and measurements are attained.

5493 (a) The department shall collaborate with the Division of Substance Abuse and Mental
5494 Health to develop and coordinate the performance goals and outcome measurements, including
5495 recidivism rates.

5496 (b) The department may use these data to make decisions on the use of funds to
5497 provide treatment for which standards are established under this section.

5498 (c) The department shall annually provide data collected under this Subsection (4) to
5499 the Commission on Criminal and Juvenile Justice on or before August 31. The commission
5500 shall compile a written report of the findings based on the data and shall provide the report to
5501 the legislative Judiciary Interim Committee, the Health and Human Services Interim
5502 Committee, the Law Enforcement and Criminal Justice Interim Committee, and the related
5503 appropriations subcommittees.

5504 Section 177. Section **64-13-26** is amended to read:

5505 **64-13-26. Private providers of services.**

5506 (1) The department may contract with private providers or other agencies for the
5507 provision of care, treatment, and supervision of offenders committed to the care and custody of

5508 the department.

5509 (2) (a) The department shall:

5510 (i) establish standards for the operation of the programs; [~~and~~]

5511 (ii) establish standards pursuant to Section 64-13-25 regarding program standards; and

5512 [~~(ii)~~] (iii) annually review the programs for compliance.

5513 (b) The reviews shall be classified as confidential internal working papers.

5514 (c) Access to records regarding the reviews is available upon the discretion of the
5515 executive director or the governor, or upon court order.

5516 Section 178. Section **64-13-29** is amended to read:

5517 **64-13-29. Violation of parole or probation -- Detention -- Hearing.**

5518 (1) (a) The department shall ensure that the court is notified of violations of the terms
5519 and conditions of probation in the case of probationers under the department's supervision, or
5520 the Board of Pardons and Parole in the case of parolees under the department's supervision[;]
5521 when:

5522 (i) a sanction of incarceration is recommended; or

5523 (ii) the department determines that a graduated sanction is not an appropriate response
5524 to the offender's violation and recommends revocation, probation, or parole.

5525 (b) In cases where the department desires to detain an offender alleged to have violated
5526 his parole or probation and where it is unlikely that the Board of Pardons and Parole or court
5527 will conduct a hearing within a reasonable time to determine if the offender has violated his
5528 conditions of parole or probation, the department shall hold an administrative hearing within a
5529 reasonable time, unless the hearing is waived by the parolee or probationer, to determine if
5530 there is probable cause to believe that a violation has occurred.

5531 (c) If there is a conviction for a crime based on the same charges as the probation or
5532 parole violation, or a finding by a federal or state court that there is probable cause to believe
5533 that an offender has committed a crime based on the same charges as the probation or parole
5534 violation, the department need not hold [~~its~~] an administrative hearing.

5535 (2) The appropriate officer or officers of the department shall, as soon as practical
5536 following the department's administrative hearing, report to the court or the Board of Pardons
5537 and Parole, furnishing a summary of the hearing, and may make recommendations regarding
5538 the disposition to be made of the parolee or probationer. Pending any proceeding under this

5539 section, the department may take custody of and detain the parolee or probationer involved for
5540 a period not to exceed 72 hours excluding weekends and holidays.

5541 (3) If the hearing officer determines that there is probable cause to believe that the
5542 offender has violated the conditions of his parole or probation, the department may detain the
5543 offender for a reasonable period of time after the hearing or waiver, as necessary to arrange for
5544 the incarceration of the offender. Written order of the department is sufficient authorization for
5545 any peace officer to incarcerate the offender. The department may promulgate rules for the
5546 implementation of this section.

5547 Section 179. Section **64-13e-104** is amended to read:

5548 **64-13e-104. Housing of state probationary inmates or state parole inmates --**
5549 **Payments.**

5550 (1) (a) A county shall accept and house a state probationary inmate or a state parole
5551 inmate in a county correctional facility, subject to available resources.

5552 (b) A county may release a number of inmates from a county correctional facility, but
5553 not to exceed the number of state probationary inmates and state parole inmates in excess of
5554 the number of inmates funded by the appropriation authorized in Subsection (2) if:

5555 (i) the state does not fully comply with the provisions of Subsection (9) for the most
5556 current fiscal year; or

5557 (ii) funds appropriated by the Legislature for this purpose are less than 50% of the
5558 average actual state daily incarceration rate.

5559 (2) Within funds appropriated by the Legislature for this purpose, the Division of
5560 Finance shall pay a county that houses a state probationary inmate or a state parole inmate at a
5561 rate of 50% of the final state daily incarceration rate.

5562 (3) Funds appropriated by the Legislature under Subsection (2):

5563 (a) are nonlapsing;

5564 (b) may only be used for the purposes described in Subsection (2) and Subsection (10);

5565 and

5566 (c) may not be used for:

5567 (i) the costs of administering the payment described in this section; or

5568 (ii) payment of contract costs under Section **64-13e-103**.

5569 (4) The costs described in Subsection (3)(c)(i) shall be covered by legislative

5570 appropriation.

5571 (5) (a) The Division of Finance shall administer the payment described in Subsection
5572 (2) and Subsection (10).

5573 (b) In accordance with Subsection (9), CCJJ shall, by rule made pursuant to Title 63G,
5574 Chapter 3, Utah Administrative Rulemaking Act, establish procedures for the calculation of the
5575 payment described in Subsection (2) and Subsection (10).

5576 (c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount
5577 of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total
5578 amount of the payments made does not exceed the amount appropriated by the Legislature for
5579 the payments.

5580 (6) Counties that receive the payment described in Subsection (2) and Subsection (10)
5581 shall, on at least a monthly basis, submit a report to CCJJ that includes:

5582 (a) the number of state probationary inmates and state parole inmates the county
5583 housed under this section; [~~and~~]

5584 (b) the total number of state probationary inmate days of incarceration and state parole
5585 inmate days of incarceration that were provided by the county[.];

5586 (c) the total number of offenders housed pursuant to Subsection 64-13-21(2)(b); and

5587 (d) the total number of days of incarceration of offenders housed pursuant to
5588 Subsection 64-13-21(2)(b).

5589 (7) (a) On or before September 30 of each year, CCJJ shall compile the information
5590 from the reports described in Subsection (6) that relate to the preceding state fiscal year and
5591 provide a copy of the compilation to each county that submitted a report.

5592 (b) On or before October 15 of each year, CCJJ shall inform the Division of Finance
5593 and each county of the exact amount of the payment described in this section that shall be made
5594 to each county.

5595 (8) On or before December 15 of each year, the Division of Finance shall distribute the
5596 payment described in Subsection (7)(b) in a single payment to each county.

5597 (9) (a) The amount paid to each county under Subsection (8) shall be calculated on a
5598 pro rata basis, based on the average number of state probationary inmate days of incarceration
5599 and the average state parole inmate days of incarceration that were provided by each county for
5600 the preceding five state fiscal years[.]; and

5601 (b) if funds are available, the total number of days of incarceration of offenders housed
5602 pursuant to Subsection 64-13-21(2)(b).

5603 (10) If funds appropriated under Subsection (2) remain after payments are made
5604 pursuant to Subsection (8), the Division of Finance shall pay a county that houses in its jail a
5605 person convicted of a felony who is on probation or parole and who is incarcerated pursuant to
5606 Subsection 64-13-21(2)(b) on a pro rata basis not to exceed 50% of the final state daily
5607 incarceration rate.

5608 Section 180. Section **72-7-402** is amended to read:

5609 **72-7-402. Limitations as to vehicle width, height, length, and load extensions.**

5610 (1) (a) Except as provided by statute, all state or federally approved safety devices and
5611 any other lawful appurtenant devices, including refrigeration units, hitches, air line
5612 connections, and load securing devices related to the safe operation of a vehicle are excluded
5613 for purposes of measuring the width and length of a vehicle under the provisions of this part, if
5614 the devices are not designed or used for carrying cargo.

5615 (b) Load-induced tire bulge is excluded for purposes of measuring the width of
5616 vehicles under the provisions of this part.

5617 (c) Appurtenances attached to the sides or rear of a recreational vehicle that is not a
5618 commercial motor vehicle are excluded for purposes of measuring the width and length of the
5619 recreational vehicle if the additional width or length of the appurtenances does not exceed six
5620 inches.

5621 (2) A vehicle unladen or with a load may not exceed a width of 8-1/2 feet.

5622 (3) A vehicle unladen or with a load may not exceed a height of 14 feet.

5623 (4) (a) (i) A single-unit vehicle, unladen or with a load, may not exceed a length of 45
5624 feet including front and rear bumpers.

5625 (ii) In this section, a truck tractor coupled to one or more semitrailers or trailers is not
5626 considered a single-unit vehicle.

5627 (b) (i) Except as provided under Subsection (4)(b)(iii), a semitrailer, unladen or with a
5628 load, may not exceed a length of 48 feet excluding refrigeration units, hitches, air line
5629 connections, and safety appurtenances.

5630 (ii) There is no overall length limitation on a truck tractor and semitrailer combination
5631 when the semitrailer length is 48 feet or less.

5632 (iii) A semitrailer that exceeds a length of 48 feet but does not exceed a length of 53
5633 feet may operate on a route designated by the department or within one mile of that route.

5634 (c) (i) Two trailers coupled together, unladen or with a load, may not exceed an overall
5635 length of 61 feet, measured from the front of the first trailer to the rear of the second trailer.

5636 (ii) There is no overall length limitation on a truck tractor and double trailer
5637 combination when the trailers coupled together measure 61 feet or less.

5638 (d) All other combinations of vehicles, unladen or with a load, when coupled together,
5639 may not exceed a total length of 65 feet, except the length limitations do not apply to
5640 combinations of vehicles operated at night by a public utility when required for emergency
5641 repair of public service facilities or properties, or when operated under a permit under Section
5642 72-7-406.

5643 (5) (a) Subject to Subsection (4), a vehicle or combination of vehicles may not carry
5644 any load extending more than three feet beyond the front of the body of the vehicle or more
5645 than six feet beyond the rear of the bed or body of the vehicle.

5646 (b) A passenger vehicle may not carry any load extending beyond the line of the
5647 fenders on the left side of the vehicle nor extending more than six inches beyond the line of the
5648 fenders on the right side of the vehicle.

5649 (6) Any exception to this section must be authorized by a permit as provided under
5650 Section 72-7-406.

5651 (7) Any person who violates this section is guilty of a class [B] C misdemeanor.

5652 Section 181. Section 72-7-403 is amended to read:

5653 **72-7-403. Towing requirements and limitations on towing.**

5654 (1) (a) The draw-bar or other connection between any two vehicles, one of which is
5655 towing or drawing the other on a highway, may not exceed 15 feet in length from one vehicle
5656 to the other except:

5657 (i) in the case of a connection between any two vehicles transporting poles, pipe,
5658 machinery, or structural material that cannot be dismembered when transported upon a pole
5659 trailer as defined in Section 41-6a-102; or

5660 (ii) when operated under a permit under Section 72-7-406.

5661 (b) When the connection between the two vehicles is a chain, rope, or cable, a red flag
5662 or other signal or cloth not less than 12 inches both in length and width shall be displayed on or

5663 near the midpoint of the connection.

5664 (2) A person may not operate a combination of vehicles when any trailer, semitrailer,
5665 or other vehicle being towed:

5666 (a) whips or swerves from side to side dangerously or unreasonably; or

5667 (b) fails to follow substantially in the path of the towing vehicle.

5668 (3) A person who violates this section is guilty of a class [B] C misdemeanor.

