

HB0136S05 compared with HB0136S03

~~{Omitted text}~~ shows text that was in HB0136S03 but was omitted in HB0136S05
inserted text shows text that was not in HB0136S03 but was inserted into HB0136S05

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

2026 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

- defines terms;

9

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

10

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

12

- allows certain fees to be waived in certain circumstances;

13

- modifies certain fees and the allocation of fee revenue;

14

- amends certain penalties associated with driving without a driver license;

15

- amends provisions related to administrative suspension of a driver license;

15

- requires a vendor providing software service for a fingerprint device to ensure the software is compatible with law enforcement database software; and

17

- makes technical changes.

HB0136S03

HB0136S03 compared with HB0136S05

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-1a-1101 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 220

41-6a-1406 ~~{(Effective 05/06/26)}~~ ~~{(Partially Repealed 07/01/29)}~~ {(Effective 07/01/26) (Partially Repealed 07/01/29)}, as last amended by Laws of Utah 2025, Chapter 378

53-3-202 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 229

53-3-203 (Effective 05/06/26), as last amended by Laws of Utah 2020, Chapter 390

~~**53-3-220 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 220**~~

53-3-221 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 296

53-25-802 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 252

63I-2-241 (Effective 05/06/26), as enacted by Laws of Utah 2024, Third Special Session, Chapter 5

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:

HB0136S03 compared with HB0136S05

(i) a driver license, driving privilege card, or learner permit issued by the state in accordance with Title 53, Chapter 3, Uniform Driver License Act; or

(ii) a driver license issued by:

(A) a state or territory of the United States;

(B) the United States Department of State; or

(C) a foreign country.

~~[(b)]~~ (c) "Operator" means the same as that term is defined in Section 41-6a-102.

~~[(e)]~~ (d) "Road rage event" means the commission of a criminal offense:

(i) by an operator of a vehicle;

(ii) in response to an incident that occurs or escalates upon a roadway; and

(iii) with the intent to endanger or intimidate an individual in another vehicle.

~~[(d)]~~ (e) "Roadway" means:

(i) a highway; or

(ii) a private road or driveway as defined in Section 41-6a-102.

(2) The division or ~~[any]~~ a peace officer, without a warrant, may seize and take possession of ~~[any]~~ a vehicle, vessel, or outboard motor:

(a) that the division or the peace officer has probable cause to believe has been stolen;

(b) on which ~~[any]~~ an identification number has been defaced, altered, or obliterated;

(c) that has been abandoned in accordance with Section 41-6a-1408;

(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;

(e) that is placed on the water with improper registration;

(f) that is being operated on a highway:

(i) with registration that has been expired for more than three months;

(ii) having never been properly registered by the current owner; or

(iii) with registration that is suspended or revoked;

(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

(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; or

HB0136S03 compared with HB0136S05

- 80 (h) if the division or peace officer has probable cause to believe that the operator:
81 (i) failed to properly display the license plate on a motorcycle as described in Section 41-1a-404.1; or
83 (ii) used the motorcycle:
84 (A) to perform a wheelie in violation of Section 41-6a-606.1; or
85 (B) to engage in lane splitting in violation of Section 41-6a-704.1.
86 (3)
(a) The division or a peace officer shall seize and take possession of a vehicle, without a warrant, when:
88 (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
90 (ii) the operator of the vehicle has been arrested in conjunction with the road rage event.
92 (b)
(i) 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.
96 (ii) Before seizing and taking possession of a vehicle as described in Subsection (3)(b)(i), a peace
officer shall query the Driver License Division database to verify whether the operator has been
issued a driving credential.
99 [(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) or (3)(b) and is immediately available, at the location of the arrest,
to take possession of the vehicle.
103 (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:
106 (i) the operator has been issued a driving credential that is expired;
107 (ii) seizing the vehicle would create a public safety concern to the operator or an occupant of the
vehicle;
109 (iii) seizing the vehicle would prevent the division or the peace officer from addressing other public
safety considerations;
111 (iv) the operator is under 18 years old;
112 (v) an occupant of the vehicle possesses a driving credential and is willing to operate the vehicle; or

HB0136S03 compared with HB0136S05

- 114 (vi) an individual with a driving credential is reasonably available to pick up the vehicle with
116 permission of the registered owner.
- 116 (4)
- (a) Subject to ~~[the restriction in]~~ Subsection (4)(b), the division or ~~[any]~~ a peace officer, without a
warrant:
- 118 (i) shall seize and take possession of ~~[any]~~ a 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
- 121 (ii) may seize and take possession of ~~[any]~~ a 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
after the division or ~~[any]~~ a peace officer makes a reasonable determination whether the seizure
of the vehicle would:
- 125 (A) present a public safety concern to the operator or ~~[any of the occupants in]~~ an occupant in the
vehicle; or
- 127 (B) prevent the division or the peace officer from addressing other public safety considerations.
- 129 (b) The division or ~~[any]~~ a peace officer may not seize and take possession of a vehicle under
Subsection (4)(a):
- 131 (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
- 136 (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.
- 142 (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport
and store the vessel.
- 144 (6) ~~[Any]~~ A 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.
- 146 (7)

HB0136S03 compared with HB0136S05

(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.

