

ROAD RAGE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill addresses road rage events.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ addresses the seizure and possession of a vehicle in which there is probable cause to believe the operator or passenger of the vehicle engaged in a road rage event;
- ▶ allows for an administrative impound fee when a vehicle involved in a road rage event is seized and impounded;
- ▶ allows for the suspension or revocation of an individual's driver license when the individual is convicted of an offense that is enhanced for road rage;
- ▶ clarifies the definition of a dangerous weapon;
- ▶ creates an enhancement of an offense for road rage; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-1a-102, as last amended by Laws of Utah 2023, Chapters 33, 532

41-1a-1101, as last amended by Laws of Utah 2019, Chapter 373

41-1a-1103, as last amended by Laws of Utah 2022, Chapter 92

41-6a-1406, as last amended by Laws of Utah 2023, Chapter 335

41-12a-806, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

53-3-220, as last amended by Laws of Utah 2023, Chapter 415

76-1-101.5, as last amended by Laws of Utah 2023, Chapter 16

33 ENACTS:

34 **76-3-203.17**, Utah Code Annotated 1953

35

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

37 Section 1. Section **41-1a-102** is amended to read:

38 **41-1a-102. Definitions.**

39 As used in this chapter:

40 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.

41 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of
42 vehicles as operated and certified to by a weighmaster.

43 (3) "All-terrain type I vehicle" means the same as that term is defined in Section
44 41-22-2.

45 (4) "All-terrain type II vehicle" means the same as that term is defined in Section
46 41-22-2.

47 (5) "All-terrain type III vehicle" means the same as that term is defined in Section
48 41-22-2.

49 (6) "Alternative fuel vehicle" means:

50 (a) an electric motor vehicle;

51 (b) a hybrid electric motor vehicle;

52 (c) a plug-in hybrid electric motor vehicle; or

53 (d) a motor vehicle powered exclusively by a fuel other than:

54 (i) motor fuel;

55 (ii) diesel fuel;

56 (iii) natural gas; or

57 (iv) propane.

58 (7) "Amateur radio operator" means a person licensed by the Federal Communications
59 Commission to engage in private and experimental two-way radio operation on the amateur
60 band radio frequencies.

61 (8) "Autocycle" means the same as that term is defined in Section 53-3-102.

62 (9) "Automated driving system" means the same as that term is defined in Section
63 41-26-102.1.

64 (10) "Branded title" means a title certificate that is labeled:

65 (a) rebuilt and restored to operation;

66 (b) flooded and restored to operation; or

67 (c) not restored to operation.

68 (11) "Camper" means a structure designed, used, and maintained primarily to be
69 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
70 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
71 camping.

72 (12) "Certificate of title" means a document issued by a jurisdiction to establish a
73 record of ownership between an identified owner and the described vehicle, vessel, or outboard
74 motor.

75 (13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
76 weighmaster.

77 (14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
78 maintained for the transportation of persons or property that operates:

79 (a) as a carrier for hire, compensation, or profit; or

80 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
81 owner's commercial enterprise.

82 (15) "Commission" means the State Tax Commission.

83 (16) "Consumer price index" means the same as that term is defined in Section
84 59-13-102.

85 (17) "Dealer" means a person engaged or licensed to engage in the business of buying,
86 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on
87 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established
88 place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

89 (18) "Diesel fuel" means the same as that term is defined in Section 59-13-102.

90 (19) "Division" means the Motor Vehicle Division of the commission, created in
91 Section 41-1a-106.

92 (20) "Dynamic driving task" means the same as that term is defined in Section
93 41-26-102.1.

94 (21) "Electric motor vehicle" means a motor vehicle that is powered solely by an

95 electric motor drawing current from a rechargeable energy storage system.

96 (22) "Essential parts" means the integral and body parts of a vehicle of a type required
97 to be registered in this state, the removal, alteration, or substitution of which would tend to
98 conceal the identity of the vehicle or substantially alter the vehicle's appearance, model, type,
99 or mode of operation.

100 (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm
101 implement for drawing plows, mowing machines, and other implements of husbandry.

102 (24) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for
103 the owner's or operator's own use in the transportation of:

104 (i) farm products, including livestock and its products, poultry and its products,
105 floricultural and horticultural products;

106 (ii) farm supplies, including tile, fence, and any other thing or commodity used in
107 agricultural, floricultural, horticultural, livestock, and poultry production; and

108 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or
109 other purposes connected with the operation of a farm.

110 (b) "Farm truck" does not include the operation of trucks by commercial processors of
111 agricultural products.

112 (25) "Fleet" means one or more commercial vehicles.

113 (26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into
114 this state from another state, territory, or country other than in the ordinary course of business
115 by or through a manufacturer or dealer, and not registered in this state.

116 (27) "Gross laden weight" means the actual weight of a vehicle or combination of
117 vehicles, equipped for operation, to which shall be added the maximum load to be carried.

118 (28) "Highway" or "street" means the entire width between property lines of every way
119 or place of whatever nature when any part of it is open to the public, as a matter of right, for
120 purposes of vehicular traffic.

121 (29) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion
122 energy from onboard sources of stored energy that are both:

123 (a) an internal combustion engine or heat engine using consumable fuel; and

124 (b) a rechargeable energy storage system where energy for the storage system comes
125 solely from sources onboard the vehicle.

126 (30) (a) "Identification number" means the identifying number assigned by the
127 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard
128 motor.

129 (b) "Identification number" includes a vehicle identification number, state assigned
130 identification number, hull identification number, and motor serial number.

131 (31) "Implement of husbandry" means a vehicle designed or adapted and used
132 exclusively for an agricultural operation and only incidentally operated or moved upon the
133 highways.

134 (32) (a) "In-state miles" means the total number of miles operated in this state during
135 the preceding year by fleet power units.

136 (b) If a fleet is composed entirely of trailers or semitrailers, "in-state miles" means the
137 total number of miles that those vehicles were towed on Utah highways during the preceding
138 year.

139 (33) "Interstate vehicle" means a commercial vehicle operated in more than one state,
140 province, territory, or possession of the United States or foreign country.

141 (34) "Jurisdiction" means a state, district, province, political subdivision, territory, or
142 possession of the United States or any foreign country.

143 (35) "Lienholder" means a person with a security interest in particular property.