5669 Section 182. Section **72-7-404** is amended to read:

5670 **72-7-404. Maximum gross weight limitation for vehicles -- Bridge formula for**

5671 **weight limitations -- Minimum mandatory fines.**

5672 (1) (a) As used in this section:

5673 (i) "Axle load" means the total load on all wheels whose centers may be included
5674 between two parallel transverse vertical planes 40 inches apart.

5675 (ii) "Tandem axle" means two or more axles spaced not less than 40 inches nor more
5676 than 96 inches apart and having at least one common point of weight suspension.

5677 (b) The tire load rating shall be marked on the tire sidewall. A tire, wheel, or axle may
5678 not carry a greater weight than the manufacturer's rating.

5679 (2) (a) A vehicle may not be operated or moved on any highway in the state with:

5680 (i) a gross weight in excess of 10,500 pounds on one wheel;

5681 (ii) a single axle load in excess of 20,000 pounds; or

5682 (iii) a tandem axle load in excess of 34,000 pounds.

5683 (b) Subject to the limitations of Subsection (3), the gross vehicle weight of any vehicle
5684 or combination of vehicles may not exceed 80,000 pounds.

5685 (3) (a) Subject to the limitations in Subsection (2), no group of two or more
5686 consecutive axles between the first and last axle of a vehicle or combination of vehicles and no
5687 vehicle or combination of vehicles may carry a gross weight in excess of the weight provided
5688 by the following bridge formula, except as provided in Subsection (3)(b):

5689
$$W = 500 \{LN/(N-1) + 12N+36\}$$

5690 (i) W = overall gross weight on any group of two or more consecutive axles to the
5691 nearest 500 pounds.

5692 (ii) L = distance in feet between the extreme of any group of two or more consecutive
5693 axles. When the distance in feet includes a fraction of a foot of one inch or more the next

5694 larger number of feet shall be used.

5695 (iii) N = number of axles in the group under consideration.

5696 (b) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds
5697 each if the overall distance between the first and last axles of the consecutive sets of tandem
5698 axles is 36 feet or more.

5699 (4) Any exception to this section must be authorized by an overweight permit as
5700 provided in Section 72-7-406.

5701 (5) (a) Any person who violates this section is guilty of a class [B] C misdemeanor
5702 except that, notwithstanding Sections 76-3-301 and 76-3-302, the violator shall pay the largest
5703 minimum mandatory fine of either:

5704 (i) \$50 plus the sum of the overweight axle fines calculated under Subsection (5)(b); or

5705 (ii) \$50 plus the gross vehicle weight fine calculated under Subsection (5)(b).

5706 (b) The fine for each axle and a gross vehicle weight violation shall be calculated
5707 according to the following schedule:

5708	Number of Pounds Overweight	Axle Fine (Cents per Pound for Each Overweight Axle)	Gross Vehicle Weight Fine(Cents per Pound)
5709	1 - 2,000	0	0
5710	2,001 - 5,000	4	5
5711	5,001 - 8,000	5	5
5712	8,001 - 12,000	6	5
5713	12,001 - 16,000	7	5
5714	16,001 - 20,000	9	5
5715	20,001 - 25,000	11	5
5716	25,001 or more	13	5

5717 Section 183. Section 72-7-405 is amended to read:

5718 **72-7-405. Measuring vehicles for size and weight compliance -- Summary powers**
5719 **of peace officers -- Penalty for violations.**

5720 (1) Any peace officer having reason to believe that the height, width, length, or weight
5721 of a vehicle and load is unlawful may require the operator to stop the vehicle and submit to a

5722 measurement or weighing of the vehicle and load.

5723 (2) A peace officer may require that the vehicle be driven to the nearest scales or
5724 port-of-entry if the scales or port-of-entry is within three miles.

5725 (3) (a) A peace officer, special function officer, or port-of-entry agent may measure or
5726 weigh a vehicle and vehicle load for compliance with this chapter.

5727 (b) If, upon measuring or weighing a vehicle and load, it is determined that the height,
5728 width, length, or weight is unlawful, the measuring or weighing peace officer, special function
5729 officer, or port-of-entry agent may require the operator to park the vehicle in a suitable place.

5730 The vehicle shall remain parked until the vehicle or its load is adjusted or a portion of the load
5731 is removed to conform to legal limits. All materials unloaded shall be cared for by the owner
5732 or operator of the vehicle at his risk.

5733 (4) An operator who fails or refuses to stop and submit the vehicle and load to a
5734 measurement or weighing, or who fails or refuses when directed by a peace officer, special
5735 function officer, or port-of-entry agent to comply with this section is guilty of a class [B] C
5736 misdemeanor.

5737 (5) Any driver or owner of a vehicle who violates Section 72-7-404 or 72-7-406 is
5738 guilty of a class [B] C misdemeanor.

5739 Section 184. Section 72-7-406 is amended to read:

5740 **72-7-406. Oversize permits and oversize and overweight permits for vehicles of**
5741 **excessive size or weight -- Applications -- Restrictions -- Fees -- Rulemaking provisions --**
5742 **Penalty.**

5743 (1) (a) The department may, upon receipt of an application and good cause shown,
5744 issue in writing an oversize permit or an oversize and overweight permit. The oversize permit
5745 or oversize and overweight permit may authorize the applicant to operate or move upon a
5746 highway:

5747 (i) a vehicle or combination of vehicles, unladen or with a load weighing more than the
5748 maximum weight specified in Section 72-7-404 for any wheel, axle, group of axles, or total
5749 gross weight; or

5750 (ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or
5751 length provisions under Section 72-7-402 or draw-bar length restriction under Subsection
5752 72-7-403(1)(a).

5753 (b) Except as provided under Subsection (8), an oversize and overweight permit may
5754 not be issued under this section to allow the transportation of a load that is reasonably divisible.

5755 (c) The maximum size or weight authorized by a permit under this section shall be
5756 within limits that do not impair the state's ability to qualify for federal-aid highway funds.

5757 (d) The department may deny or issue a permit under this section to protect the safety
5758 of the traveling public and to protect highway foundation, surfaces, or structures from undue
5759 damage by one or more of the following:

5760 (i) limiting the number of trips the vehicle may make;

5761 (ii) establishing seasonal or other time limits within which the vehicle may operate or
5762 move on the highway indicated;

5763 (iii) requiring security in addition to the permit to compensate for any potential damage
5764 by the vehicle to any highway; and

5765 (iv) otherwise limiting the conditions of operation or movement of the vehicle.

5766 (e) Prior to granting a permit under this section, the department shall approve the route
5767 of any vehicle or combination of vehicles.

5768 (2) An application for a permit under this section shall state:

5769 (a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of each
5770 vehicle or combination of vehicles;

5771 (b) the proposed maximum load size and maximum size of each vehicle or
5772 combination of vehicles;

5773 (c) the specific roads requested to be used under authority of the permit; and

5774 (d) if the permit is requested for a single trip or if other seasonal limits or time limits
5775 apply.

5776 (3) Each oversize permit or oversize and overweight permit shall be carried in the
5777 vehicle or combination of vehicles to which it refers and shall be available for inspection by
5778 any peace officer, special function officer, port of entry agent, or other personnel authorized by
5779 the department.

5780 (4) A permit under this section may not be issued or is not valid unless the vehicle or
5781 combination of vehicles is:

5782 (a) properly registered for the weight authorized by the permit; or

5783 (b) registered for a gross laden weight of 78,001 pounds or over, if the gross laden

5784 weight authorized by the permit exceeds 80,000 pounds.

5785 (5) (a) (i) An oversize permit may be issued under this section for a vehicle or
5786 combination of vehicles that exceeds one or more of the maximum width, height, or length
5787 provisions under Section 72-7-402.

5788 (ii) Except for an annual oversize permit for an implement of husbandry under Section
5789 72-7-407 or for an annual oversize permit issued under Subsection (5)(a)(iii), only a single trip
5790 oversize permit may be issued for a vehicle or combination of vehicles that is more than 14 feet
5791 6 inches wide, 14 feet high, or 105 feet long.

5792 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5793 the department shall make rules for the issuance of an annual oversize permit for a vehicle or
5794 combination of vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long
5795 if the department determines that the permit is needed to accommodate highway transportation
5796 needs for multiple trips on a specified route.

5797 (b) The fee is \$30 for a single trip oversize permit under this Subsection (5). This
5798 permit is valid for not more than 96 continuous hours.

5799 (c) The fee is \$75 for a semiannual oversize permit under this Subsection (5). This
5800 permit is valid for not more than 180 continuous days.

5801 (d) The fee is \$90 for an annual oversize permit under this Subsection (5). This permit
5802 is valid for not more than 365 continuous days.

5803 (6) (a) An oversize and overweight permit may be issued under this section for a
5804 vehicle or combination of vehicles carrying a nondivisible load that exceeds one or more of the
5805 maximum weight provisions of Section 72-7-404 up to a gross weight of 125,000 pounds.

5806 (b) The fee is \$60 for a single trip oversize and overweight permit under this
5807 Subsection (6). This permit is valid for not more than 96 continuous hours.

5808 (c) A semiannual oversize and overweight permit under this Subsection (6) is valid for
5809 not more than 180 continuous days. The fee for this permit is:

5810 (i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of more
5811 than 80,000 pounds, but not exceeding 84,000 pounds;

5812 (ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more
5813 than 84,000 pounds, but not exceeding 112,000 pounds; and

5814 (iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more

5815 than 112,000 pounds, but not exceeding 125,000 pounds.

5816 (d) An annual oversize and overweight permit under this Subsection (6) is valid for not
5817 more than 365 continuous days. The fee for this permit is:

5818 (i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of more
5819 than 80,000 pounds, but not exceeding 84,000 pounds;

5820 (ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more
5821 than 84,000 pounds, but not exceeding 112,000 pounds; and

5822 (iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more
5823 than 112,000 pounds, but not exceeding 125,000 pounds.

5824 (7) (a) A single trip oversize and overweight permit may be issued under this section
5825 for a vehicle or combination of vehicles carrying a nondivisible load that exceeds:

5826 (i) one or more of the maximum weight provisions of Section 72-7-404; or

5827 (ii) a gross weight of 125,000 pounds.

5828 (b) (i) The fee for a single trip oversize and overweight permit under this Subsection
5829 (7), which is valid for not more than 96 continuous hours, is \$.012 per mile for each 1,000
5830 pounds above 80,000 pounds subject to the rounding described in Subsection (7)(c).

5831 (ii) The minimum fee that may be charged under this Subsection (7) is \$80.

5832 (iii) The maximum fee that may be charged under this Subsection (7) is \$540.

5833 (c) (i) The miles used to calculate the fee under this Subsection (7) shall be rounded up
5834 to the nearest 50 mile increment.

5835 (ii) The pounds used to calculate the fee under this Subsection (7) shall be rounded up
5836 to the nearest 25,000 pound increment.

5837 (iii) The dollar amount used to calculate the fee under this Subsection (7) shall be
5838 rounded to the nearest \$10 increment.

5839 (8) (a) An oversize and overweight permit may be issued under this section for a
5840 vehicle or combination of vehicles carrying a divisible load if:

5841 (i) the bridge formula under Subsection 72-7-404(3) is not exceeded; and

5842 (ii) the length of the vehicle or combination of vehicles is:

5843 (A) more than the limitations specified under Subsections 72-7-402(4)(c) and (d) or
5844 Subsection 72-7-403(1)(a) but not exceeding 81 feet in cargo carrying length and the
5845 application is for a single trip, semiannual trip, or annual trip permit; or

5846 (B) more than 81 feet in cargo carrying length but not exceeding 95 feet in cargo
5847 carrying length and the application is for an annual trip permit.

