

HB0392S03 compared with HB0392

~~{Omitted text}~~ shows text that was in HB0392 but was omitted in HB0392S03

inserted text shows text that was not in HB0392 but was inserted into HB0392S03

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1

Unlicensed Driver Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor: Daniel McCay

2

3

LONG TITLE

4

General Description:

5

This bill addresses drivers without a driver license, driving privilege card, or learner permit.

6

Highlighted Provisions:

7

This bill:

8

- modifies the circumstances in which law enforcement is required to impound a vehicle;

9

- addresses identification of an individual who operates a vehicle without a valid driving credential;

11

- allows certain fees to be waived in certain circumstances;

12

- modifies certain fees; { ~~and~~ }

13

- defines terms { ~~:~~ } ; and

14

- includes a coordination clause to merge changes in this bill with changes in H.B. 234,

Motorcycle Safety Amendments.

16

Money Appropriated in this Bill:

17

None

18

Other Special Clauses:

HB0392

HB0392 compared with HB0392S03

This bill provides a coordination clause.

AMENDS:

41-1a-1101 , as last amended by Laws of Utah 2024, Chapter 319 , as last amended by Laws of Utah 2024, Chapter 319

41-6a-1406 , as last amended by Laws of Utah 2024, Chapters 134, 319 and 380 , as last amended by Laws of Utah 2024, Chapters 134, 319 and 380

53-3-202 , as last amended by Laws of Utah 2019, Chapter 459 , as last amended by Laws of Utah 2019, Chapter 459

53-3-203 , as last amended by Laws of Utah 2020, Chapter 390 , as last amended by Laws of Utah 2020, Chapter 390

63I-2-241 , as enacted by Laws of Utah 2024, Third Special Session, Chapter 5 , as enacted by Laws of Utah 2024, Third Special Session, Chapter 5

Utah Code Sections affected by Coordination Clause:

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

Section 1. Section **41-1a-1101** is amended to read:

41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.

(1) As used in this section:

(a)

(i) "Criminal offense" means a class B misdemeanor offense, a class A misdemeanor offense, or a felony offense.

(ii) "Criminal offense" includes:

(A) a class B misdemeanor offense, a class A misdemeanor offense, or a felony offense described in Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2, Driver Licensing Act, Title 73, Chapter 18, State Boating Act, or Title 76, Utah Criminal Code; and

(B) a local ordinance that is a class B misdemeanor and is substantially similar to an offense listed in Subsection (1)(a)(ii)(A).

(b) "Driving credential" means:

(i) a driver license, driving privilege card, or learner permit issued by the state of Utah pursuant to Title 53, Chapter 3, Uniform Driver License Act; or

(ii) a driver license issued by:

HB0392 compared with HB0392S03

- 43 (A) a state or territory of the United States; {or}
47 (B) the United States Department of State; or
44 {(B)} (C) a foreign country.
- 45 [(b)] (c) "Operator" means the same as that term is defined in Section 41-6a-102.
46 [(e)] (d) "Road rage event" means the commission of a criminal offense:
47 (i) by an operator of a vehicle;
48 (ii) in response to an incident that occurs or escalates upon a roadway; and
49 (iii) with the intent to endanger or intimidate an individual in another vehicle.
- 50 [(d)] (e) "Roadway" means:
51 (i) a highway; or
52 (ii) a private road or driveway as defined in Section 41-6a-102.
- 53 (2) The division or any peace officer, without a warrant, may seize and take possession of any vehicle,
vessel, or outboard motor:
55 (a) that the division or the peace officer has probable cause to believe has been stolen;
56 (b) on which any identification number has been defaced, altered, or obliterated;
57 (c) that has been abandoned in accordance with Section 41-6a-1408;
58 (d) for which the applicant has written a check for registration or title fees that has not been honored by
the applicant's bank and that is not paid within 30 days;
60 (e) that is placed on the water with improper registration;
61 (f) that is being operated on a highway:
62 (i) with registration that has been expired for more than three months;
63 (ii) having never been properly registered by the current owner; or
64 (iii) with registration that is suspended or revoked; or
65 (g)
(i) that the division or the peace officer has probable cause to believe has been involved in an accident
described in Section 41-6a-401, 41-6a-401.3, or 41-6a-401.5; and
68 (ii) whose operator did not remain at the scene of the accident until the operator fulfilled the
requirements described in Section 41-6a-401 or 41-6a-401.7.
- 70 (3)
(a) The division or a peace officer shall seize and take possession of a vehicle, without a warrant, when:
- 72

HB0392 compared with HB0392S03

(i) the division or the peace officer has probable cause to believe that an operator of the vehicle engaged in a road rage event; and

(ii) the operator of the vehicle has been arrested in conjunction with the road rage event.