144 (36) "Manufactured home" means a transportable factory built housing unit constructed
145 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards
146 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body
147 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more
148 square feet, and which is built on a permanent chassis and designed to be used as a dwelling
149 with or without a permanent foundation when connected to the required utilities, and includes
150 the plumbing, heating, air-conditioning, and electrical systems.

151 (37) "Manufacturer" means a person engaged in the business of constructing,
152 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or
153 outboard motors for the purpose of sale or trade.

154 (38) "Military vehicle" means a vehicle of any size or weight that was manufactured
155 for use by armed forces and that is maintained in a condition that represents the vehicle's
156 military design and markings regardless of current ownership or use.

157 (39) "Mobile home" means a transportable factory built housing unit built prior to June
158 15, 1976, in accordance with a state mobile home code which existed prior to the Federal
159 Manufactured Housing and Safety Standards Act (HUD Code).

160 (40) "Motor fuel" means the same as that term is defined in Section 59-13-102.

161 (41) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and
162 operation on the highways.

163 (b) "Motor vehicle" does not include:

164 (i) an off-highway vehicle; or

165 (ii) a motor assisted scooter as defined in Section 41-6a-102.

166 (42) "Motorboat" means the same as that term is defined in Section 73-18-2.

167 (43) "Motorcycle" means:

168 (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not
169 more than three wheels in contact with the ground; or

170 (b) an auticycle.

171 (44) "Natural gas" means a fuel of which the primary constituent is methane.

172 (45) (a) "Nonresident" means a person who is not a resident of this state as defined by
173 Section 41-1a-202, and who does not engage in intrastate business within this state and does
174 not operate in that business any motor vehicle, trailer, or semitrailer within this state.

175 (b) A person who engages in intrastate business within this state and operates in that
176 business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in
177 interstate commerce, maintains a vehicle in this state as the home station of that vehicle is
178 considered a resident of this state, insofar as that vehicle is concerned in administering this
179 chapter.

180 (46) "Odometer" means a device for measuring and recording the actual distance a
181 vehicle travels while in operation, but does not include any auxiliary odometer designed to be
182 periodically reset.

183 (47) "Off-highway implement of husbandry" means the same as that term is defined in
184 Section 41-22-2.

185 (48) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.

186 (49) (a) "Operate" means:

187 (i) to navigate a vessel; or

188 (ii) collectively, the activities performed in order to perform the entire dynamic driving
189 task for a given motor vehicle by:

190 (A) a human driver as defined in Section 41-26-102.1; or

191 (B) an engaged automated driving system.

192 (b) "Operate" includes testing of an automated driving system.

193 (50) "Original issue license plate" means a license plate that is of a format and type
194 issued by the state in the same year as the model year of a vehicle that is a model year 1973 or
195 older.

196 (51) "Outboard motor" means a detachable self-contained propulsion unit, excluding
197 fuel supply, used to propel a vessel.

198 (52) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,
199 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a
200 security interest.

201 (b) If a vehicle is the subject of an agreement for the conditional sale or installment
202 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions
203 stated in the agreement and with an immediate right of possession vested in the conditional
204 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the
205 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this
206 chapter.

207 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the
208 owner until the lessee exercises the lessee's option to purchase the vehicle.

209 (53) "Park model recreational vehicle" means a unit that:

210 (a) is designed and marketed as temporary living quarters for recreational, camping,
211 travel, or seasonal use;

212 (b) is not permanently affixed to real property for use as a permanent dwelling;

213 (c) requires a special highway movement permit for transit; and

214 (d) is built on a single chassis mounted on wheels with a gross trailer area not
215 exceeding 400 square feet in the setup mode.

216 (54) "Personalized license plate" means a license plate that has displayed on it a
217 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned
218 to the vehicle by the division.

219 (55) (a) "Pickup truck" means a two-axle motor vehicle with motive power
220 manufactured, remanufactured, or materially altered to provide an open cargo area.

221 (b) "Pickup truck" includes a motor vehicle with the open cargo area covered with a
222 camper, camper shell, tarp, removable top, or similar structure.

223 (56) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that
224 has the capability to charge the battery or batteries used for vehicle propulsion from an
225 off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle
226 while the vehicle is in motion.

227 (57) "Pneumatic tire" means a tire in which compressed air is designed to support the
228 load.

229 (58) "Preceding year" means a period of 12 consecutive months fixed by the division
230 that is within 16 months immediately preceding the commencement of the registration or
231 license year in which proportional registration is sought. The division in fixing the period shall
232 conform it to the terms, conditions, and requirements of any applicable agreement or
233 arrangement for the proportional registration of vehicles.

234 (59) "Public garage" means a building or other place where vehicles or vessels are kept
235 and stored and where a charge is made for the storage and keeping of vehicles and vessels.

236 (60) "Receipt of surrender of ownership documents" means the receipt of surrender of
237 ownership documents described in Section 41-1a-503.

238 (61) "Reconstructed vehicle" means a vehicle of a type required to be registered in this
239 state that is materially altered from its original construction by the removal, addition, or
240 substitution of essential parts, new or used.

241 (62) "Recreational vehicle" means the same as that term is defined in Section
242 13-14-102.

243 (63) "Registration" means a document issued by a jurisdiction that allows operation of
244 a vehicle or vessel on the highways or waters of this state for the time period for which the
245 registration is valid and that is evidence of compliance with the registration requirements of the
246 jurisdiction.

247 (64) "Registration decal" means the decal issued by the division that is evidence of
248 compliance with the division's registration requirements.

249 (65) (a) "Registration year" means a 12 consecutive month period commencing with

250 the completion of the applicable registration criteria.

251 (b) For administration of a multistate agreement for proportional registration the
252 division may prescribe a different 12-month period.

253 (66) "Repair or replacement" means the restoration of vehicles, vessels, or outboard
254 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,
255 or outboard motor, or by correcting the inoperative part.

256 (67) "Replica vehicle" means:

257 (a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or

258 (b) a custom vehicle that meets the requirements under Subsection
259 41-6a-1507(1)(a)(i)(B).

260 (68) "Restored-modified vehicle" means a motor vehicle that has been restored and
261 modified with modern parts and technology, including emission control technology and an
262 on-board diagnostic system.

263 (69) "Road tractor" means a motor vehicle designed and used for drawing other
264 vehicles and constructed so it does not carry any load either independently or any part of the
265 weight of a vehicle or load that is drawn.

266 (70) "Sailboat" means the same as that term is defined in Section 73-18-2.