5848 (b) The fee is \$60 for a single trip oversize and overweight permit under this
5849 Subsection (8). The permit is valid for not more than 96 continuous hours.

5850 (c) The fee for a semiannual oversize and overweight permit under this Subsection (8),
5851 which permit is valid for not more than 180 continuous days is:

5852 (i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of more
5853 than 80,000 pounds, but not exceeding 84,000 pounds;

5854 (ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more
5855 than 84,000 pounds, but not exceeding 112,000 pounds; and

5856 (iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more
5857 than 112,000 pounds, but not exceeding 129,000 pounds.

5858 (d) The fee for an annual oversize and overweight permit under this Subsection (8),
5859 which permit is valid for not more than 365 continuous days is:

5860 (i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of more
5861 than 80,000 pounds, but not exceeding 84,000 pounds;

5862 (ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more
5863 than 84,000 pounds, but not exceeding 112,000 pounds; and

5864 (iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more
5865 than 112,000 pounds, but not exceeding 129,000 pounds.

5866 (9) Permit fees collected under this section shall be credited monthly to the
5867 Transportation Fund.

5868 (10) The department shall prepare maps, drawings, and instructions as guidance when
5869 issuing permits under this section.

5870 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5871 the department shall make rules governing the issuance and revocation of all permits under this
5872 section and Section [72-7-407](#).

5873 (12) Any person who violates any of the terms or conditions of a permit issued under
5874 this section:

5875 (a) may have the person's permit revoked; and

5876 (b) is guilty of a class [B] C misdemeanor, except that a violation of any rule made

5877 under Subsection (11) is not subject to a criminal penalty.

5878 Section 185. Section 72-7-407 is amended to read:

5879 **72-7-407. Implements of husbandry -- Escort vehicle requirements -- Oversize**
5880 **permit -- Penalty.**

5881 (1) As used in this section, "escort vehicle" means a motor vehicle, as defined under
5882 Section 41-1a-102, that has its emergency warning lights operating, and that is being used to
5883 warn approaching motorists by either preceding or following a slow or oversized vehicle,
5884 object, or implement of husbandry being moved on the highway.

5885 (2) An implement of husbandry being moved on a highway shall be accompanied by:

5886 (a) front and rear escort vehicles when the implement of husbandry is 16 feet in width
5887 or greater unless the implement of husbandry is moved by a farmer or rancher or the farmer or
5888 rancher's employees in connection with an agricultural operation; or

5889 (b) one or more escort vehicles when the implement of husbandry is traveling on a
5890 highway where special hazards exist related to weather, pedestrians, other traffic, or highway
5891 conditions.

5892 (3) In addition to the requirements of Subsection (2), a person may not move an
5893 implement of husbandry on a highway during hours of darkness without lights and reflectors as
5894 required under Section 41-6a-1608 or 41-6a-1609.

5895 (4) (a) Except for an implement of husbandry moved by a farmer or rancher or the
5896 farmer's or rancher's employees in connection with an agricultural operation, a person may not
5897 move an implement of husbandry on the highway without:

5898 (i) an oversize permit obtained under Section 72-7-406 if required;

5899 (ii) trained escort vehicle drivers and approved escort vehicles when required under
5900 Subsection (2); and

5901 (iii) compliance with the vehicle weight requirements of Section 72-7-404.

5902 (b) (i) The department shall issue an annual oversize permit for the purpose of allowing
5903 the movement of implements of husbandry on the highways in accordance with this chapter.

5904 (ii) The permit shall require the applicant to obtain verbal permission from the
5905 department for each trip involving the movement of an implement of husbandry 16 feet or
5906 greater in width.

5907 (5) Any person who violates this section is guilty of a class [B] C misdemeanor.

5908 Section 186. Section **72-7-408** is amended to read:

5909 **72-7-408. Highway authority -- Restrictions on highway use -- Erection and**
5910 **maintenance of signs designating restrictions -- Penalty.**

5911 (1) (a) Subject to Subsection (1)(b), a highway authority may by rule or ordinance
5912 prescribe procedures and criteria which prohibit the operation of any vehicle or impose
5913 restrictions on the weight of a vehicle upon any highway under its jurisdiction.

5914 (b) A highway authority may impose restrictions for a highway under Subsection (1)(a)
5915 if an engineering inspection concludes that, due to deterioration caused by climatic conditions,
5916 a highway will be seriously damaged or destroyed unless certain vehicles are prohibited or
5917 vehicle weights are restricted.

5918 (2) The highway authority imposing restrictions under this section shall erect signs
5919 citing the provisions of the rule or ordinance at each end of that portion of any highway
5920 affected. The restriction is effective only when the signs are erected and maintained.

5921 (3) Any person who violates any restriction imposed under the authority of this section
5922 is guilty of a class ~~[B]~~ C misdemeanor.

5923 Section 187. Section **72-7-409** is amended to read:

5924 **72-7-409. Loads on vehicles -- Limitations -- Confining, securing, and fastening**
5925 **load required -- Penalty.**

5926 (1) As used in this section:

5927 (a) "Agricultural product" means any raw product which is derived from agriculture,
5928 including silage, hay, straw, grain, manure, and other similar product.

5929 (b) "Vehicle" has the same meaning set forth in Section [41-1a-102](#).

5930 (2) A vehicle may not be operated or moved on any highway unless the vehicle is
5931 constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise
5932 escaping.

5933 (3) (a) In addition to the requirements under Subsection (2), a vehicle carrying dirt,
5934 sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or
5935 scrap metal shall have a covering over the entire load unless:

5936 (i) the highest point of the load does not extend above the top of any exterior wall or
5937 sideboard of the cargo compartment of the vehicle; and

5938 (ii) the outer edges of the load are at least six inches below the top inside edges of the

5939 exterior walls or sideboards of the cargo compartment of the vehicle.

5940 (b) In addition to the requirements under Subsection (2), a vehicle carrying trash or
5941 garbage shall have a covering over the entire load.

5942 (c) The following material is exempt from the provisions of Subsection (3)(a):

5943 (i) hot mix asphalt;

5944 (ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form
5945 not susceptible to being blown out of the vehicle;

5946 (iii) material being transported across a highway between two parcels of property that
5947 would be contiguous but for the highway that is being crossed; and

5948 (iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers,
5949 bags, or packaging.

5950 (d) A chemical substance capable of coating or bonding a load so that the load is
5951 confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a) so long
5952 as the chemical substance remains effective at confining the load.

5953 (4) Subsections (2) and (3) do not apply to a vehicle or implement of husbandry
5954 carrying an agricultural product, if the agricultural product is:

5955 (a) being transported in a manner which is not a hazard or a potential hazard to the safe
5956 operation of the vehicle or to other highway users; and

5957 (b) loaded in a manner that only allows minimal spillage.

5958 (5) (a) An authorized vehicle performing snow removal services on a highway is
5959 exempt from the requirements of this section.

5960 (b) This section does not prohibit the necessary spreading of any substance connected
5961 with highway maintenance, construction, securing traction, or snow removal.

5962 (6) A person may not operate a vehicle with a load on any highway unless the load and
5963 any load covering is fastened, secured, and confined to prevent the covering or load from
5964 becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to
5965 other highway users.

5966 (7) Before entering a highway, the operator of a vehicle carrying any material listed
5967 under Subsection (3), shall remove all loose material on any portion of the vehicle not designed
5968 to carry the material.

5969 (8) (a) Any person who violates this section is guilty of a class [B] C misdemeanor.

5970 (b) A person who violates a provision of this section shall be fined not less than:

5971 (i) \$200 for a violation; or

5972 (ii) \$500 for a second or subsequent violation within three years of a previous violation
5973 of this section.

5974 (c) A person who violates a provision of this section while operating a commercial
5975 vehicle as defined in Section 72-9-102 shall be fined:

5976 (i) not less than \$500 for a violation; or

5977 (ii) \$1,000 for a second or subsequent violation within three years of a previous
5978 violation of this section.

5979 Section 188. Section 73-18-6 is amended to read:

5980 **73-18-6. Numbering of motorboats and sailboats required -- Exception.**

5981 (1) Every motorboat and sailboat on the waters of this state shall be numbered. No
5982 person shall operate or give permission for the operation of any motorboat or sailboat on the
5983 waters of this state unless the motorboat or sailboat is numbered in accordance with:

5984 (a) this chapter;

5985 (b) applicable federal law; or

5986 (c) a federally-approved numbering system of another state, if the owner is a resident
5987 of that state and his motorboat or sailboat has not been in this state in excess of 60 days for the
5988 calendar year.

5989 (2) The number assigned to a motorboat or sailboat in accordance with this chapter,
5990 applicable federal law, or a federally-approved numbering system of another state shall be
5991 displayed on each side of the bow of the motorboat or sailboat, except this requirement does
5992 not apply to any vessel which has a valid marine document issued by the United States Coast
5993 Guard.

5994 (3) A violation of this section is a class C misdemeanor.

5995 Section 189. Section 73-18-7 is amended to read:

5996 **73-18-7. Registration requirements -- Exemptions -- Fee -- Agents -- Records --**

5997 **Period of registration and renewal -- Expiration -- Notice of transfer of interest or change**
5998 **of address -- Duplicate registration card -- Invalid registration -- Powers of board.**

5999 (1) (a) Except as provided by Section 73-18-9, the owner of each motorboat and
6000 sailboat on the waters of this state shall register it with the division as provided in this chapter.

6001 (b) A person may not place, give permission for the placement of, operate, or give
6002 permission for the operation of a motorboat or sailboat on the waters of this state, unless the
6003 motorboat or sailboat is registered as provided in this chapter.

6004 (2) (a) The owner of a motorboat or sailboat required to be registered shall file an
6005 application for registration with the division on forms approved by the division.

6006 (b) The owner of the motorboat or sailboat shall sign the application and pay the fee set
6007 by the board in accordance with Section [63J-1-504](#).

6008 (c) Before receiving a registration card and registration decals, the applicant shall
6009 provide the division with a certificate from the county assessor of the county in which the
6010 motorboat or sailboat has situs for taxation, stating that:

6011 (i) the property tax on the motorboat or sailboat for the current year has been paid;

6012 (ii) in the county assessor's opinion, the property tax is a lien on real property sufficient
6013 to secure the payment of the property tax; or

6014 (iii) the motorboat or sailboat is exempt by law from payment of property tax for the
6015 current year.

6016 (d) If the board modifies the fee under Subsection (2)(b), the modification shall take
6017 effect on the first day of the calendar quarter after 90 days from the day on which the board
6018 provides the State Tax Commission:

6019 (i) notice from the board stating that the board will modify the fee; and

6020 (ii) a copy of the fee modification.

6021 (3) (a) Upon receipt of the application in the approved form, the division shall record
6022 the receipt and issue to the applicant registration decals and a registration card that state the
6023 number assigned to the motorboat or sailboat and the name and address of the owner.

6024 (b) The registration card shall be available for inspection on the motorboat or sailboat
6025 for which it was issued, whenever that motorboat or sailboat is in operation.

6026 (4) The assigned number shall:

6027 (a) be painted or permanently attached to each side of the forward half of the motorboat
6028 or sailboat;

6029 (b) consist of plain vertical block characters not less than three inches in height;

6030 (c) contrast with the color of the background and be distinctly visible and legible;

6031 (d) have spaces or hyphens equal to the width of a letter between the letter and numeral

6032 groupings; and

6033 (e) read from left to right.

6034 (5) A motorboat or sailboat with a valid marine document issued by the United States
6035 Coast Guard is exempt from the number display requirements of Subsection (4).

