

**TRAFFIC CODE RECODIFICATION AND
REVISIONS**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Sheldon L. Killpack

LONG TITLE

General Description:

This bill recodifies the Traffic Code.

Highlighted Provisions:

This bill:

- ▶ updates statutory language to conform to current legislative styles;
- ▶ renumbers sections and organizes parts; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

- 7-24-102**, as enacted by Chapter 236, Laws of Utah 2003
- 13-20-2**, as last amended by Chapter 12, Laws of Utah 2004
- 13-35-102**, as last amended by Chapter 123, Laws of Utah 2004
- 17-43-201**, as last amended by Chapters 80 and 228, Laws of Utah 2004
- 19-2-105**, as renumbered and amended by Chapter 112, Laws of Utah 1991
- 19-2-105.3**, as last amended by Chapter 28, Laws of Utah 1995
- 23-13-17**, as enacted by Chapter 307, Laws of Utah 1993
- 26-1-30**, as last amended by Chapter 284, Laws of Utah 2004
- 32A-1-115**, as last amended by Chapter 307, Laws of Utah 2003

39-6-93, as enacted by Chapter 210, Laws of Utah 1988
41-1a-202, as last amended by Chapter 158, Laws of Utah 2003
41-1a-203, as last amended by Chapter 238, Laws of Utah 1998
41-1a-205, as last amended by Chapter 100, Laws of Utah 2002
41-1a-217, as last amended by Chapter 95, Laws of Utah 2004
41-1a-407, as last amended by Chapter 58, Laws of Utah 2003
41-1a-1101, as last amended by Chapter 202, Laws of Utah 2001
41-1a-1206, as last amended by Chapter 244, Laws of Utah 2000
41-3-303, as last amended by Chapter 234, Laws of Utah 1993
41-12a-202, as last amended by Chapter 335, Laws of Utah 2000
41-12a-301, as last amended by Chapter 165, Laws of Utah 2002
41-12a-501, as last amended by Chapter 282, Laws of Utah 1998
41-12a-502, as last amended by Chapter 20, Laws of Utah 1995
41-22-2, as last amended by Chapter 148, Laws of Utah 2002
41-22-10.2, as last amended by Chapter 138, Laws of Utah 1987
41-22-10.6, as enacted by Chapter 162, Laws of Utah 1987
41-22-16, as last amended by Chapter 282, Laws of Utah 1998
41-22-32, as last amended by Chapter 349, Laws of Utah 2004
53-1-106, as last amended by Chapter 131, Laws of Utah 2003
53-1-108, as last amended by Chapter 219, Laws of Utah 2002
53-1-109, as last amended by Chapters 282 and 285, Laws of Utah 1998
53-3-104, as last amended by Chapter 85, Laws of Utah 2001
53-3-105, as last amended by Chapter 85, Laws of Utah 2001
53-3-106, as last amended by Chapter 202, Laws of Utah 2001
53-3-202, as last amended by Chapter 51, Laws of Utah 1997
53-3-214, as renumbered and amended by Chapter 234, Laws of Utah 1993
53-3-218, as last amended by Chapters 131 and 156, Laws of Utah 2003
53-3-220, as last amended by Chapters 161 and 205, Laws of Utah 2004

- 53-3-222**, as last amended by Chapter 155, Laws of Utah 1995
- 53-3-223**, as last amended by Chapter 161, Laws of Utah 2004
- 53-3-223.5**, as enacted by Chapter 298, Laws of Utah 2000
- 53-3-226**, as last amended by Chapter 216, Laws of Utah 1999
- 53-3-227**, as last amended by Chapter 205, Laws of Utah 2004
- 53-3-231**, as last amended by Chapter 161, Laws of Utah 2004
- 53-3-232**, as last amended by Chapter 161, Laws of Utah 2004
- 53-3-414**, as last amended by Chapter 39, Laws of Utah 2001
- 53-3-418**, as last amended by Chapter 161, Laws of Utah 2004
- 53-8-105**, as last amended by Chapter 245, Laws of Utah 1995
- 53-8-202**, as last amended by Chapter 242, Laws of Utah 1996
- 53-8-213**, as last amended by Chapter 131, Laws of Utah 2003
- 53A-3-402**, as last amended by Chapter 315, Laws of Utah 2003
- 53B-3-106**, as enacted by Chapter 167, Laws of Utah 1987
- 58-20a-305**, as last amended by Chapter 82, Laws of Utah 1997
- 58-67-305**, as last amended by Chapter 85, Laws of Utah 2000
- 58-68-305**, as last amended by Chapter 85, Laws of Utah 2000
- 58-71-305**, as enacted by Chapter 282, Laws of Utah 1996
- 62A-15-105**, as last amended by Chapter 228, Laws of Utah 2004
- 62A-15-502**, as renumbered and amended by Chapter 8, Laws of Utah 2002, Fifth Special

Session

- 63-2-304**, as last amended by Chapters 223, 299 and 358, Laws of Utah 2004
- 63-30d-301**, as enacted by Chapter 267, Laws of Utah 2004
- 63-55-241**, as last amended by Chapter 90, Laws of Utah 2004
- 63-63a-1**, as last amended by Chapter 156, Laws of Utah 2003
- 72-6-109**, as last amended by Chapter 259, Laws of Utah 2003
- 72-6-114**, as renumbered and amended by Chapter 270, Laws of Utah 1998
- 72-7-107**, as enacted by Chapter 88, Laws of Utah 1998

72-7-401, as last amended by Chapter 154, Laws of Utah 2002
72-7-403, as renumbered and amended by Chapter 270, Laws of Utah 1998
72-7-407, as renumbered and amended by Chapter 270, Laws of Utah 1998
72-9-501, as last amended by Chapter 185, Laws of Utah 2002
72-9-601, as last amended by Chapter 202, Laws of Utah 2001
72-9-602, as last amended by Chapter 202, Laws of Utah 2001
72-9-603, as last amended by Chapter 222, Laws of Utah 2003
72-10-501, as last amended by Chapter 106, Laws of Utah 2002
72-10-502, as last amended by Chapter 205, Laws of Utah 2004
72-12-110, as renumbered and amended by Chapter 270, Laws of Utah 1998
73-18-13, as last amended by Chapter 335, Laws of Utah 2000
73-18-15.5, as enacted by Chapter 200, Laws of Utah 2002
73-18-20, as last amended by Chapter 282, Laws of Utah 1998
73-18-20.1, as last amended by Chapter 202, Laws of Utah 2001
73-18a-15, as last amended by Chapter 99, Laws of Utah 1987
76-2-101, as last amended by Chapters 90 and 98, Laws of Utah 1983
76-5-207, as last amended by Chapter 228, Laws of Utah 2004
76-10-504, as last amended by Chapter 303, Laws of Utah 2000
76-10-528, as last amended by Chapter 205, Laws of Utah 2004
76-10-1506, as last amended by Chapter 268, Laws of Utah 2004
77-2-4.2, as enacted by Chapter 203, Laws of Utah 2004
77-2a-3.1, as enacted by Chapter 228, Laws of Utah 2004
77-7-18, as last amended by Chapter 270, Laws of Utah 1998
77-18-12, as last amended by Chapter 228, Laws of Utah 2004
78-3a-104, as last amended by Chapter 201, Laws of Utah 2004
78-18-1, as last amended by Chapter 164, Laws of Utah 2004
78-57-102, as last amended by Chapter 218, Laws of Utah 2004

ENACTS:

- 41-6a-501**, Utah Code Annotated 1953
- 41-6a-503**, Utah Code Annotated 1953
- 41-6a-504**, Utah Code Annotated 1953
- 41-6a-505**, Utah Code Annotated 1953
- 41-6a-506**, Utah Code Annotated 1953
- 41-6a-507**, Utah Code Annotated 1953
- 41-6a-508**, Utah Code Annotated 1953
- 41-6a-509**, Utah Code Annotated 1953
- 41-6a-512**, Utah Code Annotated 1953
- 41-6a-521**, Utah Code Annotated 1953
- 41-6a-522**, Utah Code Annotated 1953
- 41-6a-523**, Utah Code Annotated 1953
- 41-6a-524**, Utah Code Annotated 1953
- 41-6a-1116**, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

- 41-6a-101**, (Renumbered from 41-6-175, Utah Code Annotated 1953)
- 41-6a-102**, (Renumbered from 41-6-1, as last amended by Chapters 34 and 165, Laws of Utah 2002)
- 41-6a-201**, (Renumbered from 41-6-11, as last amended by Chapter 138, Laws of Utah 1987)
- 41-6a-202**, (Renumbered from 41-6-12, as last amended by Chapter 60, Laws of Utah 1993)
- 41-6a-203**, (Renumbered from 41-6-164.5, as enacted by Chapter 242, Laws of Utah 1979)
- 41-6a-204**, (Renumbered from 41-6-165, Utah Code Annotated 1953)
- 41-6a-205**, (Renumbered from 41-6-165.5, as enacted by Chapter 242, Laws of Utah 1979)
- 41-6a-206**, (Renumbered from 41-6-175.5, as enacted by Chapter 207, Laws of Utah

1975)

41-6a-207, (Renumbered from 41-6-16, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-208, (Renumbered from 41-6-17, as last amended by Chapter 85, Laws of Utah

2001)

41-6a-209, (Renumbered from 41-6-13, as last amended by Chapter 317, Laws of Utah

1998)

41-6a-210, (Renumbered from 41-6-13.5, as last amended by Chapter 134, Laws of Utah

2003)

41-6a-211, (Renumbered from 41-6-13.7, as last amended by Chapter 185, Laws of Utah

2002)

41-6a-212, (Renumbered from 41-6-14, as last amended by Chapter 168, Laws of Utah

2004)

41-6a-213, (Renumbered from 41-6-15, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-214, (Renumbered from 41-6-17.5, as last amended by Chapter 350, Laws of Utah

1999)

41-6a-215, (Renumbered from 41-6-18, as last amended by Chapter 33, Laws of Utah

1988)

41-6a-216, (Renumbered from 41-6-19, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-217, (Renumbered from 41-6-19.5, as last amended by Chapter 98, Laws of Utah

1999)

41-6a-301, (Renumbered from 41-6-20, as last amended by Chapter 174, Laws of Utah

2004)

41-6a-302, (Renumbered from 41-6-21, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-303, (Renumbered from 41-6-20.1, as last amended by Chapters 66 and 120, Laws

of Utah 1994)

41-6a-304, (Renumbered from 41-6-23, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-305, (Renumbered from 41-6-24, as last amended by Chapter 174, Laws of Utah 2004)

41-6a-306, (Renumbered from 41-6-25, as last amended by Chapter 174, Laws of Utah 2004)

41-6a-307, (Renumbered from 41-6-26, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-308, (Renumbered from 41-6-26.5, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-309, (Renumbered from 41-6-27, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-310, (Renumbered from 41-6-1.5, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-311, (Renumbered from 41-6-28, as last amended by Chapter 57, Laws of Utah 2004)

41-6a-401, (Renumbered from 41-6-31, as last amended by Chapter 85, Laws of Utah 2001)

41-6a-402, (Renumbered from 41-6-35, as last amended by Chapter 85, Laws of Utah 2001)

41-6a-403, (Renumbered from 41-6-35.5, as last amended by Chapter 85, Laws of Utah 2001)

41-6a-404, (Renumbered from 41-6-40, as last amended by Chapters 19 and 244, Laws of Utah 2003)

41-6a-405, (Renumbered from 41-6-39, as last amended by Chapter 85, Laws of Utah 2001)

41-6a-406, (Renumbered from 41-6-41, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-407, (Renumbered from 41-6-38, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-408, (Renumbered from 41-6-38.5, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-502, (Renumbered from 41-6-44, as last amended by Chapters 161, 205 and 228, Laws of Utah 2004)

41-6a-510, (Renumbered from 41-6-43, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-511, (Renumbered from 41-6-43.7, as last amended by Chapter 3, Laws of Utah 2002, Fifth Special Session)

41-6a-513, (Renumbered from 41-6-43.8, as last amended by Chapter 228, Laws of Utah 2004)

41-6a-514, (Renumbered from 41-6-44.1, as enacted by Chapter 161, Laws of Utah 1987)

41-6a-515, (Renumbered from 41-6-44.3, as last amended by Chapter 205, Laws of Utah 2004)

41-6a-516, (Renumbered from 41-6-44.5, as last amended by Chapter 106, Laws of Utah 2002)

41-6a-517, (Renumbered from 41-6-44.6, as last amended by Chapter 8, Laws of Utah 2002)

41-6a-518, (Renumbered from 41-6-44.7, as last amended by Chapters 50 and 289, Laws of Utah 2001)

41-6a-519, (Renumbered from 41-6-44.8, as last amended by Chapters 47 and 71, Laws of Utah 1996)

41-6a-520, (Renumbered from 41-6-44.10, as last amended by Chapters 161 and 205, Laws of Utah 2004)

41-6a-525, (Renumbered from 41-6-44.12, as last amended by Chapter 205, Laws of Utah 2004)

41-6a-526, (Renumbered from 41-6-44.20, as last amended by Chapter 268, Laws of Utah 2004)

41-6a-527, (Renumbered from 41-6-44.30, as last amended by Chapter 200, Laws of Utah 2002)

41-6a-528, (Renumbered from 41-6-45, as last amended by Chapter 25, Laws of Utah 2000)

41-6a-601, (Renumbered from 41-6-46, as last amended by Chapter 49, Laws of Utah 1996)

41-6a-602, (Renumbered from 41-6-47, as last amended by Chapter 49, Laws of Utah 1996)

41-6a-603, (Renumbered from 41-6-48, as last amended by Chapter 270, Laws of Utah 1998)

41-6a-604, (Renumbered from 41-6-48.5, as last amended by Chapter 94, Laws of Utah 1998)

41-6a-605, (Renumbered from 41-6-49, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-606, (Renumbered from 41-6-51, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-607, (Renumbered from 41-6-52, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-608, (Renumbered from 41-6-52.5, as last amended by Chapter 343, Laws of Utah 1996)

41-6a-609, (Renumbered from 41-6-52.7, as enacted by Chapter 223, Laws of Utah 1998)

41-6a-701, (Renumbered from 41-6-53, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-702, (Renumbered from 41-6-53.5, as last amended by Chapter 74, Laws of Utah 2002)

41-6a-703, (Renumbered from 41-6-54, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-704, (Renumbered from 41-6-55, as last amended by Chapter 74, Laws of Utah

2002)

41-6a-705, (Renumbered from 41-6-56, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-706, (Renumbered from 41-6-57, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-707, (Renumbered from 41-6-58, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-708, (Renumbered from 41-6-59, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-709, (Renumbered from 41-6-60, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-710, (Renumbered from 41-6-61, as last amended by Chapter 174, Laws of Utah

2004)

41-6a-711, (Renumbered from 41-6-62, as last amended by Chapter 16, Laws of Utah

2000)

41-6a-712, (Renumbered from 41-6-63.10, as last amended by Chapters 135 and 138,
Laws of Utah 1987)

41-6a-713, (Renumbered from 41-6-63.30, as last amended by Chapter 174, Laws of
Utah 2004)

41-6a-714, (Renumbered from 41-6-64, as last amended by Chapter 138, Laws of Utah
1987)

41-6a-715, (Renumbered from 41-6-65, as last amended by Chapter 138, Laws of Utah
1987)

41-6a-801, (Renumbered from 41-6-66, as last amended by Chapter 174, Laws of Utah
2004)

41-6a-802, (Renumbered from 41-6-67, as last amended by Chapter 174, Laws of Utah

2004)

41-6a-803, (Renumbered from 41-6-68, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-804, (Renumbered from 41-6-69, as last amended by Chapter 138, Laws of Utah

1987)

41-6a-901, (Renumbered from 41-6-72, as last amended by Chapter 31, Laws of Utah

1990)

41-6a-902, (Renumbered from 41-6-72.10, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-903, (Renumbered from 41-6-73, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-904, (Renumbered from 41-6-76, as last amended by Chapter 45, Laws of Utah 2002)

41-6a-905, (Renumbered from 41-6-76.10, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-906, (Renumbered from 41-6-99, as enacted by Chapter 242, Laws of Utah 1979)

41-6a-1001, (Renumbered from 41-6-77, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1002, (Renumbered from 41-6-78, as last amended by Chapter 91, Laws of Utah 1992)

41-6a-1003, (Renumbered from 41-6-79, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1004, (Renumbered from 41-6-79.10, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1005, (Renumbered from 41-6-79.20, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1006, (Renumbered from 41-6-80, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1007, (Renumbered from 41-6-80.1, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1008, (Renumbered from 41-6-80.5, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1009, (Renumbered from 41-6-82, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1010, (Renumbered from 41-6-82.10, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1011, (Renumbered from 41-6-82.50, as enacted by Chapter 98, Laws of Utah 1987)

41-6a-1101, (Renumbered from 41-6-83, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1102, (Renumbered from 41-6-84, as last amended by Chapter 59, Laws of Utah 1997)

41-6a-1103, (Renumbered from 41-6-85, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1104, (Renumbered from 41-6-86, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1105, (Renumbered from 41-6-87, as last amended by Chapter 44, Laws of Utah 2001)

41-6a-1106, (Renumbered from 41-6-87.3, as last amended by Chapter 44, Laws of Utah 2001)

41-6a-1107, (Renumbered from 41-6-87.4, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1108, (Renumbered from 41-6-87.5, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1109, (Renumbered from 41-6-87.7, as last amended by Chapter 44, Laws of Utah 2001)

