

? Approved for Filing: SCA ?

? 01-05-01 1:27 PM ?

TRAFFIC STOP STATISTICS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Duane E. Bourdeaux

This act modifies the Uniform Driver License Act and related provisions regarding traffic law enforcement. The act requires race information to be added to driver licenses and state identification cards, and requires this race information to be stated on issued citations. The act requires the Driver License Division to establish a database to monitor traffic stops by peace officers and provides the Commission on Criminal and Juvenile Justice access to the information for evaluation. The act requires law enforcement agencies in the state to establish, on or before January 1, 2002, written policies prohibiting unconstitutional traffic enforcement. This act takes effect on October 1, 2001.

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

AMENDS:

10-3-913, as last amended by Chapter 44, Laws of Utah 1990

10-3-918, as last amended by Chapter 33, Laws of Utah 1983

17-22-2, as last amended by Chapter 133, Laws of Utah 2000

53-1-108, as enacted by Chapter 234, Laws of Utah 1993

53-3-104, as last amended by Chapters 239 and 255, Laws of Utah 2000

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

53-3-804, as last amended by Chapter 36, Laws of Utah 1999

53-3-805, as renumbered and amended by Chapters 24 and 234, Laws of Utah 1993

53-8-104, as last amended by Chapters 236 and 396, Laws of Utah 1998

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

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

Section 1. Section **10-3-913** is amended to read:

HB0199

28 **10-3-913. Authority of chief of police.**

29 (1) The chief of police has the same authority as the sheriff within the boundaries of the
30 municipality of appointment. The chief has authority to:

- 31 (a) suppress riots, disturbances, and breaches of the peace;
- 32 (b) apprehend all persons violating state laws or city ordinances;
- 33 (c) diligently discharge his duties and enforce all ordinances of the city to preserve the
34 peace, good order, and protection of the rights and property of all persons; and
- 35 (d) attend the municipal justice court located within the city when required, provide
36 security for the court, and obey its orders and directions.

37 (2) This section is not a limitation of a police chief's statewide authority as otherwise
38 provided by law.

39 (3) The chief of police shall, on or before January 1, 2002, adopt a written policy that
40 prohibits the stopping, detention, or search of any person when the action:

- 41 (a) is solely motivated by considerations of race, color, ethnicity, age, or gender; and
- 42 (b) would constitute a violation of the civil rights of the person.

43 Section 2. Section **10-3-918** is amended to read:

44 **10-3-918. Chief of police or marshal in third class cities and towns.**

45 (1) In cities of the third class and towns, the chief of police or marshal shall exercise and
46 perform such duties as may be prescribed by the governing body. The chief of police or marshal;

47 (a) shall be under the direction, control and supervision of the mayor[~~The chief of police~~
48 ~~or marshal~~]; and

49 (b) may with the consent of the mayor, appoint assistants [~~to the chief of police or~~
50 ~~marshal~~].

51 (2) The chief of police shall, on or before January 1, 2002, adopt a written policy that
52 prohibits the stopping, detention, or search of any person when the action:

- 53 (a) is solely motivated by considerations of race, color, ethnicity, age, or gender; and
- 54 (b) would constitute a violation of the civil rights of the person.

55 Section 3. Section **17-22-2** is amended to read:

56 **17-22-2. Sheriff -- General duties.**

57 (1) The sheriff shall:

- 58 (a) preserve the peace;

- 59 (b) make all lawful arrests;
- 60 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when
61 required or when the court is held within his county, all courts of record, and court commissioner
62 and referee sessions held within his county, obey their lawful orders and directions, and comply
63 with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration;
- 64 (d) upon request of the juvenile court, aid the court in maintaining order during hearings
65 and transport a minor to and from youth corrections facilities, other institutions, or other
66 designated places;
- 67 (e) attend county justice courts if the judge finds that the matter before the court requires
68 the sheriff's attendance for security, transportation, and escort of jail prisoners in his custody, or
69 for the custody of jurors;
- 70 (f) command the aid of as many inhabitants of his county as he considers necessary in the
71 execution of these duties;
- 72 (g) take charge of and keep the county jail and the jail prisoners;
- 73 (h) receive and safely keep all persons committed to his custody, file and preserve the
74 commitments of those persons, and record the name, age, place of birth, and description of each
75 person committed;
- 76 (i) release on the record all attachments of real property when the attachment he receives
77 has been released or discharged;
- 78 (j) endorse on all process and notices the year, month, day, hour, and minute of reception,
79 and, upon payment of fees, issue a certificate to the person delivering process or notice showing
80 the names of the parties, title of paper, and the time of receipt;
- 81 (k) serve all process and notices as prescribed by law;
- 82 (l) if he makes service of process or notice, certify on the process or notices the manner,
83 time, and place of service, or, if he fails to make service, certify the reason upon the process or
84 notice, and return them without delay;
- 85 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public
86 land within his county;
- 87 (n) perform as required by any contracts between the county and private contractors for
88 management, maintenance, operation, and construction of county jails entered into under the
89 authority of Section 17-53-311;