6036 (6) The nonresident owner of any motorboat or sailboat already covered by a valid
6037 number that has been assigned to it according to federal law or a federally approved numbering
6038 system of the owner's resident state is exempt from registration while operating the motorboat
6039 or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity
6040 period provided for in Subsection [73-18-9\(1\)](#).

6041 (7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a
6042 new application form and fee with the division, and the division shall issue a new registration
6043 card and registration decals in the same manner as provided for in Subsections (2) and (3).

6044 (b) The division shall reassign the current number assigned to the motorboat or sailboat
6045 to the new owner to display on the motorboat or sailboat.

6046 (8) If the United States Coast Guard has in force an overall system of identification
6047 numbering for motorboats or sailboats within the United States, the numbering system
6048 employed under this chapter by the board shall conform with that system.

6049 (9) (a) The division may authorize any person to act as its agent for the registration of
6050 motorboats and sailboats.

6051 (b) A number assigned, a registration card, and registration decals issued by an agent of
6052 the division in conformity with this chapter and rules of the board are valid.

6053 (10) (a) The Motor Vehicle Division shall classify all records of the division made or
6054 kept according to this section in the same manner that motor vehicle records are classified
6055 under Section [41-1a-116](#).

6056 (b) Division records are available for inspection in the same manner as motor vehicle
6057 records pursuant to Section [41-1a-116](#).

6058 (11) (a) (i) Each registration, registration card, and decal issued under this chapter shall
6059 continue in effect for 12 months, beginning with the first day of the calendar month of
6060 registration.

6061 (ii) A registration may be renewed by the owner in the same manner provided for in the
6062 initial application.

6063 (iii) The division shall reassign the current number assigned to the motorboat or
6064 sailboat when the registration is renewed.

6065 (b) Each registration, registration card, and registration decal expires the last day of the
6066 month in the year following the calendar month of registration.

6067 (c) If the last day of the registration period falls on a day in which the appropriate state
6068 or county offices are not open for business, the registration of the motorboat or sailboat is
6069 extended to 12 midnight of the next business day.

6070 (d) The division may receive applications for registration renewal and issue new
6071 registration cards at any time before the expiration of the registration, subject to the availability
6072 of renewal materials.

6073 (e) The new registration shall retain the same expiration month as recorded on the
6074 original registration even if the registration has expired.

6075 (f) The year of registration shall be changed to reflect the renewed registration period.

6076 (g) If the registration renewal application is an application generated by the division
6077 through its automated system, the owner is not required to surrender the last registration card or
6078 duplicate.

6079 (12) (a) An owner shall notify the division of:

6080 (i) the transfer of all or any part of the owner's interest, other than creation of a security
6081 interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

6082 (ii) the destruction or abandonment of the owner's motorboat or sailboat.

6083 (b) Notification must take place within 15 days of the transfer, destruction, or
6084 abandonment.

6085 (c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates
6086 its registration.

6087 (ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not
6088 affect the owner's right to operate a motorboat or sailboat does not terminate the registration.

6089 (13) (a) A registered owner shall notify the division within 15 days if the owner's
6090 address changes from the address appearing on the registration card and shall, as a part of this
6091 notification, furnish the division with the owner's new address.

6092 (b) The board may provide in its rules for:

6093 (i) the surrender of the registration card bearing the former address; and

6094 (ii) (A) the replacement of the card with a new registration card bearing the new
6095 address; or

6096 (B) the alteration of an existing registration card to show the owner's new address.

6097 (14) (a) If a registration card is lost or stolen, the division may collect a fee of \$4 for
6098 the issuance of a duplicate card.

6099 (b) If a registration decal is lost or stolen, the division may collect a fee of \$3 for the
6100 issuance of a duplicate decal.

6101 (15) A number other than the number assigned to a motorboat or sailboat or a number
6102 for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached,
6103 or otherwise displayed on either side of the bow of a motorboat or sailboat.

6104 (16) A motorboat or sailboat registration and number are invalid if obtained by
6105 knowingly falsifying an application for registration.

6106 (17) The board may designate the suffix to assigned numbers, and by following the
6107 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
6108 make rules for:

6109 (a) the display of registration decals;

6110 (b) the issuance and display of dealer numbers and registrations; and

6111 (c) the issuance and display of temporary registrations.

6112 (18) A violation of this section is a class C misdemeanor.

6113 Section 190. Section **73-18-8** is amended to read:

6114 **73-18-8. Safety equipment required to be on board vessels.**

6115 (1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person
6116 on board, one personal flotation device that is approved for the type of use by the commandant
6117 of the United States Coast Guard.

6118 (b) Each personal flotation device shall be:

6119 (i) in serviceable condition;

6120 (ii) legally marked with the United States Coast Guard approval number; and

6121 (iii) of an appropriate size for the person for whom it is intended.

6122 (c) (i) Sailboards are exempt from the provisions of Subsection (1)(a).

6123 (ii) The board may exempt certain types of vessels from the provisions of Subsection

6124 (1)(a) under certain conditions or upon certain waters.

6125 (d) The board may require by rule for personal flotation devices to be worn:

6126 (i) while a person is on board a certain type of vessel;

6127 (ii) by a person under a certain age; or

6128 (iii) on certain waters of the state.

6129 (e) For vessels 16 feet or more in length, there shall also be on board, one Type IV
6130 throwable personal flotation device which is approved for this use by the commandant of the
6131 United States Coast Guard.

6132 (2) The operator of a vessel operated between sunset and sunrise shall display lighted
6133 navigation lights approved by the division.

6134 (3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in
6135 any enclosure for any purpose, the vessel shall be equipped with an efficient natural or
6136 mechanical ventilation system that is capable of removing resulting gases before and during the
6137 time the vessel is occupied by any person.

6138 (4) Each vessel shall have fire extinguishing equipment on board.

6139 (5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame
6140 control device.

6141 (6) The board may:

6142 (a) require additional safety equipment by rule; and

6143 (b) adopt rules conforming with the requirements of this section which govern
6144 specifications for and the use of safety equipment.

6145 (7) A person may not operate or give permission for the operation of a vessel that is not
6146 equipped as required by this section or rules promulgated under this section.

6147 (8) A violation of this section is a class C misdemeanor.

6148 Section 191. Section **73-18-8.1** is amended to read:

6149 **73-18-8.1. Capacity and certification label.**

6150 (1) Each vessel manufactured after November 1, 1972, which is less than 20 feet in
6151 length, except a sailboat, canoe, kayak, inflatable vessel, or homemade motor boat must have a
6152 United States Coast Guard capacity and certification label permanently affixed to the vessel
6153 and clearly visible to the operator when boarding or operating the vessel. The capacity and
6154 certification information may be combined together and displayed on one label.

6155 (2) No person shall operate, or give permission for the operation of, any vessel on the

6156 waters of this state if it is loaded or powered in excess of the maximum capacity information
6157 on the United States Coast Guard capacity label.

6158 (3) No person shall alter, deface, or remove any United States Coast Guard capacity or
6159 certification information label affixed to a vessel.

6160 (4) No person shall operate, or give permission for the operation of, a vessel on the
6161 waters of this state if the required United States Coast Guard capacity or certification
6162 information label has been altered, defaced, or removed.

6163 (5) A violation of this section is a class C misdemeanor.

6164 Section 192. Section **73-18-13** is amended to read:

6165 **73-18-13. Duties of operator involved in accident -- Notification and reporting**
6166 **procedures -- Use of accident reports -- Giving false information as misdemeanor.**

6167 (1) As used in this section, "agent" has the same meaning as provided in Section
6168 [41-6a-404](#).

6169 (2) (a) It is the duty of the operator of a vessel involved in an accident, if the operator
6170 can do so without seriously endangering the operator's own vessel, crew, or passengers, to
6171 render aid to those affected by the accident as may be practicable.

6172 (b) The operator shall also give the operator's name, address, and identification of the
6173 operator's vessel in writing to:

6174 (i) any person injured; or

6175 (ii) the owner of any property damaged in the accident.

6176 (c) A violation of this Subsection (2) is a class B misdemeanor.

6177 (3) (a) The board shall adopt rules governing the notification and reporting procedure
6178 for vessels involved in accidents.

6179 (b) The rules shall be consistent with federal requirements.

6180 (4) (a) Except as provided in Subsection (4)(b), all accident reports:

6181 (i) are protected and shall be for the confidential use of the division or other state,
6182 local, or federal agencies having use for the records for official governmental statistical,
6183 investigative, and accident prevention purposes; and

6184 (ii) may be disclosed only in a statistical form that protects the privacy of any person
6185 involved in the accident.

6186 (b) The division shall disclose a written accident report and its accompanying data to:

- 6187 (i) a person involved in the accident, excluding a witness to the accident;
6188 (ii) a person suffering loss or injury in the accident;
6189 (iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i)
6190 and (ii);
6191 (iv) a member of the press or broadcast news media;
6192 (v) a state, local, or federal agency that uses the records for official governmental,
6193 investigative, or accident prevention purposes;
6194 (vi) law enforcement personnel when acting in their official governmental capacity;
6195 and
6196 (vii) a licensed private investigator.

6197 (c) Information provided to a member of the press or broadcast news media under
6198 Subsection (4)(b)(iv) may only include:

- 6199 (i) the name, age, sex, and city of residence of each person involved in the accident;
6200 (ii) the make and model year of each vehicle involved in the accident;
6201 (iii) whether or not each person involved in the accident was covered by a vehicle
6202 insurance policy;
6203 (iv) the location of the accident; and
6204 (v) a description of the accident that excludes personal identifying information not
6205 listed in Subsection (4)(c)(i).

6206 (5) (a) Except as provided in Subsection (5)(c), an accident report may not be used as
6207 evidence in any civil or criminal trial, arising out of an accident.

6208 (b) Upon demand of any person who has, or claims to have, made the report, or upon
6209 demand of any court, the division shall furnish a certificate showing that a specified accident
6210 report has or has not been made to the division solely to prove a compliance or a failure to
6211 comply with the requirement that a report be made to the division.

6212 (c) Accident reports may be used as evidence when necessary to prosecute charges
6213 filed in connection with a violation of Subsection (6).

6214 (6) Any person who gives false information, knowingly or having reason to believe it is
6215 false, in an oral or written report as required in this chapter, is guilty of a class ~~[A]~~ B
6216 misdemeanor.

6217 Section 193. Section **73-18-15.1** is amended to read:

6218 **73-18-15.1. Vessel navigation and steering laws.**

6219 (1) The operator of a vessel shall maintain a proper lookout by sight and hearing at all
6220 times to avoid the risk of collision.

6221 (2) When the operators of two motorboats approach each other where there is risk of
6222 collision, each operator shall alter course to the right and pass on the left side of the other.

6223 (3) When the operators of two motorboats are crossing paths and are at risk of a
6224 collision, the operator of the vessel that has the other vessel on its right side shall keep out of
6225 the way and yield right-of-way if necessary.

6226 (4) The operator of any vessel overtaking any other vessel shall keep out of the way of
6227 the vessel being overtaken.

6228 (5) The operator of a vessel underway shall keep out of the way of a:

6229 (a) vessel not under command;

6230 (b) vessel restricted in its ability to maneuver;

6231 (c) vessel engaged in fishing; and

6232 (d) sailing vessel.

6233 (6) If the operator of one of two vessels is to keep out of the way, the other vessel
6234 operator shall maintain his course and speed unless it becomes apparent the other vessel is not
6235 taking the appropriate action.

6236 (7) In narrow channels an operator of a vessel underway shall keep to the right of the
6237 middle of the channel.