41-6a-1110, (Renumbered from 41-6-87.8, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1111, (Renumbered from 41-6-87.9, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1112, (Renumbered from 41-6-88, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1113, (Renumbered from 41-6-89, as last amended by Chapter 138, Laws of Utah 1987)

41-6a-1114, (Renumbered from 41-6-90, as last amended by Chapter 44, Laws of Utah 2001)

41-6a-1115, (Renumbered from 41-6-90.5, as last amended by Chapter 165, Laws of Utah 2002)

41-6a-1201, (Renumbered from 41-6-93, Utah Code Annotated 1953)

41-6a-1202, (Renumbered from 41-6-94, Utah Code Annotated 1953)

41-6a-1203, (Renumbered from 41-6-95, as last amended by Chapter 37, Laws of Utah 1997)

41-6a-1204, (Renumbered from 41-6-95.5, as enacted by Chapter 33, Laws of Utah 1978)

41-6a-1205, (Renumbered from 41-6-97, as last amended by Chapter 39, Laws of Utah 2001)

41-6a-1206, (Renumbered from 41-6-98, as last amended by Chapter 39, Laws of Utah 2001)

41-6a-1301, (Renumbered from 41-6-140.10, as enacted by Chapter 242, Laws of Utah 1979)

41-6a-1302, (Renumbered from 41-6-100.10, as last amended by Chapter 29, Laws of Utah 2000)

41-6a-1303, (Renumbered from 41-6-100.15, as last amended by Chapter 85, Laws of Utah 2001)

41-6a-1304, (Renumbered from 41-6-115, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1305, (Renumbered from 41-6-116, as last amended by Chapter 242, Laws of Utah

1979)

41-6a-1306, (Renumbered from 41-6-116.1, as enacted by Chapter 334, Laws of Utah

1996)

41-6a-1307, (Renumbered from 41-6-103.5, as last amended by Chapter 41, Laws of Utah 2003)

41-6a-1401, (Renumbered from 41-6-103, as last amended by Chapters 235 and 282, Laws of Utah 1998)

41-6a-1402, (Renumbered from 41-6-104, as last amended by Chapter 33, Laws of Utah 1978)

41-6a-1403, (Renumbered from 41-6-105, as last amended by Chapter 112, Laws of Utah 1969)

41-6a-1404, (Renumbered from 41-6-101, as last amended by Chapter 33, Laws of Utah 1978)

41-6a-1405, (Renumbered from 41-6-102, as last amended by Chapter 202, Laws of Utah 2001)

41-6a-1406, (Renumbered from 41-6-102.5, as last amended by Chapter 91, Laws of Utah 2003)

41-6a-1407, (Renumbered from 41-6-102.7, as enacted by Chapter 202, Laws of Utah 2001)

41-6a-1408, (Renumbered from 41-6-116.10, as last amended by Chapters 85 and 202, Laws of Utah 2001)

41-6a-1501, (Renumbered from 41-6-107, as last amended by Chapter 113, Laws of Utah 1969)

41-6a-1502, (Renumbered from 41-6-107.2, as last amended by Chapter 162, Laws of Utah 1987)

41-6a-1503, (Renumbered from 41-6-107.4, as enacted by Chapter 113, Laws of Utah

1969)

41-6a-1504, (Renumbered from 41-6-107.6, as enacted by Chapter 113, Laws of Utah

1969)

41-6a-1505, (Renumbered from 41-6-107.8, as last amended by Chapter 165, Laws of Utah 2002)

41-6a-1506, (Renumbered from 41-6-154.50, as enacted by Chapter 242, Laws of Utah 1979)

41-6a-1507, (Renumbered from 41-6-155.5, as enacted by Chapter 73, Laws of Utah 2000)

41-6a-1508, (Renumbered from 41-6-117.6, as enacted by Chapter 34, Laws of Utah 2002)

41-6a-1601, (Renumbered from 41-6-117, as last amended by Chapter 162, Laws of Utah 1987)

41-6a-1602, (Renumbered from 41-6-117.5, as last amended by Chapter 282, Laws of Utah 1998)

41-6a-1603, (Renumbered from 41-6-118, as last amended by Chapter 242, Laws of Utah 1979)

41-6a-1604, (Renumbered from 41-6-119, as last amended by Chapter 242, Laws of Utah 1979)

41-6a-1605, (Renumbered from 41-6-127, as enacted by Chapter 242, Laws of Utah 1979)

41-6a-1606, (Renumbered from 41-6-128, as enacted by Chapter 242, Laws of Utah 1979)

41-6a-1607, (Renumbered from 41-6-129, as enacted by Chapter 242, Laws of Utah 1979)

41-6a-1608, (Renumbered from 41-6-130, as enacted by Chapter 242, Laws of Utah 1979)

41-6a-1609, (Renumbered from 41-6-130.5, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1610, (Renumbered from 41-6-131, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1611, (Renumbered from 41-6-133, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1612, (Renumbered from 41-6-133.5, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1613, (Renumbered from 41-6-135, as last amended by Chapter 50, Laws of Utah

1991)

41-6a-1614, (Renumbered from 41-6-135.5, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1615, (Renumbered from 41-6-138, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1616, (Renumbered from 41-6-140, as last amended by Chapter 44, Laws of Utah

2001)

41-6a-1617, (Renumbered from 41-6-140.20, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1618, (Renumbered from 41-6-141, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1619, (Renumbered from 41-6-141.5, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1620, (Renumbered from 41-6-143, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1621, (Renumbered from 41-6-143.5, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1622, (Renumbered from 41-6-144, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1623, (Renumbered from 41-6-145, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1624, (Renumbered from 41-6-145.5, as last amended by Chapter 362, Laws of Utah 2004)

41-6a-1625, (Renumbered from 41-6-146, as enacted by Chapter 242, Laws of Utah 1979)

41-6a-1626, (Renumbered from 41-6-147, as last amended by Chapter 94, Laws of Utah 1992)

41-6a-1627, (Renumbered from 41-6-148, as enacted by Chapter 242, Laws of Utah 1979)

41-6a-1628, (Renumbered from 41-6-148.10, as enacted by Chapter 86, Laws of Utah 1961)

41-6a-1629, (Renumbered from 41-6-148.29, as last amended by Chapter 47, Laws of Utah 2001)

41-6a-1630, (Renumbered from 41-6-148.31, as last amended by Chapter 47, Laws of Utah 2001)

41-6a-1631, (Renumbered from 41-6-148.32, as last amended by Chapter 47, Laws of Utah 2001)

41-6a-1632, (Renumbered from 41-6-148.33, as last amended by Chapter 47, Laws of Utah 2001)

41-6a-1633, (Renumbered from 41-6-150.10, as last amended by Chapter 47, Laws of Utah 2001)

41-6a-1634, (Renumbered from 41-6-148.40, as enacted by Chapter 86, Laws of Utah 1961)

41-6a-1635, (Renumbered from 41-6-149, as last amended by Chapter 25, Laws of Utah 2002)

41-6a-1636, (Renumbered from 41-6-150, as last amended by Chapter 270, Laws of Utah 1981)

41-6a-1637, (Renumbered from 41-6-152, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1638, (Renumbered from 41-6-153, as last amended by Chapter 282, Laws of Utah

1998)

41-6a-1639, (Renumbered from 41-6-154, as enacted by Chapter 242, Laws of Utah

1979)

41-6a-1640, (Renumbered from 41-6-154.10, as enacted by Chapter 71, Laws of Utah

1955)

41-6a-1641, (Renumbered from 41-6-154.20, as last amended by Chapter 140, Laws of Utah 1995)

41-6a-1642, (Renumbered from 41-6-163.6, as last amended by Chapter 143, Laws of Utah 2002)

41-6a-1643, (Renumbered from 41-6-163.7, as last amended by Chapter 37, Laws of Utah 1995)

41-6a-1644, (Renumbered from 41-6-163.8, as last amended by Chapter 20, Laws of Utah 1995)

41-6a-1701, (Renumbered from 41-6-106, as last amended by Chapter 207, Laws of Utah 1975)

41-6a-1702, (Renumbered from 41-6-106.10, as last amended by Chapter 44, Laws of Utah 2001)

41-6a-1703, (Renumbered from 41-6-108, Utah Code Annotated 1953)

41-6a-1704, (Renumbered from 41-6-108.10, as enacted by Chapter 207, Laws of Utah 1975)

41-6a-1705, (Renumbered from 41-6-109, as last amended by Chapter 33, Laws of Utah 1978)

41-6a-1706, (Renumbered from 41-6-109.5, as last amended by Chapter 53, Laws of Utah 1996)

41-6a-1707, (Renumbered from 41-6-109.10, as enacted by Chapter 207, Laws of Utah 1975)

41-6a-1708, (Renumbered from 41-6-110, as last amended by Chapter 207, Laws of Utah 1975)

41-6a-1709, (Renumbered from 41-6-111, as last amended by Chapter 207, Laws of Utah 1975)

41-6a-1710, (Renumbered from 41-6-112, as last amended by Chapter 207, Laws of Utah 1975)

41-6a-1711, (Renumbered from 41-6-113, as last amended by Chapter 33, Laws of Utah 1978)

41-6a-1712, (Renumbered from 41-6-114, as last amended by Chapters 270 and 282, Laws of Utah 1998)

41-6a-1713, (Renumbered from 41-6-114.1, as last amended by Chapters 33 and 241, Laws of Utah 1991)

41-6a-1714, (Renumbered from 41-6-114.2, as last amended by Chapter 242, Laws of Utah 1979)

41-6a-1801, (Renumbered from 41-6-181, as last amended by Chapter 5, Laws of Utah 1991)

41-6a-1802, (Renumbered from 41-6-181.5, as enacted by Chapter 153, Laws of Utah 2000)

41-6a-1803, (Renumbered from 41-6-182, as repealed and reenacted by Chapter 153, Laws of Utah 2000)

41-6a-1804, (Renumbered from 41-6-183, as last amended by Chapter 153, Laws of Utah 2000)

41-6a-1805, (Renumbered from 41-6-185, as last amended by Chapter 109, Laws of Utah 2002)

41-6a-1806, (Renumbered from 41-6-186, as last amended by Chapter 153, Laws of Utah 2000)

77-7-24, (Renumbered from 41-6-167, as last amended by Chapter 282, Laws of Utah 1998)

77-7-25, (Renumbered from 41-6-173, as last amended by Chapter 161, Laws of Utah 2004)

77-7-26, (Renumbered from 41-6-172, as last amended by Chapter 282, Laws of Utah 1998)

REPEALS:

41-6-22, as last amended by Chapter 174, Laws of Utah 2004

41-6-29, as last amended by Chapter 44, Laws of Utah 1999

41-6-30, as last amended by Chapter 44, Laws of Utah 1999

41-6-32, as last amended by Chapter 44, Laws of Utah 1999

41-6-37, as last amended by Chapter 85, Laws of Utah 2001

41-6-42, as last amended by Chapter 85, Laws of Utah 2001

41-6-43.5, as last amended by Chapter 200, Laws of Utah 2002

41-6-50, as last amended by Chapter 138, Laws of Utah 1987

41-6-70, as last amended by Chapter 138, Laws of Utah 1987

41-6-71, as last amended by Chapter 44, Laws of Utah 2001

41-6-75, as last amended by Chapter 138, Laws of Utah 1987

41-6-75.5, as last amended by Chapter 16, Laws of Utah 2000

41-6-120, as enacted by Chapter 242, Laws of Utah 1979

41-6-121.10, as last amended by Chapter 63, Laws of Utah 1986

41-6-122, as enacted by Chapter 242, Laws of Utah 1979

41-6-132, as enacted by Chapter 242, Laws of Utah 1979

41-6-139, as last amended by Chapter 242, Laws of Utah 1979

41-6-142, as enacted by Chapter 242, Laws of Utah 1979

41-6-155, as last amended by Chapters 30 and 111, Laws of Utah 1992

41-6-166, as last amended by Chapter 30, Laws of Utah 1992

41-6-168, as last amended by Chapters 183 and 187, Laws of Utah 1983

41-6-169, as last amended by Chapter 282, Laws of Utah 1998

41-6-170, Utah Code Annotated 1953

41-6-171, Utah Code Annotated 1953

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

Section 1. Section **7-24-102** is amended to read:

7-24-102. Definitions.

As used in this chapter:

- (1) "Rollover" means the extension or renewal of the term of a title loan.
- (2) (a) "Title lender" means a person that extends a title loan.
 - (b) "Title lender" includes a person that:
 - (i) arranges a title loan on behalf of a title lender;
 - (ii) acts as an agent for a title lender; or
 - (iii) assists a title lender in the extension of a title loan.
 - (3) (a) "Title loan" means a loan secured by the title to a:
 - (i) motor vehicle, as defined in Section [~~41-6-1~~] 41-6a-102;
 - (ii) mobile home, as defined in Section [~~41-6-1~~] 41-6a-102; or
 - (iii) motorboat, as defined in Section 73-18-2.
 - (b) "Title loan" includes a title loan extended at the same premise on which any of the following are sold:
 - (i) a motor vehicle, as defined in Section [~~41-6-1~~] 41-6a-102;
 - (ii) a mobile home, as defined in Section [~~41-6-1~~] 41-6a-102; or
 - (iii) a motorboat, as defined in Section 73-18-2.
 - (c) "Title loan" does not include:
 - (i) a purchase money loan;
 - (ii) a loan made in connection with the sale of a:
 - (A) motor vehicle, as defined in Section [~~41-6-1~~] 41-6a-102;
 - (B) mobile home, as defined in Section [~~41-6-1~~] 41-6a-102; or
 - (C) motorboat, as defined in Section 73-18-2; or
 - (iii) a loan extended by an institution listed in Section 7-24-305.

Section 2. Section **13-20-2** is amended to read:

13-20-2. Definitions.

As used in this chapter:

(1) "Consumer" means an individual who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle other than for purposes of resale, or sublease, during the duration of the period defined under Section 13-20-5.

(2) "Manufacturer" means manufacturer, importer, distributor, or anyone who is named as the warrantor on an express written warranty on a motor vehicle.

(3) "Motor home" means a self-propelled vehicular unit, primarily designed as a temporary dwelling for travel, recreational, and vacation use.

(4) (a) "Motor vehicle" includes:

(i) a motor home, as defined in this section, but only the self-propelled vehicle and chassis sold in this state;

(ii) a motor vehicle, as defined in Section 41-1a-102, sold in this state; and

(iii) a motorcycle, as defined in Section 41-1a-102, sold in this state if the motorcycle is designed primarily for use and operation on paved highways.

(b) "Motor vehicle" does not include:

(i) those portions of a motor home designated, used, or maintained primarily as a mobile dwelling, office, or commercial space;

(ii) farm tractor, road tractor, or truck tractor as defined in Section 41-1a-102;

(iii) mobile home as defined in Section 41-1a-102;

(iv) any motor vehicle with a gross laden weight of over 12,000 pounds, except a motor home as defined under Subsection (3);

(v) a motorcycle, as defined in Section 41-1a-102, if the motorcycle is designed primarily for use or operation over unimproved terrain;

(vi) an electric assisted bicycle as defined in Section ~~[41-1a-102]~~ 41-6a-102;

(vii) a moped as defined in Section ~~[41-6-1]~~ 41-6a-102;

(viii) a motor assisted scooter as defined in Section ~~[41-6-1]~~ 41-6a-102; or

(ix) a motor-driven cycle as defined in Section ~~[41-6-1]~~ 41-6a-102.

Section 3. Section **13-35-102** is amended to read:

13-35-102. Definitions.

As used in this chapter:

(1) "Board" means the Utah Powersport Vehicle Franchise Advisory Board created in Section 13-35-103.

(2) "Dealership" means a site or location in this state:

(a) at which a franchisee conducts the business of a new powersport vehicle dealer; and
(b) that is identified as a new powersport vehicle dealer's principal place of business for registration purposes under Section 13-35-105.

(3) "Department" means the Department of Commerce.

(4) "Executive director" means the executive director of the Department of Commerce.

(5) "Franchise" or "franchise agreement" means a written agreement, for a definite or indefinite period, in which:

(a) a person grants to another person a license to use a trade name, trademark, service mark, or related characteristic; and

(b) a community of interest exists in the marketing of new powersport vehicles, new powersport vehicle parts, and services related to the sale or lease of new powersport vehicles at wholesale or retail.

(6) "Franchisee" means a person with whom a franchisor has agreed or permitted, in writing or in practice, to purchase, sell, or offer for sale new powersport vehicles manufactured, produced, represented, or distributed by the franchisor.

(7) (a) "Franchisor" means a person who has, in writing or in practice, agreed with or permits a franchisee to purchase, sell, or offer for sale new powersport vehicles manufactured, produced, represented, or distributed by the franchisor, and includes:

(i) the manufacturer or distributor of the new powersport vehicles;

(ii) an intermediate distributor;

(iii) an agent, officer, or field or area representative of the franchisor; and

(iv) a person who is affiliated with a manufacturer or a representative or who directly or indirectly through an intermediary is controlled by, or is under common control with the manufacturer.

(b) For purposes of Subsection (7)(a)(iv), a person is controlled by a manufacturer if the manufacturer has the authority directly or indirectly by law or by an agreement of the parties, to direct or influence the management and policies of the person.

(8) "Lead" means the referral by a franchisor to a franchisee of an actual or potential customer for the purchase or lease of a new powersport vehicle, or for service work related to the franchisor's vehicles.