267 (71) "Security interest" means an interest that is reserved or created by a security
268 agreement to secure the payment or performance of an obligation and that is valid against third
269 parties.

270 (72) "Semitrailer" means a vehicle without motive power designed for carrying persons
271 or property and for being drawn by a motor vehicle and constructed so that some part of its
272 weight and its load rests or is carried by another vehicle.

273 (73) "Special group license plate" means a type of license plate designed for a
274 particular group of people or a license plate authorized and issued by the division in accordance
275 with Section 41-1a-418 or Part 16, Sponsored Special Group License Plates.

276 (74) (a) "Special interest vehicle" means a vehicle used for general transportation
277 purposes and that is:

278 (i) 20 years or older from the current year; or

279 (ii) a make or model of motor vehicle recognized by the division director as having
280 unique interest or historic value.

281 (b) In making a determination under Subsection (74)(a), the division director shall give
282 special consideration to:

283 (i) a make of motor vehicle that is no longer manufactured;

284 (ii) a make or model of motor vehicle produced in limited or token quantities;

285 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
286 designed exclusively for educational purposes or museum display; or

287 (iv) a motor vehicle of any age or make that has not been substantially altered or
288 modified from original specifications of the manufacturer and because of its significance is
289 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
290 leisure pursuit.

291 (75) (a) "Special mobile equipment" means a vehicle:

292 (i) not designed or used primarily for the transportation of persons or property;

293 (ii) not designed to operate in traffic; and

294 (iii) only incidentally operated or moved over the highways.

295 (b) "Special mobile equipment" includes:

296 (i) farm tractors;

297 (ii) off-road motorized construction or maintenance equipment including backhoes,
298 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

299 (iii) ditch-digging apparatus.

300 (c) "Special mobile equipment" does not include a commercial vehicle as defined
301 under Section 72-9-102.

302 (76) "Specially constructed vehicle" means a vehicle of a type required to be registered
303 in this state, not originally constructed under a distinctive name, make, model, or type by a
304 generally recognized manufacturer of vehicles, and not materially altered from its original
305 construction.

306 (77) (a) "Standard license plate" means a license plate for general issue described in
307 Subsection 41-1a-402(1).

308 (b) "Standard license plate" includes a license plate for general issue that the division
309 issues before January 1, 2024.

310 (78) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard
311 motor that meets the requirements of rules made by the commission [~~pursuant to Subsection~~

312 ~~41-1a-1101(5)]~~ as described in Subsection 41-1a-1101(7).

313 (79) "Symbol decal" means the decal that is designed to represent a special group and
314 displayed on a special group license plate.

315 (80) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

316 (81) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions
317 during the preceding year by power units.

318 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means
319 the number of miles that those vehicles were towed on the highways of all jurisdictions during
320 the preceding year.

321 (82) "Tow truck motor carrier" means the same as that term is defined in Section
322 72-9-102.

323 (83) "Tow truck operator" means the same as that term is defined in Section 72-9-102.

324 (84) "Trailer" means a vehicle without motive power designed for carrying persons or
325 property and for being drawn by a motor vehicle and constructed so that no part of its weight
326 rests upon the towing vehicle.

327 (85) "Transferee" means a person to whom the ownership of property is conveyed by
328 sale, gift, or any other means except by the creation of a security interest.

329 (86) "Transferor" means a person who transfers the person's ownership in property by
330 sale, gift, or any other means except by creation of a security interest.

331 (87) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle
332 without motive power, designed as a temporary dwelling for travel, recreational, or vacation
333 use that does not require a special highway movement permit when drawn by a self-propelled
334 motor vehicle.

335 (88) "Truck tractor" means a motor vehicle designed and used primarily for drawing
336 other vehicles and not constructed to carry a load other than a part of the weight of the vehicle
337 and load that is drawn.

338 (89) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
339 camper, park model recreational vehicle, manufactured home, and mobile home.

340 (90) "Vessel" means the same as that term is defined in Section 73-18-2.

341 (91) "Vintage vehicle" means the same as that term is defined in Section 41-21-1.

342 (92) "Waters of this state" means the same as that term is defined in Section 73-18-2.

343 (93) "Weighmaster" means a person, association of persons, or corporation permitted
344 to weigh vehicles under this chapter.

345 Section 2. Section **41-1a-1101** is amended to read:

346 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

347 (1) As used in this section:

348 (a) (i) "Criminal offense" means an offense that is a felony, a misdemeanor, an
349 infraction, or a violation of an ordinance, under municipal, state, or federal law.

350 (ii) "Criminal offense" includes:

351 (A) an offense described in Chapter 6a, Traffic Code;

352 (B) an offense described in Title 53, Chapter 3, Part 2, Driver Licensing Act;

353 (C) an offense described in Title 73, Chapter 18, State Boating Act;

354 (D) an offense described in Title 76, Utah Criminal Code; and

355 (E) any local ordinance that is substantially similar to an offense listed in Subsections

356 (1)(a)(ii)(A) through (D).

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

358 (c) "Road rage event" means the commission of a criminal offense:

359 (i) by an operator or passenger of a vehicle;

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

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

362 (d) "Roadway" means:

363 (i) a highway; or

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

365 ~~[(1)]~~ (2) The division or any peace officer, without a warrant, may seize and take
366 possession of any vehicle, vessel, or outboard motor:

367 (a) that the division or the peace officer has ~~[reason]~~ probable cause to believe has been
368 stolen;

369 (b) on which any identification number has been defaced, altered, or obliterated;

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

371 (d) for which the applicant has written a check for registration or title fees that has not
372 been honored by the applicant's bank and that is not paid within 30 days;