6238 (8) The operator of a vessel shall proceed at a safe speed at all times so that the
6239 operator can take proper and effective action to avoid collision and be stopped within a
6240 distance appropriate to the prevailing circumstances or conditions.

6241 (9) (a) When the operators of two sailboats are approaching one another so as to
6242 involve risk of collision, one of the operators shall keep out of the way of the other as follows:

6243 (i) when each has the wind on a different side, the operator of the vessel that has the
6244 wind on the left side shall keep out of the way of the other;

6245 (ii) when both have the wind on the same side, the operator of the vessel that is to the
6246 windward shall keep out of the way of the vessel that is to leeward; and

6247 (iii) if the operator of a vessel with the wind on the left side sees a vessel to windward
6248 and cannot determine with certainty whether the other vessel has the wind on the left or on the

6249 right side, the operator shall keep out of way of the other vessel.

6250 (b) For purposes of this Subsection (9), the windward side shall be the side opposite
6251 that on which the mainsail is carried.

6252 (10) The operator of any vessel may not exceed a wakeless speed when within 150 feet
6253 of:

6254 (a) another vessel;

6255 (b) a person in or floating on the water;

6256 (c) a water skier being towed by another boat;

6257 (d) a water skier that had been towed behind the operator's vessel unless the skier is
6258 still surfing or riding in an upright stance on the wake created by the vessel;

6259 (e) a water skier that had been towed behind another vessel and the skier is still surfing
6260 or riding in an upright stance on the wake created by the other vessel;

6261 (f) a shore fisherman;

6262 (g) a launching ramp;

6263 (h) a dock; or

6264 (i) a designated swimming area.

6265 (11) The operator of a motorboat is responsible for any damage or injury caused by the
6266 wake produced by the operator's motorboat.

6267 (12) (a) Except as provided in Subsection (12)(b), the operator of a motorboat that is
6268 less than 65 feet in length may not exceed a wakeless speed while any person is riding upon the
6269 bow decking, gunwales, transom, seatbacks, or motor cover.

6270 (b) Subsection (12)(a) does not apply if the motorboat is:

6271 (i) between 16 feet and 65 feet in length; and

6272 (ii) the motorboat is equipped with adequate rails or other safeguards to prevent a
6273 person from falling overboard.

6274 (13) If a person is riding upon the bow decking of a motorboat that does not have
6275 designed seating for passengers, the person shall straddle one of the upright supports of the
6276 bow rail and may not block the vision of the operator.

6277 (14) The operator of a vessel may not tow a water skier or a person on another device:

6278 (a) unless an onboard observer, who is at least eight years of age, is designated by the
6279 operator to watch the person being towed; or

6280 (b) between sunset and sunrise.

6281 (15) A person who violates this section is guilty of [~~a class C misdemeanor~~] an
6282 infraction.

6283 Section 194. Section **73-18-15.2** is amended to read:

6284 **73-18-15.2. Minimum age of operators -- Boating safety course for youth to**
6285 **operate personal watercraft.**

6286 (1) (a) A person under 16 years of age may not operate a motorboat on the waters of
6287 this state unless the person is under the on-board and direct supervision of a person who is at
6288 least 18 years of age.

6289 (b) A person under 16 years of age may operate a sailboat, if the person is under the
6290 direct supervision of a person who is at least 18 years of age.

6291 (2) A person who is at least 12 years of age or older but under 16 years of age may
6292 operate a personal watercraft provided he:

6293 (a) is under the direct supervision of a person who is at least 18 years of age;

6294 (b) completes a boating safety course approved by the division; and

6295 (c) has in his possession a boating safety certificate issued by the boating safety course
6296 provider.

6297 (3) A person who is at least 16 years of age but under 18 years of age may operate a
6298 personal watercraft, if the person:

6299 (a) completes a boating safety course approved by the division; and

6300 (b) has in his possession a boating safety certificate issued by the boating safety course
6301 provider.

6302 (4) A person required to attend a boating safety course under Subsection (3)(a) need
6303 not be accompanied by a parent or legal guardian while completing a boating safety course.

6304 (5) A person may not give permission to another person to operate a vessel in violation
6305 of this section.

6306 (6) As used in this section, "direct supervision" means oversight at a distance within
6307 which visual contact is maintained.

6308 (7) (a) The division may collect fees set by the board in accordance with Section
6309 **63J-1-504** from each person who takes the division's boating safety course to help defray the
6310 cost of the boating safety course.

6311 (b) Money collected from the fees collected under Subsection (7)(a) shall be deposited
6312 in the Boating Account.

6313 (8) A violation of this section is a class C misdemeanor.

6314 Section 195. Section **73-18-15.3** is amended to read:

6315 **73-18-15.3. Personal watercraft -- Prohibition on operation between sunset and**
6316 **sunrise.**

6317 (1) A person may not operate a personal watercraft on the waters of this state between
6318 sunset and sunrise.

6319 (2) A violation of this section is a class C misdemeanor.

6320 Section 196. Section **73-18-16** is amended to read:

6321 **73-18-16. Regattas, races, exhibitions -- Rules.**

6322 (1) The division may authorize the holding of regattas, motorboat or other boat races,
6323 marine parades, tournaments, or exhibitions on any waters of this state.

6324 (2) The board may adopt rules concerning the safety of vessels and persons, either as
6325 observers or participants, that do not conflict with the provisions of Subsections (3) and (4).

6326 (3) A person may elect, at the person's own risk, to wear a non-Coast Guard approved
6327 personal floatation device if the person is on an American Water Ski Association regulation
6328 tournament slalom course and is:

6329 (a) engaged in barefoot water skiing;

6330 (b) water skiing in an American Water Ski Association regulation competition;

6331 (c) a performer participating in a professional exhibition or other tournament; or

6332 (d) practicing for an event described in Subsection (3)(b) or (c).

6333 (4) If a person is water skiing in an American Water Ski Association regulation
6334 tournament slalom course, an observer and flag are not required if the vessel is:

6335 (a) equipped with a wide angle mirror with a viewing surface of at least 48 square
6336 inches; and

6337 (b) operated by a person who is at least 18 years of age.

6338 (5) A violation of this section is a class C misdemeanor.

6339 Section 197. Section **73-18-20.4** is amended to read:

6340 **73-18-20.4. Duty to report falsified vessel or motor number.**

6341 (1) Any person owning or operating a marina, marine dealership, service station, public

6342 garage, paint shop, or a vessel repair shop shall immediately notify the local police authorities
6343 of any vessel or outboard motor that has any numbers that have apparently been altered,
6344 obliterated, or removed.

6345 (2) A violation of this section is a class B misdemeanor.

6346 Section 198. Section **73-18-21** is amended to read:

6347 **73-18-21. Violation of chapter as class C misdemeanor.**

6348 Unless otherwise specified, any person who violates any provision of this chapter or
6349 rule promulgated under this chapter is guilty of a class [B] C misdemeanor.

6350 Section 199. Section **73-18c-302** is amended to read:

6351 **73-18c-302. Operating motorboats without owner's or operator's security --**
6352 **Penalty.**

6353 (1) Any owner of a motorboat on which owner's or operator's security is required under
6354 Section **73-18c-301**, who operates the motorboat or permits it to be operated on waters of the
6355 state without owner's security being in effect is guilty of a class [B] C misdemeanor.

6356 (2) Any other person who operates a motorboat upon waters of the state with the
6357 knowledge that the owner does not have owner's security in effect for the motorboat is also
6358 guilty of a class [B] C misdemeanor, unless that person has in effect owner's or operator's
6359 security on a Utah-registered motorboat or its equivalent that covers the operation, by him or
6360 her, of the motorboat in question.

6361 Section 200. Section **73-18c-304** is amended to read:

6362 **73-18c-304. Evidence of owner's or operator's security to be carried when**
6363 **operating motorboat -- Defense -- Penalties.**

6364 (1) (a) (i) Except as provided in Subsection (1)(a)(ii), a person operating a motorboat
6365 shall:

6366 (A) have in the person's immediate possession evidence of owner's or operator's
6367 security for the motorboat the person is operating; and

6368 (B) display it upon demand of a peace officer.

6369 (ii) A person operating a government-owned or government-leased motorboat is
6370 exempt from the requirements of Subsection (1)(a)(i).

6371 (b) Evidence of owner's or operator's security includes any one of the following:

6372 (i) the operator's:

- 6373 (A) insurance policy;
- 6374 (B) binder notice;
- 6375 (C) renewal notice; or
- 6376 (D) card issued by an insurance company as evidence of insurance;
- 6377 (ii) a copy of a surety bond, certified by the surety, which conforms to Section
- 6378 [73-18c-102](#);
- 6379 (iii) a certificate of the state treasurer issued under Section [73-18c-305](#); or
- 6380 (iv) a certificate of self-funded coverage issued under Section [73-18c-306](#).
- 6381 (2) It is an affirmative defense to a charge under this section that the person had
- 6382 owner's or operator's security in effect for the motorboat the person was operating at the time of
- 6383 the person's citation or arrest.
- 6384 (3) (a) A letter from an insurance producer or company verifying that the person had
- 6385 the required liability insurance coverage on the date specified is considered proof of owner's or
- 6386 operator's security for purposes of Subsection (2).
- 6387 (b) The court considering a citation issued under this section shall allow the letter
- 6388 under Subsection (3)(a) and a copy of the citation to be faxed or mailed to the clerk of the court
- 6389 to satisfy Subsection (2).
- 6390 (4) A violation of this section is a class ~~[B]~~ C misdemeanor.
- 6391 (5) If a person is convicted of a violation of this section and if the person is the owner
- 6392 of a motorboat, the court shall:
- 6393 (a) require the person to surrender the person's registration materials to the court; and
- 6394 (b) forward the registration materials, together with a copy of the conviction, to the
- 6395 division.
- 6396 (6) (a) Upon receiving notification from a court of a conviction for a violation of this
- 6397 section, the division shall revoke the person's motorboat registration.
- 6398 (b) Any registration revoked shall be renewed in accordance with Section [73-18-7](#).
- 6399 Section 201. Section **76-3-202** is amended to read:
- 6400 **76-3-202. Paroled persons -- Termination or discharge from sentence -- Time**
- 6401 **served on parole -- Discretion of Board of Pardons and Parole.**
- 6402 (1) (a) Except as provided in Subsection (1)(b), every person committed to the state
- 6403 prison to serve an indeterminate term and later released on parole shall, upon completion of

6404 three years on parole outside of confinement and without violation, be terminated from the
6405 person's sentence unless the parole is earlier terminated by the Board of Pardons and Parole or
6406 is terminated pursuant to Section 64-13-21.

6407 (b) Every person committed to the state prison to serve an indeterminate term and later
6408 released on parole on or after July 1, 2008, and who was convicted of any felony offense under
6409 Title 76, Chapter 5, Offenses Against the Person, or any attempt, conspiracy, or solicitation to
6410 commit any of these felony offenses, shall complete a term of parole that extends through the
6411 expiration of the person's maximum sentence, unless the parole is earlier terminated by the
6412 Board of Pardons and Parole.

6413 (2) Every person convicted of a second degree felony for violating Section 76-5-404,
6414 forcible sexual abuse, or 76-5-404.1, sexual abuse of a child and aggravated sexual abuse of a
6415 child, or attempting, conspiring, or soliciting the commission of a violation of any of those
6416 sections, and who is paroled before July 1, 2008, shall, upon completion of 10 years parole
6417 outside of confinement and without violation, be terminated from the sentence unless the
6418 person is earlier terminated by the Board of Pardons and Parole.