(b) Except as provided in Subsection (3)(d), the division or a peace officer shall seize and take possession of a vehicle, without a warrant, when an operator of a vehicle does not have a driving credential in the operator's possession unless the peace officer is able to verify that the operator has been issued a driving credential.

~~[(b)]~~ (c) A peace officer may release a vehicle seized and possessed under Subsection (3)(a) or (3)(b) to the registered owner of the vehicle if the registered owner is not the individual subject to arrest under Subsection (3)(a) or (3)(b) and is immediately available, at the location of the arrest, to take possession of the vehicle.

(d) The division or a peace officer is not required to seize and take possession of a vehicle as described in Subsection (3)(b) if the division or a peace officer makes a reasonable determination that:

(i) the operator has been issued a driving credential that is expired;

(ii) seizing the vehicle would create a public safety concern to the operator or any of the occupants in the vehicle;

(iii) seizing the vehicle would prevent the division or the peace officer from addressing other public safety considerations;

(iv) the operator is less than 18 years old; {or}

(v) an occupant of the vehicle possesses a driving credential and is willing to operate the vehicle{-}; ~~or~~

{(4)}

{(a)} an individual with a driving credential is reasonably available to pick up the vehicle with permission of the registered owner.

(4)

(a) Subject to the restriction in Subsection (4)(b), the division or any peace officer, without a warrant:

(i) shall seize and take possession of any vehicle that is being operated on a highway without owner's or operator's security in effect for the vehicle as required under Section 41-12a-301 and the vehicle was involved in an accident; or

(ii) may seize and take possession of any vehicle that is being operated on a highway without owner's or operator's security in effect for the vehicle as required under Section 41-12a-301

HB0392 compared with HB0392S03

after the division or any peace officer makes a reasonable determination whether the vehicle would:

- 104 (A) present a public safety concern to the operator or any of the occupants in the vehicle; or
- 106 (B) prevent the division or the peace officer from addressing other public safety considerations.
- 108 (b) The division or any peace officer may not seize and take possession of a vehicle under Subsection (4)(a):
- 110 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's security as defined in Section 41-12a-303.2 in the vehicle unless the division or peace officer verifies that owner's or operator's security is not in effect for the vehicle through the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803; or
- 115 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803 indicates that the owner's or operator's security is not in effect for the vehicle, unless the division or a peace officer makes a reasonable attempt to independently verify that owner's or operator's security is not in effect for the vehicle.
- 121 (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.
- 123 (6) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor under this section shall comply with the provisions of Section 41-6a-1406.
- 125 (7)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules setting standards for public garages, impound lots, and impound yards that may be used by peace officers and the division.
- 128 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of public garages, impound lots, or impound yards per geographical area.
- 130 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard unless the crusher, dismantler, or salvage dealer meets all of the requirements for a state impound yard set forth in this section and rules made in accordance with Subsection (7)(a).
- 134 (d)
- (i) Rules made by the commission shall include a requirement that a state impound yard have opaque fencing on any side of the state impound yard that has frontage with a highway.

HB0392 compared with HB0392S03

- (ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link fencing.
- (8)
- (a) Except as provided under Subsection (8)(b), a person may not operate or allow to be operated a vehicle stored in a public garage, impound lot, or impound yard regulated under this part without prior written permission of the owner of the vehicle.
- (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking space to another within the facility and that is necessary for the normal management of the facility is not prohibited under Subsection (8)(a).
- (9) A person who violates the provisions of Subsection (8) is guilty of a class C misdemeanor.
- (10) The division or the peace officer who seizes a vehicle shall record the mileage shown on the vehicle's odometer at the time of seizure, if:
- (a) the vehicle is equipped with an odometer; and
- (b) the odometer reading is accessible to the division or the peace officer.
- Section 2. Section **41-6a-1406** is amended to read:
- 41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**
- (1) If a vehicle, vessel, or outboard motor is impounded as provided under Section 41-1a-1101, 41-6a-210, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person acting on behalf of a law enforcement agency or highway authority, the impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner.
- (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be impounded to a state impound yard.
- (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be removed by a tow truck motor carrier that meets standards established:
- (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
- (b) by the department under Subsection (11).
- (4)
- (a) A report described in this Subsection (4) is required for a vehicle, vessel, or outboard motor that is impounded as described in Subsection (1).