(9) "Line-make" means the powersport vehicles that are offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the franchisor, or manufacturer of the powersport vehicle.

(10) (a) "Powersport vehicle" means:

(i) an all-terrain type I or type II vehicle "ATV" defined in Section 41-22-2;

(ii) a snowmobile as defined in Section 41-22-2;

(iii) a motorcycle as defined in Section 41-1a-102;

(iv) a personal watercraft as defined in Section 73-18-2;

(v) except as provided in Subsection (10)(b), a motor-driven cycle as defined in Section ~~[41-6-1]~~ 41-6a-102; or

(vi) a moped as defined in Section ~~[41-6-1]~~ 41-6a-102.

(b) "Powersport vehicle" does not include:

(i) an electric assisted bicycle defined in Section ~~[41-6-1]~~ 41-6a-102;

(ii) a motor assisted scooter as defined in Section ~~[41-6-1]~~ 41-6a-102; or

(iii) a personal motorized mobility device as defined in Section ~~[41-6-1]~~ 41-6a-102.

(11) "New powersport vehicle dealer" means a person who is engaged in the business of buying, selling, offering for sale, or exchanging new powersport vehicles either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise who has established a place of business for the sale, lease, trade, or display of powersport vehicles.

(12) "Notice" or "notify" includes both traditional written communications and all reliable forms of electronic communication unless expressly prohibited by statute or rule.

(13) "Relevant market area" means:

- (a) the county in which a powersport dealership is to be established or relocated; and
- (b) the area within a 15-mile radius from the site of the new or relocated dealership.

(14) "Sale, transfer, or assignment" means any disposition of a franchise or an interest in a franchise, with or without consideration, including a bequest, inheritance, gift, exchange, lease, or license.

(15) "Serve" or "served," unless expressly indicated otherwise by statute or rule, includes any reliable form of communication.

(16) "Written," "write," "in writing," or other variations of those terms shall include all reliable forms of electronic communication.

Section 4. Section **17-43-201** is amended to read:

17-43-201. Local substance abuse authorities -- Responsibilities.

(1) (a) (i) In each county operating under a county executive-council form of government under Section 17-52-504, the county legislative body is the local substance abuse authority, provided however that any contract for plan services shall be administered by the county executive.

(ii) In each county operating under a council-manager form of government under Section 17-52-505, the county manager is the local substance abuse authority.

(iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the county legislative body is the local substance abuse authority.

(b) Within legislative appropriations and county matching funds required by this section, and under the policy direction of the board and the administrative direction of the division, each local substance abuse authority shall:

- (i) develop substance abuse prevention and treatment services plans; and
- (ii) provide substance abuse services to residents of the county.

(2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal

Cooperation Act, two or more counties may join to provide substance abuse prevention and treatment services.

(b) The legislative bodies of counties joining to provide services may establish acceptable ways of apportioning the cost of substance abuse services.

(c) Each agreement for joint substance abuse services shall:

(i) (A) designate the treasurer of one of the participating counties or another person as the treasurer for the combined substance abuse authorities and as the custodian of moneys available for the joint services; and

(B) provide that the designated treasurer, or other disbursing officer authorized by the treasurer, may make payments from the moneys for the joint services upon audit of the appropriate auditing officer or officers representing the participating counties;

(ii) provide for the appointment of an independent auditor or a county auditor of one of the participating counties as the designated auditing officer for the combined substance abuse authorities;

(iii) (A) provide for the appointment of the county or district attorney of one of the participating counties as the designated legal officer for the combined substance abuse authorities; and

(B) authorize the designated legal officer to request and receive the assistance of the county or district attorneys of the other participating counties in defending or prosecuting actions within their counties relating to the combined substance abuse authorities; and

(iv) provide for the adoption of management, clinical, financial, procurement, personnel, and administrative policies as already established by one of the participating counties or as approved by the legislative body of each participating county or interlocal board.

(d) An agreement for joint substance abuse services may provide for joint operation of services and facilities or for operation of services and facilities under contract by one participating local substance abuse authority for other participating local substance abuse authorities.

(3) (a) Each local substance abuse authority is accountable to the department, the

Department of Health, and the state with regard to the use of state and federal funds received from those departments for substance abuse services, regardless of whether the services are provided by a private contract provider.

(b) Each local substance abuse authority shall comply, and require compliance by its contract provider, with all directives issued by the department and the Department of Health regarding the use and expenditure of state and federal funds received from those departments for the purpose of providing substance abuse programs and services. The department and Department of Health shall ensure that those directives are not duplicative or conflicting, and shall consult and coordinate with local substance abuse authorities with regard to programs and services.

(4) Each local substance abuse authority shall:

(a) review and evaluate substance abuse prevention and treatment needs and services, including substance abuse needs and services for individuals incarcerated in a county jail or other county correctional facility;

(b) annually prepare and submit to the division a plan approved by the county legislative body for funding and service delivery that includes:

(i) provisions for services, either directly by the substance abuse authority or by contract, for adults, youth, and children, including those incarcerated in a county jail or other county correctional facility; and

(ii) primary prevention, targeted prevention, early intervention, and treatment services;

(c) establish and maintain, either directly or by contract, programs licensed under Title 62A, Chapter 2, Licensure of Programs and Facilities;

(d) appoint directly or by contract a full or part time director for substance abuse programs, and prescribe the director's duties;

(e) provide input and comment on new and revised policies established by the board;

(f) establish and require contract providers to establish administrative, clinical, procurement, personnel, financial, and management policies regarding substance abuse services and facilities, in accordance with the policies of the board, and state and federal law;

- (g) establish mechanisms allowing for direct citizen input;
- (h) annually contract with the division to provide substance abuse programs and services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and Mental Health Act;
- (i) comply with all applicable state and federal statutes, policies, audit requirements, contract requirements, and any directives resulting from those audits and contract requirements;
- (j) promote or establish programs for the prevention of substance abuse within the community setting through community-based prevention programs;
- (k) provide funding equal to at least 20% of the state funds that it receives to fund services described in the plan;
- (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal Cooperation Act, Title 17A, Chapter 1, Part 4, Uniform Fiscal Procedures for Special Districts Act, and Title 51, Chapter ~~[2, Audits of]~~ 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations and Other Local Entities Act;
- (m) for persons convicted of driving under the influence in violation of ~~[Subsection 41-6-44(2) or Section 41-6-44.6]~~ Section 41-6a-502 or 41-6a-517, conduct the following as defined in Section ~~[41-6-44]~~ 41-6a-501:
 - (i) a screening;
 - (ii) an assessment;
 - (iii) an educational series; and
 - (iv) substance abuse treatment; and
 - (n) utilize proceeds of the accounts described in Subsection 62A-15-503(1) to supplement the cost of providing the services described in Subsection (4)(m).
- (5) Before disbursing any public funds, each local substance abuse authority shall require that each entity that receives any public funds from the local substance abuse authority agrees in writing that:
 - (a) the entity's financial records and other records relevant to the entity's performance of the services provided to the local substance abuse authority shall be subject to examination by:

- (i) the division;
 - (ii) the local substance abuse authority director;
 - (iii) (A) the county treasurer and county or district attorney; or
(B) if two or more counties jointly provide substance abuse services under an agreement under Subsection (2), the designated treasurer and the designated legal officer;
 - (iv) the county legislative body; and
 - (v) in a county with a county executive that is separate from the county legislative body, the county executive;
- (b) the county auditor may examine and audit the entity's financial and other records relevant to the entity's performance of the services provided to the local substance abuse authority; and
- (c) the entity will comply with the provisions of Subsection (3)(b).
- (6) A local substance abuse authority may receive property, grants, gifts, supplies, materials, contributions, and any benefit derived therefrom, for substance abuse services. If those gifts are conditioned upon their use for a specified service or program, they shall be so used.
- (7) (a) As used in this section, "public funds" means the same as that term is defined in Section 17-43-203.
- (b) Public funds received for the provision of services pursuant to the local substance abuse plan may not be used for any other purpose except those authorized in the contract between the local substance abuse authority and the provider for the provision of plan services.

Section 5. Section **19-2-105** is amended to read:

19-2-105. Duties of board.

The board, in conjunction with the governing body of each county identified in Section [~~41-6-163.7~~] 41-6a-1643 and other interested parties, shall perform an evaluation of the inspection and maintenance program developed under Section [~~41-6-163.7~~] 41-6a-1643 including issues relating to:

- (1) the implementation of a standardized inspection and maintenance program;
- (2) out-of-state registration of vehicles used in Utah;

(3) out-of-county registration of vehicles used within the areas required to have an inspection and maintenance program;

(4) use of the farm truck exemption;

(5) mechanic training programs;

(6) emissions standards; and

(7) emissions waivers.

Section 6. Section **19-2-105.3** is amended to read:

19-2-105.3. Clean fuel requirements for fleets.

(1) As used in this section:

(a) "1990 Clean Air Act" means the federal Clean Air Act as amended in 1990.

(b) "Clean fuel" means:

(i) propane, compressed natural gas, or electricity;

(ii) other fuel the Air Quality Board created in Title 19, Chapter 2, Air Conservation Act, determines annually on or before July 1 is at least as effective as fuels under Subsection (1)(b)(i) in reducing air pollution; and

(iii) other fuel that meets the clean fuel vehicle standards in the 1990 Clean Air Act.

(c) "Fleet" means ten or more vehicles:

(i) owned or operated by a single entity as defined by board rule; and

(ii) capable of being fueled or that are fueled at a central location.

(d) "Fleet" does not include motor vehicles that are:

(i) held for lease or rental to the general public;

(ii) held for sale or used as demonstration vehicles by motor vehicle dealers;

(iii) used by motor vehicle manufacturers for product evaluations or tests;

(iv) authorized emergency vehicles as defined in Section ~~[41-6-1]~~ 41-6a-102;

(v) registered under Title 41, Chapter 1a, Part 2, Registration, as farm vehicles;

(vi) special mobile equipment as defined in Section 41-1a-102;

(vii) heavy duty trucks with a gross vehicle weight rating of more than 26,000 pounds;

(viii) regularly used by employees to drive to and from work, parked at the employees'

personal residences when they are not at their employment, and not practicably fueled at a central location;

(ix) owned, operated, or leased by public transit districts; or

(x) exempted by board rule.

(2) (a) After evaluation of reasonably available pollution control strategies, and as part of the state implementation plan demonstrating attainment of the national ambient air quality standards, the board may by rule, subject to Subsection (2)(c), require fleets in specified geographical areas to use clean fuels if the board determines fleet use of clean fuels is:

(i) necessary to demonstrate attainment of the national ambient air quality standards in any area where they are required; and

(ii) reasonably cost effective when compared to other similarly beneficial control strategies for demonstrating attainment of the national ambient air quality standards.

(b) State implementation plans developed prior to July 1, 1995, may require fleets to use clean fuels no earlier than July 1, 1995, unless the board determines fleet use of clean fuels is necessary prior to July 1, 1995, to demonstrate attainment of the national ambient air quality standards in any area by an attainment date established by federal law.

(c) The board may not require more than 50% of those trucks in a fleet that are heavy duty trucks having a gross vehicle weight rating of more than 8,500 pounds and not more than 26,000 pounds to convert to clean fuels under Subsection (2)(b).

(3) (a) After evaluation of reasonably available pollution control strategies, and as part of a state implementation plan demonstrating only maintenance of the national ambient air quality standards, the board may by rule, subject to Subsection (3)(b), require fleets in specified geographical areas to use clean fuels if the board determines fleet use of clean fuels is:

(i) necessary to demonstrate maintenance of the national ambient air quality standards in any area where they are required; and

(ii) reasonably cost effective as compared with other similarly beneficial control strategies for demonstrating maintenance of the national ambient air quality standards.

(b) Under Subsection (3)(a) the board may require no more than:

- (i) 30% of a fleet to use clean fuels before January 1, 1998;
- (ii) 50% of a fleet to use clean fuels before January 1, 1999; and
- (iii) 70% of a fleet to use clean fuels before January 1, 2000.

(c) The board may not require more than 50% of those trucks in a fleet that are heavy duty trucks having a gross vehicle weight rating of more than 8,500 pounds and not more than 26,000 pounds to convert to clean fuels under Subsection (3)(b).

(4) Rules the board makes under this section may include:

(a) dates by which fleets are required to convert to clean fuels under the provisions of this section;

(b) definitions of fleet owners or operators;

(c) definitions of vehicles exempted from this section by rule;

(d) certification requirements for persons who install clean fuel conversion equipment, including testing and certification standards regarding installers; and

(e) certification fees for installers, established under Section 63-38-3.2.

(5) Implementation of this section and rules made under this section are subject to the reasonable availability of clean fuel in the local market as determined by the board.

Section 7. Section **23-13-17** is amended to read:

23-13-17. Spotlighting of coyote, red fox, striped skunk, and raccoon -- County ordinances - Permits.

(1) Spotlighting may be used to hunt coyote, red fox, striped skunk, or raccoon where allowed by a county ordinance enacted pursuant to this section.

(2) The ordinance shall provide that:

(a) any artificial light used to spotlight coyote, red fox, striped skunk, or raccoon must be carried by the hunter;

(b) a motor vehicle headlight or light attached to or powered by a motor vehicle may not be used to spotlight the animal; and

(c) while hunting with the use of an artificial light, the hunter may not occupy or operate any motor vehicle.

(3) For purposes of the county ordinance, "motor vehicle" shall have the meaning as defined in Section [~~41-6-1~~] 41-6a-102.

(4) The ordinance may specify:

- (a) the time of day and seasons when spotlighting is permitted;
- (b) areas closed or open to spotlighting within the unincorporated area of the county;
- (c) safety zones within which spotlighting is prohibited;
- (d) the weapons permitted; and
- (e) penalties for violation of the ordinance.

(5) (a) A county may restrict the number of hunters engaging in spotlighting by requiring a permit to spotlight and issuing a limited number of permits.

(b) (i) A fee may be charged for a spotlighting permit.

(ii) Any permit fee shall be established by the county ordinance.

(iii) Revenues generated by the permit fee shall be remitted to the Division of Wildlife Resources for deposit into the Wildlife Resources Account, except the Wildlife Board may allow any county that enacts an ordinance pursuant to this section to retain a reasonable amount to pay for the costs of administering and enforcing the ordinance, provided this use of the permit revenues does not affect federal funds received by the state under 16 U.S.C. Sec. 669 et seq., Wildlife Restoration Act and 16 U.S.C. Sec. 777 et seq., Sport Fish Restoration Act.

(6) A county may require hunters to notify the county sheriff of the time and place they will be engaged in spotlighting.

(7) The requirement that a county ordinance must be enacted before a person may use spotlighting to hunt coyote, red fox, striped skunk, or raccoon does not apply to:

(a) a person or his agent who is lawfully acting to protect his crops or domestic animals from predation by those animals; or

(b) an animal damage control agent acting in his official capacity under a memorandum of agreement with the division.

Section 8. Section **26-1-30** is amended to read:

26-1-30. Powers and duties of department.

(1) The department shall:

(a) enter into cooperative agreements with the Department of Environmental Quality to delineate specific responsibilities to assure that assessment and management of risk to human health from the environment are properly administered; and

(b) consult with the Department of Environmental Quality and enter into cooperative agreements, as needed, to ensure efficient use of resources and effective response to potential health and safety threats from the environment, and to prevent gaps in protection from potential risks from the environment to specific individuals or population groups.