6419 (3) (a) Every person convicted of a first degree felony for committing any offense listed
6420 in Subsection (3)(b), or attempting, conspiring, or soliciting the commission of a violation of
6421 any of those sections, shall complete a term of lifetime parole outside of confinement and
6422 without violation unless the person is earlier terminated by the Board of Pardons and Parole.

6423 (b) The offenses referred to in Subsection (3)(a) are:

6424 (i) Section 76-5-301.1, child kidnapping;

6425 (ii) Subsection 76-5-302(1)(b)(vi), aggravated kidnapping involving a sexual offense;

6426 (iii) Section 76-5-402, rape;

6427 (iv) Section 76-5-402.1, rape of a child;

6428 (v) Section 76-5-402.2, object rape;

6429 (vi) Section 76-5-402.3, object rape of a child;

6430 (vii) Subsection 76-5-403(2), forcible sodomy;

6431 (viii) Section 76-5-403.1, sodomy on a child;

6432 (ix) Section 76-5-404.1, sexual abuse of a child and aggravated sexual abuse of a child;

6433 or

6434 (x) Section 76-5-405, aggravated sexual assault.

6435 (4) Any person who violates the terms of parole, while serving parole, for any offense
6436 under Subsection (1), (2), or (3), shall at the discretion of the Board of Pardons and Parole be
6437 recommitted to prison to serve the portion of the balance of the term as determined by the
6438 Board of Pardons and Parole, but not to exceed the maximum term.

6439 (5) In order for a parolee convicted on or after May 5, 1997, to be eligible for early
6440 termination from parole, the parolee must provide to the Board of Pardons and Parole:

6441 (a) evidence that the parolee has completed high school classwork and has obtained a
6442 high school graduation diploma, a GED certificate, or a vocational certificate; or

6443 (b) documentation of the inability to obtain one of the items listed in Subsection (5)(a)
6444 because of:

6445 (i) a diagnosed learning disability; or

6446 (ii) other justified cause.

6447 (6) Any person paroled following a former parole revocation may not be discharged
6448 from the person's sentence until:

6449 (a) the person has served the applicable period of parole under this section outside of
6450 confinement and without violation;

6451 (b) the person's maximum sentence has expired; or

6452 (c) the Board of Pardons and Parole orders the person to be discharged from the
6453 sentence.

6454 (7) (a) All time served on parole, outside of confinement and without violation,
6455 constitutes service of the total sentence but does not preclude the requirement of serving the
6456 applicable period of parole under this section, outside of confinement and without violation.

6457 (b) Any time a person spends outside of confinement after commission of a parole
6458 violation does not constitute service of the total sentence unless the person is exonerated at a
6459 parole revocation hearing.

6460 (c) (i) Any time a person spends in confinement awaiting a hearing before the Board of
6461 Pardons and Parole or a decision by the board concerning revocation of parole constitutes
6462 service of the sentence.

6463 (ii) In the case of exoneration by the board, the time spent is included in computing the
6464 total parole term.

6465 (8) When any parolee without authority from the Board of Pardons and Parole absents

6466 himself from the state or avoids or evades parole supervision, the period of absence, avoidance,
6467 or evasion tolls the parole period.

6468 (9) (a) While on parole, time spent in confinement outside the state may not be credited
6469 toward the service of any Utah sentence.

6470 (b) Time in confinement outside the state or in the custody of any tribal authority or the
6471 United States government for a conviction obtained in another jurisdiction tolls the expiration
6472 of the Utah sentence.

6473 (10) This section does not preclude the Board of Pardons and Parole from paroling or
6474 discharging an inmate at any time within the discretion of the Board of Pardons and Parole
6475 unless otherwise specifically provided by law.

6476 (11) A parolee sentenced to lifetime parole may petition the Board of Pardons and
6477 Parole for termination of lifetime parole.

6478 Section 202. Section 77-1-3 is amended to read:

6479 **77-1-3. Definitions.**

6480 For the purpose of this act:

6481 (1) "Criminal action" means the proceedings by which a person is charged, accused,
6482 and brought to trial for a public offense.

6483 (2) "Indictment" means an accusation in writing presented by a grand jury to the
6484 district court charging a person with a public offense.

6485 (3) "Information" means an accusation, in writing, charging a person with a public
6486 offense which is presented, signed, and filed in the office of the clerk where the prosecution is
6487 commenced pursuant to Section 77-2-1.1.

6488 (4) "Magistrate" means a justice or judge of a court of record or not of record or a
6489 commissioner of such a court appointed in accordance with Section 78A-5-107, except that the
6490 authority of a court commissioner to act as a magistrate shall be limited by rule of the judicial
6491 council. The judicial council rules shall not exceed constitutional limitations upon the
6492 delegation of judicial authority.

6493 (5) "Risk and needs assessment" means an actuarial tool validated on offenders that
6494 determines:

6495 (a) an individual's risk of reoffending; and

6496 (b) the criminal risk factors that, when addressed, reduce the individual's risk of

6497 reoffending.

6498 Section 203. Section **77-18-1** is amended to read:

6499 **77-18-1. Suspension of sentence -- Pleas held in abeyance -- Probation --**
 6500 **Supervision -- Presentence investigation -- Standards -- Confidentiality -- Terms and**
 6501 **conditions -- Termination, revocation, modification, or extension -- Hearings -- Electronic**
 6502 **monitoring.**

6503 (1) On a plea of guilty or no contest entered by a defendant in conjunction with a plea
 6504 in abeyance agreement, the court may hold the plea in abeyance as provided in Title 77,
 6505 Chapter 2a, Pleas in Abeyance, and under the terms of the plea in abeyance agreement.

6506 (2) (a) On a plea of guilty, guilty with a mental illness, no contest, or conviction of any
 6507 crime or offense, the court may, after imposing sentence, suspend the execution of the sentence
 6508 and place the defendant on probation. The court may place the defendant:

6509 (i) on probation under the supervision of the Department of Corrections except in cases
 6510 of class C misdemeanors or infractions;

6511 (ii) on probation with an agency of local government or with a private organization; or

6512 (iii) on bench probation under the jurisdiction of the sentencing court.

6513 (b) (i) The legal custody of all probationers under the supervision of the department is
 6514 with the department.

6515 (ii) The legal custody of all probationers under the jurisdiction of the sentencing court
 6516 is vested as ordered by the court.

6517 (iii) The court has continuing jurisdiction over all probationers.

6518 (3) (a) The department shall establish supervision and presentence investigation
 6519 standards for all individuals referred to the department. These standards shall be based on:

6520 (i) the type of offense;

6521 (ii) the results of a risk and needs assessment;

6522 [~~(ii)~~] (iii) the demand for services;

6523 [~~(iii)~~] (iv) the availability of agency resources;

6524 [~~(iv) the~~] (v) public safety; and

6525 [~~(v)~~] (vi) other criteria established by the department to determine what level of
 6526 services shall be provided.

6527 (b) Proposed supervision and investigation standards shall be submitted to the Judicial

6528 Council and the Board of Pardons and Parole on an annual basis for review and comment prior
6529 to adoption by the department.

6530 (c) The Judicial Council and the department shall establish procedures to implement
6531 the supervision and investigation standards.

6532 (d) The Judicial Council and the department shall annually consider modifications to
6533 the standards based upon criteria in Subsection (3)(a) and other criteria as they consider
6534 appropriate.

6535 (e) The Judicial Council and the department shall annually prepare an impact report
6536 and submit it to the appropriate legislative appropriations subcommittee.

6537 (4) Notwithstanding other provisions of law, the department is not required to
6538 supervise the probation of persons convicted of class B or C misdemeanors or infractions or to
6539 conduct presentence investigation reports on class C misdemeanors or infractions. However,
6540 the department may supervise the probation of class B misdemeanants in accordance with
6541 department standards.

6542 (5) (a) Before the imposition of any sentence, the court may, with the concurrence of
6543 the defendant, continue the date for the imposition of sentence for a reasonable period of time
6544 for the purpose of obtaining a presentence investigation report from the department or
6545 information from other sources about the defendant.

6546 (b) The presentence investigation report shall include:

6547 (i) a victim impact statement according to guidelines set in Section [77-38a-203](#)
6548 describing the effect of the crime on the victim and the victim's family;

6549 (ii) a specific statement of pecuniary damages, accompanied by a recommendation
6550 from the department regarding the payment of restitution with interest by the defendant in
6551 accordance with Title 77, Chapter 38a, Crime Victims Restitution Act;

6552 (iii) findings from any screening and any assessment of the offender conducted under
6553 Section [77-18-1.1](#);

6554 (iv) recommendations for treatment of the offender; and

6555 (v) the number of days since the commission of the offense that the offender has spent
6556 in the custody of the jail and the number of days, if any, the offender was released to a
6557 supervised release or alternative incarceration program under Section [17-22-5.5](#).

6558 (c) The contents of the presentence investigation report are protected and are not

6559 available except by court order for purposes of sentencing as provided by rule of the Judicial
6560 Council or for use by the department.

6561 (6) (a) The department shall provide the presentence investigation report to the
6562 defendant's attorney, or the defendant if not represented by counsel, the prosecutor, and the
6563 court for review, three working days prior to sentencing. Any alleged inaccuracies in the
6564 presentence investigation report, which have not been resolved by the parties and the
6565 department prior to sentencing, shall be brought to the attention of the sentencing judge, and
6566 the judge may grant an additional 10 working days to resolve the alleged inaccuracies of the
6567 report with the department. If after 10 working days the inaccuracies cannot be resolved, the
6568 court shall make a determination of relevance and accuracy on the record.

6569 (b) If a party fails to challenge the accuracy of the presentence investigation report at
6570 the time of sentencing, that matter shall be considered to be waived.

6571 (7) At the time of sentence, the court shall receive any testimony, evidence, or
6572 information the defendant or the prosecuting attorney desires to present concerning the
6573 appropriate sentence. This testimony, evidence, or information shall be presented in open court
6574 on record and in the presence of the defendant.

6575 (8) While on probation, and as a condition of probation, the court may require that the
6576 defendant:

6577 (a) perform any or all of the following:

6578 (i) pay, in one or several sums, any fine imposed at the time of being placed on
6579 probation;

6580 (ii) pay amounts required under Title 77, Chapter 32a, Defense Costs;

6581 (iii) provide for the support of others for whose support the defendant is legally liable;

6582 (iv) participate in available treatment programs, including any treatment program in
6583 which the defendant is currently participating, if the program is acceptable to the court;

6584 (v) serve a period of time, not to exceed one year, in a county jail designated by the
6585 department, after considering any recommendation by the court as to which jail the court finds
6586 most appropriate;

6587 (vi) serve a term of home confinement, which may include the use of electronic
6588 monitoring;

6589 (vii) participate in compensatory service restitution programs, including the

- 6590 compensatory service program provided in Section 76-6-107.1;
- 6591 (viii) pay for the costs of investigation, probation, and treatment services;
- 6592 (ix) make restitution or reparation to the victim or victims with interest in accordance
6593 with Title 77, Chapter 38a, Crime Victims Restitution Act; and
- 6594 (x) comply with other terms and conditions the court considers appropriate; and
- 6595 (b) if convicted on or after May 5, 1997:
- 6596 (i) complete high school classwork and obtain a high school graduation diploma, a
6597 GED certificate, or a vocational certificate at the defendant's own expense if the defendant has
6598 not received the diploma, GED certificate, or vocational certificate prior to being placed on
6599 probation; or
- 6600 (ii) provide documentation of the inability to obtain one of the items listed in
6601 Subsection (8)(b)(i) because of:
- 6602 (A) a diagnosed learning disability; or
- 6603 (B) other justified cause.
- 6604 (9) The department shall collect and disburse the account receivable as defined by
6605 Section 76-3-201.1, with interest and any other costs assessed under Section 64-13-21 during:
- 6606 (a) the parole period and any extension of that period in accordance with Subsection
6607 77-27-6(4); and
- 6608 (b) the probation period in cases for which the court orders supervised probation and
6609 any extension of that period by the department in accordance with Subsection (10).
- 6610 (10) (a) (i) Probation may be terminated at any time at the discretion of the court or
6611 upon completion without violation of 36 months probation in felony or class A misdemeanor
6612 cases, [~~or~~] 12 months in cases of class B or C misdemeanors or infractions, or as allowed
6613 pursuant to Section 64-13-21 regarding earned credits.
- 6614 (ii) (A) If, upon expiration or termination of the probation period under Subsection
6615 (10)(a)(i), there remains an unpaid balance upon the account receivable as defined in Section
6616 76-3-201.1, the court may retain jurisdiction of the case and continue the defendant on bench
6617 probation for the limited purpose of enforcing the payment of the account receivable. If the
6618 court retains jurisdiction for this limited purpose, the court may order the defendant to pay to
6619 the court the costs associated with continued probation under this Subsection (10).
- 6620 (B) In accordance with Section 77-18-6, the court shall record in the registry of civil

6621 judgments any unpaid balance not already recorded and immediately transfer responsibility to
6622 collect the account to the Office of State Debt Collection.