HB0392 compared with HB0392S03

(b) Before noon on the next business day after the date of the removal of the vehicle, vessel, or outboard motor, a report of the impoundment shall be sent to the Motor Vehicle Division, in an electronic format approved by the Motor Vehicle Division, by:

(i) the peace officer or agency by whom the peace officer is employed; and

(ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.

(c) The report shall be in a form specified by the Motor Vehicle Division and shall include:

(i) the operator's name, if known;

(ii) a description of the vehicle, vessel, or outboard motor;

(iii) the vehicle identification number or vessel or outboard motor identification number;

(iv) the case number designated by the peace officer, law enforcement agency number, or government entity;

(v) the license number, temporary permit number, or other identification number issued by a state agency;

(vi) the date, time, and place of impoundment;

(vii) the reason for removal or impoundment;

(viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and

(ix) the place where the vehicle, vessel, or outboard motor is stored.

(d)

(i) If the form described in Subsection (4)(c) does not include the reason for the removal or impoundment described in Subsection (4)(c)(vii), the peace officer and tow truck operator described in Subsection (4)(b) shall note "other" as the reason for the removal or impoundment.

(ii) The commission shall update the form described in Subsection (4)(c) to include driving without a driving credential as a reason for impoundment as described in Subsection 41-1a-1101(3) no later than January 1, 2026.

~~(d)~~ (e)

(i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax Commission shall make rules to establish proper format and information required on the form described in this Subsection (4).

(ii) The State Tax Commission shall ensure that the form described in this Subsection (4) is provided in an electronic format.

HB0392 compared with HB0392S03

~~[(e)]~~ (f) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (4), a tow truck motor carrier or impound yard may not:

(i) collect any fee associated with the removal; and

(ii) begin charging storage fees.

(5)

(a) A report described in this Subsection (5) is required for any vehicle, vessel, or outboard motor that is removed, except for:

(i) a vehicle, vessel, or outboard motor that is impounded for a reason described in Subsection (1);

or

(ii) a vehicle, vessel, or outboard motor for which a removal is performed in accordance with Section 72-9-603.

(b) For a removal described in Subsection (5)(a), the relevant law enforcement officer shall provide documentation to the tow truck operator or tow truck motor carrier that includes:

(i) the name and badge number of the peace officer;

(ii) the name and originating agency identifier of the law enforcement agency; and

(iii) the case number designated by the law enforcement officer or law enforcement agency.

(c) For a removal described in Subsection (5)(a), before noon on the next business day following the date of the removal of the vehicle, vessel, or outboard motor, the tow truck operator or tow truck motor carrier shall send to the Motor Vehicle Division in an electronic format approved by the Motor Vehicle Division:

(i) the report described in Subsection (4); or

(ii) the report described in Subsection (5)(d).

(d) For a removal described in Subsection (5)(a), if the tow truck operator or tow truck motor carrier does not provide the report described in Subsection (4), the tow truck operator or tow truck motor carrier shall provide a report to the Motor Vehicle Division that includes:

(i) the name and badge number of the relevant peace officer;

(ii) the name and originating agency identifier of the law enforcement agency;

(iii) the law enforcement agency case number;

(iv) subject to Subsection (5)(e), the vehicle identification number and the license number, temporary permit number, or other identification number issued by a state agency;

(v) the date and time of the removal of the vehicle, vessel, or outboard motor; and