(2) In addition to all other powers and duties of the department, it shall have and exercise the following powers and duties:

(a) promote and protect the health and wellness of the people within the state;

(b) establish, maintain, and enforce rules necessary or desirable to carry out the provisions and purposes of this title to promote and protect the public health or to prevent disease and illness;

(c) investigate and control the causes of epidemic, infectious, communicable, and other diseases affecting the public health;

(d) provide for the detection, reporting, prevention, and control of communicable, infectious, acute, chronic, or any other disease or health hazard that the department considers to be dangerous, important, or likely to affect the public health;

(e) collect and report information on causes of injury, sickness, death, and disability and the risk factors that contribute to the causes of injury, sickness, death, and disability within the state;

(f) collect, prepare, publish, and disseminate information to inform the public concerning the health and wellness of the population, specific hazards, and risks that may affect the health and wellness of the population and specific activities which may promote and protect the health and wellness of the population;

(g) establish and operate programs necessary or desirable for the promotion or protection of the public health and the control of disease or which may be necessary to ameliorate the major

causes of injury, sickness, death, and disability in the state, except that the programs shall not be established if adequate programs exist in the private sector;

(h) establish, maintain, and enforce isolation and quarantine, and for this purpose only, exercise physical control over property and individuals as the department finds necessary for the protection of the public health;

(i) close theaters, schools, and other public places and forbid gatherings of people when necessary to protect the public health;

(j) abate nuisances when necessary to eliminate sources of filth and infectious and communicable diseases affecting the public health;

(k) make necessary sanitary and health investigations and inspections in cooperation with local health departments as to any matters affecting the public health;

(l) establish laboratory services necessary to support public health programs and medical services in the state;

(m) establish and enforce standards for laboratory services which are provided by any laboratory in the state when the purpose of the services is to protect the public health;

(n) cooperate with the Labor Commission to conduct studies of occupational health hazards and occupational diseases arising in and out of employment in industry, and make recommendations for elimination or reduction of the hazards;

(o) cooperate with the local health departments, the Department of Corrections, the Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime Victims Reparations Board to conduct testing for HIV infection of convicted sexual offenders and any victims of a sexual offense;

(p) investigate the cause of maternal and infant mortality;

(q) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians and drivers of motor vehicles killed in highway accidents be examined for the presence and concentration of alcohol;

(r) provide the commissioner of public safety with monthly statistics reflecting the results of the examinations provided for in Subsection (2)(q) and provide safeguards so that information

derived from the examinations is not used for a purpose other than the compilation of statistics authorized in this Subsection (2)(r);

(s) establish qualifications for individuals permitted to draw blood pursuant to Section ~~[41-6-44.10]~~ 41-6a-523, and to issue permits to individuals it finds qualified, which permits may be terminated or revoked by the department;

(t) establish a uniform public health program throughout the state which includes continuous service, employment of qualified employees, and a basic program of disease control, vital and health statistics, sanitation, public health nursing, and other preventive health programs necessary or desirable for the protection of public health;

(u) adopt rules and enforce minimum sanitary standards for the operation and maintenance of:

- (i) orphanages;
- (ii) boarding homes;
- (iii) summer camps for children;
- (iv) lodging houses;
- (v) hotels;
- (vi) restaurants and all other places where food is handled for commercial purposes, sold, or served to the public;
- (vii) tourist and trailer camps;
- (viii) service stations;
- (ix) public conveyances and stations;
- (x) public and private schools;
- (xi) factories;
- (xii) private sanatoria;
- (xiii) barber shops;
- (xiv) beauty shops;
- (xv) physicians' offices;
- (xvi) dentists' offices;

- (xvii) workshops;
- (xviii) industrial, labor, or construction camps;
- (xix) recreational resorts and camps;
- (xx) swimming pools, public baths, and bathing beaches;
- (xxi) state, county, or municipal institutions, including hospitals and other buildings, centers, and places used for public gatherings; and
- (xxii) of any other facilities in public buildings and on public grounds;
- (v) conduct health planning for the state;
- (w) monitor the costs of health care in the state and foster price competition in the health care delivery system;
- (x) adopt rules for the licensure of health facilities within the state pursuant to Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act;
- (y) license the provision of child care;
- (z) accept contributions to and administer the funds contained in the Organ Donation Contribution Fund created in Section 26-18b-101; and
- (aa) serve as the collecting agent, on behalf of the state, for the nursing care facility assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act, and adopt rules for the enforcement and administration of the nursing facility assessment consistent with the provisions of Title 26, Chapter 35a.

Section 9. Section **32A-1-115** is amended to read:

32A-1-115. Alcoholic Beverage Enforcement and Treatment Restricted Account -- Distribution to municipalities and counties.

- (1) As used in this section:
 - (a) "Account" means the Alcoholic Beverage Enforcement and Treatment Restricted Account created in this section.
 - (b) "Alcohol-related offense" means:
 - (i) a violation of:
 - (A) Section [~~41-6-44~~] 41-6a-502; or

(B) an ordinance that complies with the requirements of:

(I) Subsection [~~41-6-43~~] 41-6a-510(1); or

(II) Section 76-5-207; or

(ii) an offense involving the:

(A) illegal sale of alcohol;

(B) illegal distribution of alcohol;

(C) illegal transportation of alcohol;

(D) illegal possession of alcohol; or

(E) illegal consumption of alcohol.

(c) "Annual conviction time period" means the time period that:

(i) begins on July 1 and ends on June 30; and

(ii) immediately precedes the fiscal year for which an appropriation under this section is made.

(d) "Coordinating council" means the Utah Substance Abuse and Anti-Violence Coordinating Council created in Section 63-25a-201.

(e) "Municipality" means:

(i) a city; or

(ii) a town.

(2) (a) There is created in the General Fund a restricted account called the "Alcoholic Beverage Enforcement and Treatment Restricted Account."

(b) The account shall be funded from:

(i) amounts deposited by the state treasurer in accordance with Section 59-15-109;

(ii) any appropriations made to the account by the Legislature; and

(iii) interest described in Subsection (2)(c).

(c) Interest earned on the account shall be deposited into the account.

(d) (i) The revenues in the account shall be used exclusively for programs or projects related to prevention, treatment, detection, prosecution, and control of violations of this title and other offenses in which alcohol is a contributing factor except as provided in Subsection

(2)(d)(ii).

(ii) The portion distributed under this section to counties may also be used for the confinement or treatment of persons arrested for or convicted of offenses in which alcohol is a contributing factor.

(iii) Any municipality or county entitled to receive funds shall use the funds exclusively as required by this Subsection (2)(d).

(iv) The appropriations provided for under Subsection (3) are:

(A) intended to supplement the budget of the appropriate agencies of each municipality and county within the state to enable the municipalities and counties to more effectively fund the programs and projects described in this Subsection (2)(d); and

(B) not intended to replace funds that would otherwise be allocated for the programs and projects in this Subsection (2)(d).

(3) (a) The revenues deposited into the account shall be distributed to municipalities and counties:

(i) to the extent appropriated by the Legislature except that the Legislature shall appropriate each fiscal year an amount equal to at least the amount deposited in the account in accordance with Section 59-15-109; and

(ii) as provided in this Subsection (3).

(b) The amount appropriated from the account shall be distributed as follows:

(i) 25% to municipalities and counties based upon the percentage of the state population residing in each municipality and county;

(ii) 30% to municipalities and counties based upon each municipality's and county's percentage of the statewide convictions for all alcohol-related offenses;

(iii) 20% to municipalities and counties based upon the percentage of all state stores, package agencies, liquor licensees, and beer licensees in the state that are located in each municipality and county; and

(iv) 25% to the counties for confinement and treatment purposes authorized by this section based upon the percentage of the state population located in each county.

(c) (i) Except as provided in Subsection (3)(c)(iii), a municipality that does not have a law enforcement agency may not receive monies under this section.

(ii) The State Tax Commission:

(A) may not distribute the monies the municipality would receive but for the municipality not having a law enforcement agency to that municipality; and

(B) shall distribute the monies that the municipality would have received but for it not having a law enforcement agency to the county in which the municipality is located for use by the county in accordance with this section.

(iii) Notwithstanding Subsections (3)(c)(i) and (ii), if the coordinating council finds that a municipality described in Subsection (3)(c)(i) demonstrates that the municipality can use the monies that the municipality is otherwise eligible to receive in accordance with this section, the coordinating council may direct the State Tax Commission to distribute the money to the municipality.

(4) To determine the distributions required by Subsection (3)(b)(ii), the State Tax Commission shall annually:

(a) for an annual conviction time period:

(i) multiply by two the total number of convictions in the state obtained during the annual conviction time period for violation of:

(A) Section [~~41-6-44~~] 41-6a-502; or

(B) an ordinance that complies with the requirements of Subsection [~~41-6-43~~] 41-6a-510(1) or Section 76-5-207; and

(ii) add to the number calculated under Subsection (4)(a)(i) the number of convictions obtained during the annual conviction time period for all alcohol-related offenses other than the alcohol-related offenses described in Subsection (4)(a)(i);

(b) divide an amount equal to 30% of the appropriation for that fiscal year by the sum obtained in Subsection (4)(a); and

(c) multiply the amount calculated under Subsection (4)(b), by the number of convictions obtained in each municipality and county during the annual conviction time period for

alcohol-related offenses.

(5) For purposes of this section:

(a) the number of state stores, package agencies, and licensees located within the limits of each municipality and county:

(i) is the number determined by the department to be so located;

(ii) includes all:

(A) private clubs;

(B) restaurants;

(C) airport lounges;

(D) package agencies; and

(E) state stores; and

(iii) does not include on-premise beer retailer licensees;

(b) the number of state stores, package agencies, and licensees in a county consists only of that number located within unincorporated areas of the county;

(c) population figures shall be determined according to the most current population estimates prepared by the Utah Population Estimates Committee;

(d) a county's population figure for the 25% distribution to municipalities and counties under Subsection (3)(b)(i) shall be determined only with reference to the population in the unincorporated areas of the county;

(e) a county's population figure under Subsection (3)(b)(iv) for the 25% distribution to counties only shall be determined with reference to the total population in the county, including that of municipalities;

(f) a conviction occurs in the municipality or county that actually prosecutes the offense to judgment; and

(g) in the case of a conviction based upon a guilty plea, the conviction is considered to occur in the municipality or county that, except for the guilty plea, would have prosecuted the offense.

(6) By not later than September 1 each year:

(a) the state court administrator shall certify to the State Tax Commission the number of convictions obtained for alcohol-related offenses in each municipality or county in the state during the annual conviction time period; and

(b) the coordinating council shall notify the State Tax Commission of any municipality that does not have a law enforcement agency.

(7) By not later than December 1 of each year, the coordinating council shall notify the State Tax Commission for the fiscal year of appropriation of:

(a) any municipality that may receive a distribution under Subsection (3)(c)(iii);

(b) any county that may receive a distribution allocated to a municipality described in Subsection (3)(c)(ii);

(c) any municipality or county that may not receive a distribution because the coordinating council has suspended the payment under Subsection (10)(a)(i); and

(d) any municipality or county that receives a distribution because the suspension of payment has been cancelled under Subsection (10)(a)(ii).

(8) (a) By not later than January 1 of the fiscal year of appropriation, the State Tax Commission shall annually distribute to each municipality and county the portion of the appropriation that the municipality or county is eligible to receive under this section, except for any municipality or county that the coordinating council notifies the State Tax Commission in accordance with Subsection (7) may not receive a distribution in that fiscal year.

(b) (i) The State Tax Commission shall prepare forms for use by municipalities and counties in applying for distributions under this section.

(ii) The forms described in this Subsection (8) may require the submission of information the State Tax Commission considers necessary to enable the State Tax Commission to comply with this section.

(9) A municipality or county that receives any monies under this section during a fiscal year shall by no later than October 1 following the fiscal year:

(a) report to the coordinating council:

(i) the programs or projects of the municipality or county that receive monies under this

section;

(ii) if the monies for programs or projects were exclusively used as required by Subsection (2)(d);

(iii) indicators of whether the programs or projects that receive monies under this section are effective; and

(iv) if any monies received under this section were not expended by the municipality or county; and

(b) provide the coordinating council a statement signed by the chief executive officer of the county or municipality attesting that the monies received under this section were used in addition to any monies appropriated or otherwise available for the county's or municipality's law enforcement and were not used to supplant those monies.

(10) (a) The coordinating council may, by a majority vote:

(i) suspend future payments under Subsection (8) to a municipality or county that:

(A) does not file a report that meets the requirements of Subsection (9); or

(B) the coordinating council finds does not use the monies as required by Subsection (2)(d) on the basis of the report filed by the municipality or county under Subsection (9); and

(ii) cancel a suspension under Subsection (10)(a)(i).

(b) The State Tax Commission shall:

(i) retain monies that a municipality or county does not receive under Subsection (10)(a); and

(ii) notify the coordinating council of the balance of retained monies under this Subsection (10)(b) after the annual distribution under Subsection (8).

(11) (a) Subject to the requirements of this Subsection (11), the coordinating council shall award the balance of retained monies under Subsection (10)(b):

(i) as prioritized by majority vote of the coordinating council; and

(ii) as grants to:

(A) a county;

(B) a municipality; or

(C) the Department of Public Safety.

(b) By not later than May 30 of the fiscal year of the appropriation, the coordinating council shall notify the State Tax Commission of any grants awarded under this Subsection (11).

(c) The State Tax Commission shall make payments of grants:

(i) upon receiving notice as provided under Subsection (11)(b); and

(ii) by not later than June 30 of the fiscal year of the appropriation.

(d) An entity that receives a grant under this Subsection (11) shall use the grant monies exclusively for programs or projects described in Subsection (2)(d).

Section 10. Section **39-6-93** is amended to read:

39-6-93. Intoxicated or reckless driving.

A person subject to this chapter who operates any vehicle in violation of Section ~~[41-6-44]~~ 41-6a-502, or in violation of Section ~~[41-6-45]~~ 41-6a-528, shall be punished as a military court directs.

Section 11. Section **41-1a-202** is amended to read:

41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of vehicles after establishing residency.

(1) In this section:

(a) "Domicile" means the place:

(i) where an individual has a fixed permanent home and principal establishment;

(ii) to which the individual if absent, intends to return; and

(iii) in which the individual and his family voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home.

(b) (i) "Resident" means any of the following:

(A) an individual who:

(I) has established a domicile in this state;

(II) regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year;

(III) engages in a trade, profession, or occupation in this state or who accepts

employment in other than seasonal work in this state and who does not commute into the state;

(IV) declares himself to be a resident of this state for the purpose of obtaining a driver license or motor vehicle registration; or

(V) declares himself a resident of Utah to obtain privileges not ordinarily extended to nonresidents, including going to school, or placing children in school without paying nonresident tuition or fees;

(B) any individual, partnership, limited liability company, firm, corporation, association, or other entity that:

(I) maintains a main office, branch office, or warehouse facility in this state and that bases and operates a motor vehicle in this state; or

(II) operates a motor vehicle in intrastate transportation for other than seasonal work.

(ii) "Resident" does not include any of the following:

(A) a member of the military temporarily stationed in Utah;

(B) an out-of-state student, as classified by the institution of higher education, enrolled with the equivalent of seven or more quarter hours, regardless of whether the student engages in a trade, profession, or occupation in this state or accepts employment in this state; and

(C) an individual domiciled in another state or a foreign country that:

(I) is engaged in public, charitable, educational, or religious services for a government agency or an organization that qualifies for tax-exempt status under Internal Revenue Code Section 501(c)(3);

(II) is not compensated for services rendered other than expense reimbursements; and

(III) is temporarily in Utah for a period not to exceed 24 months.

(2) Registration under this chapter is not required for any:

(a) vehicle registered in another state and owned by a nonresident of the state or operating under a temporary registration permit issued by the division or a dealer authorized by this chapter, driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;

(b) vehicle driven or moved upon a highway only for the purpose of crossing the

highway from one property to another;

(c) implement of husbandry, whether of a type otherwise subject to registration or not, that is only incidentally operated or moved upon a highway;

(d) special mobile equipment;

(e) vehicle owned or leased by the federal government;

(f) motor vehicle not designed, used, or maintained for the transportation of passengers for hire or for the transportation of property if the motor vehicle is registered in another state and is owned and operated by a nonresident of this state;

(g) vehicle or combination of vehicles designed, used, or maintained for the transportation of persons for hire or for the transportation of property if the vehicle or combination of vehicles is registered in another state and is owned and operated by a nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight of 26,000 pounds or less;

(h) trailer of 750 pounds or less unladen weight and not designed, used, and maintained for hire for the transportation of property or person;

(i) manufactured home or mobile home;

(j) off-highway vehicle currently registered under Section 41-22-3 if the off-highway vehicle is:

(i) being towed;

(ii) operated on a street or highway designated as open to off-highway vehicle use; or

(iii) operated in the manner prescribed in Section 41-22-10.3;

(k) off-highway implement of husbandry operated in the manner prescribed in Subsections 41-22-5.5(3) through (5);

(l) modular and prebuilt homes conforming to the uniform building code and presently regulated by the United States Department of Housing and Urban Development that are not constructed on a permanent chassis;

(m) electric assisted bicycle defined under Section ~~[41-6-1]~~ 41-6a-102;

(n) motor assisted scooter defined under Section ~~[41-6-1]~~ 41-6a-102; or

(o) personal motorized mobility device defined under Section ~~[41-6-1]~~ 41-6a-102.

(3) Unless otherwise exempted under Subsection (2), registration under this chapter is required for any motor vehicle, combination of vehicles, trailer, semitrailer, or vintage vehicle within 60 days of the owner establishing residency in this state.

(4) A motor vehicle that is registered under Section 41-3-306 is exempt from the registration requirements of this part for the time period that the registration under Section 41-3-306 is valid.

Section 12. Section **41-1a-203** is amended to read:

41-1a-203. Prerequisites for registration.

(1) Except as otherwise provided, prior to registration a vehicle must have:

(a) an identification number inspection under Section 41-1a-204;

(b) passed the safety inspection, if required in the current year, as provided under Sections 41-1a-205 and 53-8-205;

(c) passed the emissions inspection, if required in the current year, as provided under Section ~~[41-6-163.6]~~ 41-6a-1642;

(d) paid property taxes, the in lieu fee, or received a property tax clearance under Section 41-1a-206 or 41-1a-207;

(e) paid the automobile driver education tax required by Section 41-1a-208;

(f) paid the applicable registration fee under Part 12, Fee and Tax Requirements;

(g) paid the uninsured motorist identification fee under Section 41-1a-1218, if applicable; and

(h) paid the motor carrier fee under Section 41-1a-1219, if applicable.

(2) In addition to the requirements in Subsection (1), an owner whose vehicle has not been previously registered or that is currently registered under a previous owner's name must also apply for a valid certificate of title in the owner's name prior to registration.

(3) A new registration, transfer of ownership, or registration renewal under Section 73-18-7 may not be issued for a vessel or outboard motor that is subject to the title provisions of this chapter unless a certificate of title has been or is in the process of being issued in the same

owner's name.

(4) A new registration, transfer of ownership, or registration renewal under Section 41-22-3 may not be issued for an off-highway vehicle that is subject to the titling provisions of this chapter unless a certificate of title has been or is in the process of being issued in the same owner's name.

Section 13. Section **41-1a-205** is amended to read:

41-1a-205. Safety inspection certificate required for renewal or registration of motor vehicle -- Exemptions.