6623 (iii) Upon motion of the Office of State Debt Collection, prosecutor, victim, or upon its
6624 own motion, the court may require the defendant to show cause why the defendant's failure to
6625 pay should not be treated as contempt of court.

6626 (b) (i) The department shall notify the sentencing court, the Office of State Debt
6627 Collection, and the prosecuting attorney in writing in advance in all cases when termination of
6628 supervised probation will occur by law.

6629 (ii) The notification shall include a probation progress report and complete report of
6630 details on outstanding accounts receivable.

6631 (11) (a) (i) Any time served by a probationer outside of confinement after having been
6632 charged with a probation violation and prior to a hearing to revoke probation does not
6633 constitute service of time toward the total probation term unless the probationer is exonerated
6634 at a hearing to revoke the probation.

6635 (ii) Any time served in confinement awaiting a hearing or decision concerning
6636 revocation of probation does not constitute service of time toward the total probation term
6637 unless the probationer is exonerated at the hearing.

6638 (iii) Any time served in confinement awaiting a hearing or decision concerning
6639 revocation of probation constitutes service of time toward a term of incarceration imposed as a
6640 result of the revocation of probation.

6641 (b) The running of the probation period is tolled upon the filing of a violation report
6642 with the court alleging a violation of the terms and conditions of probation or upon the issuance
6643 of an order to show cause or warrant by the court.

6644 (12) (a) (i) Probation may not be modified or extended except upon waiver of a hearing
6645 by the probationer or upon a hearing and a finding in court that the probationer has violated the
6646 conditions of probation.

6647 (ii) Probation may not be revoked except upon a hearing in court and a finding that the
6648 conditions of probation have been violated.

6649 (b) (i) Upon the filing of an affidavit alleging with particularity facts asserted to
6650 constitute violation of the conditions of probation, the court that authorized probation shall
6651 determine if the affidavit establishes probable cause to believe that revocation, modification, or

6652 extension of probation is justified.

6653 (ii) If the court determines there is probable cause, it shall cause to be served on the
6654 defendant a warrant for the defendant's arrest or a copy of the affidavit and an order to show
6655 cause why the defendant's probation should not be revoked, modified, or extended.

6656 (c) (i) The order to show cause shall specify a time and place for the hearing and shall
6657 be served upon the defendant at least five days prior to the hearing.

6658 (ii) The defendant shall show good cause for a continuance.

6659 (iii) The order to show cause shall inform the defendant of a right to be represented by
6660 counsel at the hearing and to have counsel appointed if the defendant is indigent.

6661 (iv) The order shall also inform the defendant of a right to present evidence.

6662 (d) (i) At the hearing, the defendant shall admit or deny the allegations of the affidavit.

6663 (ii) If the defendant denies the allegations of the affidavit, the prosecuting attorney
6664 shall present evidence on the allegations.

6665 (iii) The persons who have given adverse information on which the allegations are
6666 based shall be presented as witnesses subject to questioning by the defendant unless the court
6667 for good cause otherwise orders.

6668 (iv) The defendant may call witnesses, appear and speak in the defendant's own behalf,
6669 and present evidence.

6670 (e) (i) After the hearing the court shall make findings of fact.

6671 (ii) Upon a finding that the defendant violated the conditions of probation, the court
6672 may order the probation revoked, modified, continued, or that the entire probation term
6673 commence anew.

6674 ~~[(iii) If probation is revoked, the defendant shall be sentenced or the sentence
6675 previously imposed shall be executed.]~~

6676 (iii) If a period of incarceration is imposed for a violation, the defendant shall be
6677 sentenced within the graduated sanctions guidelines established by the Utah Sentencing
6678 Commission pursuant to Section 63M-7-404, unless the judge determines that:

6679 (A) the defendant needs substance abuse or mental health treatment, as determined by a
6680 risk and needs assessment, that warrants treatment services that are immediately available in
6681 the community; or

6682 (B) the sentence previously imposed shall be executed.

6683 (iv) If the defendant had, prior to the imposition of a term of incarceration or the
6684 execution of the previously imposed sentence under this Subsection (12), served time in jail as
6685 a condition of probation or due to a violation of probation under Subsection 77-18-1(12)(e)(iii),
6686 the time the probationer served in jail constitutes service of time toward the sentence
6687 previously imposed.

6688 (13) The court may order the defendant to commit himself or herself to the custody of
6689 the Division of Substance Abuse and Mental Health for treatment at the Utah State Hospital as
6690 a condition of probation or stay of sentence, only after the superintendent of the Utah State
6691 Hospital or the superintendent's designee has certified to the court that:

6692 (a) the defendant is appropriate for and can benefit from treatment at the state hospital;

6693 (b) treatment space at the hospital is available for the defendant; and

6694 (c) persons described in Subsection 62A-15-610(2)(g) are receiving priority for
6695 treatment over the defendants described in this Subsection (13).

6696 (14) Presentence investigation reports are classified protected in accordance with Title
6697 63G, Chapter 2, Government Records Access and Management Act. Notwithstanding Sections
6698 63G-2-403 and 63G-2-404, the State Records Committee may not order the disclosure of a
6699 presentence investigation report. Except for disclosure at the time of sentencing pursuant to
6700 this section, the department may disclose the presentence investigation only when:

6701 (a) ordered by the court pursuant to Subsection 63G-2-202(7);

6702 (b) requested by a law enforcement agency or other agency approved by the department
6703 for purposes of supervision, confinement, and treatment of the offender;

6704 (c) requested by the Board of Pardons and Parole;

6705 (d) requested by the subject of the presentence investigation report or the subject's
6706 authorized representative; or

6707 (e) requested by the victim of the crime discussed in the presentence investigation
6708 report or the victim's authorized representative, provided that the disclosure to the victim shall
6709 include only information relating to statements or materials provided by the victim, to the
6710 circumstances of the crime including statements by the defendant, or to the impact of the crime
6711 on the victim or the victim's household.

6712 (15) (a) The court shall consider home confinement as a condition of probation under
6713 the supervision of the department, except as provided in Sections 76-3-406 and 76-5-406.5.

6714 (b) The department shall establish procedures and standards for home confinement,
6715 including electronic monitoring, for all individuals referred to the department in accordance
6716 with Subsection (16).

6717 (16) (a) If the court places the defendant on probation under this section, it may order
6718 the defendant to participate in home confinement through the use of electronic monitoring as
6719 described in this section until further order of the court.

6720 (b) The electronic monitoring shall alert the department and the appropriate law
6721 enforcement unit of the defendant's whereabouts.

6722 (c) The electronic monitoring device shall be used under conditions which require:

6723 (i) the defendant to wear an electronic monitoring device at all times; and

6724 (ii) that a device be placed in the home of the defendant, so that the defendant's
6725 compliance with the court's order may be monitored.

6726 (d) If a court orders a defendant to participate in home confinement through electronic
6727 monitoring as a condition of probation under this section, it shall:

6728 (i) place the defendant on probation under the supervision of the Department of
6729 Corrections;

6730 (ii) order the department to place an electronic monitoring device on the defendant and
6731 install electronic monitoring equipment in the residence of the defendant; and

6732 (iii) order the defendant to pay the costs associated with home confinement to the
6733 department or the program provider.

6734 (e) The department shall pay the costs of home confinement through electronic
6735 monitoring only for those persons who have been determined to be indigent by the court.

6736 (f) The department may provide the electronic monitoring described in this section
6737 either directly or by contract with a private provider.

6738 Section 204. Section **77-27-1** is amended to read:

6739 **77-27-1. Definitions.**

6740 As used in this chapter:

6741 (1) "Appearance" means any opportunity to address the board, a board member, a
6742 panel, or hearing officer, including an interview.

6743 (2) "Board" means the Board of Pardons and Parole.

6744 (3) "Case action plan" means a document developed by the Department of Corrections

6745 that identifies the program priorities for the treatment of the offender, including the criminal
6746 risk factors as determined by a risk and needs assessment conducted by the department.

6747 [~~3~~] (4) "Commission" means the Commission on Criminal and Juvenile Justice.

6748 [~~4~~] (5) "Commutation" is the change from a greater to a lesser punishment after
6749 conviction.

6750 (6) "Criminal risk factors" means a person's characteristics and behaviors that:

6751 (a) affect that person's risk of engaging in criminal behavior; and

6752 (b) are diminished when addressed by effective treatment, supervision, and other
6753 support resources resulting in reduced risk of criminal behavior.

6754 [~~5~~] (7) "Department" means the Department of Corrections.

6755 [~~6~~] (8) "Expiration" occurs when the maximum sentence has run.

6756 [~~7~~] (9) "Family" means persons related to the victim as a spouse, child, sibling,
6757 parent, or grandparent, or the victim's legal guardian.

6758 [~~8~~] (10) "Hearing" means an appearance before the board, a panel, a board member or
6759 hearing examiner, at which an offender or inmate is afforded an opportunity to be present and
6760 address the board, and encompasses the term "full hearing."

6761 [~~9~~] (11) "Location," in reference to a hearing, means the physical location at which
6762 the board, a panel, a board member, or a hearing examiner is conducting the hearing, regardless
6763 of the location of any person participating by electronic means.

6764 [~~10~~] (12) "Open session" means any hearing before the board, a panel, a board
6765 member, or a hearing examiner which is open to the public, regardless of the location of any
6766 person participating by electronic means.

6767 [~~11~~] (13) "Panel" means members of the board assigned by the chairperson to a
6768 particular case.

6769 [~~12~~] (14) "Pardon" is an act of grace that forgives a criminal conviction and restores
6770 the rights and privileges forfeited by or because of the criminal conviction. A pardon releases
6771 an offender from the entire punishment prescribed for a criminal offense and from disabilities
6772 that are a consequence of the criminal conviction. A pardon reinstates any civil rights lost as a
6773 consequence of conviction or punishment for a criminal offense.

6774 [~~13~~] (15) "Parole" is a release from imprisonment on prescribed conditions which, if
6775 satisfactorily performed by the parolee, enables the parolee to obtain a termination of his

6776 sentence.

