

HB0024S01 compared with HB0024

~~{Omitted text}~~ shows text that was in HB0024 but was omitted in HB0024S01

inserted text shows text that was not in HB0024 but was inserted into HB0024S01

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Criminal Penalty Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

2

3

LONG TITLE

4

General Description:

5

This bill addresses criminal penalties.

6

Highlighted Provisions:

7

This bill:

11

- reduces the criminal offense of operating a vehicle at a speed greater than 20 miles per hour in a school zone from a class C misdemeanor to an infraction if the person is operating the vehicle from 21 miles per hour to 29 miles per hour;

11

- amends the criminal offenses of:

14

- ~~{repeals the criminal offense of}~~ operating a motor vehicle without an owner's or operator's security;and

16

- ~~{increases the penalty for the criminal offense of}~~ failing to ~~{have}~~ carry evidence of ~~{an}~~ owner's or operator's security ~~{for the}~~ to be carried when operating a motor vehicle ~~{an individual is operating from an infraction to a class C misdemeanor}~~ ;

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- reduces the penalty for the criminal offense of careless driving from a class C misdemeanor to an infraction; and

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- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-1a-110 , as last amended by Laws of Utah 2025, Chapter 285

41-6a-604 , as last amended by Laws of Utah 2024, Chapter 346

41-6a-1715 , as last amended by Laws of Utah 2021, Chapter 120

41-12a-302 , as last amended by Laws of Utah 2015, Chapter 412

41-12a-303.2 , as last amended by Laws of Utah 2024, Chapter 236

41-12a-804 , as last amended by Laws of Utah 2025, Chapter 285

~~**{77-40a-101 , as last amended by Laws of Utah 2025, Chapters 173, 239}**~~

REPEALS:

~~**{41-12a-302 , as last amended by Laws of Utah 2015, Chapter 412}**~~

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

Section 1. Section 41-1a-110 is amended to read:

41-1a-110. Authority of division to suspend or revoke registration, certificate of title, license plate, or permit.

(1) Except as provided in Subsections (3) and (4), the division may suspend or revoke a registration, certificate of title, license plate, or permit if:

(a) the division is satisfied that a registration, certificate of title, license plate, or permit was fraudulently procured or erroneously issued;

(b) the division determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;

(c) a registered vehicle has been dismantled;

(d) the division determines that the required fee has not been paid and the fee is not paid upon reasonable notice and demand;

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(e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle other than the one for which issued;

(f) the division determines that the owner has committed any offense under this chapter involving the registration, certificate of title, registration card, license plate, registration decal, or permit; or

(g) the division receives notification by the Department of Transportation that the owner has committed any offence under Title 72, Chapter 9, Motor Carrier Safety Act.

(2)

(a) The division shall revoke the registration of a vehicle if the division receives notification by the:

(i) Department of Public Safety that a person:

(A) has been convicted of operating a registered motor vehicle in violation of Section 41-12a-301 or ~~[41-12a-303.2]~~ 41-12a-302; or

(B) is under an administrative action taken by the Department of Public Safety for operating a registered motor vehicle in violation of Section 41-12a-301;

(ii) designated agent that the owner of a motor vehicle:

(A) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after the second notice provided under Section 41-12a-804; or

(B) provided a false or fraudulent statement to the designated agent; or

(iii) designated agent that, during the months of April through October, the owner of a motorboat:

(A) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after the second notice provided under Section 41-12a-804; or

(B) provided a false or fraudulent statement to the designated agent.

(b) The division shall notify the Driver License Division if the division revokes the registration of a vehicle under Subsection (2)(a)(ii)(A).

(3) The division may not suspend or revoke the registration of a vessel or outboard motor unless authorized under Section 73-18-7.3.

(4) The division may not suspend or revoke the registration of an off-highway vehicle unless authorized under Section 41-22-17.

(5) The division shall charge a registration reinstatement fee under Section 41-1a-1220, if the registration is revoked under Subsection (2).