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

- 374 (f) that is being operated on a highway:
- 375 (i) with registration that has been expired for more than three months;
- 376 (ii) having never been properly registered by the current owner; or
- 377 (iii) with registration that is suspended or revoked; or
- 378 (g) (i) that the division or the peace officer has [~~reason~~] probable cause to believe has
- 379 been involved in an accident described in Section 41-6a-401, 41-6a-401.3, or 41-6a-401.5; and
- 380 (ii) whose operator did not remain at the scene of the accident until the operator
- 381 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7.
- 382 (3) The division or a peace officer, without a warrant:
- 383 (a) may seize and take possession of a vehicle when the division or the peace officer
- 384 has probable cause to believe that an operator or passenger of the vehicle engaged in a road
- 385 rage event; and
- 386 (b) shall seize and take possession of a vehicle when the division or the peace officer
- 387 has probable cause to believe that an operator or passenger of the vehicle has engaged in a road
- 388 rage event in which a firearm was used in furtherance of the road rage event.
- 389 [~~(2)~~] (4) (a) Subject to the restriction in Subsection [~~(2)(b)~~] (4)(b), the division or any
- 390 peace officer, without a warrant:
- 391 (i) shall seize and take possession of any vehicle that is being operated on a highway
- 392 without owner's or operator's security in effect for the vehicle as required under Section
- 393 41-12a-301 and the vehicle was involved in an accident; or
- 394 (ii) may seize and take possession of any vehicle that is being operated on a highway
- 395 without owner's or operator's security in effect for the vehicle as required under Section
- 396 41-12a-301 after the division or any peace officer makes a reasonable determination whether
- 397 the vehicle would:
- 398 (A) present a public safety concern to the operator or any of the occupants in the
- 399 vehicle; or
- 400 (B) prevent the division or the peace officer from addressing other public safety
- 401 considerations.
- 402 (b) The division or any peace officer may not seize and take possession of a vehicle
- 403 under Subsection [~~(2)(a)~~] (4)(a):
- 404 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's

405 security as defined in Section 41-12a-303.2 in the vehicle unless the division or peace officer
406 verifies that owner's or operator's security is not in effect for the vehicle through the Uninsured
407 Motorist Identification Database created in accordance with Section 41-12a-803; or

408 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security
409 as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist Identification
410 Database created in accordance with Section 41-12a-803 indicates that the owner's or operator's
411 security is not in effect for the vehicle, unless the division or a peace officer makes a
412 reasonable attempt to independently verify that owner's or operator's security is not in effect for
413 the vehicle.

414 [~~(3)~~] (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be
415 seized to transport and store the vessel.

416 [~~(4)~~] (6) Any peace officer seizing or taking possession of a vehicle, vessel, or
417 outboard motor under this section shall comply with the provisions of Section 41-6a-1406.

418 [~~(5)~~] (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
419 Act, the commission shall make rules setting standards for public garages, impound lots, and
420 impound yards that may be used by peace officers and the division.

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

423 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard
424 unless the crusher, dismantler, or salvage dealer meets all of the requirements for a state
425 impound yard set forth in this section and rules made in accordance with Subsection [~~(5)(a)~~]
426 (7)(a).

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

430 (ii) The opaque fencing described in Subsection [~~(5)(d)(i)~~] (7)(d)(i) may be opaque
431 chain link fencing.

432 [~~(6)~~] (8) (a) Except as provided under Subsection [~~(6)(b)~~] (8)(b), a person may not
433 operate or allow to be operated a vehicle stored in a public garage, impound lot, or impound
434 yard regulated under this part without prior written permission of the owner of the vehicle.

435 (b) Incidental and necessary operation of a vehicle to move the vehicle from one

436 parking space to another within the facility and that is necessary for the normal management of
437 the facility is not prohibited under Subsection [~~(6)(a)~~] (8)(a).

438 [~~(7)~~] (9) A person who violates the provisions of Subsection [~~(6)~~] (8) is guilty of a
439 class C misdemeanor.

440 [~~(8)~~] (10) The division or the peace officer who seizes a vehicle shall record the
441 mileage shown on the vehicle's odometer at the time of seizure, if:

442 (a) the vehicle is equipped with an odometer; and

443 (b) the odometer reading is accessible to the division or the peace officer.

444 Section 3. Section **41-1a-1103** is amended to read:

445 **41-1a-1103. Sale.**

446 (1) (a) To determine the model year of a vehicle, vessel, or outboard motor as
447 described in this section, the division shall use the model year assigned to a vehicle, vessel, or
448 outboard motor based on:

449 (i) the vehicle identification number assigned by the division; or

450 (ii) if the division has not assigned a vehicle identification number, the vehicle
451 identification number assigned by the manufacturer.

452 (b) To determine the age of a vehicle, vessel, or outboard motor as described in this
453 section, the division shall use the date of the impoundment of the vehicle, vessel, or outboard
454 motor.

455 (2) (a) For a vehicle, vessel, or outboard motor with a model year of eight years old or
456 older, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not recover
457 the vehicle, vessel, or outboard motor within 30 days from the date of the original notice
458 described in Section 41-6a-1406, or if the division is unable to determine the owner or
459 lienholder through reasonable efforts, the division shall issue a certificate of sale for the
460 vehicle, vessel, or outboard motor to the tow truck motor carrier in possession of the vehicle,
461 vessel, or outboard motor upon request by the tow truck motor carrier.

462 (i) For a vehicle, vessel, or outboard motor with a model year of eight years old or
463 older, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section
464 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,
465 vessel, or outboard motor and satisfy the amount due to the place of storage within 30 days
466 from the date of release, the division shall, 30 days from the date of the original notice

467 described in Section 41-6a-1406, issue a certificate of sale for the vehicle, vessel, or outboard
468 motor to the tow truck motor carrier in possession of the vehicle, vessel, or outboard motor
469 upon request by the tow truck motor carrier, in accordance with this section.

470 (ii) For a vehicle, vessel, or outboard motor with a model year of eight years old or
471 older, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section
472 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,
473 vessel, or outboard motor and satisfy the amount due to the place of storage within 20 days
474 from the original notice described in Section 41-6a-1406, the tow truck motor carrier shall
475 notify the division, and the division shall renotify the owner or lienholder.

476 (3) For a vehicle, vessel, or outboard motor with a model year seven years old or
477 newer, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not
478 recover the vehicle, vessel, or outboard motor within 60 days from the date of the original
479 notice described in Section 41-6a-1406, or if the division is unable to determine the owner or
480 lienholder through reasonable efforts, the division shall sell the vehicle, vessel, or outboard
481 motor as described in Subsection (4).

482 (4) The sale of a vehicle, vessel, or outboard motor described in Subsection (3) shall:

483 (a) be held in the form of a public auction at the place of storage; and

484 (b) at the discretion of the division, be conducted by:

485 (i) an authorized representative of the division; or

486 (ii) a public garage, impound lot, or impound yard that:

487 (A) is authorized by the division;

488 (B) meets the standards under Subsection [~~41-1a-1101(5)~~] 41-1a-1101(7); and

489 (C) complies with the requirements of Section 72-9-603.