6777 [~~(14)~~] (16) "Probation" is an act of grace by the court suspending the imposition or
6778 execution of a convicted offender's sentence upon prescribed conditions.

6779 [~~(15)~~] (17) "Reprieve or respite" is the temporary suspension of the execution of the
6780 sentence.

6781 [~~(16)~~] (18) "Termination" is the act of discharging from parole or concluding the
6782 sentence of imprisonment prior to the expiration of the sentence.

6783 [~~(17)~~] (19) "Victim" means:

6784 (a) a person against whom the defendant committed a felony or class A misdemeanor
6785 offense, and regarding which offense a hearing is held under this chapter; or

6786 (b) the victim's family, if the victim is deceased as a result of the offense for which a
6787 hearing is held under this chapter.

6788 Section 205. Section **77-27-5.4** is enacted to read:

6789 **77-27-5.4. Earned time program.**

6790 (1) The board shall establish an earned time program that reduces the period of
6791 incarceration for offenders who successfully complete specified programs, the purpose of
6792 which is to reduce the risk of recidivism.

6793 (2) The earned time program shall:

6794 (a) provide not less than four months of earned time credit for the completion of the
6795 highest ranked priority in the offender's case action plan;

6796 (b) provide not less than four months of earned time credit for completion of one of the
6797 recommended programs in the offender's case action plan; or

6798 (c) allow the board to grant in its discretion earned time credit in addition to the earned
6799 time credit provided under Subsections (2)(a) and (b).

6800 (3) The program may not provide earned time credit for offenders:

6801 (a) whose previously ordered release date does not provide enough time for the Board
6802 of Pardons and Parole to grant the earned time credit;

6803 (b) who have been sentenced by the court to a term of life without the possibility of
6804 parole; or

6805 (c) who have been ordered by the Board of Pardons and Parole to serve a life sentence.

6806 (4) The board may order the forfeiture of earned time credits under this section if the

6807 offender commits a major disciplinary infraction.

6808 (5) The department shall notify the board not more than 30 days after an offender
6809 completes a priority in the case action plan.

6810 (6) The board shall collect data for the fiscal year regarding the operation of the earned
6811 time credit program, including:

6812 (a) the number of offenders who have earned time credit under this section in the prior
6813 year;

6814 (b) the amount of time credit earned in the prior year;

6815 (c) the number of offenders who forfeited earned time credit; and

6816 (d) additional related information as requested by the Commission on Criminal and
6817 Juvenile Justice.

6818 (7) The board shall collaborate with the Department of Corrections in the
6819 establishment of the earned time credit program.

6820 (8) To the extent possible, programming and hearings shall be provided early enough
6821 in an offender's incarceration to allow the offender to earn time credit.

6822 Section 206. Section **77-27-10** is amended to read:

6823 **77-27-10. Conditions of parole -- Inmate agreement to warrant -- Rulemaking --**
6824 **Intensive early release parole program.**

6825 (1) (a) When the Board of Pardons and Parole releases an offender on parole, it shall
6826 issue to the parolee a certificate setting forth the conditions of parole, including the use of
6827 graduated sanctions pursuant to Section [64-13-21](#), which the offender shall accept and agree to
6828 as evidenced by the offender's signature affixed to the agreement.

6829 (b) The parole agreement shall require that the inmate agree in writing that the board
6830 may issue a warrant and conduct a parole revocation hearing if:

6831 (i) the board determines after the grant of parole that the inmate willfully provided to
6832 the board false or inaccurate information that the board finds was significant in the board's
6833 determination to grant parole; or

6834 (ii) (A) the inmate has engaged in criminal conduct prior to the granting of parole; and

6835 (B) the board did not have information regarding the conduct at the time parole was
6836 granted.

6837 (c) A copy of the agreement shall be delivered to the Department of Corrections and a

6838 copy shall be given to the parolee. The original shall remain with the board's file.

6839 (2) (a) If an offender convicted of violating or attempting to violate Section
6840 76-5-301.1, Subsection 76-5-302(1), Section 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3,
6841 76-5-403, 76-5-403.1, 76-5-404, 76-5-404.1, or 76-5-405, is released on parole, the board shall
6842 order outpatient mental health counseling and treatment as a condition of parole.

6843 (b) The board shall develop standards and conditions of parole under this Subsection
6844 (2) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

6845 (c) This Subsection (2) does not apply to intensive early release parole.

6846 (3) (a) In addition to the conditions set out in Subsection (1), the board may place
6847 offenders in an intensive early release parole program. The board shall determine the
6848 conditions of parole which are reasonably necessary to protect the community as well as to
6849 protect the interests of the offender and to assist the offender to lead a law-abiding life.

6850 (b) The offender is eligible for this program only if the offender:

6851 (i) has not been convicted of a sexual offense; or

6852 (ii) has not been sentenced pursuant to Section 76-3-406.

6853 (c) The department shall:

6854 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
6855 Rulemaking Act, for operation of the program;

6856 (ii) adopt and implement internal management policies for operation of the program;

6857 (iii) determine whether or not to refer an offender into this program within 120 days
6858 from the date the offender is committed to prison by the sentencing court; and

6859 (iv) make the final recommendation to the board regarding the placement of an
6860 offender into the program.

6861 (d) The department may not consider credit for time served in a county jail awaiting
6862 trial or sentencing when calculating the 120-day period.

6863 (e) The prosecuting attorney or sentencing court may refer an offender for
6864 consideration by the department for participation in the program.

6865 (f) The board shall determine whether or not to place an offender into this program
6866 within 30 days of receiving the department's recommendation.

6867 (4) This program shall be implemented by the department within the existing budget.

6868 (5) During the time the offender is on parole, the department shall collect from the

6869 offender the monthly supervision fee authorized by Section [64-13-21](#).

6870 (6) When a parolee commits a violation of the parole agreement, the department may:

6871 (a) impose a graduated sanction pursuant to Section [64-13-21](#); or

6872 (b) when the graduated sanctions matrix under Subsection [63M-7-405\(5\)](#) indicates,

6873 refer the parolee to the Board of Pardons and Parole for revocation of parole.

6874 Section 207. Section **77-27-11** is amended to read:

6875 **77-27-11. Revocation of parole.**

6876 (1) The board may revoke the parole of any person who is found to have violated any
6877 condition of his parole.

6878 (2) (a) If a parolee is [~~detained~~] confined by the Department of Corrections or any law
6879 enforcement official for a suspected violation of parole, the Department of Corrections shall
6880 immediately report the alleged violation to the board, by means of an incident report, and make
6881 any recommendation regarding the incident.

6882 (b) No parolee may be held for a period longer than 72 hours, excluding weekends and
6883 holidays, without first obtaining a warrant.

6884 (3) Any member of the board may issue a warrant based upon a certified warrant
6885 request to a peace officer or other persons authorized to arrest, detain, and return to actual
6886 custody a parolee, and may upon arrest or otherwise direct the Department of Corrections to
6887 determine if there is probable cause to believe that the parolee has violated the conditions of his
6888 parole.

6889 (4) Upon a finding of probable cause, a parolee may be further detained or imprisoned
6890 again pending a hearing by the board or its appointed examiner.

6891 (5) (a) The board or its appointed examiner shall conduct a hearing on the alleged
6892 violation, and the parolee shall have written notice of the time and location of the hearing, the
6893 alleged violation of parole, and a statement of the evidence against him.

6894 (b) The board or its appointed examiner shall provide the parolee the opportunity:

6895 (i) to be present;

6896 (ii) to be heard;

6897 (iii) to present witnesses and documentary evidence;

6898 (iv) to confront and cross-examine adverse witnesses, absent a showing of good cause
6899 for not allowing the confrontation; and

6900 (v) to be represented by counsel when the parolee is mentally incompetent or pleading
6901 not guilty.

6902 (c) If heard by an appointed examiner, the examiner shall make a written decision
6903 which shall include a statement of the facts relied upon by the examiner in determining the
6904 guilt or innocence of the parolee on the alleged violation and a conclusion as to whether the
6905 alleged violation occurred. The appointed examiner shall then refer the case to the board for
6906 disposition.

6907 (d) Final decisions shall be reached by majority vote of the members of the board
6908 sitting and the parolee shall be promptly notified in writing of the board's findings and
6909 decision.

6910 (6) (a) Parolees found to have violated the conditions of parole may, at the discretion of
6911 the board, be returned to parole, have restitution ordered, or be imprisoned again as determined
6912 by the board, not to exceed the maximum term, or be subject to any other conditions the board
6913 may impose within its discretion.

6914 (b) If the board revokes parole for a violation and orders incarceration, the board shall
6915 impose a period of incarceration consistent with the guidelines under Subsection
6916 63M-7-404(5).

6917 Section 208. Section **78A-5-201** is amended to read:

6918 **78A-5-201. Creation and expansion of existing drug court programs -- Definition**
6919 **of drug court program -- Criteria for participation in drug court programs -- Reporting**
6920 **requirements.**

6921 (1) There may be created a drug court program in any judicial district that
6922 demonstrates:

6923 (a) the need for a drug court program; and

6924 (b) the existence of a collaborative strategy between the court, prosecutors, defense
6925 counsel, corrections, and substance abuse treatment services to reduce substance abuse by
6926 offenders.

6927 (2) The collaborative strategy in each drug court program shall:

6928 (a) include monitoring and evaluation components to measure program effectiveness;
6929 and

6930 (b) be submitted to, for the purpose of coordinating the disbursement of funding, the:

- 6931 (i) executive director of the Department of Human Services;
6932 (ii) executive director of the Department of Corrections; and
6933 (iii) state court administrator.
- 6934 (3) (a) Funds disbursed to a drug court program shall be allocated as follows:
6935 (i) 87% to the Department of Human Services for testing, treatment, and case
6936 management; and
6937 (ii) 13% to the Administrative Office of the Courts for increased judicial and court
6938 support costs.
- 6939 (b) This provision does not apply to federal block grant funds.
- 6940 (4) A drug court program shall include continuous judicial supervision using a
6941 cooperative approach with prosecutors, defense counsel, corrections, substance abuse treatment
6942 services, juvenile court probation, and the Division of Child and Family Services as appropriate
6943 to promote public safety, protect participants' due process rights, and integrate substance abuse
6944 treatment with justice system case processing.
- 6945 (5) Screening criteria for participation in a drug court program shall include:
6946 (a) a plea to, conviction of, or adjudication for a nonviolent drug offense or
6947 drug-related offense;
6948 (b) an agreement to frequent alcohol and other drug testing;
6949 (c) participation in one or more substance abuse treatment programs; and
6950 (d) an agreement to submit to sanctions for noncompliance with drug court program
6951 requirements.
- 6952 (6) (a) The Judicial Council shall develop rules prescribing eligibility requirements for
6953 participation in adult criminal drug courts.
- 6954 (b) Acceptance of an offender into a drug court shall be based on a risk and needs
6955 assessment, without regard to the nature of the offense.
- 6956 Section 209. **Effective date.**
- 6957 (1) Except as provided in Subsections (2) and (3), this bill takes effect on May 12,
6958 2015.
- 6959 (2) Section 64-13e-104 takes effect on July 1, 2015; and
6960 (3) The following sections take effect on October 1, 2015
6961 (a) Section 58-37-8;

- 6962 (b) Section 64-13-6;
- 6963 (c) Section 4-13-10.5;
- 6964 (d) Section 64-13-14.5;
- 6965 (e) Section 64-13-21;
- 6966 (f) Section 64-13-29;
- 6967 (g) Section 76-3-202;
- 6968 (h) Section 77-18-1;
- 6969 (i) Section 77-27-10; and
- 6970 (j) Section 77-27-11.