(6) Except as provided in Subsections (3), (4), and (7), the division may suspend or revoke a registered vehicle's registration if the division is notified by a local health department, as defined in Section

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26A-1-102, that the registered vehicle is unable to meet state or local air emissions standards or violates Subsection 41-6a-1626(2)(a) or (b).

(7) The division may not suspend or revoke a registered vehicle's registration under Subsection (6) if the registered vehicle has a manufacturer's gross vehicle weight rating that is greater than 26,000 pounds.

Section 2. Section **41-6a-604** is amended to read:

41-6a-604. Maximum speed in a school zone -- Penalty -- Minimum fines -- Compensatory service -- Waiver -- Recordkeeping.

(1) A person may not operate a vehicle at a speed greater than 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303.

(2)

(a) [A] Except as provided in Subsection (2)(b), a violation of Subsection (1) is an infraction subject to the minimum fine described in Subsection (3)(a).

(b) A violation of Subsection (1) is a class C misdemeanor [and] if the vehicle speed is 30 miles per hour or more and subject to the minimum fine[?] described in Subsection (3)(a).

(3)

(a) The minimum fine for a violation of Subsection (1):

(i) for a first offense shall be calculated according to the following schedule:

Vehicle Speed	Minimum Fine
21 - 29 MPH	\$ 260
30 - 39 MPH	\$ 420
40 MPH and greater	\$ 760

(ii) for a second and subsequent offense within three years of a previous conviction or bail forfeiture shall be calculated according to the following schedule:

Vehicle Speed	Minimum Fine
21 - 29 MPH	\$ 320
30 - 39 MPH	\$ 560
40 MPH and greater	\$ 960

(b)

(i) Except as provided under Subsection ~~[(2)(a)(ii)]~~ (3)(a)(ii), the court may order the person to perform compensatory service in lieu of the fine or any portion of the fine.

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(ii) The court shall order the person to perform compensatory service observing a crossing guard if the conviction is for a:

(A) first offense with a vehicle speed of 30 miles per hour or more; or

(B) second and subsequent offense within three years of a previous conviction or bail forfeiture.

(iii) The court may waive the compensatory service required under Subsection [(2)(b)(ii)] (3)(b)(ii) if the court makes the reasons for the waiver part of the record.

[(3)] (4) The Driver License Division shall develop and implement a record system to distinguish:

(a) a conviction or bail forfeiture under this section from other convictions; and

(b) between a first and subsequent conviction or bail forfeiture under this section.

[(4)] (5) The provisions of this section take precedence over the provisions of Sections 41-6a-601, 41-6a-602, 41-6a-603, and 76-3-301.

Section 3. Section **41-6a-1715** is amended to read:

41-6a-1715. Careless driving defined and prohibited.

(1) A person operating a motor vehicle is guilty of careless driving if the person:

(a) commits two or more moving traffic violations under this chapter in a series of acts within a single continuous period of driving covering three miles or less in total distance; or

(b) commits a moving traffic violation under this chapter other than a moving traffic violation under Part 6, Speed Restrictions, while being distracted by one or more activities taking place within the vehicle that are not related to the operation of a motor vehicle, including:

(i) searching for an item in the vehicle; or

(ii) attending to personal hygiene or grooming.

(2) A violation of this section is [a class C misdemeanor] an infraction.

(3) In addition to the penalty provided under this section or any other section, a judge may order the revocation of the convicted person's driver license if the violation causes or results in the death of another person in accordance with Subsection 53-3-218(7).

Section 4. Section **41-12a-302** is amended to read:

41-12a-302. Operating motor vehicle without owner's or operator's security -- Penalty.

[(1)]

(a) Except as provided in Subsection (1)(b), an owner of a motor vehicle on which owner's or operator's security is required under Section 41-12a-301, who operates the owner's vehicle or permits it to be

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operated on a highway in this state without owner's security being in effect is guilty of a class C misdemeanor, and the fine shall be not less than:]

[(i) \$400 for a first offense; and]

[(ii) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.]