(b) The standards shall be equitable, reasonable, and unrestrictive as to the number of public garages, impound lots, or impound yards per geographical area.

(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] described in this section and rules made in accordance with Subsection (7)(a).

(d)

(i) Rules made by the commission shall include a requirement that a state impound yard have opaque fencing on [any] each side of the state impound yard that has frontage with a highway.

(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. ~~Effective 05/06/26~~ ~~(Partially Repealed 07/01/29)~~ Effective 07/01/26 (Partially Repealed 07/01/29) 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

HB0136S03 compared with HB0136S05

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.

- 181 (2) The vehicle, vessel, or outboard motor [~~under~~] described in Subsection (1) shall be impounded to a
state impound yard.
- 183 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause [it] the vehicle, vessel, or
outboard motor to be removed by a tow truck motor carrier that meets standards established:
- 186 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
- 187 (b) by the department under Subsection (11).
- 188 (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).
- 190 (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:
- 194 (i) the peace officer or agency by whom the peace officer is employed; and
- 195 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.
- 197 (c) The report shall be in a form specified by the Motor Vehicle Division and shall include:
- 199 (i) the operator's name, if known;
- 200 (ii) a description of the vehicle, vessel, or outboard motor;
- 201 (iii) the vehicle identification number or vessel or outboard motor identification number;
- 203 (iv) the case number designated by the peace officer, law enforcement agency number, or government
entity;
- 205 (v) the license number, temporary permit number, or other identification number issued by a state
agency;
- 207 (vi) the date, time, and place of impoundment;
- 208 (vii) the reason for removal or impoundment;
- 209 (viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and
- 211 (ix) the place where the vehicle, vessel, or outboard motor is stored.
- 212 (d)

HB0136S03 compared with HB0136S05

(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 operating a vehicle without a driving credential as a reason for impoundment as described in Subsection 41-1a-1101(3) no later than December 31, 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.

~~[(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]~~ the fees associated with the removal; and

(ii) begin charging storage fees.

(5)

(a) A report described in this Subsection (5) is required for ~~[any]~~ a 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

HB0136S03 compared with HB0136S05

motor carrier shall send to the Motor Vehicle Division in an electronic format approved by the Motor Vehicle Division:

- 246 (i) the report described in Subsection (4); or
- 247 (ii) the report described in Subsection (5)(d).
- 248 (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:
 - 252 (i) the name and badge number of the relevant peace officer;
 - 253 (ii) the name and originating agency identifier of the law enforcement agency;
 - 254 (iii) the law enforcement agency case number;
 - 255 (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;
 - 258 (v) the date and time of the removal of the vehicle, vessel, or outboard motor; and
 - 259 (vi) the reason for the removal of the vehicle, vessel, or outboard motor.
- 260 (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:
 - 263 (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
 - 265 (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.
- 267 (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:
 - 269 (i) collect ~~[any fee]~~ the fees associated with the removal; or
 - 270 (ii) begin charging storage fees.
- 271 (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be removed to:
 - 273 (i) a state impound yard; or
 - 274 (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.
- 277 (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)(d), including submission in an electronic format.

HB0136S03 compared with HB0136S05

- 281 (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:
- 285 (i) the registered owner;
- 286 (ii) ~~[any lien holder]~~ all lien holders; or
- 287 (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.
- 290 (b) The notice shall:
- 291 (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;
- 294 (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor;
- 296 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard motor is released; and
- 298 (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]~~ on which the vehicle, vessel, or outboard motor was removed or impounded under this section, one of the parties fails to make a claim for release of the vehicle, vessel, or outboard motor.
- 303 (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.
- 307 (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).
- 310 (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:

HB0136S03 compared with HB0136S05

- 313 (A) by law enforcement; or
314 (B) without the vehicle owner's consent.
- 315 (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).
- 318 (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.
- 321 (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).
- 324 (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) or (7)(f):
- 327 (i) makes a claim for release of the vehicle, vessel, or outboard motor at ~~[any]~~ an office of the State
Tax Commission;
- 329 (ii) presents identification sufficient to prove ownership of the impounded or removed vehicle,
vessel, or outboard motor;
- 331 (iii) completes the registration, if needed, and pays the appropriate fees;
- 332 (iv) if the impoundment was made under Section 41-6a-527 or Subsection 41-1a-1101(3), pays:
- 334 (A) an administrative impound fee of ~~[\$425]~~ \$600; and
- 335 (B) in addition to the administrative fee described in Subsection (7)(a)(iv)(A), an administrative testing
fee of ~~[\$30]~~ \$60; and
- 337 (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is
stored.
- 339 (b)
- (i) Twenty-nine dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall
be dedicated credits to the Motor Vehicle Division.
- 341 (ii) ~~[One-hundred and { } One hundred] forty-seven~~ One-hundred eighty-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.
- 344 (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.

HB0136S03 compared with HB0136S05

- 347 (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.
- 350 (v) The administrative testing fee described in Subsection (7)(a)(iv)(B) shall be deposited into the State
Laboratory Drug Testing Account created in Section 26B-1-304.
- 353 (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:
- 357 (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
- 362 (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]~~ on which the vehicle was
impounded.
- 365 (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).
- 369 (ii) ~~{An-}~~ Except as provided in Subsection (7)(f)(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
operate the vehicle.
- 372 (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:
- 374 (i) the vehicle, vessel, or outboard motor is being held as evidence; and
- 375 (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).