490 (5) At least five days prior to the date set for sale described in Subsection (4), the
491 division shall publish a notice of sale setting forth the date, time, and place of sale and a
492 description of the vehicle, vessel, or outboard motor to be sold:

493 (a) on the division's website; and

494 (b) as required in Section 45-1-101.

495 (6) At the time of sale described in Subsection (4) the division or other person
496 authorized to conduct the sale shall tender to the highest bidder a certificate of sale conveying
497 all rights, title, and interest in the vehicle, vessel, or outboard motor.

498 (7) The proceeds from the sale of a vehicle, vessel, or outboard motor under
499 Subsection (4) shall be distributed as provided under Section 41-1a-1104.

500 (8) For a vehicle, vessel, or outboard motor with a model year seven years old or
501 newer, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section
502 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,
503 vessel, or outboard motor and satisfy the amount due to the place of storage within 60 days
504 from the date of release, the division shall, 60 days from the date of the original notice
505 described in Section 41-6a-1406, sell the vehicle, vessel, or outboard motor as described in
506 Subsection (4).

507 (9) For a vehicle, vessel, or outboard motor with a model year of seven years old or
508 newer, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section
509 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,
510 vessel, or outboard motor within 45 days of the original notice described in Section
511 41-6a-1406, the tow truck motor carrier shall notify the division, and the division shall renotify
512 the owner or lienholder.

513 Section 4. Section **41-6a-1406** is amended to read:

514 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**
515 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

516 (1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under
517 Section 41-1a-1101, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace
518 officer or by an order of a person acting on behalf of a law enforcement agency or highway
519 authority, the removal or impoundment of the vehicle, vessel, or outboard motor shall be at the
520 expense of the owner.

521 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be removed or
522 impounded to a state impound yard.

523 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be
524 removed by a tow truck motor carrier that meets standards established:

525 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and

526 (b) by the department under Subsection (10).

527 (4) (a) A report described in this Subsection (4) is required for a vehicle, vessel, or
528 outboard motor that is:

- 529 (i) removed or impounded as described in Subsection (1); or
- 530 (ii) removed or impounded by any law enforcement or government entity.
- 531 (b) Before noon on the next business day after the date of the removal of the vehicle,
- 532 vessel, or outboard motor, a report of the removal shall be sent to the Motor Vehicle Division
- 533 by:
- 534 (i) the peace officer or agency by whom the peace officer is employed; and
- 535 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
- 536 operator is employed.
- 537 (c) The report shall be in a form specified by the Motor Vehicle Division and shall
- 538 include:
- 539 (i) the operator's name, if known;
- 540 (ii) a description of the vehicle, vessel, or outboard motor;
- 541 (iii) the vehicle identification number or vessel or outboard motor identification
- 542 number;
- 543 (iv) the license number, temporary permit number, or other identification number
- 544 issued by a state agency;
- 545 (v) the date, time, and place of impoundment;
- 546 (vi) the reason for removal or impoundment;
- 547 (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, or
- 548 outboard motor; and
- 549 (viii) the place where the vehicle, vessel, or outboard motor is stored.
- 550 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 551 State Tax Commission shall make rules to establish proper format and information required on
- 552 the form described in this Subsection (4).
- 553 (e) Until the tow truck operator or tow truck motor carrier reports the removal as
- 554 required under this Subsection (4), a tow truck motor carrier or impound yard may not:
- 555 (i) collect any fee associated with the removal; and
- 556 (ii) begin charging storage fees.
- 557 (5) (a) Except as provided in Subsection (5)(e) and upon receipt of the report, the
- 558 Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to the
- 559 following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:

- 560 (i) the registered owner;
- 561 (ii) any lien holder; or
- 562 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor
563 is currently operating under a temporary permit issued by the dealer, as described in Section
564 41-3-302.
- 565 (b) The notice shall:
- 566 (i) state the date, time, and place of removal, the name, if applicable, of the person
567 operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal,
568 and the place where the vehicle, vessel, or outboard motor is stored;
- 569 (ii) state that the registered owner is responsible for payment of towing, impound, and
570 storage fees charged against the vehicle, vessel, or outboard motor;
- 571 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard
572 motor is released; and
- 573 (iv) inform the parties described in Subsection (5)(a) of the division's intent to sell the
574 vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or
575 impoundment under this section, one of the parties fails to make a claim for release of the
576 vehicle, vessel, or outboard motor.
- 577 (c) Except as provided in Subsection (5)(e) and if the vehicle, vessel, or outboard
578 motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort
579 to notify the parties described in Subsection (5)(a) of the removal and the place where the
580 vehicle, vessel, or outboard motor is stored.
- 581 (d) The Motor Vehicle Division shall forward a copy of the notice to the place where
582 the vehicle, vessel, or outboard motor is stored.
- 583 (e) The Motor Vehicle Division is not required to give notice under this Subsection (5)
584 if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck
585 service in accordance with Subsection 72-9-603(1)(a)(i).
- 586 (6) (a) The vehicle, vessel, or outboard motor shall be released after a party described
587 in Subsection (5)(a):
- 588 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of
589 the State Tax Commission;
- 590 (ii) presents identification sufficient to prove ownership of the impounded vehicle,

591 vessel, or outboard motor;

592 (iii) completes the registration, if needed, and pays the appropriate fees;

593 (iv) if the impoundment was made under Section 41-6a-527 or Subsection

594 41-1a-1101(3), pays an administrative impound fee of \$400; and

595 (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard
596 motor is stored.

597 (b) (i) [~~Twenty-nine dollars~~] \$29 of the administrative impound fee assessed under
598 Subsection (6)(a)(iv) shall be dedicated credits to the Motor Vehicle Division;

599 (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
600 be deposited into the Department of Public Safety Restricted Account created in Section
601 53-3-106;

602 (iii) \$20 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
603 be deposited into the Neuro-Rehabilitation Fund created in Section 26B-1-319; and

604 (iv) the remainder of the administrative impound fee assessed under Subsection
605 (6)(a)(iv) shall be deposited into the General Fund.

606 (c) The administrative impound fee assessed under Subsection (6)(a)(iv) shall be
607 waived or refunded by the State Tax Commission if the registered owner, lien holder, or
608 owner's agent presents written evidence to the State Tax Commission that:

609 (i) the Driver License Division determined that the arrested person's driver license
610 should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter
611 or other report from the Driver License Division presented within 180 days after the day on
612 which the Driver License Division mailed the final notification; or

613 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the
614 stolen vehicle report presented within 180 days after the day of the impoundment.