[(b) A court may waive up to \$300 of the fine charged to the owner of a motor vehicle under Subsection (1)(a)(i) if the owner demonstrates that owner's or operator's security required under Section 41-12a-301 was obtained subsequent to the violation but before sentencing.]

[(2)

(a) Except as provided under Subsection (2)(b), any other person who operates a motor vehicle upon a highway in Utah with the knowledge that the owner does not have owner's security in effect for the motor vehicle is also guilty of a class C misdemeanor, and the fine shall be not less than:]

[(i) \$400 for a first offense; and]

[(ii) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.]

[(b) A person that has in effect owner's security on a Utah-registered motor vehicle or its equivalent that covers the operation, by the person, of the motor vehicle in question is exempt from this Subsection (2).]

(1) As used in this section, "evidence of owners security" means any of the documents or information required under Section 41-12a-303.2.

(2) An actor commits operating a motor vehicle without owner's or operator's security if the actor:

(a)

(i) is the owner of a motor vehicle for which owner's or operator's security is required under Section 41-12a-301; and

(ii)

(A) operates the vehicle on a highway in Utah without owner's or operator's security being in effect; or

(B) permits the vehicle to be operated on a highway in Utah without owner's or operator's security being in effect;

(b)

(i) operates a motor vehicle for which owner's or operator's security is required under Section 41-12a-301 upon a highway in Utah; and

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- 173 (ii) knows that the owner of the motor vehicle does not have owner's or operator's security in effect; or
175 (c)
(i) operates a motor vehicle for which owner's or operator's security is required under Section
41-12a-301 upon a highway in Utah;
177 (ii) does not have evidence of owner's or operator's security in the actor's immediate possession for the
motor vehicle; and
179 (iii) fails to display evidence of owner's or operator's security upon demand of a peace officer.
181 (3) A violation of Subsection (2) is a class C misdemeanor.
182 (4)
(a)
(i) Except as provided in Subsection (4)(b), for a conviction under this section, a court shall order a
fine of not less than \$400.
184 (ii) A court may waive up to \$300 of the fine charged to the owner of a motor vehicle under
Subsection (4)(a)(i) if, before sentencing, the owner demonstrates that owner's or operator's
security required under Section 41-12a-301 was obtained after the violation.
188 (b) For a second and subsequent offense within three years of a previous conviction or bail forfeiture
under this section, a court shall order a fine of not less than \$1,000.
190 (5)
(a) An actor does not violate Subsection (2)(b) if the actor has in effect owner's security on a Utah-
registered motor vehicle or an equivalent that covers the operation, by the actor, of the motor vehicle
the actor is operating.
193 (b) It is an affirmative defense to a charge or in an administrative action for a violation of Subsection
(2) that the actor had owner's or operator's security in effect for the vehicle that the actor was
operating at the time of the actor's citation or arrest.
196 (6) A peace officer may not cite or arrest an actor for a violation of Subsection (2)(c) if the Uninsured
Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured
Motorist Identification Database Program, information indicates that the vehicle or driver is insured.
200 (7)
(a) The following are proof of owner's or operator's security that can be submitted as part of the
affirmative defense described in Subsection (5)(b) and under Section 41-12a-804:
203 (i) evidence described in Subsection 41-12a-303.2(2)(b);