378

HB0136S03 compared with HB0136S05

(f) In addition to the parties described in Subsection (6)(a), the vehicle, vessel, or outboard motor impounded or removed to a state impound yard as described in this section shall be released to an individual that is not described in Subsection (6)(a) if the individual:

(i)

(A) satisfies the requirements of Subsections (7)(a)(i) and (7)(a)(iii) through (v);

(B) presents the individual's driver license or other government-issued identification; and

(C) demonstrates that the individual has authority granted by a person described in Subsection (6)(a) to obtain and operate the vehicle; or

(ii) is a tow truck operator or tow truck motor carrier that:

(A) demonstrates that the tow truck operator or tow truck motor carrier has authority granted by a person described in Subsection (6)(a) to obtain and operate the vehicle, vessel, or outboard motor;

(B) provides a towing certificate issued by the Department of Transportation [~~pursuant to~~] in accordance with Section 72-9-602;

(C) pays all towing and storage fees; and

(D) obtains or presents an impound release for the vehicle, vessel, or outboard motor [~~pursuant to~~] in accordance with Subsection (7)(a).

(8)

(a) For an impounded or a removed vehicle, vessel, or outboard motor not claimed by a party described in Subsection (6)(a) or (7)(f) within the time [~~prescribed by~~] described in 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.

(b) The date of impoundment or removal is considered the date of seizure for computing the time period [~~provided under~~] described in Section 41-1a-1103.

(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.

(10)

(a) As used in this Subsection (10), "life essential item" means the same as that term is defined in Subsection 72-9-603(13).

HB0136S03 compared with HB0136S05

(b) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or outboard motor.

412 (c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and ~~[any-]~~nonlife essential items contained in the vehicle, vessel, or outboard motor.

414 (d) Except for a vehicle, vessel, or outboard motor being held as evidence, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a person described in Subsection (6)(a) or an individual described in Subsection (7)(f)(i) to take possession of ~~[any-]~~life essential ~~[item]~~ items within the vehicle, vessel, or outboard motor during normal business hours regardless of whether the towing, impound fees, or storage fees have been paid.

420 (e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a person described in Subsection (6)(a) or an individual described in Subsection (7)(f)(i) to enter the vehicle, vessel, or outboard motor during normal business hours and remove personal property not attached to the vehicle, vessel, or outboard motor.

426 (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.

429 (12)

(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.

432 (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.

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

436 (A) be reasonable and fair; and

437 (B) reflect the cost of administering the database.

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

441 **53-3-202. Drivers must be licensed -- Violation.**

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

442

HB0136S03 compared with HB0136S05

- (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the division under this chapter;
- 444 (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;
- 446 (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
- 448 (ii) driving the vehicle described in Subsection (1)(c)(i) in conjunction with a construction or agricultural activity;
- 450 (d) a nonresident who is at least 16 years old and younger than 18 years old 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;
- 455 (e) a nonresident who is at least 18 years old 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;
- 460 (f) driving under a learner permit in accordance with Section 53-3-210.5;
- 461 (g) driving with a temporary license certificate issued in accordance with Section 53-3-207; or
- 463 (h) exempt under Title 41, Chapter 22, Off-highway Vehicles.
- 464 (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:
- 467 (a) is licensed under this chapter to drive a motor vehicle of the type or class of motor vehicle being towed; or
- 469 (b) is exempted under either Subsection (1)(b) or (1)(c).
- 470 (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.
- 472 (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:
- 474 (i) a taxicab endorsement issued by the division on the human driver's license certificate; or

HB0136S03 compared with HB0136S05

- 476 (ii) a commercial driver license with:
- 477 (A) a taxicab endorsement;
- 478 (B) a passenger endorsement; or
- 479 (C) a school bus endorsement.
- 480 (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:
- 483 (i) 49 C.F.R. Parts 350-399, Federal Motor Carrier Safety Regulations;
- 484 (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
- 487 (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.
- 490 (4)
- (a) Except as provided in Subsections (4)(b), (c), (d), and (e), a human driver may not operate:
- 492 (i) a motorcycle unless the human driver has a valid class D driver license and a motorcycle
endorsement issued under this chapter;
- 494 (ii) a street legal all-terrain vehicle unless the human driver has a valid class D driver license; or
- 496 (iii) a motor-driven cycle unless the human driver has a valid class D driver license and a
motorcycle endorsement issued under this chapter.
- 498 (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.
- 500 (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.
- 503 (d) An individual is not required to have a valid class D driver license if the person is:
- 504 (i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance with Section
41-6a-1115; or
- 506 (ii) operating an electric personal assistive mobility device, as defined in Section 41-6a-102, in
accordance with Section 41-6a-1116.
- 508 (e) A human driver operating an autocycle is not required to have a motorcycle endorsement issued
under this chapter.
- 510 (5) An automated driving system as defined in Section 41-26-102.1 is not required to have a driver
license.