90 (o) manage search and rescue services in his county; [~~and~~]

91 (p) on or before January 1, 2002, adopt a written policy that prohibits the stopping,
92 detention, or search of any person when the action:

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

94 (ii) would constitute a violation of the civil rights of the person; and

95 [~~(p)~~] (q) perform any other duties that are required by law.

96 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other
97 subsection under Subsection (1) is a class A misdemeanor.

98 Section 4. Section **53-1-108** is amended to read:

99 **53-1-108. Commissioner's powers and duties.**

100 (1) In addition to the responsibilities contained in this title, the commissioner shall:

101 (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility of
102 Motor Vehicle Owners and Operators Act;

103 (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as
104 required to properly discharge the duties of the department;

105 (c) make rules:

106 (i) governing emergency use of signal lights on private vehicles;

107 (ii) allowing privately owned vehicles to be designated for part-time emergency use, as
108 provided in Section 41-6-1.5; and

109 (iii) specifying approved maximum altered heights for vehicles, as required by Section
110 41-6-148.31;

111 (d) set standards for safety belt systems, as required by Section 41-6-182;

112 (e) serve as the chairman of the Disaster Emergency Advisory Council, as required by
113 Section 63-5-4; [~~and~~]

114 (f) designate vehicles as "authorized emergency vehicles," as required by Section 41-6-1[-];
115 and

116 (g) on or before January 1, 2002, adopt a written policy that prohibits the stopping,
117 detention, or search of any person when the action:

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

119 (ii) would constitute a violation of the civil rights of the person.

120 (2) The commissioner may:

121 (a) subject to the approval of the governor, establish division headquarters at various
122 places in the state;

123 (b) issue to a special agent a certificate of authority to act as a peace officer and revoke that
124 authority for cause, as authorized in Section 56-1-21.5;

125 (c) create specialized units within the commissioner's office for conducting internal affairs
126 and aircraft operations as necessary to protect the public safety;

127 (d) cooperate with any recognized agency in the education of the public in safety and crime
128 prevention and participate in public or private partnerships, subject to Subsection (3);

129 (e) cooperate in applying for and distributing highway safety program funds; and

130 (f) receive and distribute federal funding to further the objectives of highway safety in
131 compliance with the Federal Assistance Management Program Act.

132 (3) (a) Money may not be expended under Subsection (2)(d) for public safety education
133 unless it is specifically appropriated by the Legislature for that purpose.

134 (b) Any recognized agency receiving state money for public safety shall file with the
135 auditor of the state an itemized statement of all its receipts and expenditures.

136 Section 5. Section **53-3-104** is amended to read:

137 **53-3-104. Division duties.**

138 The division shall:

139 (1) make rules:

140 (a) for examining applicants for a license, as necessary for the safety and welfare of the
141 traveling public;

142 (b) regarding the restrictions to be imposed on a person driving a motor vehicle with a
143 temporary learner permit; and

144 (c) for exemptions from licensing requirements as authorized in this chapter;

145 (2) examine each applicant according to the class of license applied for;

146 (3) license motor vehicle drivers;

147 (4) file every application for a license received by it and shall maintain indices containing:

148 (a) all applications denied and the reason each was denied;

149 (b) all applications granted; and

150 (c) the name of every licensee whose license has been suspended, disqualified, or revoked
151 by the division and the reasons for the action;

152 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this
153 chapter;

154 (6) file all accident reports and abstracts of court records of convictions received by it
155 under state law;

156 (7) maintain a record of each licensee showing his convictions and the traffic accidents in
157 which he has been involved where a conviction has resulted;

