

Representative Duane E. Bourdeaux proposes to substitute the following bill:

TRAFFIC STOPS STATISTICS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Duane E. Bourdeaux

AN ACT RELATING TO PUBLIC SAFETY; REQUIRING RACE INFORMATION TO BE ADDED TO THE DRIVER LICENSE; ESTABLISHING FORMS, PROCEDURES, AND REPORTING REQUIREMENTS TO MONITOR TRAFFIC STOPS AMONG LAW ENFORCEMENT OFFICERS FOR A SPECIFIED NUMBER OF YEARS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53-3-205, as last amended by Chapters 36 and 216, Laws of Utah 1999

53-3-207, as last amended by Chapter 216, Laws of Utah 1999

77-7-20, as enacted by Chapter 15, Laws of Utah 1980

ENACTS:

53-14-101, Utah Code Annotated 1953

53-14-102, Utah Code Annotated 1953

53-14-103, Utah Code Annotated 1953

53-14-104, Utah Code Annotated 1953

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

Section 1. Section **53-3-205** is amended to read:

53-3-205. Application for license or endorsement -- Fee required -- Tests -- Expiration dates of licenses and endorsements -- Information required -- Previous licenses surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required -- License agreement.

(1) An application for any original license, provisional license, or endorsement shall be:

- 26 (a) made upon a form furnished by the division; and
- 27 (b) accompanied by a nonrefundable fee set under Section 53-3-105.
- 28 (2) An application and fee for an original class D license entitle the applicant to:
- 29 (a) not more than three attempts to pass both the written and skills tests for a class D
- 30 license within six months of the date of the application;
- 31 (b) a learner permit if needed after the written test is passed; and
- 32 (c) an original class D license and license certificate after all tests are passed.
- 33 (3) An application and fee for an original class M license entitle the applicant to:
- 34 (a) not more than three attempts to pass both the written and skills tests for a class M
- 35 license within six months of the date of the application;
- 36 (b) a learner permit if needed after the written test is passed; and
- 37 (c) an original class M license and license certificate after all tests are passed.
- 38 (4) An application and fee for a motorcycle or taxicab endorsement entitle the applicant
- 39 to:
- 40 (a) not more than three attempts to pass both the written and skills tests within six months
- 41 of the date of the application;
- 42 (b) a motorcycle learner permit if needed after the motorcycle written test is passed; and
- 43 (c) a motorcycle or taxicab endorsement when all tests are passed.
- 44 (5) An application and fees for a commercial class A, B, or C license entitle the applicant
- 45 to:
- 46 (a) not more than two attempts to pass a written test and not more than two attempts to
- 47 pass a skills test within six months of the date of the application;
- 48 (b) a commercial driver instruction permit if needed after the written test is passed; and
- 49 (c) an original commercial class A, B, or C license and license certificate when all
- 50 applicable tests are passed.
- 51 (6) An application and fee for a CDL endorsement entitle the applicant to:
- 52 (a) not more than two attempts to pass a written test and not more than two attempts to
- 53 pass a skills test within six months of the date of the application; and
- 54 (b) a CDL endorsement when all tests are passed.
- 55 (7) If a CDL applicant does not pass a written test, skills test, or an endorsement test within
- 56 the number of attempts provided in Subsection (5) or (6), each test may be taken two additional

57 times within the six months for the fee provided in Section 53-3-105.

58 (8) (a) An original license expires on the birth date of the applicant in the fifth year
59 following the year the license certificate was issued.

60 (b) A renewal or an extension to a license expires on the birth date of the licensee in the
61 fifth year following the expiration date of the license certificate renewed or extended.

62 (c) A duplicate license expires on the same date as the last license certificate issued.

63 (d) An endorsement to a license expires on the same date as the license certificate
64 regardless of the date the endorsement was granted.