HB0392 compared with HB0392S03

- 236 (vi) the reason for the removal of the vehicle, vessel, or outboard motor.
- 237 (e) If either the vehicle identification number or the license number, temporary permit number, or other
identification number issued by a state agency is not available, the report shall include:
- 240 (i) as much information as is available from both the vehicle identification number and the license plate
number of the vehicle, vessel, or outboard motor; and
- 242 (ii) a description of the vehicle, vessel, or outboard motor, including the color, make, model, and model
year of the vehicle, vessel, or outboard motor.
- 244 (f) Until the tow truck operator or tow truck motor carrier reports the removal as required under this
Subsection (5), a tow truck motor carrier may not:
- 246 (i) collect any fee associated with the removal; or
- 247 (ii) begin charging storage fees.
- 248 (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be removed to:
- 250 (i) a state impound yard; or
- 251 (ii) a location that has been requested by the registered owner at the time of removal, if payment is
made to the tow truck motor carrier or tow truck operator at the time of removal.
- 254 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax
Commission may make rules to establish proper format and information required on the form
described in Subsection [~~(5)(e)~~,] (5)(d) including submission in an electronic format.
- 258 (6)
- (a) Except as provided in Subsection (6)(d) and upon receipt of a report described in Subsection (4) or
(5), the Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to
the following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:
- 262 (i) the registered owner;
- 263 (ii) any lien holder; or
- 264 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor is currently
operating under a temporary permit issued by the dealer, as described in Section 41-3-302.
- 267 (b) The notice shall:
- 268 (i) state the date, time, and place of removal, the name, if applicable, of the person operating the
vehicle, vessel, or outboard motor at the time of removal, the reason for removal, and the place
where the vehicle, vessel, or outboard motor is stored;

271

HB0392 compared with HB0392S03

- (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor;
- 273 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard motor is released; and
- 275 (iv) inform the parties described in Subsection (6)(a) of the division's intent to sell the vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or impoundment under this section, one of the parties fails to make a claim for release of the vehicle, vessel, or outboard motor.
- 279 (c) Except as provided in Subsection (6)(d) and if the vehicle, vessel, or outboard motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort to notify the parties described in Subsection (6)(a) of the removal and the place where the vehicle, vessel, or outboard motor is stored.
- 283 (d) The Motor Vehicle Division is not required to give notice under this Subsection (6) if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
- 286 (e)
- (i) The Motor Vehicle Division shall disclose the information in the report described in Subsection (4) and Subsection 72-9-603(1)(a)(i) to a designated agent as defined in Section 41-12a-802 regarding a tow that was initiated:
- 289 (A) by law enforcement; or
- 290 (B) without the vehicle owner's consent.
- 291 (ii) The Motor Vehicle Division may rely on the information provided by the tow truck operator or tow truck motor carrier to determine if a tow meets the criteria described in Subsections (6)(e)(i)(A) and (B).
- 294 (iii) The designated agent may disclose information received regarding a tow described in Subsections (6)(e)(i)(A) and (B) to the vehicle owner and to the vehicle owner's verified insurance company.
- 297 (iv) The designated agent may not disclose information to a vehicle owner's insurance company if the tow does not meet the criteria described in Subsections (6)(e)(i)(A) and (B).
- 300 (7)
- (a) The vehicle, vessel, or outboard motor impounded or removed to a state impound yard as described in this section shall be released after a party described in Subsection (6)(a):
- 303

HB0392 compared with HB0392S03

- (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of the State Tax Commission;
- 305 (ii) presents identification sufficient to prove ownership of the impounded or removed vehicle, vessel, or outboard motor;
- 307 (iii) completes the registration, if needed, and pays the appropriate fees;
- 308 (iv) if the impoundment was made under Section 41-6a-527 or Subsection 41-1a-1101(3), pays:
- 310 (A) an administrative impound fee of [~~\$425~~] \$600; and
- 311 (B) in addition to the administrative fee described in Subsection [~~(6)(a)(iv)(A)~~] (7)(a)(iv)(A), an administrative testing fee of \$30; and
- 313 (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is stored.
- 315 (b)
- (i) [~~\$29~~] Twenty nine dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be dedicated credits to the Motor Vehicle Division.
- 317 (ii) One-hundred and forty-seven dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the Department of Public Safety Restricted Account created in Section 53-3-106.
- 320 (iii) Twenty dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the Brain and Spinal Cord Injury Fund created in Section 26B-1-318.
- 323 (iv) After the distributions described in Subsections (7)(b)(i) through (iii), the remainder of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the General Fund.
- 326 (v) The administrative testing fee described in Subsection [~~(6)(a)(iv)(B)~~] (7)(a)(iv)(B) shall be deposited into the State Laboratory Drug Testing Account created in Section 26B-1-304.
- 329 (c) The administrative impound fee and the administrative testing fee assessed under Subsection (7)(a)(iv) shall be waived or refunded by the State Tax Commission if the registered owner, lien holder, or owner's agent presents written evidence to the State Tax Commission that:
- 333 (i) the Driver License Division determined that the arrested person's driver license should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter or other report from the Driver License Division presented within 180 days after the day on which the Driver License Division mailed the final notification; or