(1) If required in the current year, a safety inspection certificate, as required by Section 53-8-205, or proof of exemption from safety inspection shall be presented at the time of, and as a condition of, registration or renewal of registration of a motor vehicle.

(2) (a) Except as provided in Subsections (2)(b), (c), and (d), the safety inspection required under this section may be made no more than two months prior to the renewal of registration.

(b) (i) If the title of a used motor vehicle is being transferred, a safety inspection certificate issued for the motor vehicle during the previous two months may be used to satisfy the requirement under Subsection (1).

(ii) If the transferor is a licensed and bonded used motor vehicle dealer, a safety inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle dealer's name during the previous six months may be used to satisfy the requirement under Subsection (1).

(c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, a safety inspection certificate issued during the previous six months may be used to satisfy the requirement under Subsection (1).

(d) If the motor vehicle is part of a fleet of 101 or more vehicles, the safety inspection required under this section may be made no more than 11 months prior to the renewal of registration.

(3) The following motor vehicles are exempt from this section:

(a) a new motor vehicle when registered the first time, if:

- (i) a new car predelivery inspection has been made by a dealer;
- (ii) the dealer provides a written disclosure statement listing any known deficiency, existing with the new motor vehicle at the time of delivery, that would cause the motor vehicle to fail a safety inspection given in accordance with Section 53-8-205; and

(iii) the buyer signs the disclosure statement to acknowledge that the buyer has read and understands the listed deficiencies; and

(b) a motor vehicle required to be registered under this chapter that bears a dealer plate or other special plate under Title 41, Chapter 3, Part 5, Special Dealer License Plates, except that if the motor vehicle is propelled by its own power and is not being moved for repair or dismantling, the motor vehicle shall comply with Section [~~41-6-155~~] 41-6a-1601 regarding safe mechanical condition.

(4) (a) A safety inspection certificate shall be displayed on:

(i) all registered commercial motor vehicles with a gross vehicle weight rating of 26,000 pounds or more;

(ii) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with multiple axles;

(iii) a combination unit; and

(iv) a bus or van for hire.

(b) A commercial vehicle under Subsection (4)(a) is exempt from the requirements of Subsection (1).

(5) A motor vehicle may be sold and the title assigned to the new owner without a valid safety inspection, but the motor vehicle may not be registered in the new owner's name until the motor vehicle complies with this section.

Section 14. Section **41-1a-217** is amended to read:

41-1a-217. Application for renewal of registration.

(1) Renewal of a vehicle registration shall be made by the owner upon application and by payment of the fees or taxes required under Subsection 41-1a-203(1).

(2) The application for registration renewal and applicable fees or taxes shall be accompanied by a:

- (a) safety inspection certificate as required under Section 41-1a-205; and
- (b) certificate of emissions inspection as required under Section ~~[41-6-163.6]~~

41-6a-1642.

(3) The new registration card issued shall show:

- (a) the identical information with respect to the owner and the vehicle description required by Section 41-1a-213; and
- (b) the new expiration date.

Section 15. Section ~~41-1a-407~~ is amended to read:

41-1a-407. Plates issued to political subdivisions or state -- Use of "EX" letters -- Confidential information.

(1) Except as provided in Subsection (2), each municipality, board of education, school district, state institution of learning, county, other governmental division, subdivision, or district, and the state shall:

- (a) place a license plate displaying the letters, "EX" on every vehicle owned and operated by it or leased for its exclusive use; and
- (b) display an identification mark designating the vehicle as the property of the entity in a conspicuous place on both sides of the vehicle.

(2) The entity need not display the "EX" license plate or the identification mark required by Subsection (1) if:

- (a) the vehicle is in the direct service of the governor, lieutenant governor, attorney general, state auditor, or state treasurer of Utah;
- (b) the vehicle is used in official investigative work where secrecy is essential;
- (c) the vehicle is used in an organized Utah Highway Patrol operation that is:
 - (i) conducted within a county of the first or second class as defined under Section 17-50-501, unless no more than one unmarked vehicle is used for the operation;
 - (ii) approved by the Commissioner of Public Safety;

(iii) of a duration of 14 consecutive days or less; and

(iv) targeted toward aggressive driving and accidents involving:

(A) violations of Title 41, Chapter ~~[6, Article]~~ 6a, Part 5, Driving ~~[While Intoxicated]~~

Under the Influence and Reckless Driving;

(B) speeding violations for exceeding the posted speed limit by 21 or more miles per hour;

(C) speeding violations in a reduced speed school zone under Section ~~[41-6-48.5]~~ 41-6a-604;

(D) violations of Section ~~[41-6-78]~~ 41-6a-1002 related to pedestrian crosswalks; or

(E) violations of Section ~~[41-6-53.5]~~ 41-6a-702 related to lane restrictions;

(d) the vehicle is provided to an official of the entity as part of a compensation package allowing unlimited personal use of that vehicle; or

(e) the personal security of the occupants of the vehicle would be jeopardized if the "EX" license plate were in place.

(3) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP," a beehive logo, and the call number of the trooper to whom the vehicle is issued.

(4) (a) The commission shall issue "EX" and "UHP" plates.

(b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules establishing the procedure for application for and distribution of the plates.

(5) For a vehicle that qualifies for "EX" or "UHP" license plates, the entity is not required to display an annual registration decal.

(6) (a) Information shall be confidential for vehicles that are not required to display the "EX" license plate or the identification mark under Subsections (2)(a), (b), (d), and (e).

(b) (i) If a law enforcement officer's identity must be kept secret, his agency head may request in writing that the division remove the license plate information of the officer's personal vehicles from all public access files and place it in a confidential file until the assignment is completed.

(ii) The agency head shall notify the division when the assignment is completed.

(7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be in a uniform clearly identifying the law enforcement agency the peace officer is representing during the operation.

Section 16. Section **41-1a-1101** is amended to read:

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

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

- (a) that the division or the peace officer has reason to believe has been stolen;
- (b) on which any identification number has been defaced, altered, or obliterated;
- (c) that has been abandoned on the public highways;
- (d) for which the applicant has written a check for registration or title fees that has not been honored by the applicant's bank and that is not paid within 30 days;
- (e) that is placed on the water with improper registration; or
- (f) that is being operated on a highway:
 - (i) with registration that has been expired for more than three months;
 - (ii) having never been properly registered by the current owner; or
 - (iii) with registration that is suspended or revoked.

(2) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.

(3) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor under this section shall comply with the provisions of Section [~~41-6-102.5~~] 41-6a-1406.

(4) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules setting standards for public garages, impound lots, and impound yards that may be used by peace officers and the division.

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

(5) (a) Except as provided under Subsection (5)(b), a person may not operate or allow to

be operated a vehicle stored in a public garage, impound lot, or impound yard regulated under this part without prior written permission of the owner of the vehicle.

(b) Incidental and necessary operation of a vehicle to move the vehicle from one parking space to another within the facility and that is necessary for the normal management of the facility is not prohibited under this Subsection (5)(a).

(6) A person who violates the provisions of Subsection (5) is guilty of a class C misdemeanor.

(7) The division or the peace officer who seizes a vehicle shall record the mileage shown on the vehicle's odometer at the time of seizure, if:

- (a) the vehicle is equipped with an odometer; and
- (b) the odometer reading is accessible to the division or the peace officer.

Section 17. Section **41-1a-1206** is amended to read:

41-1a-1206. Registration fees -- Fees by gross laden weight.

(1) Except as provided in Subsection (2), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this chapter, a registration fee shall be paid to the division as follows:

- (a) \$22.50 for each motorcycle;
- (b) \$21 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles;
- (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:
 - (i) \$11 for each trailer or semitrailer over 750 pounds gross unladen weight; or
 - (ii) \$8.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;
- (d) (i) \$33 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
 - (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight; and
- (e) (i) \$49.50 for each motor vehicle or combination of motor vehicles, excluding farm

trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

(ii) \$18.50 for each 2,000 pounds over 14,000 pounds gross laden weight.

(2) The initial registration fee for a vintage vehicle is \$20.

(3) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall register for the total gross laden weight of all units of the combination if the total gross laden weight of the combination exceeds 12,000 pounds.

(4) (a) Registration fee categories under this section are based on the gross laden weight declared in the licensee's application for registration.

(b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of 2,000 pounds is a full unit.

(5) The owner of a commercial trailer or commercial semitrailer may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate for a fee of \$110.

(6) Except as provided in Section [~~41-6-163.6~~] 41-6a-1642, a truck may not be registered as a farm truck unless:

(a) the truck meets the definition of a farm truck under Section 41-1a-102; and

(b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or

(ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner submits to the division a certificate of emissions inspection or a waiver in compliance with Section [~~41-6-163.6~~] 41-6a-1642.

(7) A violation of Subsection (6) is a class B misdemeanor that shall be punished by a fine of not less than \$200.

(8) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees required for those vehicles under this section.

Section 18. Section **41-3-303** is amended to read:

41-3-303. Temporary permits -- Inspections required before issuance.

(1) A dealer licensed in accordance with this chapter may not issue a temporary permit

under Section 41-3-302 unless:

(a) (i) the motor vehicle for which the temporary permit is issued has received and passed the safety inspection required by Section 53-8-205 within the previous six months;

(ii) the safety inspection certificate was issued in the name of a licensed and bonded dealer; and

(iii) a copy of the safety inspection certificate is given to the customer; and

(b) the motor vehicle passed the emission inspection test required by Section ~~[41-6-163.6]~~ 41-6a-1642.

(2) Notwithstanding Subsection (1)(a), a dealer may issue a temporary permit without a safety inspection certificate if the motor vehicle complies with the safety inspection as provided in Section 41-1a-205.

(3) Notwithstanding Subsection (1)(b), a dealer may issue a temporary permit without proof of an emission inspection if:

(a) the motor vehicle is exempt from emission inspection as provided in Section ~~[41-6-163.6]~~ 41-6a-1642;

(b) the purchaser is a resident of a county that does not require emission inspections; or

(c) the motor vehicle is otherwise exempt from emission inspections.

(4) Notwithstanding Subsection (1), a dealer may sell a motor vehicle as is without having it safety or emission inspected provided that no temporary permit is issued.

Section 19. Section **41-6a-101**, which is renumbered from Section 41-6-175 is renumbered and amended to read:

CHAPTER 6a. TRAFFIC CODE

Part 1. General Provisions

~~[41-6-175].~~ **41-6a-101. Title.**

This ~~[act may be cited as the Uniform Act Regulating Traffic on Highways.]~~ chapter is known as the "Traffic Code."

Section 20. Section **41-6a-102**, which is renumbered from Section 41-6-1 is renumbered and amended to read:

[41-6-1]. 41-6a-102. Definitions.

As used in this chapter:

(1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.

(2) "All-terrain type I vehicle" ~~[is used]~~ has the same meaning as defined in Section 41-22-2.

(3) "Authorized emergency vehicle" ~~[means]~~ includes:

(a) fire department vehicles[;];

(b) police vehicles[;];

(c) ambulances[;]; and

(d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.

(4) (a) "Bicycle" means every device;

(i) propelled by human power;

(ii) upon which [any] a person may ride[;]; and

(iii) having two tandem wheels[~~, except scooters and similar devices~~].

(b) "Bicycle" does not include scooters and similar devices.

(5) (a) "Bus" means [every] a motor vehicle;

(i) designed for carrying more than 15 passengers and used for the transportation of persons; [~~and every motor vehicle, other than a taxicab,~~] or

(ii) designed and used for the transportation of persons for compensation.

(b) "Bus" does not include a taxicab.

(6) (a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.

(b) "Circular intersection" includes:

(i) roundabouts;

(ii) rotaries; and

(iii) traffic circles.

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

~~[(6)]~~ (8) "Controlled-access highway" means [every] a highway, street, or roadway;

(a) designed primarily for through traffic; and

(b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the [public] highway authority having jurisdiction over the highway, street, or roadway.

~~[(7)]~~ (9) "Crosswalk" means:

(a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from:

(i) (A) the curbs; or[;]

(B) in the absence of curbs, from the edges of the traversable roadway; and

(ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; or

(b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

~~[(8)]~~ (10) "Department" means the Department of Public Safety.

~~[(9)]~~ (11) "Divided highway" means a highway divided into two or more roadways by:

(a) an unpaved intervening space [or by];

(b) a physical barrier; or [by]

(c) a clearly indicated dividing section constructed to impede vehicular traffic.

~~[(10)]~~ (12) "Electric assisted bicycle" means a moped;

(a) with an electric motor with a power output of not more than 1,000 watts[;]; and

(b) which is not capable of;

(i) propelling the device at a speed of more than 20 miles per hour on level ground[;];
and ~~[which is not capable of]~~

(ii) increasing the speed of the device when human power is used to propel the device at more than 20 miles per hour.

~~[(11)]~~ (13) "Explosives" means any chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.

~~[(12)]~~ (14) "Farm tractor" means ~~[every]~~ a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

~~[(13)]~~ (15) "Flammable liquid" means ~~[any]~~ a liquid which has a flashpoint of 100 degrees F. or less, as determined by a ~~[tabliabue]~~ tagliabue or equivalent closed-cup test device.

(16) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.

(17) "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.

~~[(14)]~~ (18) "Gross weight" means the weight of a vehicle without a load plus the weight of any load on the vehicle.

~~[(15)]~~ (19) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.

(20) "Highway authority" has the same meaning as defined in Section 72-1-102.

~~[(16)]~~ (21) (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another.

~~[(a)]~~ (b) Where a highway includes two roadways 30 feet or more apart~~;~~:

(i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and

(ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.

~~[(b) The]~~ (c) "Intersection" does not include the junction of an alley with a street or highway [is not an intersection].

(22) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:

(a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;

(b) channelizing devices;

(c) curbs;

(d) pavement edges; or

(e) other devices.

(23) "Law enforcement agency" has the same meaning as defined in Section 53-1-102.

(24) "Limited access highway" means a highway:

(a) that is designated specifically for through traffic; and

(b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.

~~[(17)]~~ (25) "Local [authorities] highway authority" means [every] the legislative, executive, or governing body of a county, municipal, [and] or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.

~~[(18)]~~ (26) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

(i) is designed to be operated at speeds of not more than 25 miles per hour; and [that]

(ii) has a capacity of not more than four passengers, including the driver.

(b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

~~[(19)]~~ (27) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

~~[(20)]~~ (28) "Mobile home" means:

(a) a trailer or semitrailer which is:

(i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily[;]; and [is]

(ii) equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in Subsection [~~(20)~~] (28)(a), but which is instead used permanently or temporarily for:

(i) the advertising, [~~sales~~] sale, display, or promotion of merchandise or services[;]; or [for]

(ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

[~~(21)~~] (29) (a) "Moped" means a motor-driven cycle having [both]:

(i) pedals to permit propulsion by human power[;]; and

(ii) a motor which:

(A) produces not more than two brake horsepower; and [which]

(B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.

(b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged. [~~A moped~~]

(c) "Moped" includes an electric assisted bicycle and a motor assisted scooter.

[~~(22)~~] (30) "Motor assisted scooter" means a self-propelled device with:

(a) at least two wheels in contact with the ground[;];

(b) a braking system capable of stopping the unit under typical operating conditions[;];

(c) a gas or electric motor not exceeding 40 cubic centimeters[;];

(d) a deck design for a person to stand while operating the device[;]; and

(e) the ability to be propelled by human power alone.

~~[(23)]~~ (31) (a) "Motor vehicle" means ~~[every]~~ a vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails~~[, except]~~.

(b) "Motor vehicle" does not include vehicles moved solely by human power and motorized wheel chairs.

~~[(24)]~~ (32) "Motorcycle" means ~~[every]~~ a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground.

~~[(25)]~~ (33) "Motor-driven cycle" means every motorcycle ~~[and]~~, motor scooter, personal motorized mobility device, moped, electric assisted bicycle, motor assisted scooter, and every motorized bicycle having:

(a) an engine with less than 150 cubic centimeters displacement; or ~~[having]~~

(b) a motor which produces not more than five horsepower.

~~[(26)]~~ "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

~~[(27)]~~ (34) "Off-highway implement of husbandry" ~~[is used]~~ has the same meaning as defined under Section 41-22-2.

~~[(28)]~~ (35) "Off-highway vehicle" ~~[is used]~~ has the same meaning as defined under Section 41-22-2.

~~[(29)]~~ (36) "Operator" means ~~[any]~~ a person who is in actual physical control of a vehicle.

~~[(30)]~~ (37) (a) "Park" or "parking" means the standing of a vehicle, whether occupied or not~~[, otherwise than]~~.

(b) "Park" or "parking" does not include the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

~~[(31)]~~ (38) "Peace officer" means ~~[any]~~ a peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for

violations of traffic laws.

~~[(32)]~~ (39) "Pedestrian" means ~~[any]~~ a person ~~[afoot.]~~ traveling:

(a) on foot; or

(b) in a wheelchair.

(40) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.

~~[(33)]~~ (41) "Person" means every natural person, firm, copartnership, association, or corporation.

~~[(34)]~~ (42) (a) "Personal motorized mobility device" means a self-propelled device with:

(i) two nontandem wheels in contact with the ground[;];

(ii) a system capable of steering and stopping the unit under typical operating conditions[;];

(iii) a motor not exceeding one horse power or 750 watts[;]; and

(iv) a deck design for a person to stand while operating the device. [~~A "personal"~~]

(b) "Personal motorized mobility device" does not include a wheelchair.