HB0136S03 compared with HB0136S05

- 512 (6)
- (a) As used in this Subsection (6), a "quick fingerprint" is a fingerprint, taken on a biometric device, that is:
- 514 (i) taken for the purpose of identifying an individual;
- 515 (ii) queried against the Automated Fingerprint Identification System, Bureau of Criminal Identification fingerprint database, National Crime Information Center database, or a similar fingerprint database system;
- 518 (iii) not added to or stored in the Automated Fingerprint Identification System, Bureau of Criminal Identification fingerprint database, National Crime Information Center database, or a similar fingerprint database system; and
- 521 (iv) accomplished in approximately 15 minutes or less.
- 522 (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.
- 525 (c) Subject to Subsection (7), a peace officer shall take a quick fingerprint of an individual described in Subsection (6)(b) if:
- 527 (i) the peace officer is unable to verify that the individual has been issued a driving credential;
- 529 (ii) the individual does not provide a form of identification; or
- 530 (iii) the peace officer has reasonable suspicion to believe that the form of identification presented is fraudulent.
- 532 (d) Nothing in this Subsection (6) prohibits a peace officer from conducting a full fingerprint panel subject to a noncustodial booking.
- 534 (7) A peace officer is not required to comply with Subsection (6)(c) if the peace officer makes a reasonable determination that:
- 536 (a) doing so would create a safety concern for the driver or peace officer;
- 537 (b) doing so would prevent the peace officer from addressing other public safety considerations;
- 539 (c) the peace officer does not have adequate equipment to take a fingerprint;
- 540 (d) the driver is under 18 years old; or
- 541 (e) the peace officer would be unable to complete a fingerprint check due to lack of cellular service.
- 543 (8) A law enforcement agency shall ensure access to fingerprinting equipment to comply with Subsection (6) no later than January 1, 2028.

HB0136S03 compared with HB0136S05

- 545 [(6)] (9)
(a) [~~A person~~] Except as described in Subsection (9)(b) and (9)(c), an individual who violates this section is guilty of an infraction.
- 547 (b)
(i) Except as provided in Subsection [(6)(d)] {~~(9)(b)(iii)~~} [~~a person~~] (9)(b)(iii), and individual who violates Subsection (4)(a)(i) or (4)(a)(iii) is subject to a minimum fine of \$350.
- 549 [(e)] (ii) The fine described in Subsection [(6)(b)] (9)(b)(i) 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.
- 552 [(d)] (iii)
(i) (A) A court shall waive the fine imposed under Subsection [(6)(b)] (9)(b)(i) if the [person] individual provides to the court within 30 days [~~of the date of the entry of a plea or sentencing, whichever is later~~] from the day on which the [person] individual enters a plea, or within 30 days from the day on which the court imposes a sentence, whichever is later, proof that the [person] individual has been issued a motorcycle endorsement as provided in this chapter.
- 558 [(ii)] (B) A court may extend the 30-day time period described in Subsection [(6)(d)(i)] (9)(b)(iii)(A) for a reasonable time period for the [person] individual to obtain a motorcycle endorsement for good cause shown.
- 561 (c)
(i) 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.
- 563 (ii) In addition to the penalties described in Subsections (9)(a), (b), and (c)(i), an individual who violates this section is also subject to seizure of the vehicle as described in Section 41-1a-1101.
- 569 Section 4. Section 53-3-203 is amended to read:
- 570 **53-3-203. Authorizing or permitting driving in violation of chapter -- Renting of motor vehicles -- License requirements -- Employees must be licensed -- Violations.**
- 570 (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.
- 572 (2)
(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.

HB0136S03 compared with HB0136S05

- 575 (b) A person may not rent a motor vehicle to another person until the person:
576 (i) has inspected the license certificate of the person who will be the driver; and
577 (ii) verified the signature on the license certificate by comparison with the signature of the person who
will be the driver written in [his] the person's presence.
- 579 (c)
(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.
- 582 (ii) The electronic system described in Subsection (2)(c)(i) may contain information voluntarily
provided by the person who will be the driver including:
- 584 (A) information included on the driver license certificate; and
585 (B) biometric information.
- 586 (d) A person renting a motor vehicle to another shall keep a record of the:
- 587 (i) registration number of the rented motor vehicle;
588 (ii) name and address of the person to whom the motor vehicle is rented;
589 (iii) number of the license certificate of the renter; and
590 (iv) date and place the license certificate was issued.
- 591 (e) The record is open to inspection by [any] a peace officer or officer or employee of the division.
- 593 (3) A person may not employ a person to drive a motor vehicle who is not licensed as required under
this chapter.
- 595 (4) A person who violates this section is guilty of an infraction[-] and subject to a minimum fine of
\$500.

597 ~~{Section 5. Section 53-3-220 is amended to read: }~~

598 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or disqualification of**
license -- Offense requiring an extension of period -- Hearing -- Limited driving privileges.