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- (ii) a written statement from an insurance producer or company verifying that the actor had the required motor vehicle insurance coverage on the date specified; or
- (iii) a written statement from an insurance producer or company, or provision in an insurance policy, indicating that the policy provides coverage for a newly purchased car and the coverage extended to the date specified.
- (b) A court considering a citation issued under this section shall allow the evidence or a written statement under Subsection (7)(a) and a copy of the citation to be electronically submitted or mailed to the clerk of the court to satisfy Subsection (5)(b).
- (c) The notice under Section 41-12a-804 shall specify that the written statement under Subsection (7)(a) and a copy of the notice shall be faxed or mailed to the designated agent to satisfy the proof of owner's or operator's security required under Section 41-12a-804.
- (8) Upon receiving notification from a court of a conviction for a violation of this section, the department:
- (a) shall suspend the actor's driver license; and
- (b) may not renew the actor's driver license or issue a driver license to the actor until the actor gives the department proof of owner's or operator's security.
- (9)
- (a) The proof of owner's or operator's security described in Subsection (8)(b) shall:
- (i) be given by any of the ways required under Section 41-12a-401; and
- (ii) be maintained with the department for a three-year period.
- (b) An insurer that provides a certificate of insurance as provided under Section 41-12a-402 or 41-12a-403 may not terminate the insurance policy unless notice of termination is filed with the department no later than 10 days after termination as required under Section 41-12a-404.
- (c) If an actor who has canceled the certificate of insurance applies for a license within three years from the date of proof of owner's or operator's security was originally required, the department shall refuse the application unless the person reestablishes proof of owner's or operator's security and maintains the proof for the remainder of the three-year period.

Section 5. Section **41-12a-303.2** is amended to read:

41-12a-303.2. Evidence of owner's or operator's security to be carried when operating motor vehicle -- Defense -- Penalties.

- (1) As used in this section:

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- 95 (a) "Division" means the Motor Vehicle Division of the State Tax Commission.
- 96 (b) "Registration materials" means the evidences of motor vehicle registration, including all registration
cards, license plates, temporary permits, and nonresident temporary permits.
- 99 (2)
- (a)
- (i) A person operating a motor vehicle shall:
- 100 (A) have in the person's immediate possession evidence of owner's or operator's security for the
motor vehicle the person is operating; and
- 102 (B) display it upon demand of a peace officer.
- 103 (ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is operating:
- 105 (A) a government-owned or leased motor vehicle; or
- 106 (B) an employer-owned or leased motor vehicle and is driving it with the employer's permission.
- 108 (iii) A person operating a vehicle that is owned by a rental company, as defined in Section
31A-22-311, may comply with Subsection (2)(a)(i) by having in the person's immediate
possession, or displaying, the rental vehicle's rental agreement, as defined in Section
31A-22-311.
- 112 (b) Evidence of owner's or operator's security includes any one of the following:
- 113 (i) a copy of the operator's valid:
- 114 (A) insurance policy;
- 115 (B) insurance policy declaration page;
- 116 (C) binder notice;
- 117 (D) renewal notice; or
- 118 (E) card issued by an insurance company as evidence of insurance;
- 119 (ii) a certificate of insurance issued under Section 41-12a-402;
- 120 (iii) a certified copy of a surety bond issued under Section 41-12a-405;
- 121 (iv) a certificate of the state treasurer issued under Section 41-12a-406;
- 122 (v) a certificate of self-funded coverage issued under Section 41-12a-407; or
- 123 (vi) information that the vehicle or driver is insured from the Uninsured Motorist Identification
Database Program created under Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification
Database Program.

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(c) A card issued by an insurance company as evidence of owner's or operator's security under Subsection (2)(b)(i)(E) on or after July 1, 2014, may not display the owner's or operator's address on the card.

(d)

(i) A person may provide to a peace officer evidence of owner's or operator's security described in this Subsection (2) in:

(A) a hard copy format; or

(B) an electronic format using a mobile electronic device.

(ii) If a person provides evidence of owner's or operator's security in an electronic format using a mobile electronic device under this Subsection (2)(d), the peace officer viewing the owner's or operator's security on the mobile electronic device may not view any other content on the mobile electronic device.

(iii) Notwithstanding any other provision under this section, a peace officer is not subject to civil liability or criminal penalties under this section if the peace officer inadvertently views content other than the evidence of owner's or operator's security on the mobile electronic device.

(e)

~~[(i)]~~ Evidence of owner's or operator's security from the Uninsured Motorist Identification Database Program described under Subsection (2)(b)(vi) supercedes any evidence of owner's or operator's security described under:

~~[(A)]~~ (i) Subsection (2)(b)(i)(D) or (E); or

~~[(B)]~~ (ii) for a motorboat, Subsection 73-18c-304(1)(b).