~~[(35)]~~ (43) "Pole trailer" means every vehicle without motive power:

(a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle[;]; and

(b) that is ordinarily used for transporting long or irregular shaped loads [~~such as~~ including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

~~[(36)]~~ (44) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

~~[(37)]~~ (45) "Railroad" means a carrier of persons or property upon cars operated ~~[upon]~~ on stationary rails.

~~[(38)]~~ (46) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad

tracks or the approach of a railroad train.

~~[(39)]~~ (47) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.

~~[(40)]~~ (48) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity which give rise to danger of collision unless one grants precedence to the other.

~~[(41)]~~ (49) (a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel~~[-exclusive of]~~.

(b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.

(c) ~~[If a highway includes two or more separate roadways, roadway]~~ "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.

~~[(42)]~~ (50) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

~~[(43)]~~ (51) (a) "School bus" means ~~[every]~~ a motor vehicle that:

(i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and

(ii) is used to transport school children to or from school or school activities. ~~[This definition]~~

(b) "School bus" does not include ~~[vehicles]~~ a vehicle operated by a common ~~[carriers]~~ carrier in transportation of school children to or from school or school activities.

~~[(44)]~~ (52) (a) "Semitrailer" means a vehicle with or without motive power~~[-other than a pole trailer];~~

(i) designed for carrying persons or property and for being drawn by a motor vehicle~~[-];~~ and

(ii) constructed so that some part of its weight and that of its load rests [~~upon~~] on or is carried by another vehicle.

(b) "Semitrailer" does not include a pole trailer.

[~~(45)~~] (53) "Shoulder area" means:

(a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices[;]";
or

(b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and lateral support.

[~~(46)~~] (54) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

[~~(47)~~] (55) "Solid rubber tire" means [~~every~~] a tire of rubber or other resilient material which does not depend [~~upon~~] on compressed air for the support of the load.

[~~(48)~~] (56) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, [~~other than temporarily~~] for the purpose of and while actually engaged in receiving or discharging passengers.

[~~(49)~~] (57) "Stop" when required means complete cessation from movement.

[~~(50)~~] (58) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:

(a) necessary to avoid conflict with other traffic; or [~~when~~]

(b) in compliance with the directions of a peace officer or [~~official~~] traffic-control device.

[~~(51)~~] (59) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

(60) "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding traffic.

[~~(52)~~] (61) "Traffic-control signal" means [~~any~~] a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to

proceed.

(62) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

~~[(53)]~~ (63) (a) "Trailer" means [every] a vehicle with or without motive power, [other than a pole trailer,] designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(b) "Trailer" does not include a pole trailer.

~~[(54)]~~ (64) "Truck" means [every] a motor vehicle designed, used, or maintained primarily for the transportation of property.

~~[(55)]~~ (65) "Truck tractor" means a motor vehicle;

(a) designed and used primarily for drawing other vehicles; and

(b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.

(66) "Two-way left turn lane" means a lane:

(a) provided for vehicle operators making left turns in either direction;

(b) that is not used for passing, overtaking, or through travel; and

(c) that has been indicated by a lane traffic-control device which may include lane markings.

~~[(56)]~~ (67) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

~~[(57)]~~ (68) "Vehicle" means [every] a device in, [upon]on, or by which [any] a person or property is or may be transported or drawn [upon] on a highway, except devices used exclusively [upon] on stationary rails or tracks.

Section 21. Section **41-6a-201**, which is renumbered from Section 41-6-11 is renumbered and amended to read:

Part 2. Applicability and Obedience to Traffic Laws

~~[41-6-11].~~ **41-6a-201. Chapter relates to vehicles on highways -- Exceptions.**

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, except:

(1) ~~[where]~~ when a different place is specifically ~~[referred to in a given section]~~ identified; or

(2) under the provisions of Section ~~[41-6-13.5 and Sections 41-6-29 to 41-6-45 inclusive]~~ 41-6a-210, Part 4, Accident Responsibilities, and Part 5, Driving Under the Influence and Reckless Driving, which apply upon highways and elsewhere throughout the state.

Section 22. Section **41-6a-202**, which is renumbered from Section 41-6-12 is renumbered and amended to read:

~~[41-6-12].~~ **41-6a-202. Violations of chapter -- Penalties.**

(1) A violation of any provision of this chapter is a class C misdemeanor, unless otherwise provided.

(2) A violation of any provision of ~~[Articles]~~ Parts 2, 11, ~~[15, and]~~ 17, and 18 of this chapter is an infraction, unless otherwise provided.

Section 23. Section **41-6a-203**, which is renumbered from Section 41-6-164.5 is renumbered and amended to read:

~~[41-6-164.5].~~ **41-6a-203. Violation of chapter.**

(1) ~~[Every]~~ A person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, ~~[any]~~ an act ~~[declared in]~~ that is a crime under this chapter ~~[to be a crime]~~, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, ~~[shall be]~~ is guilty of ~~[such]~~ the offense~~[-, and every]~~.

(2) A person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate ~~[any]~~ a provision of this chapter is ~~[likewise]~~ guilty of ~~[such]~~ the offense.

Section 24. Section **41-6a-204**, which is renumbered from Section 41-6-165 is renumbered and amended to read:

~~[41-6-165].~~ **41-6a-204. Requiring or knowingly permitting driver to unlawfully operate vehicle.**

~~[It is unlawful for the owner, or any other]~~ A person~~[-]~~ employing or otherwise directing the ~~[driver]~~ operator of ~~[any]~~ a vehicle ~~[to]~~ may not require or knowingly ~~[to]~~ permit the operation of ~~[such]~~ the vehicle ~~[upon]~~ on a highway in ~~[any]~~ a manner contrary to law.

Section 25. Section **41-6a-205**, which is renumbered from Section 41-6-165.5 is renumbered and amended to read:

~~[41-6-165.5].~~ **41-6a-205. Government-owned vehicles subject to chapter.**

~~[The]~~ Except as specifically exempted, the provisions of this chapter applicable to ~~[drivers of vehicles upon]~~ an operator of a vehicle on the ~~[highways shall]~~ highway apply to ~~[the drivers of all vehicles]~~ an operator of a vehicle owned or operated by the United States, this state or any county, city, town, district or any other political subdivision of the state~~[-, subject to such specific exceptions as are set forth in this chapter].~~

Section 26. Section **41-6a-206**, which is renumbered from Section 41-6-175.5 is renumbered and amended to read:

~~[41-6-175.5].~~ **41-6a-206. Conflict with Federal Motor Carrier Safety Regulations.**

~~[Whenever the rules]~~ Federal Motor Carrier Safety Regulations supercede any conflicting provisions of this chapter~~[-, as they pertain]~~ pertaining to commercial motor carriers ~~[are found to be in conflict with the Federal Motor Carrier Safety Regulations, the Federal Motor Carrier Safety Regulations will apply].~~

Section 27. Section **41-6a-207**, which is renumbered from Section 41-6-16 is renumbered and amended to read:

~~[41-6-16].~~ **41-6a-207. Uniform application of chapter -- Effect of local ordinances.**

(1) The provisions of this chapter are applicable ~~[and uniform]~~ throughout this state and in all of its political subdivisions and municipalities.

(2) A local highway authority may not enact or enforce any rule or ordinance in conflict with the provisions of this chapter. ~~[Local authorities]~~

(3) A local highway authority may~~[-, however,]~~ adopt:

(a) ordinances consistent with this chapter~~[-];~~ and

(b) additional traffic ordinances ~~[which are]~~ not in conflict with this chapter.

Section 28. Section **41-6a-208**, which is renumbered from Section 41-6-17 is renumbered and amended to read:

~~[41-6-17].~~ 41-6a-208. Regulatory powers of local highway authorities -- Traffic-control device affecting state highway -- Necessity of erecting traffic-control devices.

(1) The provisions of this chapter do not prevent a local ~~[authorities, with respect to highways under their]~~ highway authority for a highway under its jurisdiction and within the reasonable exercise of police power, from:

(a) regulating or prohibiting stopping, standing, or parking;

(b) regulating traffic by means of a peace ~~[officers]~~ officer or ~~[official]~~ a traffic-control ~~[devices]~~ device;

(c) regulating or prohibiting processions or assemblages on ~~[the highways]~~ a highway;

(d) designating particular highways or roadways for use by traffic moving in one direction under Section ~~[41-6-60]~~ 41-6a-709;

(e) establishing speed limits for vehicles in public parks, which supersede Section ~~[41-6-48]~~ 41-6a-603 regarding speed limits;

(f) designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction;

(g) restricting the use of ~~[highways]~~ a highway under Section 72-7-408;

(h) regulating the operation of ~~[bicycles]~~ a bicycle and requiring the registration and inspection of ~~[them]~~ bicycles, including requiring a registration fee;

(i) regulating or prohibiting ~~[the turning of vehicles or]~~;

(i) certain turn movements of a vehicle; or

(ii) specified types of vehicles;

(j) altering or establishing speed limits under Section ~~[41-6-48]~~ 41-6a-603;

(k) requiring written accident reports under Section ~~[41-6-42]~~ 41-6a-403;

- (l) designating no-passing zones under Section ~~[41-6-59]~~ 41-6a-708;
 - (m) prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic under Section ~~[41-6-65]~~ 41-6a-715;
 - (n) prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
 - (o) establishing minimum speed limits under Subsection ~~[41-6-49]~~ 41-6a-605(3);
 - ~~[(p) designating and regulating traffic on play streets;]~~
 - ~~[(r)]~~ (p) prohibiting pedestrians from crossing a highway in a business district or any designated highway except in a crosswalk under Section ~~[41-6-77]~~ 41-6a-1001;
 - ~~[(r)]~~ (q) restricting pedestrian crossings at unmarked crosswalks under Section ~~[41-6-82.10]~~ 41-6a-1010;
 - ~~[(s) regulating persons propelling push carts;]~~
 - ~~[(t)]~~ (r) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;
 - ~~[(t)]~~ (s) adopting and enforcing temporary or experimental ordinances as necessary to cover emergencies or special conditions;
 - ~~[(v)]~~ (t) prohibiting drivers of ambulances from exceeding maximum speed limits; or
 - ~~[(w)]~~ (u) adopting other traffic ordinances as specifically authorized by this chapter.
- (2) ~~[(A)]~~ In accordance with Title 72, Chapter 3, Part 1, Highways in General, a local highway authority may not erect or maintain any official traffic-control device at any location which [requires the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Transportation] regulates the traffic on a highway not under the local highway authority's jurisdiction, unless written approval is obtained from the highway authority having jurisdiction over the highway.
- (3) An ordinance enacted under Subsection (1) (d), (e), (f), (g), (i), (j), (l), (m), (n), ~~[(p)];~~ or ~~[(r)]~~ (q) is not effective until official traffic-control devices giving notice of the local traffic ordinances are erected upon or at the entrances to the highway or part of it affected as is

appropriate.

Section 29. Section **41-6a-209**, which is renumbered from Section 41-6-13 is renumbered and amended to read:

~~[41-6-13].~~ 41-6a-209. Obedience to peace officer or other traffic controllers -- Speeding in construction zones.

(1) A person may not willfully fail or willfully refuse to comply with any lawful order or direction of ~~[any]~~ a:

(a) peace officer~~[- fireman];~~;

(b) firefighter;

(c) flagger at a highway construction or maintenance site~~[-]~~ using devices and procedures conforming to the standards adopted under Section 41-6a-301; or

(d) uniformed adult school crossing guard invested by law with authority to direct, control, or regulate traffic.

~~[(2) When flaggers at highway construction or maintenance sites are directing traffic, they shall use devices and procedures conforming to the standards adopted under Section 41-6-20.]~~

~~[(3)]~~ (2) (a) ~~[A vehicle operator who]~~ If a person commits a speeding violation in a highway construction or maintenance site where workers are present ~~[shall have a fine imposed by]~~, the court shall impose a fine for the offense that is at least double the fine in the uniform recommended fine schedule established under Section 76-3-301.5 ~~[for the offense]~~.

(b) The highway construction or maintenance site under Subsection ~~[(3)]~~ (2)(a) shall be clearly marked and have signs posted that warn of the doubled fine.

Section 30. Section **41-6a-210**, which is renumbered from Section 41-6-13.5 is renumbered and amended to read:

~~[41-6-13.5].~~ 41-6a-210. Failure to respond to officer's signal to stop -- Fleeing -- Causing property damage or bodily injury -- Suspension of driver's license -- Forfeiture of vehicle -- Penalties.

(1) (a) An operator who receives a visual or audible signal from a peace officer to bring

the vehicle to a stop may not:

(i) operate the vehicle in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vehicle or person; or

(ii) attempt to flee or elude a peace officer by vehicle or other means.

(b) (i) A person who violates Subsection (1)(a) is guilty of a felony of the third degree.

(ii) The court shall, as part of any sentence under this Subsection (1), impose a fine of not less than \$1,000.

(2) (a) An operator who violates Subsection (1) and while so doing causes death or serious bodily injury to another person, under circumstances not amounting to murder or aggravated murder, is guilty of a felony of the second degree.

(b) The court shall, as part of any sentence under this Subsection (2), impose a fine of not less than \$5,000.

(3) (a) In addition to the penalty provided under this section or any other section, a person who violates Subsection (1)(a) or (2)(a) shall have the person's driver license revoked under Subsection 53-3-220(1)(a)(ix) for a period of one year.

(b) (i) The court shall forward the report of the conviction to the division.

(ii) If the person is the holder of a driver license from another jurisdiction, [~~the court shall notify the division and~~] the division shall notify the appropriate officials in the licensing state.

Section 31. Section **41-6a-211**, which is renumbered from Section 41-6-13.7 is renumbered and amended to read:

~~[41-6-13.7].~~ **41-6a-211. Vehicle subject to forfeiture -- Seizure -- Procedure.**

(1) Any conveyance, including [~~vehicles~~] a vehicle, aircraft, water craft, or other vessel used in violation of Section [~~41-6-13.5 shall be~~] 41-6a-210, is subject to forfeiture [~~pursuant to~~] under the procedures and substantive protections established in Title 24, Chapter 1, Utah Uniform Forfeiture Procedures Act.

(2) Property subject to forfeiture under this section may be seized by [~~any~~] a peace officer [~~of this state~~];

(a) upon notice and service of process issued by ~~[any]~~ a court having jurisdiction over the property ~~[-. However, seizure]; or~~

(b) without notice and service of process ~~[may be made when]~~ if:

~~[(a)]~~ (i) the seizure is incident to an arrest under a search warrant or an inspection under an administrative inspection warrant;

~~[(b)]~~ (ii) the property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this section; or

~~[(c)]~~ (iii) the peace officer has probable cause to believe that the property has been used in violation of the provisions of Section ~~[41-6-13.5]~~ 41-6a-210.

(3) (a) Property taken or detained under this section is not repleviable but is in custody of the law enforcement agency making the seizure, subject only to the orders and decrees of the court or the official having jurisdiction.

(b) When property is seized under this section, the appropriate person or agency may:

~~[(a)]~~ (i) place the property under seal;

~~[(b)]~~ (ii) remove the property to a place designated by the warrant under which it was seized; or

~~[(c)]~~ (iii) take custody of the property and remove it to an appropriate location for disposition in accordance with law.

Section 32. Section **41-6a-212**, which is renumbered from Section 41-6-14 is renumbered and amended to read:

~~[41-6-14].~~ **41-6a-212. Emergency vehicles -- Policy regarding vehicle pursuits -- Applicability of traffic law to highway work vehicles -- Exemptions.**

(1) Subject to Subsections (2) through (5), the operator of an authorized emergency vehicle may exercise the privileges granted under this section when:

(a) responding to an emergency call;

(b) in the pursuit of an actual or suspected violator of the law; or

(c) responding to but not upon returning from a fire alarm.

(2) The operator of an authorized emergency vehicle may:

- (a) park or stand, irrespective of the provisions of this chapter;
- (b) proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (c) exceed the maximum speed limits, unless prohibited by a local highway authority under Section 41-6a-208; or
- (d) disregard regulations governing direction of movement or turning in specified directions.

(3) Privileges granted under this section to the operator of an authorized emergency vehicle, who is not involved in a vehicle pursuit, apply only when:

- (a) the operator of the vehicle sounds an audible signal under Section ~~[41-6-146]~~ 41-6a-1625; or
- (b) uses a visual signal ~~[as defined]~~ with emergency lights in accordance with rules made under Section ~~[41-6-132]~~ 41-6a-1601, which is visible from in front of the vehicle.

(4) Privileges granted under this section to the operator of an authorized emergency vehicle involved in any vehicle pursuit apply only when:

- (a) the operator of the vehicle:
 - (i) sounds an audible signal under Section ~~[41-6-146]~~ 41-6a-1625; and
 - (ii) uses a visual signal ~~[as defined]~~ with emergency lights in accordance with rules made under Section ~~[41-6-132]~~ 41-6a-1601, which is visible from in front of the vehicle;

(b) the public agency employing the operator of the vehicle has, in effect, a written policy which describes the manner and circumstances in which any vehicle pursuit should be conducted and terminated;

(c) the operator of the vehicle has been trained in accordance with the written policy described in Subsection (4)(b); and

(d) the pursuit policy of the public agency is in conformance with standards established ~~[by]~~ under Subsection (5).

(5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Department of Public Safety~~[, Division of Peace Officer Standards and Training, which]~~ shall

~~[adopt]~~ make rules providing minimum standards ~~[that shall be incorporated into]~~ for all emergency pursuit policies that are adopted by public agencies authorized to operate emergency pursuit vehicles.