- 601 (1)
(a) The division shall immediately revoke or, when this chapter, Title 41, Chapter 1a, Motor Vehicle
Act, Title 41, Chapter 6a, Traffic Code, or Section 76-5-303, specifically provides for denial,
suspension, or disqualification, the division shall deny, suspend, or disqualify the license or
endorsement of a person upon receiving a record of the person's conviction for:

606

HB0136S03 compared with HB0136S05

- (i) manslaughter or negligent homicide resulting from driving a motor vehicle, automobile homicide under Section 76-5-207, or automobile homicide involving using a handheld wireless communication device while driving under Section 76-5-207.5;
- 610 (ii) driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or combination of them to a degree that renders the person incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- 615 (iii) driving or being in actual physical control of a motor vehicle while having a blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- 618 (iv) perjury or the making of a false affidavit to the division under this chapter, Title 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or regulating driving on highways;
- 621 (v) any felony under the motor vehicle laws of this state;
- 622 (vi) any other felony in which a motor vehicle is used to facilitate the offense;
- 623 (vii) failure to stop and render aid as required under the laws of this state if a motor vehicle accident results in the death or personal injury of another;
- 625 (viii) two charges of reckless driving, impaired driving, or any combination of reckless driving and impaired driving committed within a period of 12 months; but if upon a first conviction of reckless driving or impaired driving the judge or justice recommends suspension of the convicted person's license, the division may after a hearing suspend the license for a period of three months;
- 630 (ix) failure to bring a motor vehicle to a stop at the command of a law enforcement officer as required in Section 41-6a-210;
- 632 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that requires disqualification;
- 634 (xi) a violation of Section 76-11-209 involving the discharging or allowing the discharging of a firearm from a vehicle or a violation of Section 76-11-210;
- 636 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-15-210(2)(b)(ii);
- 638

HB0136S03 compared with HB0136S05

(xiii) operating or being in actual physical control of a motor vehicle while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517;

(xiv) operating or being in actual physical control of a motor vehicle while having any measurable or detectable amount of alcohol in the person's body in violation of Section 41-6a-530;

(xv) engaging in a motor vehicle speed contest or exhibition of speed on a highway in violation of Section 41-6a-606;

(xvi) operating or being in actual physical control of a motor vehicle in this state without an ignition interlock system in violation of Section 41-6a-518.2;

(xvii) refusal of a chemical test under Subsection 41-6a-520.1(1);

(xviii) failure to properly display a license plate on a motorcycle under Section 41-1a-404.1;

(xix) performing a wheelie on a highway under Section 41-6a-606.1;

(xx) engaging in lane splitting under Section 41-6a-704.1; or

(xxi) two or more offenses that:

(A) are committed within a period of one year;

(B) are enhanced under Section 76-3-203.17; and

(C) arose from separate incidents.

(b) The division shall immediately revoke the license of a person upon receiving a record of an adjudication under Section 80-6-701 for:

(i) a violation of Section 76-11-209 involving the discharging or allowing the discharging of a firearm from a vehicle or a violation of Section 76-11-210 involving discharging or allowing the discharge of a firearm from a vehicle; or

(ii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-15-210(2)(b)(ii).

(c)

(i) Except when action is taken under Section 53-3-219 for the same offense, upon receiving a record of conviction, the division shall immediately suspend for six months the license of the convicted person if the person was convicted of violating any one of the following offenses while the person was an operator of a motor vehicle, and the court finds that a driver license suspension is likely to reduce recidivism and is in the interest of public safety:

(A) Title 58, Chapter 37, Utah Controlled Substances Act;

HB0136S03 compared with HB0136S05

- 671 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
672 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;
673 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;
674 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or
675 (F) any criminal offense that prohibits possession, distribution, manufacture, cultivation, sale, or
transfer of any substance that is prohibited under the acts described in Subsections (1)(c)(i)(A)
through (E), or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or
transfer any substance that is prohibited under the acts described in Subsections (1)(c)(i)(A)
through (E).
- 680 (ii) Notwithstanding the provisions in Subsection (1)(c)(i), the division shall reinstate a person's driving
privilege before completion of the suspension period imposed under Subsection (1)(c)(i) if the
reporting court notifies the Driver License Division, in a manner specified by the division, that
the defendant is participating in or has successfully completed a drug court program as defined in
Section 78A-5-201.
- 686 (iii) If a person's driving privilege is reinstated under Subsection (1)(c)(ii), the person is required to pay
the license reinstatement fees under Subsection 53-3-105(26).
- 688 (iv) The court shall notify the division, in a manner specified by the division, if a person fails to
complete all requirements of the drug court program.
- 690 (v) Upon receiving the notification described in Subsection (1)(c)(iv), the division shall suspend the
person's driving privilege for a period of six months from the date of the notice, and no days shall
be subtracted from the six-month suspension period for which a driving privilege was previously
suspended under Subsection (1)(c)(i).
- 695 (d)
- (i) The division shall immediately suspend a person's driver license for conviction of the offense of theft
of motor vehicle fuel under Section 76-6-404.7 if the division receives:
- 698 (A) an order from the sentencing court requiring that the person's driver license be suspended; and
700 (B) a record of the conviction.
- 701 (ii) An order of suspension under this section is at the discretion of the sentencing court, and may not be
for more than 90 days for each offense.
- 703 (e)

HB0136S03 compared with HB0136S05

(i) The division shall immediately suspend for one year the license of a person upon receiving a record of:

(A) conviction for the first time for a violation under Section 32B-4-411; or

(B) an adjudication under Section 80-6-701 for a violation under Section 32B-4-411.

(ii) The division shall immediately suspend for a period of two years the license of a person upon receiving a record of:

(A)

(I) conviction for a second or subsequent violation under Section 32B-4-411; and

(II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior conviction for a violation under Section 32B-4-411; or

(B)

(I) a second or subsequent adjudication under Section 80-6-701 for a violation under Section 32B-4-411; and

(II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior adjudication under Section 80-6-701 for a violation under Section 32B-4-411.

(iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:

(A) for a conviction or adjudication described in Subsection (1)(e)(i):

(I) impose a suspension for one year beginning on the date of conviction; or

(II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for one year beginning on the date of eligibility for a driver license; or

(B) for a conviction or adjudication described in Subsection (1)(e)(ii):

(I) impose a suspension for a period of two years; or

(II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for two years beginning on the date of eligibility for a driver license.

(iv) Upon receipt of the first order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(i) if ordered by the court in accordance with Subsection 32B-4-411(3)(a).

HB0136S03 compared with HB0136S05

(v) Upon receipt of the second or subsequent order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection 32B-4-411(3)(b).

(f) The division shall immediately suspend a person's driver license for the conviction of an offense that is enhanced under Section 76-3-203.17 if the division receives:

(i) an order from the sentencing court requiring the person's driver license to be suspended; and

(ii) a record of the conviction.

(2)

(a) The division shall extend the period of the first denial, suspension, revocation, or disqualification for an additional like period, to a maximum of one year for each subsequent occurrence, upon receiving:

~~[(a) a record of the conviction of any person on a charge of driving a motor vehicle while the person's license is denied, suspended, revoked, or disqualified;]~~

~~[(b)]~~ (i) except as provided in Subsection (2)(b), a record of a conviction of the person for any violation of the motor vehicle law that is not an infraction in which the person was involved as a driver;

~~[(c)]~~ (ii) a report of an arrest of the person for any violation of the motor vehicle law that is not an infraction in which the person was involved as a driver; or

~~[(d)]~~ (iii) a report of an accident in which the person was involved as a driver.

(b) For an individual applying for a driving privilege card as described in Section 53-3-207, the division may not extend a suspension, revocation, or denial of an individual as described in Subsection (2)(a) based solely on the report or conviction of the individual driving without a license.

(3) When the division receives a report under Subsection ~~[(2)(c) or (d)]~~ (2)(a)(ii) or (iii) that a person is driving while the person's license is denied, suspended, disqualified, or revoked, the person is entitled to a hearing regarding the extension of the time of denial, suspension, disqualification, or revocation originally imposed under Section 53-3-221.

(4)

(a) The division may extend to a person the limited privilege of driving a motor vehicle to and from the person's place of employment or within other specified limits on recommendation of the judge in any case where a person is convicted of any of the offenses referred to in Subsections (1) and (2) except:

HB0136S03 compared with HB0136S05

- 766 (i) those offenses referred to in Subsections (1)(a)(i), (ii), (iii), (xi), (xii), (xiii), (1)(b), and (1)(c)(i);
and
- 768 (ii) those offenses referred to in Subsection (2) when the original denial, suspension, revocation, or
disqualification was imposed because of a violation of Section 41-6a-502, 41-6a-517, a local
ordinance that complies with the requirements of Subsection 41-6a-510(1), Section 41-6a-520,
41-6a-520.1, 76-5-102.1, or 76-5-207, or a criminal prohibition that the person was charged
with violating as a result of a plea bargain after having been originally charged with violating
one or more of these sections or ordinances, unless:
- 775 (A) the person has had the period of the first denial, suspension, revocation, or disqualification extended
for a period of at least three years;
- 777 (B) the division receives written verification from the person's primary care physician or physician
assistant that:
- 779 (I) to the physician's or physician assistant's knowledge the person has not used any narcotic drug or
other controlled substance except as prescribed by a licensed medical practitioner within the last
three years; and
- 782 (II) the physician or physician assistant is not aware of any physical, emotional, or mental impairment
that would affect the person's ability to operate a motor vehicle safely; and
- 785 (C) for a period of one year prior to the date of the request for a limited driving privilege:
- 787 (I) the person has not been convicted of a violation of any motor vehicle law in which the person was
involved as the operator of the vehicle;
- 789 (II) the division has not received a report of an arrest for a violation of any motor vehicle law in which
the person was involved as the operator of the vehicle; and
- 792 (III) the division has not received a report of an accident in which the person was involved as an
operator of a vehicle.
- 794 (b)
- (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege authorized in this Subsection
(4):
- 796 (A) is limited to when undue hardship would result from a failure to grant the privilege; and
- 798 (B) may be granted only once to any person during any single period of denial, suspension,
revocation, or disqualification, or extension of that denial, suspension, revocation, or
disqualification.

HB0136S03 compared with HB0136S05

- (ii) The discretionary privilege authorized in Subsection (4)(a)(ii):
- (A) is limited to when the limited privilege is necessary for the person to commute to school or work; and
- (B) may be granted only once to any person during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.
- (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or denied under this chapter.

Section 5. Section 53-3-221 is amended to read:

53-3-221. Offenses that may result in denial, suspension, disqualification, or revocation of license -- Additional grounds for suspension -- Point system for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.