158 (8) consider the record of a licensee upon an application for renewal of a license and at
159 other appropriate times;

160 (9) search the license files, compile, and furnish a report on the driving record of any
161 person licensed in the state in accordance with Section 53-3-109;

162 (10) develop and implement a record system as required by Section 41-6-48.5;

163 (11) in accordance with Section 53A-13-208, establish:

164 (a) procedures and standards to certify teachers of driver education classes to administer
165 written and driving tests;

166 (b) minimal standards for the tests; and

167 (c) procedures to enable school districts to administer or process any tests for students to
168 receive a class D operator's license;

169 (12) in accordance with Section 53-3-510, establish:

170 (a) procedures and standards to certify licensed instructors of commercial driver training
171 school courses to administer the skills test;

172 (b) minimal standards for the test; and

173 (c) procedures to enable licensed commercial driver training schools to administer or
174 process skills tests for students to receive a class D operator's license; [~~and~~]

175 (13) provide administrative support to the Driver License Medical Advisory Board created
176 in Section 53-3-303[-]; and

177 (14) (a) maintain a database of the information listed below regarding each inquiry made
178 by a law enforcement officer regarding any individual, based on that individual's driver license or
179 state identification card:

180 (i) the agency employing the law enforcement officer;

181 (ii) the name of the law enforcement officer or the identifying number the agency has
182 assigned to the law enforcement officer;

183 (iii) the purpose of the law enforcement officer's inquiry; and
 184 (iv) the race of the individual regarding whom the inquiry is made, based on the
 185 information provided through the application process under Section 53-3-205 or Section 53-3-804;
 186 and

187 (b) provide access to the database created in this Subsection (14) to the Commission on
 188 Criminal and Juvenile Justice for the purpose of:

- 189 (i) evaluating the data;
- 190 (ii) evaluating the effectiveness of the data collection process; and
- 191 (iii) reporting and making recommendations to the Legislature.

192 Section 6. Section **53-3-205** is amended to read:

193 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
 194 **Expiration dates of licenses and endorsements -- Information required -- Previous licenses**
 195 **surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required**
 196 **-- License agreement.**

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

- 198 (a) made upon a form furnished by the division; and
- 199 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

200 (2) An application and fee for an original class D license entitle the applicant to:

- 201 (a) not more than three attempts to pass both the written and skills tests for a class D
- 202 license within six months of the date of the application;
- 203 (b) a learner permit if needed after the written test is passed; and
- 204 (c) an original class D license and license certificate after all tests are passed.

205 (3) An application and fee for an original class M license entitle the applicant to:

- 206 (a) not more than three attempts to pass both the written and skills tests for a class M
- 207 license within six months of the date of the application;
- 208 (b) a learner permit if needed after the written test is passed; and
- 209 (c) an original class M license and license certificate after all tests are passed.

210 (4) An application and fee for a motorcycle or taxicab endorsement entitle the applicant

211 to:

- 212 (a) not more than three attempts to pass both the written and skills tests within six months
- 213 of the date of the application;

214 (b) a motorcycle learner permit if needed after the motorcycle written test is passed; and
215 (c) a motorcycle or taxicab endorsement when all tests are passed.

216 (5) An application and fees for a commercial class A, B, or C license entitle the applicant
217 to:

218 (a) not more than two attempts to pass a written test and not more than two attempts to
219 pass a skills test within six months of the date of the application;

220 (b) a commercial driver instruction permit if needed after the written test is passed; and

221 (c) an original commercial class A, B, or C license and license certificate when all
222 applicable tests are passed.

223 (6) An application and fee for a CDL endorsement entitle the applicant to:

224 (a) not more than two attempts to pass a written test and not more than two attempts to
225 pass a skills test within six months of the date of the application; and

226 (b) a CDL endorsement when all tests are passed.

227 (7) If a CDL applicant does not pass a written test, skills test, or an endorsement test within
228 the number of attempts provided in Subsection (5) or (6), each test may be taken two additional
229 times within the six months for the fee provided in Section 53-3-105.

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

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

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

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

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

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

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

249 (ii) briefly describe the applicant;

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

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

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

257 (vi) be signed.