~~[(ii)]~~ A peace officer may not cite or arrest a person for a violation of Subsection (2)(a) if the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program, information indicates that the vehicle or driver is insured.]

~~[(3)]~~ It is an affirmative defense to a charge or in an administrative action under this section that the person had owner's or operator's security in effect for the vehicle the person was operating at the time of the person's citation or arrest.]

~~[(4)]~~

(a) The following are considered proof of owner's or operator's security for purposes of Subsection (3) and Section 41-12a-804:]

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- 155 (i) evidence defined in Subsection (2)(b);
- 156 (ii) a written statement from an insurance producer or company verifying that the person had the
required motor vehicle insurance coverage on the date specified; or
- 158 (iii) a written statement from an insurance producer or company, or provision in an insurance
policy, indicating that the policy provides coverage for a newly purchased car and the coverage
extended to the date specified.
- 161 (b) The court considering a citation issued under this section shall allow the evidence or a written
statement under Subsection (4)(a) and a copy of the citation to be electronically submitted or mailed
to the clerk of the court to satisfy Subsection (3).
- 164 (c) The notice under Section 41-12a-804 shall specify that the written statement under Subsection (4)
(a) and a copy of the notice shall be faxed or mailed to the designated agent to satisfy the proof of
owner's or operator's security required under Section 41-12a-804.
- 168 (5)
- (a) A person who is convicted of violating Subsection (2)(a)(i){f} :
- 169 [(i){f} -] is guilty of {f} an infraction for a first offense{ } a class C misdemeanor } and subject to a
fine of{ :
- 171 {(i)} on the person's first offense, } not less than \$400; and
- 172 {(ii) on the person's second or subsequent offense if committed within three years after the day on
which the person committed the first offense, a fine of not less than \$1,000. }
- 175 [(ii) is guilty of a class C misdemeanor for each offense subsequent to the first offense that is
committed within three years after the day on which the person commits the first offense and
subject to a fine of not less than \$1,000.]
- 178 (b) A court may waive up to \$300 of a fine charged under Subsection (5)(a) if the person demonstrates
that the owner's or operator's security required under Section 41-12a-301 was obtained after the
violation but before sentencing.
- 181 (6) Upon receiving notification from a court of a conviction for a violation of this section, the
department:
- 183 (a) shall suspend the person's driver license; and
- 184 (b) may not renew the person's driver license or issue a driver license to the person until the person
gives the department proof of owner's or operator's security.
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~~[(i) This proof of owner's or operator's security shall be given by any of the ways required under Section 41-12a-401.]~~

~~[(ii) This proof of owner's or operator's security shall be maintained with the department for a three-year period.]~~

~~[(iii) An insurer that provides a certificate of insurance as provided under Section 41-12a-402 or 41-12a-403 may not terminate the insurance policy unless notice of termination is filed with the department no later than 10 days after termination as required under Section 41-12a-404.]~~

~~[(iv) If a person who has canceled the certificate of insurance applies for a license within three years from the date proof of owner's or operator's security was originally required, the department shall refuse the application unless the person reestablishes proof of owner's or operator's security and maintains the proof for the remainder of the three-year period.]~~

(3) A violation of this section is subject to the penalties described in Section 41-12a-302.

Section 6. Section **41-12a-804** is amended to read:

41-12a-804. Notice -- Proof -- Revocation of registration -- False statements -- Penalties -- Exemptions -- Sales tax enforcement.

(1) Subject to Subsection (3), if the comparison under Section 41-12a-803 shows that a motor vehicle is not insured for three consecutive months, or a motorboat is not insured for two consecutive months, the Motor Vehicle Division shall direct that the designated agent provide notice to the owner of the motor vehicle or motorboat that the owner has 15 days to provide:

- (a) proof of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2); or
- (b) proof of exemption from the owner's or operator's security requirements.