- (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may deny, suspend, disqualify, or revoke the license or permit of any individual without receiving a record of the individual's conviction of crime when the division has been notified or has reason to believe the individual:
- (a) has committed any offenses for which mandatory suspension or revocation of a license is required upon conviction under Section 53-3-220;
- (b) has, by reckless [~~or unlawful~~] driving of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other individual, or [~~serious~~] property damage;
- (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or physical disability rendering it unsafe for the individual to drive a motor vehicle or mobility vehicle upon the highways;
- (d) has committed a serious violation of the motor vehicle laws of this state;
- (e) has knowingly committed a violation of Section 53-3-229; or
- (f) has been convicted of serious offenses against traffic laws governing the movement of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard for the safety of other individuals on the highways.
- (2)
- (a)

HB0136S03 compared with HB0136S05

(i) Except as provided in Subsection 53-3-218(3), and subject to Subsection (2)(a)(ii), the division may suspend a license of an individual under Subsection (1):

(A) when the individual has failed to comply with the terms stated on a traffic citation issued in this state; or

(B) if the division receives a notification from a court as described in Subsection 41-6a-509(11)(d) or 41-6a-517(13)(b).

(ii) This Subsection (2) does not apply to highway weight limit violations or violations of law governing the transportation of hazardous materials.

(b)

(i) This Subsection (2) may not be exercised unless notice of the pending suspension of the driving privilege has been sent at least 30 days previously to the individual at the address provided to the division.

(ii) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of a suspension that occurred as a result of failure to comply with the terms stated on a traffic citation.

(3) Except as provided in Subsection 53-3-218(3), the division may not revoke, deny, suspend, or disqualify an individual's driver license based solely on:

(a) the individual's failure to appear;

(b) the individual's failure to pay an outstanding penalty accounts receivable; or

(c) the issuance of a bench warrant as a result of an event described in Subsection (3)(a) or (b).

(4)

(a) The division shall make rules establishing a point system as provided for in this Subsection (4).

(b)

(i) The division shall assign a number of points to each type of moving traffic violation as a measure of its seriousness.

(ii) The points shall be based upon actual relationships between types of traffic violations and motor vehicle traffic accidents.

(iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points against an individual's driving record for a conviction of a traffic violation:

(A) that occurred in another state; and

(B) that was committed on or after July 1, 2011.

HB0136S03 compared with HB0136S05

- 652 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:
- 653 (A) a reckless or impaired driving violation or a speeding violation for exceeding the posted speed limit
by 21 or more miles per hour; or
- 655 (B) an offense committed in another state which, if committed within Utah, would result in the
mandatory suspension or revocation of a license upon conviction under Section 53-3-220.
- 658 (c) Every individual convicted of a traffic violation shall have assessed against the individual's driving
record the number of points that the division has assigned to the type of violation of which the
individual has been convicted, except that the number of points assessed shall be decreased by 10%
if on the abstract of the court record of the conviction the court has graded the severity of violation
as minimum, and shall be increased by 10% if on the abstract the court has graded the severity of
violation as maximum.
- 665 (d)
- (i) A separate procedure for assessing points for speeding offenses shall be established by the division
based upon the severity of the offense.
- 667 (ii) The severity of a speeding violation shall be graded as:
- 668 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;
- 669 (B) "intermediate" for exceeding the posted speed limit by 11 to 20 miles per hour; and
- 671 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.
- 672 (iii) Consideration shall be made for assessment of no points on minimum speeding violations, except
for speeding violations in school zones.
- 674 (e)
- (i) Points assessed against an individual's driving record shall be deleted for violations occurring before
a time limit set by the division.
- 676 (ii) The time limit may not exceed three years.
- 677 (iii) The division may also delete points to reward violation-free driving for periods of time set by the
division.
- 679 (f)
- (i) By publication in two newspapers having general circulation throughout the state, the division shall
give notice of the number of points it has assigned to each type of traffic violation, the time limit set
by the division for the deletion of points, and the point level at which the division will generally take
action to deny or suspend under this section.

HB0136S03 compared with HB0136S05

- 684 (ii) The division may not change any of the information provided above regarding points without first
giving new notice in the same manner.
- 686 (5)
- (a)
- (i) If the division finds that the license of an individual should be denied, suspended, disqualified,
or revoked under this section, the division shall immediately notify the licensee in a manner
specified by the division and afford the individual an opportunity for a hearing in the county
where the licensee resides.
- 691 (ii) The hearing shall be documented, and the division or its authorized agent may administer oaths,
may issue subpoenas for the attendance of witnesses and the production of relevant books and
papers, and may require a reexamination of the licensee.
- 695 (iii) One or more members of the division may conduct the hearing, and any decision made after a
hearing before any number of the members of the division is as valid as if made after a hearing
before the full membership of the division.
- 698 (iv) After the hearing the division shall either rescind or affirm its decision to deny, suspend,
disqualify, or revoke the license.
- 700 (b) The denial, suspension, disqualification, or revocation of the license remains in effect pending
qualifications determined by the division regarding an individual:
- 702 (i) whose license has been denied or suspended following reexamination;
- 703 (ii) who is incompetent to drive a motor vehicle;
- 704 (iii) who is afflicted with mental or physical infirmities that might make the individual dangerous on the
highways; or
- 706 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.
- 708 (6)
- (a) Subject to Subsection (6)(d), the division shall suspend an individual's license when the division
receives notice from the Office of Recovery Services that the Office of Recovery Services has
ordered the suspension of the individual's license.
- 711 (b) A suspension under Subsection (6)(a) shall remain in effect until the division receives notice from
the Office of Recovery Services that the Office of Recovery Services has rescinded the order of
suspension.

714

HB0136S03 compared with HB0136S05

(c) After an order of suspension is rescinded under Subsection (6)(b), a report authorized by Section 53-3-104 may not contain any evidence of the suspension.

(d)

(i) If the division suspends an individual's license under this Subsection (6), the division shall, upon application, issue a temporary limited driver license to the individual if that individual needs a driver license for employment, education, or child visitation.

(ii) The temporary limited driver license described in this section:

(A) shall provide that the individual may operate a motor vehicle only for the purpose of driving to or from the individual's place of employment, education, or child visitation;

(B) shall prohibit the individual from driving a motor vehicle for any purpose other than a purpose described in Subsection (6)(d)(ii)(A); and

(C) shall expire 90 days after the day on which the temporary limited driver license is issued.

(iii)

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

(B) Upon expiration of a temporary limited driver license described in this Subsection (6)(d):

(I) a suspension described in Subsection (6)(a) shall be in full effect until the division receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

(II) an individual suspended under Subsection (6)(a) may not drive a motor vehicle for any reason.

(iv) The division is not required to issue a limited driver license to an individual under this Subsection (6)(d) if there are other legal grounds for the suspension of the individual's driver license.

(v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this part.

(7)

(a) The division may suspend or revoke the license of any resident of this state upon receiving notice of the conviction of that individual in another state of an offense committed there that, if committed in this state, would be grounds for the suspension or revocation of a license.

(b) The division may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws of this state, forward

HB0136S03 compared with HB0136S05

a certified copy of the record to the motor vehicle administrator in the state where the individual convicted is a resident.

753 (8)

(a) The division may suspend or revoke the license of any nonresident to drive a motor vehicle in this state for any cause for which the license of a resident driver may be suspended or revoked.

756 (b) Any nonresident who drives a motor vehicle upon a highway when the individual's license has been suspended or revoked by the division is guilty of a class C misdemeanor.

759 (9)

(a) The division may not deny or suspend the license of any individual for a period of more than one year except:

761 (i) for failure to comply with the terms of a traffic citation under Subsection (2);

762 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges under Section 53-3-219;

764 (iii) when extending a denial or suspension upon receiving certain records or reports under Subsection 53-3-220(2);

766 (iv) for failure to give and maintain owner's or operator's security under Section 41-12a-411;

768 (v) when the division suspends the license under Subsection (6); or

769 (vi) when the division denies the license under Subsection (14).

770 (b) The division may suspend the license of an individual under Subsection (2) until the individual shows satisfactory evidence of compliance with the terms of the traffic citation.

773 (10)

(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of any individual without receiving a record of the individual's conviction for a crime when the division has reason to believe that the individual's license was granted by the division through error or fraud or that the necessary consent for the license has been withdrawn or is terminated.

778 (b) The procedure upon suspension is the same as under Subsection (5), except that after the hearing the division shall either rescind its order of suspension or cancel the license.

781 (11)

HB0136S03 compared with HB0136S05

(a) The division, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified by the division of at least five days to the licensee require the licensee to submit to an examination.

(b) Upon the conclusion of the examination the division may suspend or revoke the individual's license, permit the individual to retain the license, or grant a license subject to a restriction imposed in accordance with Section 53-3-208.

(c) Refusal or neglect of the licensee to submit to an examination is grounds for suspension or revocation of the licensee's license.

(12)

(a) Except as provided in Subsection (12)(b), a report authorized by Section 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed limit and did not result in an accident, unless authorized in a manner specified by the division by the individual whose report is being requested.

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

(i) a CDIP or CDL license holder; or

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

(13)

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

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

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

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

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

HB0136S03 compared with HB0136S05

(14) The division may deny an individual's license if the individual fails to comply with the requirement to downgrade the individual's CDL to a class D license under Section 53-3-409 or 53-3-410.1.

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

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

Section 6. Section **53-25-802** is amended to read:

53-25-802. Portable biometric capture method requirement.

(1) Beginning January 1, [2027] 2028, a law enforcement agency shall ensure that every law enforcement officer who is on duty outside of the law enforcement agency's facility is supplied with a portable biometric capture device.

(2)

(a) A software vendor that allows a law enforcement agency to {~~file~~} **file** a citation electronically as described in Section 77-7-20 shall ensure that the software vendor's software is capable of submitting biometric data captured by a portable biometric device electronically to the court's electronic filing interface.

(b) A software vendor shall ensure that the connection described in Subsection (2)(a) is operational within one year of the criminal justice agency's system that uses the software service becoming active.

(3) A software service is subject to Subsection (2) if the software service:

(a) is for use by a criminal justice agency within the state's criminal justice system; and

(b) collects and stores data required by statute to be reported to the department.

Section 7. 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, 2027.

Section 8. **Effective date.**

Effective Date.

{~~This~~} **Except as provided in Subsection (2), this** bill takes effect {~~on~~} May 6, 2026.

(2) The actions affecting Section 41-6a-1406 (Effective 07/01/26) (Partially Repealed 07/01/29) take effect on July 1, 2026.

HB0136S03 compared with HB0136S05

2-27-26 8:43 AM