~~[(5)]~~ (6) The privileges granted under this section do not relieve the operator of an authorized emergency vehicle of the duty to act as a reasonably prudent emergency vehicle operator in like circumstances.

~~[(6)]~~ (7) Except for Sections ~~[41-6-13.5, 41-6-44, and 41-6-45]~~ 41-6a-210, 41-6a-502, and 41-6a-528, this chapter does not apply to persons, motor vehicles, and other equipment while actually engaged in work ~~[upon]~~ on the surface of a highway. ~~[However, the entire chapter applies to those persons and vehicles when traveling to or from the work.]~~

Section 33. Section **41-6a-213**, which is renumbered from Section 41-6-15 is renumbered and amended to read:

~~[41-6-15].~~ **41-6a-213. Persons riding or driving animals subject to chapter -- Exceptions.**

~~[A]~~ (1) Except as provided under Subsection (2), a person who is riding an animal or who is driving ~~[any]~~ an animal-drawn vehicle ~~[upon]~~ on a roadway is subject to this chapter~~;~~ except the penalties regarding operator licenses ~~specified under the~~.

(2) Driver license sanctions for alcohol or drug related traffic offenses do not apply to a person specified under Subsection (1).

Section 34. Section **41-6a-214**, which is renumbered from Section 41-6-17.5 is renumbered and amended to read:

~~[41-6-17.5].~~ **41-6a-214. Quasi-public roads and parking areas -- Local ordinances.**

(1) As used in this section, "quasi-public road or parking area" means a privately owned and maintained road or parking area that is generally held open for use of the public for purposes of vehicular travel or parking.

(2) (a) Any municipality or county may by ordinance provide that a quasi-public road or parking area within the ~~[city]~~ municipality or county is subject to this chapter.

(b) An ordinance may not be enacted under this section without:

(i) a public hearing; and
(ii) the agreement of a majority of the owners of the quasi-public road or parking area involved.

(3) ~~[The department is not required under this]~~ This section;

(a) supercedes conflicting provisions under Section 41-6a-215;

(b) does not require a peace officer to patrol or enforce any provisions of this chapter on any quasi-public road or parking area~~[-, but is required];~~ or

(c) does not affect the duty of a peace officer to enforce those provisions of this chapter applicable to private property other than under this section.

Section 35. Section **41-6a-215**, which is renumbered from Section 41-6-18 is renumbered and amended to read:

[41-6-18]. 41-6a-215. Right of real property owner to regulate traffic.

~~[This]~~ Except as provided under Section 41-6a-214, this chapter does not prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from:

(1) prohibiting the use~~[-, or from];~~

(2) requiring other ~~[or different or additional]~~ conditions ~~[other than those]~~ not specified in this chapter~~[-];~~ or

(3) otherwise regulating the use as preferred by the owner~~[-, except as may be required under Section 41-6-17.5].~~

Section 36. Section **41-6a-216**, which is renumbered from Section 41-6-19 is renumbered and amended to read:

[41-6-19]. 41-6a-216. Removal of plants or other obstructions impairing view -- Notice to owner -- Penalty.

(1) The owner of real property shall remove from his property any tree, plant, shrub, or other obstruction, or part of it~~[-, which,]~~ that constitutes a traffic hazard by obstructing the view of ~~[any]~~ an operator~~[-, constitutes a traffic hazard]~~ of a vehicle on a highway.

(2) When ~~[the Department of Transportation or any local]~~ a highway authority

determines ~~upon~~ on the basis of an engineering and traffic investigation that a traffic hazard exists, it shall notify the owner and order that the hazard be removed within ten days.

(3) The failure of the owner to remove the traffic hazard within ten days is a class C misdemeanor.

Section 37. Section **41-6a-217**, which is renumbered from Section 41-6-19.5 is renumbered and amended to read:

~~[41-6-19.5].~~ **41-6a-217. Volunteers may be authorized to enforce certain parking provisions.**

(1) Any law enforcement agency authorized to enforce parking laws in this state may appoint volunteers to issue citations for violations of:

(a) the provisions of Subsections 41-1a-414(3) and (4) related to parking for a person with a disability;

(b) any municipal or county accessible parking privileges ordinance for a person with a disability; or

(c) the provisions of Subsection ~~[41-6-103.5]~~ 41-6a-1307(4) related to parking in a school bus parking zone.

(2) A volunteer appointed under this section must be at least 21 years of age.

(3) The law enforcement agency appointing a volunteer may establish any other qualification for the volunteer that the agency finds desirable.

(4) A volunteer may not issue citations until the volunteer has received training from the appointing law enforcement agency.

(5) A citation issued by a volunteer under this section has the same force and effect as a citation issued by a peace officer for the same offense.

Section 38. Section **41-6a-301**, which is renumbered from Section 41-6-20 is renumbered and amended to read:

Part 3. Traffic-control Devices

~~[41-6-20].~~ **41-6a-301. Standards and specifications for uniform system of traffic-control devices and school crossing guards.**

(1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules~~[-(a)]~~ consistent with this chapter adopting standards and establishing specifications for a uniform system of traffic-control devices used on a highway~~[-and]~~.

~~[(b) adopting standards and establishing specifications for a uniform system of traffic-control devices, school crossing zones, and use of school crossing guards, which shall supplement the standards adopted under Subsection (1)(a).]~~

(2) The standards and specifications adopted under Subsection (1)~~[(a)]~~ shall:

(a) include provisions for school crossing zones and use of school crossing guards; and

(b) correlate with, and where possible conform to, the system set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other standards issued or endorsed by the federal highway administrator.

Section 39. Section **41-6a-302**, which is renumbered from Section 41-6-21 is renumbered and amended to read:

~~[41-6-21].~~ **41-6a-302. Placing and maintenance on state highways -- Restrictions on local authorities.**

~~[(1) The Department of Transportation]~~ In accordance with Section 72-3-109, a highway authority shall place and maintain traffic-control devices;

(1) in conformance with ~~[its manual and]~~ the standards and specifications ~~[upon]~~ adopted under Section 41-6a-301 on all ~~[state]~~ highways under the highway authority's jurisdiction; and

(2) as ~~[it]~~ the highway authority finds necessary ~~[to indicate and]~~ to;

(a) carry out the provisions of;

(i) this chapter; or ~~[to]~~

(ii) a local traffic ordinance if the highway authority is a local highway authority; or

(b) regulate, warn, or guide traffic.

~~[(2) A local authority may not place or maintain any traffic-control device upon any highway under the jurisdiction of the Department of Transportation except by the latter's permission.]~~

Section 40. Section **41-6a-303**, which is renumbered from Section 41-6-20.1 is renumbered and amended to read:

[41-6-20.1]. 41-6a-303. Definition of reduced speed school zone -- Operation of warning lights -- School crossing guard requirements -- Responsibility provisions -- Rulemaking authority.

(1) As used in this section "reduced speed school zone" means a designated length of a highway extending from a school zone speed limit sign [~~while the~~] with warning lights [~~are~~] operating to an end school zone sign.

(2) The Department of Transportation for state highways and local highway authorities for highways under their jurisdiction:

(a) shall establish reduced speed school zones at elementary schools after written assurance by a local highway authority that the local highway authority complies with Subsections (3) and (4); and

(b) may establish reduced speed school zones for secondary schools at the request of the local highway authority.

(3) For all reduced speed school zones on highways, including state highways within the jurisdictional boundaries of a local highway authority, the local highway authority shall:

(a) (i) provide shuttle service across highways for school children; or

(ii) provide, train, and supervise school crossing guards in accordance with this section;

(b) provide for the:

(i) operation of reduced speed school zones, including providing power to warning lights and turning on and off the warning lights as required under Subsections (4) and (5); and

(ii) maintenance of reduced speed school zones except on state highways as provided in Section [~~41-6-21~~] 41-6a-302; and

(c) notify the Department of Transportation of reduced speed school zones on state highways that are in need of maintenance.

(4) While children are going to or leaving school during opening and closing hours all reduced speed school zones shall have:

- (a) the warning lights operating on each school zone speed limit sign; and
- (b) a school crossing guard present if the reduced speed school zone is for an elementary school.

(5) The warning lights on a school zone speed limit sign may not be operating except as provided under Subsection (4).

(6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Department of Transportation shall make rules establishing criteria and specifications for the:

- (a) establishment, location, and operation of school crosswalks, school zones, and reduced speed school zones;
- (b) training, use, and supervision of school crossing guards at elementary schools and secondary schools; and
- (c) content and implementation of child access routing plans under Section 53A-3-402.

(7) Each local highway authority shall pay for providing, training, and supervising school crossing guards in accordance with this section.

Section 41. Section **41-6a-304**, which is renumbered from Section 41-6-23 is renumbered and amended to read:

~~[41-6-23].~~ 41-6a-304. Obeying devices -- Effect of improper position, illegibility, or absence -- Presumption of lawful placement and compliance with chapter.

(1) ~~[The]~~ Except as otherwise directed by a peace officer or other authorized personnel under Section 41-6a-209 and except as provided under Section 41-6a-212 for authorized emergency vehicles, the operator of a vehicle shall obey the instructions of any ~~[official]~~ traffic-control device placed or held in accordance with this chapter ~~[unless at the time otherwise directed by a peace officer, and subject to the exceptions granted the operator of an authorized emergency vehicle].~~

(2) (a) Any provision of this chapter, for which ~~[official]~~ a traffic-control ~~[devices are]~~ device is required, may not be enforced ~~[against an alleged violator]~~ if at the time and place of the alleged violation ~~[an official]~~ the traffic-control device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(b) ~~[When a particular section does not state that official traffic-control devices are required, the section is effective even though no devices are erected or in place.]~~ The provisions of this chapter are effective independently of the placement of a traffic-control device unless the provision requires the placement of a traffic-control device prior to its enforcement.

(3) ~~[When official]~~ A traffic-control ~~[devices are]~~ device placed or held in a position approximately conforming to the requirements of this chapter~~[-, the devices are]~~ is presumed to have been placed or held by the official act or direction of a highway authority or other lawful authority, unless the contrary is established by competent evidence.

(4) ~~[An official]~~ A traffic-control device placed or held under this chapter and purporting to conform to the lawful requirements ~~[pertaining to that]~~ of the device is presumed to comply with the requirements of this chapter, unless the contrary is established by competent evidence.

Section 42. Section ~~41-6a-305~~, which is renumbered from Section 41-6-24 is renumbered and amended to read:

~~[41-6-24].~~ **41-6a-305. Traffic-control signal -- At intersections -- At place other than intersection -- Color of light signal -- Inoperative traffic-control signals.**

(1) (a) Green, red, and yellow are the only colors that may be used in a traffic-control ~~[signals]~~ signal, except for ~~[special]~~ a:

- (i) pedestrian ~~[signals]~~ traffic-control signal that may use white and orange; and
- (ii) rail ~~[vehicles]~~ vehicle that may use white.

(b) Traffic-control signals ~~[indicate and]~~ apply to ~~[operators of vehicles and pedestrians]~~ the operator of a vehicle and to a pedestrian as provided in this section.

(2) (a) (i) Except as provided in Subsection (2)(a)(ii), the operator of a vehicle facing a circular green signal may:

- (A) proceed straight through the intersection;
- (B) turn right; or
- (C) turn left.

(ii) The operator of a vehicle facing a circular green signal, including an operator turning right or left:

(A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited; and

(B) may not turn right or left if a sign at the intersection prohibits the turn.

(b) The operator of a vehicle facing a green arrow signal shown alone or in combination with ~~[other]~~ another indication:

(i) may cautiously enter the intersection only to make the movement indicated by the arrow or other indication shown at the same time; and

(ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a ~~[pedestrian-control]~~ pedestrian traffic-control signal under Section ~~[41-6-25, pedestrians]~~ 41-6a-306, a pedestrian facing any green signal other than a green turn arrow may proceed across the roadway within any marked or unmarked crosswalk.

(3) (a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal is warned that the allowable movement related to a green signal is being terminated.

(b) Unless otherwise directed by a ~~[pedestrian-control]~~ pedestrian traffic-control signal under Section ~~[41-6-25]~~ 41-6a-306, a pedestrian facing a steady circular yellow or yellow arrow signal is advised that there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian may not start to cross the roadway.

(4) (a) Except as provided in Subsection (4)(c), the operator of a vehicle facing a steady circular red or red arrow signal:

(i) may not enter the intersection unless entering the intersection to make a movement is permitted by another indication; and

(ii) shall stop at a clearly marked stop line, but if none, before entering the marked or unmarked crosswalk on the near side of the intersection and shall remain stopped until an indication to proceed is shown.

(b) Unless otherwise directed by a ~~[pedestrian-control]~~ pedestrian traffic-control signal under Section ~~[41-6-25]~~ 41-6a-306, a pedestrian facing a steady red signal alone may not enter the roadway.

(c) (i) Except when facing a red arrow signal or when a sign is in place prohibiting a turn, the operator of a vehicle facing any steady circular red signal may cautiously enter the intersection to turn right, or may turn left from a one-way street into a one-way street, after stopping as required by Subsection (4)(a).

(ii) The operator of a vehicle shall yield the right-of-way to:

(A) ~~[other vehicles]~~ another vehicle moving through the intersection in accordance with an official traffic-control signal; and

(B) ~~[pedestrians]~~ a pedestrian lawfully within an adjacent crosswalk.

(5) (a) This section applies to a highway or rail line where ~~[an official]~~ a traffic-control signal is erected and maintained ~~[at an intersection or at a place other than an intersection]~~.

(b) Any stop required shall be made at a sign or marking on the highway pavement indicating where the stop shall be made, but, in the absence of any sign or marking, the stop shall be made at the signal.

(6) The operator of a vehicle approaching an intersection that has an ~~[official]~~ inoperative traffic-control signal ~~[that is inoperative]~~ shall:

(a) stop before entering the intersection; and ~~[shall]~~

(b) yield the right-of-way to any vehicle as required under Section ~~[41-6-72]~~ 41-6a-901.

Section 43. Section **41-6a-306**, which is renumbered from Section 41-6-25 is renumbered and amended to read:

~~[41-6-25]~~. **41-6a-306. Pedestrian traffic-control signals -- Rights and duties.**

~~[When special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" or symbols of "Walking Person" or "Upraised Hand" are in place, the signals indicate:]~~

(1) A pedestrian facing a steady "Walk" or symbol of "Walking Person" ~~[means a pedestrian facing the]~~ of a pedestrian traffic-control signal has the right-of-way and may proceed across the roadway in the direction of the signal.

(2) A pedestrian facing a flashing "Don't Walk" or "Upraised Hand" ~~[means a pedestrian]~~ of a pedestrian traffic-control signal may not start to cross the roadway in the direction of the signal, but a pedestrian who has partially completed ~~[his]~~ crossing on the walk signal shall

proceed to a sidewalk or safety island [~~while the "Don't Walk" or "Upraised Hand" signal is showing~~].

(3) A pedestrian facing a steady "Don't Walk" or "Upraised Hand" [means] of a pedestrian traffic-control signal may not enter the roadway in the direction of the signal.

Section 44. Section **41-6a-307**, which is renumbered from Section 41-6-26 is renumbered and amended to read:

[41-6-26]. 41-6a-307. Flashing red or yellow signals -- Rights and duties of operators -- Railroad grade crossings excluded.

~~[(1) When]~~ Except as provided under Section 41-6a-1203 regarding railroad grade crossing, the:

(1) operator of a vehicle facing an illuminated flashing red [or yellow] stop signal [is] used in a [traffic] traffic-control signal or with a traffic sign[~~, vehicular traffic shall obey it as follows: (a) Flashing red stop signal: When a red signal is illuminated by rapid intermittent flashes, operators of vehicles~~] shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the nearest side of the intersection, or if none, then at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering[~~. The~~];

(2) right to proceed is subject to the rules applicable after making a stop at a stop sign[~~];~~ and

~~[(b) Flashing yellow caution signal: When a yellow signal is illuminated with rapid intermittent flashes, operators of vehicles may]~~

(3) operator of a vehicle facing an illuminated flashing yellow caution signal may cautiously proceed through the intersection or cautiously proceed past the signal [only with caution].

~~[(2) This section does not apply at railroad grade crossings. Provisions regarding vehicles approaching railroad grade crossings are under Section 41-6-95.]~~

Section 45. Section **41-6a-308**, which is renumbered from Section 41-6-26.5 is renumbered and amended to read:

[41-6-26.5]. 41-6a-308. Lane use control signals -- Colors.

~~[When lane use control signals are placed over individual lanes, the signals indicate and apply to operators of vehicles]~~ The operator of a vehicle facing a traffic-control signal placed to control individual lane use shall obey the signal as follows:

- (1) Green signal -- vehicular traffic may travel in any lane over which a green signal is shown.
- (2) Steady yellow signal -- vehicular traffic is warned that a lane control change is being made.
- (3) Steady red signal -- vehicular traffic may not enter or travel in any lane over which a red signal is shown.
- (4) Flashing yellow signal -- vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

Section 46. Section **41-6a-309**, which is renumbered from Section 41-6-27 is renumbered and amended to read:

[41-6-27]. 41-6a-309. Prohibition of unauthorized signs, signals, lights, or markings -- Commercial advertising -- Public nuisance -- Removal.