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

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

262 (a) current license certificate;

263 (b) birth certificate;

264 (c) Selective Service registration; or

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

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

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

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

274 (13) An application for reinstatement of a license after the suspension, cancellation,
275 disqualification, denial, or revocation of a previous license shall be accompanied by the additional

276 fee or fees specified in Section 53-3-105.

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

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

283 Section 7. Section 53-3-207 is amended to read:

284 **53-3-207. License certificates issued to drivers by class of motor vehicle -- Contents**
285 **-- Anatomical gifts indication -- Temporary licenses -- Minors' licenses and permits --**
286 **Violation.**

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

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

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

291 (i) the distinguishing number assigned to the licensee by the division;

292 (ii) the name, birth date, race in accordance with the categories established by the U.S.
293 Census Bureau, and residence address of the licensee;

294 (iii) a brief description of the licensee for the purpose of identification;

295 (iv) any restrictions imposed on the license under Section 53-3-208;

296 (v) a photograph of the licensee; and

297 (vi) a photograph or other facsimile of the licensee's signature.

298 (b) A new license certificate issued by the division may bear the social security number of
299 the licensee only at the request of the licensee.

300 (c) (i) The license certificate shall be of an impervious material, resistant to wear, damage,
301 and alteration.

302 (ii) The size, form, and color of the license certificate shall be as prescribed by the
303 commissioner.

304 (iii) The commissioner may also prescribe the issuance of a special type of limited license
305 certificate under Subsection 53-3-220(4) and may authorize the issuance of a renewed or duplicate
306 license certificate without a picture if the applicant is not then living in the state.

307 (3) (a) (i) When a license is granted or renewed, the division shall, upon request of the
308 licensee, provide a method of identification on the license certificate, which indicates the licensee's
309 intent to make an anatomical gift under Title 26, Chapter 28, Uniform Anatomical Gift Act.

310 (ii) The statement shall be signed in the presence of at least one witness, who shall sign
311 the statement in the presence of the licensee.

312 (b) The division or any of its employees are not liable for any loss, detriment, or injury,
313 directly or indirectly, which results from false or inaccurate information regarding the anatomical
314 gift notification.

315 (4) (a) (i) The division upon determining after an examination that an applicant is mentally
316 and physically qualified to be granted a license may issue to an applicant a receipt for the fee.

317 (ii) The receipt serves as a temporary license certificate allowing him to drive a motor
318 vehicle while the division is completing its investigation to determine whether he is entitled to be
319 licensed.

320 (b) The receipt shall be in his immediate possession while driving a motor vehicle, and it
321 is invalid when the applicant's license certificate has been issued or when, for good cause, the
322 privilege has been refused.

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

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

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

331 (7) A person who violates Subsection (1)(b) is guilty of a class C misdemeanor.

332 Section 8. Section **53-3-804** is amended to read:

333 **53-3-804. Application for identification card -- Required information.**

334 (1) To apply for an identification card, the applicant shall appear in person at any license
335 examining station.

336 (2) The applicant shall provide the following information to the division:

337 (a) true and full legal name and address;

338 (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or other
339 satisfactory evidence of birth, which shall be attached to the application;

340 (c) Social Security number or temporary identification number (ITIN) issued by the
341 Internal Revenue Service for a person who does not qualify for a Social Security number;

342 (d) place of birth;

343 (e) height and weight;

344 (f) color of eyes and hair;

345 (g) race, in accordance with the categories established by the U.S. Census Bureau;

346 [~~g~~] (h) signature;

347 [~~h~~] (i) photograph; and

348 [~~i~~] (j) organ donor indication, if desired.

349 Section 9. Section **53-3-805** is amended to read:

350 **53-3-805. Identification card -- Contents -- Specifications.**

351 (1) The division shall issue an identification card that:

352 (a) provides all the information contained in the application, other than the applicant's:

353 (i) Social Security number, except as provided in Subsection (3); and

354 (ii) place of birth;

355 (b) contains a photograph of the applicant; [~~and~~]

356 (c) contains the applicant's race, in accordance with the categories established by the U.S.
357 Census Bureau; and

358 [~~c~~] (d) contains a facsimile of the applicant's signature.

359 (2) (a) The card shall be of an impervious material, resistant to wear, damage, and
360 alteration.

361 (b) The size, form, and color of the card is prescribed by the commissioner.