(2) Subject to Subsection (3), if an owner of a motor vehicle or motorboat fails to provide satisfactory proof of owner's or operator's security to the designated agent, the designated agent shall:

(a) provide a second notice to the owner of the motor vehicle or motorboat that the owner now has 15 days to provide:

- (i) proof of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2); or
- (ii) proof of exemption from the owner's or operator's security requirements;
- (b) for each notice provided, indicate information relating to the owner's failure to provide proof of owner's or operator's security in the database; and

(c) provide this information to state and local law enforcement agencies as requested in accordance with the provisions under Section 41-12a-805.

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- 222 (3)
- (a) Except as provided in Subsection (3)(b), for a motorboat, Subsections (1) and (2) only apply during the months of April through October.
- 224 (b) For a motorboat, the designated agent shall comply with the requirement described in Subsection (2)
- (c) year-round.
- 226 (c) For a notice required under Subsection (1) for a motorboat, the requirement for the Motor Vehicle Division and the designated agent to send notice begins on January 1, 2026.
- 229 (4)
- (a) The Motor Vehicle Division:
- 230 (i) shall revoke the registration upon receiving notification under Subsection 41-1a-110(2);
- 232 (ii) shall provide appropriate notices of the revocation, the legal consequences of operating a vehicle with revoked registration and without owner's or operator's security, and instructions on how to get the registration reinstated; and
- 235 (iii) may direct the designated agent to provide the notices under this Subsection (4)(a).
- 237 (b) For a motorboat, Subsection (4)(a) only applies during the months of April through October.
- 239 (5) Any action by the Motor Vehicle Division to revoke the registration of a motor vehicle or motorboat under this section may be in addition to an action by a law enforcement agency to impose the penalties under Section {41-12a-302} ~~or { } 41-12a-303.2~~.
- 242 (6)
- (a) A person may not provide a false or fraudulent statement to the Motor Vehicle Division or designated agent.
- 244 (b) In addition to any other penalties, a person who violates Subsection (6)(a) is guilty of a class B misdemeanor.
- 246 (7) The department and the Motor Vehicle Division shall direct the designated agent to exempt from this section a farm truck that:
- 248 (a) meets the definition of a farm truck under Section 41-1a-102; and
- 249 (b) is registered as a farm truck under Title 41, Chapter 1a, Motor Vehicle Act.
- 250 (8) This part does not affect other actions or penalties that may be taken or imposed for violation of the owner's and operator's security requirements of this chapter.
- 252 (9) If a comparison under Section 41-12a-803 shows that a motor vehicle or motorboat may not be in compliance with motor vehicle or motorboat registration or sales and use tax laws, the Motor

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Vehicle Division may direct that the designated agent provide notice to the owner of a motor vehicle or motorboat that information exists which indicates the possible violation.

~~{Section 5. Section 77-40a-101 is amended to read: }~~

77-40a-101. Definitions.

As used in this chapter:

- (1) "Agency" means a state, county, or local government entity that generates or maintains records relating to an investigation, arrest, detention, or conviction for an offense for which expungement may be ordered.
- (2) "Automatic expungement" means the expungement of records of an investigation, arrest, detention, or conviction of an offense without the filing of a petition.
- (3) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201.
- (4) "Certificate of eligibility" means a document issued by the bureau stating that the criminal record and all records of arrest, investigation, and detention associated with a case that is the subject of a petition for expungement is eligible for expungement.
- (5) "Civil accounts receivable" means the same as that term is defined in Section 77-32b-102.
- (6) "Civil judgment of restitution" means the same as that term is defined in Section 77-32b-102.
- (7) "Civil protective order" means the same as that term is defined in Section 78B-7-102.
- (8) "Clean slate eligible case" means a case that is eligible for automatic expungement under Section 77-40a-205.
- (9) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.
- (10) "Court" means a district court or a justice court.
- (11) "Criminal accounts receivable" means the same as that term is defined in Section 77-32b-102.
- (12) "Criminal protective order" means the same as that term is defined in Section 78B-7-102.
- (13) "Criminal stalking injunction" means the same as that term is defined in Section 78B-7-102.
- (14) "Department" means the Department of Public Safety established in Section 53-1-103.
- (15) "Drug possession offense" means:
 - (a) an offense described in Subsection 58-37-8(2), except for:
 - (i) an offense under Subsection 58-37-8(2)(b)(i), possession of 100 pounds or more of marijuana;
 - (ii) an offense enhanced under Subsection 58-37-8(2)(e), violation in a correctional facility; or

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- 293 (iii) an offense for driving with a controlled substance illegally in the person's body and negligently
causing serious bodily injury or death of another, as codified before May 4, 2022, Laws of Utah
2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);
- 297 (b) an offense described in Subsection 58-37a-5(1), use or possession of drug paraphernalia;
- 299 (c) an offense described in Section 58-37b-6, possession or use of an imitation controlled substance; or
- 301 (d) any local ordinance which is substantially similar to any of the offenses described in this Subsection
(15).
- 303 (16)
- (a) "Expunge" means to remove a record from public inspection by:
- 304 (i) sealing the record; or
- 305 (ii) restricting or denying access to the record.
- 306 (b) "Expunge" does not include the destruction of a record.
- 307 (17) "Indigent" means a financial status that results from a court finding that a petitioner is financially
unable to pay the fee to file a petition for expungement under Section 78A-2-302.
- 310 (18) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the
United States or any foreign country.
- 312 (19)
- (a) "Minor regulatory offense" means a class B or C misdemeanor offense or a local ordinance.
- 314 (b) "Minor regulatory offense" includes an offense under Section 76-9-110 or 76-9-1106.
- 315 (c) "Minor regulatory offense" does not include:
- 316 (i) any drug possession offense;
- 317 (ii) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
- 319 (iii) an offense under Sections 73-18-13 through 73-18-13.6;
- 320 (iv) except as provided in Subsection (19)(b), an offense under Title 76, Utah Criminal Code; or
- 322 (v) any local ordinance that is substantially similar to an offense listed in Subsections (19)(c)(i) through
(iv).
- 324 (20) "Petitioner" means an individual applying for expungement under this chapter.
- 325 (21) "Plea in abeyance" means the same as that term is defined in Section 77-2a-1.
- 326 (22) "Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording,
electronic data, or other documentary material, regardless of physical form or characteristics, that:
- 329

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(a) is contained in the agency's file regarding the arrest, detention, investigation, conviction, sentence, incarceration, probation, or parole of an individual; and

(b) is prepared, owned, received, or retained by an agency, including a court.

(23) "Special certificate" means a document issued as described in Subsection 77-40a-304(1)(c) by the bureau stating that the criminal record and all records of arrest, investigation, and detention associated with the case do not clearly demonstrate whether the case is eligible for expungement.

(24)

(a) "Traffic offense" means:

(i) an infraction or a class C misdemeanor offense under Title 41, Chapter 1a, Motor Vehicle Act;

(ii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 41, Chapter 6a, Traffic Code;

(iii) an infraction or a class C misdemeanor offense under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;

(iv) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 53, Chapter 3, Part 2, Driver Licensing Act;

(v) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 73, Chapter 18, State Boating Act; and

(vi) all local ordinances that are substantially similar to an offense listed in Subsections (24)(a)(i) through (iii).

(b) "Traffic offense" does not include:

(i) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

~~[(ii) an offense under Section 41-12a-302 for operating a motor vehicle without owner's or operator's security;]~~

~~[(iii)]~~ (ii) an offense under Section 41-12a-303.3 for providing false evidence of owner's or operator's security;

~~[(iv)]~~ (iii) an offense under Sections 73-18-13 through 73-18-13.6; or

~~[(v)]~~ (iv) any local ordinance that is substantially similar to an offense listed in Subsection (24)(b)(i)~~[-or (ii)]~~.

(25) "Traffic offense case" means that each offense in the case is a traffic offense.

Section 7. **Effective date.**

Effective Date.

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This bill takes effect on May 6, 2026.

Section 8. **Repealer.**

This Bill Repeals:

362 Section **41-12a-302, Operating motor vehicle without owner's or operator's security --**
363 **Penalty.**

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