615 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
616 payment by cash and debit or credit card for a removal or impoundment under Subsection (1)
617 or any service rendered, performed, or supplied in connection with a removal or impoundment
618 under Subsection (1).

619 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the
620 impounded vehicle, vessel, or outboard motor if:

621 (i) the vehicle, vessel, or outboard motor is being held as evidence; and

622 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in
623 Subsection (5)(a), even if the party satisfies the requirements to release the vehicle, vessel, or
624 outboard motor under this Subsection (6).

625 (7) (a) For an impounded vehicle, vessel, or outboard motor not claimed by a party
626 described in Subsection (5)(a) within the time prescribed by Section 41-1a-1103, the Motor
627 Vehicle Division shall issue a certificate of sale for the impounded vehicle, vessel, or outboard
628 motor as described in Section 41-1a-1103.

629 (b) The date of impoundment is considered the date of seizure for computing the time
630 period provided under Section 41-1a-1103.

631 (8) A party described in Subsection (5)(a) that pays all fees and charges incurred in the
632 impoundment of the owner's vehicle, vessel, or outboard motor has a cause of action for all the
633 fees and charges, together with damages, court costs, and attorney fees, against the operator of
634 the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.

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

637 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
638 the department shall make rules setting the performance standards for towing companies to be
639 used by the department.

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

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

645 (ii) The fees under this Subsection (11)(b) shall:

646 (A) be reasonable and fair; and

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

648 Section 5. Section **41-12a-806** is amended to read:

649 **41-12a-806. Restricted account -- Creation -- Funding -- Interest -- Purposes.**

650 (1) There is created within the Transportation Fund a restricted account known as the
651 "Uninsured Motorist Identification Restricted Account."

652 (2) The account consists of money generated from the following revenue sources:

- 653 (a) money received by the state under Section 41-1a-1218, the uninsured motorist
654 identification fee;
- 655 (b) money received by the state under Section 41-1a-1220, the registration
656 reinstatement fee; and
- 657 (c) appropriations made to the account by the Legislature.
- 658 (3) (a) The account shall earn interest.
- 659 (b) All interest earned on account money shall be deposited into the account.
- 660 (4) The Legislature shall appropriate money from the account to:
- 661 (a) the department to fund the contract with the designated agent;
- 662 (b) the department to offset the costs to state and local law enforcement agencies of
663 using the information for the purposes authorized under this part;
- 664 (c) the Tax Commission to offset the costs to the Motor Vehicle Division for revoking
665 and reinstating vehicle registrations under Subsection 41-1a-110(2)(a)(ii); and
- 666 (d) the department to reimburse a person for the costs of towing and storing the
667 person's vehicle if:
- 668 (i) the person's vehicle was impounded in accordance with Subsection [~~41-1a-110(2)~~]
669 41-1a-110(4);
- 670 (ii) the impounded vehicle had owner's or operator's security in effect for the vehicle at
671 the time of the impoundment;
- 672 (iii) the database indicated that owner's or operator's security was not in effect for the
673 impounded vehicle; and
- 674 (iv) the department determines that the person's vehicle was wrongfully impounded.
- 675 (5) The Legislature may appropriate not more than \$1,500,000 annually from the
676 account to the Peace Officer Standards and Training Division, created under Section 53-6-103,
677 for use in law enforcement training, including training on the use of the Uninsured Motorist
678 Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured
679 Motorist Identification Database Program.
- 680 (6) (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
681 Act, the department shall hold a hearing to determine whether a person's vehicle was
682 wrongfully impounded under Subsection [~~41-1a-110(2)~~] 41-1a-110(4).
- 683 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

684 division shall make rules establishing procedures for a person to apply for a reimbursement
685 under Subsection (4)(d).

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

689 Section 6. Section **53-3-220** is amended to read:

690 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
691 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
692 **Limited driving privileges.**

693 (1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter
694 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or
695 disqualification, the division shall deny, suspend, or disqualify the license of a person upon
696 receiving a record of the person's conviction for:

697 (i) manslaughter or negligent homicide resulting from driving a motor vehicle,
698 negligently operating a vehicle resulting in death under Section 76-5-207, or automobile
699 homicide involving using a handheld wireless communication device while driving under
700 Section 76-5-207.5;

701 (ii) driving or being in actual physical control of a motor vehicle while under the
702 influence of alcohol, any drug, or combination of them to a degree that renders the person
703 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited
704 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

705 (iii) driving or being in actual physical control of a motor vehicle while having a blood
706 or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance
707 that complies with the requirements of Subsection 41-6a-510(1);

708 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
709 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
710 regulating driving on highways;

711 (v) any felony under the motor vehicle laws of this state;

712 (vi) any other felony in which a motor vehicle is used to facilitate the offense;

713 (vii) failure to stop and render aid as required under the laws of this state if a motor
714 vehicle accident results in the death or personal injury of another;

715 (viii) two charges of reckless driving, impaired driving, or any combination of reckless
716 driving and impaired driving committed within a period of 12 months; but if upon a first
717 conviction of reckless driving or impaired driving the judge or justice recommends suspension
718 of the convicted person's license, the division may after a hearing suspend the license for a
719 period of three months;

720 (ix) failure to bring a motor vehicle to a stop at the command of a law enforcement
721 officer as required in Section 41-6a-210;

722 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
723 requires disqualification;

724 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
725 allowing the discharge of a firearm from a vehicle;

726 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
727 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);

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

731 (xiv) operating or being in actual physical control of a motor vehicle while having any
732 measurable or detectable amount of alcohol in the person's body in violation of Section
733 41-6a-530;

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

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

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

739 (xviii) two or more offenses that:

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

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

742 (C) arose from separate incidents.

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

745 (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or

746 allowing the discharge of a firearm from a vehicle; or

747 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
748 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).

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

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

755 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

756 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

757 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;

758 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

759 (F) any criminal offense that prohibits possession, distribution, manufacture,
760 cultivation, sale, or transfer of any substance that is prohibited under the acts described in
761 Subsections (1)(c)(i)(A) through (E), or the attempt or conspiracy to possess, distribute,
762 manufacture, cultivate, sell, or transfer any substance that is prohibited under the acts described
763 in Subsections (1)(c)(i)(A) through (E).

764 (ii) Notwithstanding the provisions in Subsection (1)(c)(i), the division shall reinstate a
765 person's driving privilege before completion of the suspension period imposed under
766 Subsection (1)(c)(i) if the reporting court notifies the Driver License Division, in a manner
767 specified by the division, that the defendant is participating in or has successfully completed a
768 drug court program as defined in Section 78A-5-201.

769 (iii) If a person's driving privilege is reinstated under Subsection (1)(c)(ii), the person is
770 required to pay the license reinstatement fees under Subsection 53-3-105(26).

771 (iv) The court shall notify the division, in a manner specified by the division, if a
772 person fails to complete all requirements of the drug court program.

773 (v) Upon receiving the notification described in Subsection (1)(c)(iv), the division shall
774 suspend the person's driving privilege for a period of six months from the date of the notice,
775 and no days shall be subtracted from the six-month suspension period for which a driving
776 privilege was previously suspended under Subsection (1)(c)(i).

777 (d) (i) The division shall immediately suspend a person's driver license for conviction
778 of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:

779 (A) an order from the sentencing court requiring that the person's driver license be
780 suspended; and

781 (B) a record of the conviction.

782 (ii) An order of suspension under this section is at the discretion of the sentencing
783 court, and may not be for more than 90 days for each offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

818 (ii) a record of the conviction.

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

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

824 (b) a record of a conviction of the person for any violation of the motor vehicle law in
825 which the person was involved as a driver;

826 (c) a report of an arrest of the person for any violation of the motor vehicle law in
827 which the person was involved as a driver; or

828 (d) a report of an accident in which the person was involved as a driver.

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

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

837 (i) those offenses referred to in Subsections (1)(a)(i), (ii), (iii), (xi), (xii), (xiii), (1)(b),
838 and (1)(c)(i); and

839 (ii) those offenses referred to in Subsection (2) when the original denial, suspension,
840 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,
841 41-6a-517, a local ordinance that complies with the requirements of Subsection 41-6a-510(1),
842 Section 41-6a-520, 41-6a-520.1, 76-5-102.1, or 76-5-207, or a criminal prohibition that the
843 person was charged with violating as a result of a plea bargain after having been originally
844 charged with violating one or more of these sections or ordinances, unless:

845 (A) the person has had the period of the first denial, suspension, revocation, or
846 disqualification extended for a period of at least three years;

847 (B) the division receives written verification from the person's primary care physician
848 that:

849 (I) to the physician's knowledge the person has not used any narcotic drug or other
850 controlled substance except as prescribed by a licensed medical practitioner within the last
851 three years; and

852 (II) the physician is not aware of any physical, emotional, or mental impairment that
853 would affect the person's ability to operate a motor vehicle safely; and

854 (C) for a period of one year prior to the date of the request for a limited driving
855 privilege:

856 (I) the person has not been convicted of a violation of any motor vehicle law in which
857 the person was involved as the operator of the vehicle;

858 (II) the division has not received a report of an arrest for a violation of any motor
859 vehicle law in which the person was involved as the operator of the vehicle; and

860 (III) the division has not received a report of an accident in which the person was
861 involved as an operator of a vehicle.

862 (b) (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege
863 authorized in this Subsection (4):

864 (A) is limited to when undue hardship would result from a failure to grant the
865 privilege; and

866 (B) may be granted only once to any person during any single period of denial,
867 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
868 or disqualification.

869 (ii) The discretionary privilege authorized in Subsection (4)(a)(ii):

870 (A) is limited to when the limited privilege is necessary for the person to commute to
871 school or work; and

872 (B) may be granted only once to any person during any single period of denial,
873 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
874 or disqualification.

875 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
876 Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or
877 denied under this chapter.

878 Section 7. Section **76-1-101.5** is amended to read:

879 **76-1-101.5. Definitions.**

880 Unless otherwise provided, as used in this title:

881 (1) "Act" means a voluntary bodily movement and includes speech.

882 (2) "Actor" means a person whose criminal responsibility is in issue in a criminal
883 action.

884 (3) "Affinity" means a relationship by marriage.

885 (4) "Bodily injury" means physical pain, illness, or any impairment of physical
886 condition.

887 (5) "Conduct" means an act or omission.

888 (6) "Consanguinity" means a relationship by blood to the first or second degree,
889 including an individual's parent, grandparent, sibling, child, aunt, uncle, niece, or nephew.

890 (7) (a) "Dangerous weapon" means:

891 [(a)] (i) any item capable of causing death or serious bodily injury; or

892 [(b)] (ii) a facsimile or representation of the item, if:

893 [(i)] (A) the actor's use or apparent intended use of the item leads the victim to
894 reasonably believe the item is likely to cause death or serious bodily injury; or

895 [(ii)] (B) the actor represents to the victim verbally or in any other manner that the
896 actor is in control of such an item.

897 (b) "Dangerous weapon" includes an automobile, a truck, a truck tractor, a bus, or any
898 other self-propelled vehicle.

899 (8) "Grievous sexual offense" means:

900 (a) rape, Section 76-5-402;

- 901 (b) rape of a child, Section 76-5-402.1;
- 902 (c) object rape, Section 76-5-402.2;
- 903 (d) object rape of a child, Section 76-5-402.3;
- 904 (e) forcible sodomy, Subsection 76-5-403(2);
- 905 (f) sodomy on a child, Section 76-5-403.1;
- 906 (g) aggravated sexual abuse of a child, Section 76-5-404.3;
- 907 (h) aggravated sexual assault, Section 76-5-405;
- 908 (i) any felony attempt to commit an offense described in Subsections (8)(a) through
- 909 (h); or
- 910 (j) an offense in another state, territory, or district of the United States that, if
- 911 committed in Utah, would constitute an offense described in Subsections (8)(a) through (i).
- 912 (9) "Offense" means a violation of any penal statute of this state.
- 913 (10) "Omission" means a failure to act when there is a legal duty to act and the actor is
- 914 capable of acting.
- 915 (11) "Person" means an individual, public or private corporation, government,
- 916 partnership, or unincorporated association.
- 917 (12) "Possess" means to have physical possession of or to exercise dominion or control
- 918 over tangible property.
- 919 (13) "Public entity" means:
- 920 (a) the state, or an agency, bureau, office, department, division, board, commission,
- 921 institution, laboratory, or other instrumentality of the state;
- 922 (b) a political subdivision of the state, including a county, municipality, interlocal
- 923 entity, special district, special service district, school district, or school board;
- 924 (c) an agency, bureau, office, department, division, board, commission, institution,
- 925 laboratory, or other instrumentality of a political subdivision of the state; or
- 926 (d) another entity that:
- 927 (i) performs a public function; and
- 928 (ii) is authorized to hold, spend, transfer, disburse, use, or receive public money.
- 929 (14) (a) "Public money" or "public funds" means money, funds, or accounts, regardless
- 930 of the source from which they are derived, that:
- 931 (i) are owned, held, or administered by an entity described in Subsections (13)(a)

932 through (c); or

933 (ii) are in the possession of an entity described in Subsection (13)(d)(i) for the purpose
934 of performing a public function.

935 (b) "Public money" or "public funds" includes money, funds, or accounts described in
936 Subsection (14)(a) after the money, funds, or accounts are transferred by a public entity to an
937 independent contractor of the public entity.

938 (c) "Public money" or "public funds" remains public money or public funds while in
939 the possession of an independent contractor of a public entity for the purpose of providing a
940 program or service for, or on behalf of, the public entity.

941 (15) "Public officer" means:

942 (a) an elected official of a public entity;

943 (b) an individual appointed to, or serving an unexpired term of, an elected official of a
944 public entity;

945 (c) a judge of a court of record or not of record, including justice court judges; or

946 (d) a member of the Board of Pardons and Parole.

947 (16) (a) "Public servant" means:

948 (i) a public officer;

949 (ii) an appointed official, employee, consultant, or independent contractor of a public
950 entity; or

951 (iii) a person hired or paid by a public entity to perform a government function.

952 (b) Public servant includes a person described in Subsection (16)(a) upon the person's
953 election, appointment, contracting, or other selection, regardless of whether the person has
954 begun to officially occupy the position of a public servant.

955 (17) "Serious bodily injury" means bodily injury that creates or causes serious
956 permanent disfigurement, protracted loss or impairment of the function of any bodily member
957 or organ, or creates a substantial risk of death.

958 (18) "Substantial bodily injury" means bodily injury, not amounting to serious bodily
959 injury, that creates or causes protracted physical pain, temporary disfigurement, or temporary
960 loss or impairment of the function of any bodily member or organ.

961 (19) "Writing" or "written" includes any handwriting, typewriting, printing, electronic
962 storage or transmission, or any other method of recording information or fixing information in

963 a form capable of being preserved.

964 Section 8. Section **76-3-203.17** is enacted to read:

965 **76-3-203.17. Enhancement of an offense for road rage.**

966 (1) As used in this section:

967 (a) "Roadway" means the same as that term is defined in Section 41-1a-1101.

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

969 (c) "Vehicle" means the same as that term is defined in Section 41-1a-102.

970 (2) An actor is guilty of:

971 (a) (i) a class C misdemeanor if the actor is charged with an offense that is designated
972 by law as an infraction;

973 (ii) a class B misdemeanor if the actor is charged with an offense that is designated by
974 law as a class C misdemeanor;

975 (iii) a class A misdemeanor if the actor is charged with an offense that is designated by
976 law as a class B misdemeanor;

977 (iv) a third degree felony if the actor is charged with an offense that is designated by
978 law as a class A misdemeanor;

979 (v) a third degree felony if the actor is charged with an offense that is designated by
980 law as a third degree felony; or

981 (vi) a second degree felony if the actor is charged with an offense that is designated by
982 law as a second degree felony; and

983 (b) the trier of fact finds:

984 (i) the actor committed the offense;

985 (ii) the actor was an operator or passenger of a vehicle;

986 (iii) the actor committed the offense in response to an incident that occurred or
987 escalated upon a roadway; and

988 (iv) the actor committed the offense with the intent to endanger or intimidate an
989 individual in another vehicle.

990 (3) (a) If an actor is guilty of a class C misdemeanor as described in Subsection

991 (2)(a)(i), the court shall impose a mandatory fine of no less than \$500 in addition to any other
992 penalty the court may impose for a class C misdemeanor.

993 (b) If an actor is guilty of a class B misdemeanor as described in Subsection (2)(a)(ii),

994 the court shall impose a mandatory fine of no less than \$500 in addition to any other penalty
995 the court may impose for a class B misdemeanor.

996 (c) If an actor is guilty of a class A misdemeanor as described in Subsection (2)(a)(iii),
997 the court shall impose a mandatory fine of no less than \$750 in addition to any other penalty
998 the court may impose for a class A misdemeanor.

999 (d) If an actor is guilty of a third degree felony as described in Subsection (2)(a)(iv),
1000 the court shall impose a mandatory fine of no less than \$1,000 in addition to any other penalty
1001 the court may impose for a third degree felony.

1002 (e) If an actor is guilty of a third degree felony as described in Subsection (2)(a)(v):

1003 (i) the court shall impose a mandatory fine of no less than \$1,000; and

1004 (ii) the court may impose an indeterminate term of imprisonment for no less than one
1005 year and no more than five years in addition to any other penalty the court may impose for a
1006 third degree felony.

1007 (f) If an actor is guilty of a second degree felony as described in Subsection (2)(a)(vi):

1008 (i) the court shall impose a mandatory fine of no less than \$1,000; and

1009 (ii) the court may impose an indeterminate term of imprisonment for no less than two
1010 years and no more than 15 years in addition to any other penalty the court may impose for a
1011 second degree felony.

1012 (4) The prosecuting attorney, or the grand jury if an indictment is returned, shall
1013 include notice in the information or indictment that the offense is subject to an enhancement
1014 under this section.

1015 (5) (a) If an actor is convicted of an offense and the offense is enhanced under this
1016 section, the court may order the suspension of the actor's driver license for a period of no
1017 longer than one year, except that the court may not order a suspension of an actor's driver
1018 license if the actor's driver license is required to be revoked under Subsection 53-3-220(1).

1019 (b) If the court orders the suspension of the actor's driver license, the court shall:

1020 (i) specify the length of the suspension in the order as described in Section 53-3-225;

1021 and

1022 (ii) forward the order of suspension to the Driver License Division.

1023 (6) If an offense is enhanced under this section, the court shall forward a record of
1024 conviction for the offense to the Driver License Division.

1025 Section 9. **Effective date.**

1026 This bill takes effect on July 1, 2024.