HB0392 compared with HB0392S03

- 338 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the stolen vehicle
report presented within 180 days after the day of the impoundment.
- 340 (d)
- (i) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash
and debit or credit card for a removal or impoundment under Subsection (1) or any service rendered,
performed, or supplied in connection with a removal or impoundment under Subsection (1).
- 344 (ii) An impound yard may not release a vehicle unless an individual with a driving credential, as
defined in Section 41-1a-1101, is present and able to drive the vehicle.
- 347 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the impounded
vehicle, vessel, or outboard motor if:
- 349 (i) the vehicle, vessel, or outboard motor is being held as evidence; and
- 350 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection (6)(a),
even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under
this Subsection (7).
- 353 (8)
- (a) For an impounded or a removed vehicle, vessel, or outboard motor not claimed by a party described
in Subsection (6)(a) within the time prescribed by Section 41-1a-1103, the Motor Vehicle Division
shall issue a certificate of sale for the impounded or removed vehicle, vessel, or outboard motor as
described in Section 41-1a-1103.
- 358 (b) The date of impoundment or removal is considered the date of seizure for computing the time period
provided under Section 41-1a-1103.
- 360 (9) A party described in Subsection (6)(a) that pays all fees and charges incurred in the impoundment or
removal of the owner's vehicle, vessel, or outboard motor has a cause of action for all the fees and
charges, together with damages, court costs, and attorney fees, against the operator of the vehicle,
vessel, or outboard motor whose actions caused the removal or impoundment.
- 365 (10) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or outboard
motor.
- 367 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department
shall make rules setting the performance standards for towing companies to be used by the
department.
- 370 (12)

HB0392 compared with HB0392S03

(a) The Motor Vehicle Division may specify that a report required under Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and retrieval of the information.

(b)

(i) Unless otherwise provided by statute, the Motor Vehicle Division or the administrator of the database may adopt a schedule of fees assessed for utilizing the database.

(ii) The fees under this Subsection (12)(b) shall:

(A) be reasonable and fair; and

(B) reflect the cost of administering the database.

Section 3. Section **53-3-202** is amended to read:

53-3-202. Drivers must be licensed -- Violation.

(1) A human driver may not drive a motor vehicle or an autocycle on a highway in this state unless the human driver is:

(a) granted the privilege to operate a motor vehicle by being licensed as a driver by the division under this chapter;

(b) driving an official United States Government class D motor vehicle with a valid United States Government driver permit or license for that type of vehicle;

(c)

(i) driving a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved, or propelled on the highways; and

(ii) driving the vehicle described in Subsection (1)(c)(i) in conjunction with a construction or agricultural activity;

(d) a nonresident who is at least 16 years of age and younger than 18 years of age who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country and is driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

(e) a nonresident who is at least 18 years of age and who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country if driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

(f) driving under a learner permit in accordance with Section 53-3-210.5;

HB0392 compared with HB0392S03

- 402 (g) driving with a temporary license certificate issued in accordance with Section 53-3-207; or
404 (h) exempt under Title 41, Chapter 22, Off-highway Vehicles.
- 405 (2) A human driver may not drive a motor vehicle or perform lateral or longitudinal vehicle motion
control for a vehicle being towed by another motor vehicle upon a highway unless the human driver:
- 408 (a) is licensed under this chapter to drive a motor vehicle of the type or class of motor vehicle being
towed; or
- 410 (b) is exempted under either Subsection (1)(b) or (1)(c).
- 411 (3)
- (a) A human driver may not drive a motor vehicle as a taxicab on a highway of this state unless the
person has a valid class D driver license issued by the division.
- 413 (b) A human driver may not drive a motor vehicle as a private passenger carrier on a highway of this
state unless the human driver has:
- 415 (i) a taxicab endorsement issued by the division on the human driver's license certificate; or
417 (ii) a commercial driver license with:
- 418 (A) a taxicab endorsement;
- 419 (B) a passenger endorsement; or
- 420 (C) a school bus endorsement.
- 421 (c) Nothing in Subsection (3)(b) is intended to exempt a human driver driving a motor vehicle as a
private passenger carrier from regulation under other statutory and regulatory schemes, including:
- 424 (i) 49 C.F.R. Parts 350-399, Federal Motor Carrier Safety Regulations;
- 425 (ii) Title 34, Chapter 36, Transportation of Workers, and rules adopted by the Labor Commission in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 428 (iii) Title 72, Chapter 9, Motor Carrier Safety Act, and rules adopted by the Motor Carrier Division in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 431 (4)
- (a) Except as provided in Subsections (4)(b), (c), (d), and (e), a human driver may not operate:
- 433 (i) a motorcycle unless the human driver has a valid class D driver license and a motorcycle
endorsement issued under this chapter;
- 435 (ii) a street legal all-terrain vehicle unless the human driver has a valid class D driver license; or
- 437 (iii) a motor-driven cycle unless the human driver has a valid class D driver license and a
motorcycle endorsement issued under this chapter.

HB0392 compared with HB0392S03

- 439 (b) A human driver operating a moped, as defined in Section 41-6a-102, is not required to have a
motorcycle endorsement issued under this chapter.
- 441 (c) An individual operating an electric assisted bicycle, as defined in Section 41-6a-102, is not required
to have a valid class D driver license or a motorcycle endorsement issued under this chapter.
- 444 (d) An individual is not required to have a valid class D driver license if the person is:
- 445 (i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance with Section
41-6a-1115; or
- 447 (ii) operating an electric personal assistive mobility device, as defined in Section 41-6a-102, in
accordance with Section 41-6a-1116.
- 449 (e) A human driver operating an auticycle is not required to have a motorcycle endorsement issued
under this chapter.
- 451 (5) An automated driving system as defined in Section 41-26-102.1 is not required to have a driver
license.
- 453 (6)
- (a) As used in this Subsection (6), a "quick fingerprint" is a fingerprint, taken on a biometric device,
that is:
- 455 (i) taken for the purpose of identifying an individual;
- 456 (ii) queried against an Automated Fingerprint Identification System;
- 457 (iii) is not added to or stored in the Automated Fingerprint Identification System; and
- 458 (iv) can be accomplished in approximately 15 minutes or less.
- 459 (b) An individual without a driver license, driving privilege card, or learner permit that is lawfully
subjected to a stop by a peace officer as described in Section 77-7-15 shall present another form of
government-issued identification.
- 462 (c) Subject to Subsection (7), a peace officer shall take a quick fingerprint of an individual described in
Subsection (6)(b) if:
- 464 (i) the peace officer is {~~able~~} ~~unable~~ to verify that the individual has been issued a driving credential;
- 466 (ii) the individual does not provide a form of identification; or
- 467 (iii) the peace officer has reasonable suspicion to believe that the form of identification presented is
fraudulent.
- 469 (d) Nothing in this Subsection (6) prohibits a peace officer from conducting a full fingerprint panel
subject to a noncustodial booking.

HB0392 compared with HB0392S03

- 471 (7) A peace officer is not required to comply with Subsection (6)(c) if the peace officer makes a
472 reasonable determination that:
- 473 (a) doing so would create a safety concern for the driver or peace officer;
- 474 (b) doing so would prevent the peace officer from addressing other public safety considerations;
- 475 (c) the peace officer does not have adequate equipment to take a fingerprint; {or}
- 476 (d) the driver is less than 18 years old; or
{(d)} (e) the peace officer would be unable to complete a fingerprint check due to lack of cellular
service.
- 477 (8) A law enforcement agency shall ensure access to fingerprinting equipment to comply with
Subsection (6) no later than January 1, 2027.
- 478 [(6)] (9)
- 479 (a) ~~[A person]~~ Except as described in Subsection (9)(b), an individual who violates this section is guilty
of ~~[an infraction.]~~ a class C misdemeanor.
- 480 (b) An individual is guilty of a class B misdemeanor if, at the time of the offense, the individual has
previously been convicted of a violation of this section.
- 481 (c) In addition to the penalties described in Subsections (9)(a) and (b), an individual who violates this
section is also subject to seizure of the vehicle as described in Section 41-1a-1101.
- 482 Section 4. Section **53-3-203** is amended to read:
- 483 **53-3-203. Authorizing or permitting driving in violation of chapter -- Renting of motor**
vehicles -- License requirements -- Employees must be licensed -- Violations.
- 484 (1) A person may not authorize or knowingly permit a motor vehicle owned by the person or under the
person's control to be driven by a person in violation of this chapter.
- 485 (2)
- 486 (a) A person may not rent a motor vehicle to another person unless the person who will be the driver is
licensed in this state, or in the case of a nonresident, licensed under the laws of the state or country
of his residence.
- 487 (b) A person may not rent a motor vehicle to another person until the person:
- 488 (i) has inspected the license certificate of the person who will be the driver; and
- 489 (ii) verified the signature on the license certificate by comparison with the signature of the person who
will be the driver written in his presence.
- 490 (c)

HB0392 compared with HB0392S03

(i) A person may verify the information described in Subsection (2)(b) for a subsequent vehicle rental through the use of an electronic system maintained by the person for the purposes of expediting the vehicle rental process.

(ii) The electronic system described in Subsection (2)(c)(i) may contain information voluntarily provided by the person who will be the driver including:

(A) information included on the driver license certificate; and

(B) biometric information.

(d) A person renting a motor vehicle to another shall keep a record of the:

(i) registration number of the rented motor vehicle;

(ii) name and address of the person to whom the motor vehicle is rented;

(iii) number of the license certificate of the renter; and

(iv) date and place the license certificate was issued.

(e) The record is open to inspection by any peace officer or officer or employee of the division.

(3) A person may not employ a person to drive a motor vehicle who is not licensed as required under this chapter.

(4) A person who violates this section is guilty of an infraction[-] and subject to a minimum fine of \$500.

Section 5. Section **63I-2-241** is amended to read:

63I-2-241. Repeal dates: Title 41.

[—Reserved.]Subsection 41-6a-1406(4)(d), regarding impound report requirements, is repealed January 1, 2026.

Section 6. **Effective date.**

This bill takes effect on May 7, 2025.

Section 7. **Coordinating H.B. 392 with H.B. 234.**

If H.B. 392, Unlicensed Driver Amendments, and H.B. 234, Motorcycle Safety Amendments, both pass and become law, the Legislature intends that, on May 7, 2025,

Subsection 53-3-202(9) in H.B. 392, be amended to read:

"[(6)] (9)(a) [A person who violates this section is guilty of an infraction.]Except as provided in Subsections (9)(b) and (9)(c), a person who violates this section is guilty of a class C misdemeanor.

(b)(i) A person is guilty of a class B misdemeanor if, at the time of the offense, the person

HB0392 compared with HB0392S03

has previously been convicted of a violation of this section.

(ii) In addition to the penalties described in Subsections (9)(a) and (9)(b)(i), a person who violates this section is also subject to seizure of the vehicle as described in Section 41-1a-1101.

(c)(i) A person who violates Subsection (4)(a)(i) or (4)(a)(iii) is guilty of an infraction.

(ii) Except as provided in Subsection (9)(c)(iv), a person who violates Subsection (4)(a)(i) or (4)(a)(iii) is subject to a minimum fine of \$350.

(iii) The fine described in Subsection (9)(c)(ii) is in addition to any other fine for a violation of Title 41, Chapter 6a, Traffic Code, or a local ordinance related to the operation of the motorcycle.

(iv)(A) A court shall waive the fine imposed under Subsection (9)(c)(ii) if the person provides to the court within 30 days of the date of the entry of a plea or sentencing, whichever is later, proof that the person has been issued a motorcycle endorsement as provided in this chapter.

(B) A court may extend the 30-day time period described in Subsection (9)(c)(iv)(A) for a reasonable time period for the person to obtain a motorcycle endorsement for good cause shown."

3-3-25 11:19 AM