65 (e) A license and any endorsement to the license held by a person ordered to active duty
66 and stationed outside Utah in any of the armed forces of the United States, which expires during
67 the time period the person is stationed outside of the state, is valid until 90 days after the person
68 has been discharged or has left the service, unless the license is suspended, disqualified, denied,
69 or has been cancelled or revoked by the division, or the licensee updates the information or
70 photograph on the license certificate.

71 (9) (a) In addition to the information required by Title 63, Chapter 46b, Administrative
72 Procedures Act, for requests for agency action, each application shall:

73 (i) state the full legal name, birth date, sex, race in accordance with the categories
74 established by the U.S. Census Bureau, Social Security number or temporary identification number
75 (ITIN) issued by the Internal Revenue Service for a person who does not qualify for a Social
76 Security number, and residence address of the applicant;

77 (ii) briefly describe the applicant;

78 (iii) state whether the applicant has previously been licensed to drive a motor vehicle and,
79 if so, when and by what state or country;

80 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,
81 disqualified, or denied in the last six years, or whether the applicant has ever had any license
82 application refused, and if so, the date of and reason for the suspension, cancellation, revocation,
83 disqualification, denial, or refusal;

84 (v) provide all other information the division requires; and

85 (vi) be signed.

86 (b) An applicant's Social Security number or temporary identification number (ITIN) shall
87 be maintained on the computerized records of the division.

88 (10) The division shall require proof of every applicant's name, birthdate, and birthplace
89 by at least one of the following means:

90 (a) current license certificate;

91 (b) birth certificate;

92 (c) Selective Service registration; or

93 (d) other proof, including church records, family Bible notations, school records, or other
94 evidence considered acceptable by the division.

95 (11) When an applicant receives a license in another class, all previous license certificates
96 shall be surrendered and canceled. However, a disqualified commercial license may not be
97 canceled unless it expires before the new license certificate is issued.

98 (12) (a) When an application is received from a person previously licensed in another state
99 to drive a motor vehicle, the division shall request a copy of the driver's record from the other state.

100 (b) When received, the driver's record becomes part of the driver's record in this state with
101 the same effect as though entered originally on the driver's record in this state.

102 (13) An application for reinstatement of a license after the suspension, cancellation,
103 disqualification, denial, or revocation of a previous license shall be accompanied by the additional
104 fee or fees specified in Section 53-3-105.

105 (14) A person who has an appointment with the division for testing and fails to keep the
106 appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under
107 Section 53-3-105.

108 (15) A person who applies for an original license or renewal of a license agrees that the
109 person's license is subject to any suspension or revocation authorized under this title or Title 41,
110 Motor Vehicles.

111 Section 2. Section **53-3-207** is amended to read:

112 **53-3-207. License certificates issued to drivers by class of motor vehicle -- Contents**
113 **-- Anatomical gifts indication -- Temporary licenses -- Minors' licenses and permits --**
114 **Violation.**

115 (1) (a) The division shall issue to every person privileged to drive a motor vehicle, a
116 license certificate indicating the type or class of motor vehicle the licensee may drive.

117 (b) A person may not drive a class of motor vehicle unless licensed in that class.

118 (2) (a) Every license certificate shall bear:

- 119 (i) the distinguishing number assigned to the licensee by the division;
120 (ii) the name, birth date, race, and residence address of the licensee;
121 (iii) a brief description of the licensee for the purpose of identification;
122 (iv) any restrictions imposed on the license under Section 53-3-208;
123 (v) a photograph of the licensee; and
124 (vi) a photograph or other facsimile of the licensee's signature.
- 125 (b) A new license certificate issued by the division may bear the social security number of
126 the licensee only at the request of the licensee.
- 127 (c) (i) The license certificate shall be of an impervious material, resistant to wear, damage,
128 and alteration.
- 129 (ii) The size, form, and color of the license certificate shall be as prescribed by the
130 commissioner.
- 131 (iii) The commissioner may also prescribe the issuance of a special type of limited license
132 certificate under Subsection 53-3-220(4) and may authorize the issuance of a renewed or duplicate
133 license certificate without a picture if the applicant is not then living in the state.
- 134 (3) (a) (i) When a license is granted or renewed, the division shall, upon request of the
135 licensee, provide a method of identification on the license certificate, which indicates the licensee's
136 intent to make an anatomical gift under Title 26, Chapter 28, Uniform Anatomical Gift Act.
- 137 (ii) The statement shall be signed in the presence of at least one witness, who shall sign
138 the statement in the presence of the licensee.
- 139 (b) The division or any of its employees are not liable for any loss, detriment, or injury,
140 directly or indirectly, which results from false or inaccurate information regarding the anatomical
141 gift notification.
- 142 (4) (a) (i) The division upon determining after an examination that an applicant is mentally
143 and physically qualified to be granted a license may issue to an applicant a receipt for the fee.
- 144 (ii) The receipt serves as a temporary license certificate allowing him to drive a motor
145 vehicle while the division is completing its investigation to determine whether he is entitled to be
146 licensed.
- 147 (b) The receipt shall be in his immediate possession while driving a motor vehicle, and it
148 is invalid when the applicant's license certificate has been issued or when, for good cause, the
149 privilege has been refused.

150 (c) The division shall indicate on the receipt a date after which it is not valid as a license
151 certificate.

152 (5) The division shall distinguish learner permits, temporary permits, and license
153 certificates issued to any person younger than 21 years of age by use of the plainly printed word
154 "minor" or "under 21" or the use of a special color not used for other license certificates.

155 (6) The division shall issue temporary license certificates of the same nature, except as to
156 duration, as the license certificates that they temporarily replace, as are necessary to implement
157 applicable provisions of Section 53-3-223.

158 (7) A person who violates Subsection (1)(b) is guilty of a class C misdemeanor.
159 Section 3. Section **53-14-101** is enacted to read:

160 **CHAPTER 14. TRAFFIC STOPS STATISTICS**

161 **53-14-101. Title.**

162 This chapter is known as the "Traffic Stops Statistics Act."

163 Section 4. Section **53-14-102** is enacted to read:

164 **53-14-102. Definitions.**

165 As used in this chapter:

166 (1) "Commissioner" means the commissioner of the Department of Public Safety.

167 (2) "Law enforcement agency" means the Department of Public Safety and each municipal
168 and county law enforcement agency.

169 (3) "Law enforcement officer" means the state and local officers defined under Section
170 53-13-103.

171 (4) "Traffic stop" means a law enforcement officer stopped a vehicle, but did not make an
172 arrest, or issue a warning or citation.

173 Section 5. Section **53-14-103** is enacted to read:

174 **53-14-103. Requirements to monitor traffic stops.**

175 (1) Each law enforcement agency shall adopt a written policy that prohibits the stopping,
176 detention, or search of any person when the action:

177 (a) is solely motivated by considerations of race, color, ethnicity, age, or gender; and

178 (b) would constitute a violation of the civil rights of the person.

179 (2) Each law enforcement agency shall record and retain:

180 (a) the number of traffic stops made monthly by the agency; and

181 (b) the following information, using the form created under Subsection 53-14-104(1), only
182 if the driver's race information is on his or her driver license:

183 (i) the race, gender, and age of the driver of the vehicle;

184 (ii) the reason for stopping the vehicle;

185 (iii) whether a search was conducted as a result of the stop;

186 (iv) the time and location of the stop; and

187 (v) any additional information that a law enforcement agency finds appropriate to require.

188 (3) Each law enforcement officer, after making a traffic stop, shall issue a form letter to
189 the driver of the vehicle that indicates:

190 (a) proactive traffic enforcement is a productive strategy to protect the public from the
191 devastation caused by traffic-related death and injury, illegal trafficking in and possession of
192 weapons and drugs, and fugitives at large, and to otherwise promote and maintain an orderly and
193 law-abiding society;

194 (b) proactive traffic enforcement must be conducted in full compliance with constitutional
195 and statutory safeguards established to preserve the rights of citizens, prescriptions of case law,
196 and sanctioned policies and practices of law enforcement agencies, and the spirit of American
197 democratic principles;

198 (c) the procedure to file a complaint if the driver of the vehicle feels he or she has been
199 mistreated or has been treated in a biased or prejudiced manner; and

200 (d) the law enforcement officer's name, badge number, and employer.

201 (4) Each law enforcement agency shall provide to the commissioner on a quarterly basis:

202 (a) a copy of each complaint received pursuant to this chapter; and

203 (b) written notification of the review and disposition of the complaint.

204 (5) Any law enforcement officer who in good faith records traffic stop information
205 pursuant to the requirements of this section may not be held civilly liable for the act of recording
206 the information unless the officer's conduct is found to be unreasonable or reckless.

207 (6) If a law enforcement agency fails to comply with the provisions of this chapter the
208 commissioner shall report the noncompliance to the Legislature. The Legislature may impose an
209 appropriate penalty in the form of withholding state funds from these agencies.

210 (7) Each law enforcement agency shall quarterly report to the commissioner the
211 information regarding each warning, citation, and traffic stop by the agency. The report shall be

212 in a form the commissioner prescribes.

213 (8) The commissioner shall:

214 (a) provide for a review and evaluation of the prevalence and disposition of traffic stops
215 and complaints reported under this section; and

216 (b) report to the attorney general, governor, and Legislature the results of the review,
217 including any recommendations, on or before January 1, 2004.

218 (9) The provisions of Subsections (2), (7), and (8) are no longer in effect on and after
219 January 2, 2004.

220 Section 6. Section **53-14-104** is enacted to read:

221 **53-14-104. Creation of forms to monitor racial profiling.**

222 The commissioner shall develop and implement:

223 (1) a form, in both printed and electronic format, to be used by law enforcement officers
224 when making a traffic stop, to record personal identifying information about the driver of the
225 vehicle as required under Subsection 53-14-103(2); and

226 (2) a form, in both printed and electronic format, to be made available to the public to
227 report complaints under Subsection 53-14-103(3) by persons who believe they have been subjected
228 to a traffic stop by a law enforcement officer solely on the basis of race, color, ethnicity, age, or
229 gender.

230 Section 7. Section **77-7-20** is amended to read:

231 **77-7-20. Service of citation on defendant -- Filing in court -- Contents of citations --**
232 **Contents of warnings.**

233 (1) If a citation is issued pursuant to Section 77-7-18, the peace officer or public official
234 shall issue one copy to the person cited and shall within five days file a duplicate copy with the
235 court specified in the citation.

236 (2) Each copy of the citation issued under authority of this chapter shall contain:

237 (a) the name of the court before which the person is to appear;

238 (b) the name of the person cited;

239 (c) the race of the person cited, if the race information is on the driver license;

240 [~~(c)~~] (d) a brief description of the offense charged;

241 [~~(d)~~] (e) the date, time, and place at which the offense is alleged to have occurred;

242 [~~(e)~~] (f) the date on which the citation was issued;

274 (b) a notice containing the following information:

275 (i) proactive traffic enforcement is a productive strategy to protect the public from the
276 devastation caused by traffic-related death and injury, illegal trafficking in and possession of
277 weapons and drugs, and fugitives at large, and to otherwise promote and maintain an orderly and
278 law-abiding society;

279 (ii) proactive traffic enforcement must be conducted in full compliance with constitutional
280 and statutory safeguards established to preserve the rights of citizens, prescriptions of case law,
281 and sanctioned policies and practices of law enforcement agencies, and the spirit of American
282 democratic principles; and

283 (iii) the procedure to file a complaint if the person feels he or she has been mistreated or
284 has been treated in a biased or prejudiced manner.