362 (3) At the applicant's request, the card may include any of the following:

363 (a) a statement that the applicant has a special medical problem or allergies to certain
364 drugs, for the purpose of medical treatment; or

365 (b) the applicant's Social Security number.

366 (4) The card may also indicate the applicant's intent to make an anatomical gift, under the
367 same procedure as provided for an operator license under Section 53-3-207.

368 Section 10. Section **53-8-104** is amended to read:

369 **53-8-104. Superintendent's duties.**

370 The superintendent shall:

371 (1) divide the state highways into sections for the purpose of patrolling and policing;

372 (2) employ peace officers known as highway patrol troopers to patrol or police the

373 highways within this state and to enforce the state statutes as required;

374 (3) establish ranks, grades, and positions in the Highway Patrol and designate the authority
375 and responsibility in each rank, grade, and position;376 (4) establish for the Highway Patrol standards and qualifications and fix prerequisites of
377 training, education, and experience for each rank, grade, and position;378 (5) appoint personnel to each rank, grade, and position necessary for the efficient operation
379 and administration of the Highway Patrol;380 (6) devise and administer examinations designed to test applicants for positions with the
381 Highway Patrol;

382 (7) make rules governing the Highway Patrol as appear to the superintendent advisable;

383 (8) discharge, demote, or temporarily suspend any employee in the Highway Patrol for
384 cause;385 (9) prescribe the uniforms to be worn and the equipment to be used by employees of the
386 Highway Patrol;387 (10) charge against each employee of the Highway Patrol the value of any property of the
388 state lost or destroyed through the carelessness of the employee;389 (11) establish, with the approval of the Division of Finance, the terms and conditions under
390 which expense allowance should be paid to any employee of the Highway Patrol while away from
391 his station;392 (12) station the Highway Patrol in localities as he finds advisable for the enforcement of
393 the laws of this state;394 (13) conduct in conjunction with the State Board of Education in and through all state
395 schools an educational campaign in highway safety and work in conjunction with civic
396 organizations, churches, local units of government, and other organizations that may function in
397 accomplishing the purposes of reducing highway accidents;398 (14) provide the initial mandatory uniform items for each new trooper hired after July 1,
399 1998; [and]

400 (15) determine by rule a basic uniform allowance system which includes the manner in
401 which troopers may receive maintenance services and vouchers for basic uniforms and administer
402 any funds appropriated by the Legislature to the division for that purpose[-]; and

403 (16) on or before January 1, 2002, adopt a written policy that prohibits the stopping,
404 detention, or search of any person when the action:

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

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

407 Section 11. Section **77-7-20** is amended to read:

408 **77-7-20. Service of citation on defendant -- Filing in court -- Contents of citations --**
409 **Contents of warnings.**

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

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

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

415 (b) the name of the person cited;

416 (c) the race of the person cited, if the race information is on the driver license or in the
417 Driver License Division's database;

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

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

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

421 [~~(f)~~] (g) the name of the peace officer or public official who issued the citation, and the
422 name of the arresting person if an arrest was made by a private party and the citation was issued
423 in lieu of taking the arrested person before a magistrate;

424 [~~(g)~~] (h) the time and date on or before and after which the person is to appear;

425 [~~(h)~~] (i) the address of the court in which the person is to appear;

426 [~~(i)~~] (j) a certification above the signature of the officer issuing the citation in substantially
427 the following language: "I certify that a copy of this citation or information (Summons and
428 Complaint) was duly served upon the defendant according to law on the above date and I know
429 or believe and so allege that the above-named defendant did commit the offense herein set forth
430 contrary to law. I further certify that the court to which the defendant has been directed to appear

431 is the proper court pursuant to Section 77-7-21."; and

432 [(j)] (k) a notice containing substantially the following language:

433 READ CAREFULLY

434 This citation is not an information and will not be used as an information without your
435 consent. If an information is filed you will be provided a copy by the court. You MUST appear in
436 court on or before the time set in this citation. IF YOU FAIL TO APPEAR AN INFORMATION
437 WILL BE FILED AND THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

438 (3) If a law enforcement agency issues a written warning, the warning shall contain the
439 race of the person warned, if the race information is on the driver license or in the Driver License
440 Division's database.

441 Section 12. **Effective date.**

442 This act takes effect on October 1, 2001.

Legislative Review Note
as of 12-13-00 11:19 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel