

**MINUTES OF THE
SENATE BUSINESS AND LABOR STANDING COMMITTEE**

215 Senate Building, Utah State Capitol Complex

March 3, 2014

Members Present: Sen. Curtis S. Bramble, Chair
Sen. Gene Davis
Sen. Deidre Henderson
Sen. David P. Hinkins
Sen. Karen Mayne
Sen. Todd Weiler

Member Excused: Sen. John L. Valentine

Staff Present: Mr. Bryant Howe, Policy Analyst
Ms. Karen Allred, Committee Secretary

NOTE: A list of visitors and a copy of handouts are filed with the committee minutes.

At the request of Sen. Bramble, Sen. Weiler assumed the committee chair and called the meeting to order at 8:12 a.m. and announced that **S.B. 246** will not be heard today.

MOTION: Sen. Hinkins moved to approve the minutes of the March 27, 2014 meeting. The motion passed unanimously with Sen. Bramble and Henderson absent for the vote.

S.B. 72 Uninsured Motorist Provisions (L. Hillyard)

Sen. Hillyard explained the bill to the committee.

MOTION: Sen. Hinkins moved to adopt the following amendments:

1. Page 1, Lines 12 through 15:

12 ► provides that the Motor Vehicle Division or a peace officer shall seize and take
13possession of any vehicle {~~,-vessel, or outboard motor~~} that is being operated on a
14highway without owner's or operator's security in effect for the vehicle except in
15certain circumstances;

2. Page 2, Lines 55 through 58:

55 (2) (a) Subject to the restriction in Subsection (2)(b), the division or any peace officer,
56without a warrant, shall seize and take possession of any vehicle {~~,-vessel, or outboard~~
motor} that
57is being operated on a highway without owner's or operator's security in effect for the vehicle
58as required under Section 41-12a-301 unless the division or any peace officer makes a

3. Page 3, Lines 59 through 61:

59 reasonable determination that :
(a) the seizure of the vehicle {~~,-vessel, or outboard motor~~} would

60 present a public safety concern to the operator or any of the occupants in the vehicle {
vessel, or
61 outboard motor} ; or
(b) the impoundment of the vehicle would prevent the division or the peace officer
from addressing other public safety considerations .

4. *Page 6, Lines 155 through 156:*

155 under Subsection (4)(d).

(c) A person is not eligible for a reimbursement under Subsection (4)(d) unless
the person applies for the reimbursement within six months from the date that the motor vehicle
was impounded.

156 Section 4. Effective date.

The motion passed unanimously with Sen. Bramble and Sen. Henderson absent for the vote.

MOTION: Sen. Davis moved to pass the bill out favorably as amended. The motion passed unanimously with Sen. Bramble and Sen. Henderson absent for the vote.

1st Sub. H.B. 332 Real Estate Amendments (G. Froerer)

Rep. Froerer explained the bill to the committee assisted by Jonathan Stewart, Director, Utah Division of Real Estate.

Spoke for the bill: Rick Southwick, Utah Association of Realtors

MOTION: Sen. Hinkins moved to pass the bill out favorably. The motion passed unanimously.

MOTION: Sen. Hinkins moved to place the bill on the Consent Calendar. The motion passed unanimously.

1st Sub. H.B. 326 State Construction Code Revisions (R. Spendlove)

Rep. Spendlove explained the bill to the committee.

Spoke for the bill: Brent Urseneback, Salt Lake County Energy/Mechanical Code Official

MOTION: Sen. Mayne moved to pass the bill out favorably. The motion passed unanimously.

Sen. Henderson assumed the Committee Chair.

2nd Sub. H.B. 56 Mechanics Lien Revisions (M. McKell)

Rep. McKell explained the bill to the committee.

MOTION: Sen. Mayne moved to pass the bill out favorably. The motion passed unanimously.

S.B. 249 Transportation Rights-of-way Safety Amendments (C. Bramble)

MOTION: Sen. Bramble moved to adopt the following amendments:

1. *Page 1, Lines 15 through 16:*
15 ~~{used to divert}~~ for pedestrians and other nonmotorized ~~{vehicle traffic away~~
 ~~from a highway in~~
16 order} transportation to enhance traffic safety and efficiency on the highway.

2. *Page 2, Line 53 through Page 3, Line 59:*
53 ~~{(13) the construction and maintenance of a pathway:~~
54 ~~(a) located within or adjacent to a highway right-of-way or an abandoned railroad~~
55 ~~right-of-way;~~
56 ~~(b) intended for use by pedestrians and others using bicycles or other nonmotorized~~
57 ~~modes of transportation; and~~
58 ~~(c) designed to divert pedestrians and other nonmotorized traffic away from a~~
59 ~~nearby~~
 ~~highway in order to enhance traffic safety and efficiency on the highway.}~~
 (13) the construction and maintenance of a pathway:
 (a) for pedestrians, bicyclists, and other nonmotorized transportation; and
 (b) designed to enhance the safety and efficiency of a nearby highway.

The motion passed unanimously with Sen. Weiler absent for the vote.

Sen. Bramble explained the bill to the committee.

Spoke to the bill: Sterling Brown, Vice President, Public Policy, Utah Farm Bureau
 Gary Williams, City Attorney, Ogden City

MOTION: Sen. Bramble moved to pass the bill out favorably. The motion passed unanimously.

S.B. 250 Public Duty Doctrine Amendments (C. Bramble)

Sen. Davis moved to amend the bill as follows:

1. *Page 3, Line 83 through Page 4, Line 91:*
83 (4) Except as permitted in Subsection (3)(c), no employee may be joined or held
84 personally liable for acts or omissions occurring:
85 (a) during the performance of the employee's duties;
86 (b) within the scope of employment; or
87 (c) under color of authority.
88 (5) A general duty that a governmental entity ~~or an employee~~ owes to the public
 does

- 89 not create a specific duty to an individual member of the public, unless ~~{the individual~~
~~member~~
90 ~~of the public stands so far apart from the general public that }~~ there is a special
relationship
91 between the governmental entity ~~{or employee}~~ and the individual member of the
public.

The motion passed unanimously.

Sen. Bramble explained the bill to the committee.

Spoke for the bill: Steve Walkenhorst, Assistant, Office of the Attorney General
Steve Sullivan, Utah Association for Justice

MOTION: Sen. Bramble moved to pass the bill out favorably. The motion passed unanimously.

MOTION: Sen. Hinkins moved to adjourn. The motion passed unanimously.

Chair Bramble adjourned the meeting at 9:52 a.m.

Sen. Curtis S. Bramble, Chair