(1) [A] Except as provided in Section 41-6a-310, a person may not place, maintain, or display upon or in view of any highway any unauthorized sign, signal, light, marking, or device which:

(a) purports to be ~~[or is an imitation of]~~ or which resembles ~~[an official]~~ a traffic-control device or railroad sign or signal, or authorized emergency vehicle flashing light~~[-, or which:]~~;

~~[(a)]~~ (b) attempts to direct the movement of traffic;

~~[(b)]~~ (c) hides from view or interferes with the effectiveness of ~~[any official]~~ a traffic-control device or any railroad sign or signal; or

~~[(c) which is of such brilliant illumination and so positioned as to blind or dazzle]~~

(d) blinds or dazzles an operator on any adjacent highway.

(2) [A] Except as provided under Section 72-7-504 regarding logo advertising, a person may not place or maintain ~~[nor may any public authority permit upon any highway any traffic~~

~~sign or signal bearing on it] any commercial advertising [except for business signs included as part of official motorist service panels approved by the Department of Transportation. This provision does] on any traffic-control device.~~

(3) The provisions of Subsections (1) and (2) do not prohibit ~~[the erection upon]~~ a sign on private property adjacent to ~~[highways of signs giving useful]~~ a highway providing directional information ~~[and of a type]~~ in a manner that may not be mistaken for ~~[official signs]~~ a traffic-control device.

~~[(3)]~~ (4) Every prohibited sign, signal, or light, or marking is ~~[declared to be]~~ a public nuisance and the highway authority having jurisdiction over the ~~[highways]~~ highway may remove it or cause it to be removed without notice.

Section 47. Section **41-6a-310**, which is renumbered from Section 41-6-1.5 is renumbered and amended to read:

~~[41-6-1.5].~~ **41-6a-310. Private vehicle as emergency vehicle -- Rules.**

(1) The commissioner of the Department of Public Safety may make rules, consistent with this chapter, governing the use, in emergencies, of signal lights on ~~[privately-owned]~~ privately owned vehicles.

(2) The rules under Subsection (1) may ~~[include a rule allowing]~~ authorize a ~~[privately-owned vehicles]~~ privately owned vehicle to be designated for part-time emergency use.

Section 48. Section **41-6a-311**, which is renumbered from Section 41-6-28 is renumbered and amended to read:

~~[41-6-28].~~ **41-6a-311. Interference with traffic-control devices prohibited -- Traffic signal preemption device prohibited -- Exceptions -- Defense.**

~~[(1) As used in this section:]~~

~~[(a) "Highway authority" has the same meaning as provided in Section 72-1-102.]~~

~~[(b) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.]~~

~~[(2)]~~ (1) Except as provided in Subsection ~~[(4)]~~ (3), a person may not alter, deface, damage, knock down, or remove any:

- (a) [~~official~~] traffic-control device;
- (b) [~~official~~] traffic-monitoring device; or
- (c) [~~official~~] railroad traffic-control device.

~~[(3)]~~ (2) Except as provided in Subsection ~~[(4)]~~ (3), a person may not:

- (a) knowingly use a traffic signal preemption device to interfere with the authorized operation or the authorized cycle of a traffic-control signal; or
- (b) operate a motor vehicle on a highway while in possession of a traffic signal preemption device.

~~[(4)]~~ (3) The provisions of Subsections ~~[(2)]~~ (1) and ~~[(3)]~~ (2) do not apply to a person authorized by the highway authority or railroad authority with jurisdiction over the device.

~~[(5)]~~ (4) It is an affirmative defense to a charge under Subsection ~~[(3)]~~ (2)(b) that the traffic signal preemption device was inoperative and could not be readily used at the time of the citation or arrest.

Section 49. Section **41-6a-401**, which is renumbered from Section 41-6-31 is renumbered and amended to read:

Part 4. Accident Responsibilities

~~[41-6-31].~~ **41-6a-401. Accident involving injury, death, or property damage -- Duties of operator, occupant, and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

(1) The operator of a vehicle involved in an accident resulting in injury to or death of ~~[any]~~ a person or damage to ~~[any]~~ another vehicle or other property~~[, if]~~ shall:

(a) immediately stop the vehicle at the scene of the accident or as close as possible without obstructing traffic more than is necessary; and

(b) remain at the scene of the accident until the operator has fulfilled the requirements of this section.

(2) If the vehicle or other property is operated, occupied, or attended by any person or if the owner of the vehicle or property is present, the operator of the vehicle involved in the accident shall:

- (a) give to the persons involved [~~his~~] the operator's name, address, and the registration number of the vehicle [~~he is operating~~] being operated;
- (b) upon request and if available, exhibit [~~his~~] the operator's license to:
 - (i) any investigating peace officer present;
 - (ii) the person struck;
 - (iii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and
 - (iv) the owner of property damaged in the accident, if present; and
- (c) render to any person injured in the [~~collision~~] accident reasonable assistance, including [~~the~~] transporting[;] or [~~the~~] making [~~of~~] arrangements for [~~the~~] transporting, of the injured person to a physician[; ~~surgeon~~]; or hospital for medical [~~or surgical~~] treatment if:
 - (i) it is apparent that treatment is necessary; or [~~if the transporting~~]
 - (ii) transportation is requested by the injured person.

~~[(2)]~~ (3) The operator of a vehicle involved in [~~an accident resulting in injury to or death of any person or property damage to an apparent extent of \$1,000 or more~~] an accident shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency[; ~~(3) If~~] if the accident resulted in:

- (a) injury or death of any person; or
- (b) property damage to an apparent extent of \$1,000 or more.

(4) The occupant of a vehicle involved in an accident who is not the operator of the vehicle shall give or cause to give the immediate notice required under Subsection (3) if:

(a) the operator of a vehicle involved in an accident is physically incapable of giving [~~an immediate~~] the notice [~~of an accident as required in Subsections (1) and (2)]; and [~~there is another~~]~~

(b) the occupant [~~in the vehicle at the time of the accident~~] is capable of giving an immediate notice[; ~~the occupant shall give or cause to be given the notice required of the operator under this section~~].

~~[(4) If the operator is physically incapable of making a report in a manner specified by the division of an accident when required under Section 41-6-35 and he is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall within 15 days after becoming aware of the accident make the report required of the operator under this section.]~~

(5) If the vehicle or other property is unattended, the operator of the vehicle involved in the accident shall:

(a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in the accident of the operator's name, address, and the registration number of the vehicle causing the damage; or

(b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address, and the registration number of the vehicle causing the damage.

(6) (a) A person who violates the provisions of Subsection (1) is guilty of a class A misdemeanor and shall be fined not less than \$750 if the accident results in injury or death of a person.

(b) A person who violates the provisions of Subsection (1) is guilty of a class B misdemeanor if the accident results only in damage to a vehicle or other property.

(c) A person who violates the provision of Subsection (5) is guilty of a class B misdemeanor.

Section 50. Section **41-6a-402**, which is renumbered from Section 41-6-35 is renumbered and amended to read:

[41-6-35]. 41-6a-402. Accident reports -- Duty of operator and investigative officer to forward or render.

(1) The department may require any operator of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to the apparent extent of \$1,000 or more to file within ten days after the request:

(a) a report of the accident to the department in a manner specified by the department [~~of the accident to the department~~]; and

(b) a supplemental report when the original report is insufficient in the opinion of the department.

(2) The department may require witnesses of accidents to ~~render~~ file reports to the department.

(3) (a) An accident report is not required under this section from any person who is physically incapable of making a report, during ~~his~~ the period of incapacity.

(b) If the operator is physically incapable of making an accident report under this section and the operator is not the owner of the vehicle, the owner of the vehicle involved in the accident shall within 15 days after becoming aware of the accident make the report required of the operator under this section.

(4) (a) The department shall, upon request, supply to law enforcement agencies, justice court judges, sheriffs, garages, and other appropriate agencies or individuals forms for accident reports required under this part.

(b) A request for an accident report form under Subsection (4)(a) shall be made in a manner specified by the division.

(c) The accident reports shall:

(i) provide sufficient detail to disclose the cause, conditions then existing, and the persons and vehicles involved in the accident; and

(ii) contain all of the information required that is available.

(5) (a) A person shall file an accident report if required under this section.

(b) The department shall suspend the license or permit to operate a motor vehicle and any nonresident operating privileges of any person failing to file an accident report in accordance with this section.

(c) The suspension under Subsection (5)(b) shall be in effect until the report has been filed except that the department may extend the suspension not to exceed 30 days.

~~[(4)]~~ (6) (a) [Every] A peace officer who, in the regular course of duty, investigates a motor vehicle accident described under Subsection (1) shall file the original or an electronic copy of the report of the accident with the department within ten days after completing the

investigation.

(b) The accident report shall be made either at the time of and at the scene of the accident or later by interviewing participants or witnesses.

~~[(5)]~~ (7) The accident reports required to be filed with the department under this section and the information in them are protected and confidential and may be disclosed only as provided in Section ~~[41-6-40]~~ 41-6a-404.

(8) (a) In addition to the reports required under this part, a local highway authority may, by ordinance, require that for each accident that occurs within its jurisdiction, the operator of a vehicle involved in an accident, or the owner of the vehicle involved in an accident, shall file with the local law enforcement agency a report of the accident or a copy of any report required to be filed with the department under this part.

(b) All reports are for the confidential use of the municipal department and are subject to the provisions of Section 41-6a-404.

Section 51. Section **41-6a-403**, which is renumbered from Section 41-6-35.5 is renumbered and amended to read:

~~[41-6-35.5].~~ **41-6a-403. Vehicle accidents -- Investigation and report of operator security -- Agency action if no security -- Surrender of plates -- Penalties.**

(1) (a) Upon request of a peace officer investigating an accident involving a motor vehicle, the operator of the motor vehicle shall provide evidence of the owner's or operator's security required under Section 41-12a-301.

(b) The evidence of owner's or operator's security includes information specified under Section 41-12a-303.2.

(2) The peace officer shall record on a form approved by the department:

- (a) the information provided by the operator;
- (b) whether the operator provided insufficient or no information;
- (c) ~~[if]~~ whether the officer finds reasonable cause to believe that any information given is not correct; and
- (d) whether other information available to the peace officer indicates that owner's or

operator's security is in effect.

(3) The peace officer shall deposit all completed forms with ~~[his]~~ the peace officer's law enforcement agency, which shall forward the forms to the department no later than ten days after receipt.

(4) (a) The department shall within ten days of receipt of the forms from the law enforcement agency take action as follows:

~~[(a)-(f)]~~ (i) if the operator provided no information under Subsection (1) and other information available to the peace officer does not indicate that owner's or operator's security is in effect, the department shall take direct action under Subsection 53-3-221(12)~~[-]; or~~

~~[(b)-(i)-(f)]~~ (ii) if the peace officer noted or the department determines that there is reasonable cause to believe that the information given under Subsection (1) is not correct, the department shall contact directly the insurance company or other provider of security as described in ~~[Subsection (7)]~~ Section 41-12a-303.2 and request verification of the accuracy of the information submitted as of the date of the ~~[traffic offense for which the citation was issued]~~ accident.

~~[(i)-(f)]~~ (b) The department may require the verification under Subsection (4)~~[(b)-(i)]~~(a)(ii) to be in a form specified by the department.

~~[(iii)-(f)]~~ (c) The insurance company or other provider of security shall return the verification to the department within 30 days of receipt of the request.

~~[(iv)-(f)]~~ (d) If the department does not receive verification within 35 days after sending the request, or within the 35 days receives notice that the information was not correct, the department shall take action under Subsection 53-3-221(12).

(5) (a) The owner of a vehicle with unexpired license plates for which security is not provided as required under this chapter shall return the plates for the vehicle to the Motor Vehicle Division unless specifically permitted by statute to retain them.

(b) If the owner fails to return the plates as required, ~~[they]~~ the plates shall be confiscated under Section 53-3-226.

(6) ~~[The]~~ In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking

Act, the department may make rules for the enforcement of this section.

~~[(7) In this section, "evidence of owner's or operator's security" includes any one of the following:]~~

~~[(a) a copy of the operator's valid:]~~

~~[(i) insurance policy;]~~

~~[(ii) binder notice;]~~

~~[(iii) renewal notice; or]~~

~~[(iv) card issued by an insurance company as evidence of insurance;]~~

~~[(b) a certificate of insurance issued under Section 41-12a-402;]~~

~~[(c) a certified copy of a surety bond issued under Section 41-12a-405;]~~

~~[(d) a certificate of the state treasurer issued under Section 41-12a-406;]~~

~~[(e) a certificate of self-funded coverage issued under Section 41-12a-407; or]~~

~~[(f) information that the vehicle or driver is insured from the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8:]~~

~~[(8)]~~ (7) A person is guilty of a class B misdemeanor, and shall be fined not less than \$100, who:

(a) when requested to provide security information under Subsection (1), or Section 41-12a-303.2, provides false information;

(b) falsely represents to the department that security required under this chapter is in effect; or

(c) sells a vehicle to avoid the penalties of this section as applicable either to himself or a third party.

Section 52. Section ~~41-6a-404~~, which is renumbered from Section 41-6-40 is renumbered and amended to read:

~~[41-6-40].~~ **41-6a-404. Accident reports -- When confidential -- Insurance policy information -- Use as evidence -- Penalty for false information.**

(1) As used in this section:

(a) "Agent" means a person's:

(i) attorney;
(ii) insurer; or
(iii) any other individual or entity with signed permission from the person to receive the person's accident report.

(b) "Accompanying data" means all materials gathered by the investigating peace officer in an accident investigation including:

- (i) the identity of witnesses and, if known, contact information;
- (ii) witness statements;
- (iii) photographs and videotapes;
- (iv) diagrams; and
- (v) field notes.

(2) Except as provided in Subsection (3), all accident reports required in this ~~[article]~~ part to be filed with the department:

- (a) are without prejudice to the reporting individual;
- (b) are protected and for the confidential use of the department or other state, local, or federal agencies having use for the records for official governmental statistical, investigative, and accident prevention purposes; and
- (c) may be disclosed only in a statistical form that protects the privacy of any person involved in the accident.

(3) (a) Subject to the provisions of this section, the department or the responsible law enforcement agency employing the peace officer that investigated the accident shall disclose an accident report to:

- (i) a person involved in the accident, excluding a witness to the accident;
- (ii) a person suffering loss or injury in the accident;
- (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i) and (ii);
- (iv) subject to Subsection (3)(d), a member of the press or broadcast news media;
- (v) a state, local, or federal agency that uses the records for official governmental,

investigative, or accident prevention purposes;

- (vi) law enforcement personnel when acting in their official governmental capacity; and
- (vii) a licensed private investigator.

(b) The responsible law enforcement agency employing the peace officer that investigated the accident:

(i) shall in compliance with Subsection (3)(a):

(A) disclose an accident report; or

(B) upon written request disclose an accident report and its accompanying data within ten business days from receipt of a written request for disclosure; or

(ii) may withhold an accident report, and any of its accompanying data if disclosure would jeopardize an ongoing criminal investigation or criminal prosecution.

(c) In accordance with Subsection (3)(a), the department or the responsible law enforcement agency employing the investigating peace officer shall disclose whether any person or vehicle involved in an accident reported under this section was covered by a vehicle insurance policy, and the name of the insurer.

(d) Information provided to a member of the press or broadcast news media under Subsection (3)(a)(iv) may only include:

(i) the name, age, sex, and city of residence of each person involved in the accident;

(ii) the make and model year of each vehicle involved in the accident;

(iii) whether or not each person involved in the accident was covered by a vehicle insurance policy;

(iv) the location of the accident; and

(v) a description of the accident that excludes personal identifying information not listed in Subsection (3)(d)(i).

(e) The department shall disclose to any requesting person the following vehicle accident history information, excluding personal identifying information, in bulk electronic form:

(i) any vehicle identifying information that is electronically available, including the make, model year, and vehicle identification number of each vehicle involved in an accident;

- (ii) the date of the accident; and
 - (iii) any electronically available data which describes the accident, including a description of any physical damage to the vehicle.
- (f) The department may establish a fee under Section 63-38-3.2 based on the fair market value of the information for providing bulk vehicle accident history information under Subsection (3)(e).

(4) (a) Except as provided in Subsection (4)(b), accident reports filed under this section may not be used as evidence in any civil or criminal trial arising out of an accident.

(b) (i) Upon demand of any party to the trial or upon demand of any court, the department shall furnish a certificate showing that a specified accident report has or has not been made to the department in compliance with law.

(ii) If the report has been made, the certificate furnished by the department shall show:

(A) the date, time, and location of the accident[;];

(B) the names and addresses of the drivers[;];

(C) the owners of the vehicles involved[;]; and

(D) the investigating peace officers.

(iii) The reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of Subsection (5).

(5) A person who gives information in reports as required in this [~~chapter~~] part knowing or having reason to believe that the information is false is guilty of a class A misdemeanor.

(6) The department and the responsible law enforcement agency employing the investigating peace officer may charge a reasonable fee determined by the department under Section 63-38-3.2 for the cost incurred in disclosing an accident report or an accident report and any of its accompanying data under Subsections (3)(a) and (b).

Section 53. Section ~~41-6a-405~~, which is renumbered from Section 41-6-39 is renumbered and amended to read:

~~[41-6-39].~~ **41-6a-405. Garage keeper to report damaged vehicle without damage sticker.**

(1) (a) The person in charge of any garage or repair shop ~~[who receives]~~ shall make a report to the nearest law enforcement agency within 24 hours of receiving a vehicle which shows evidence of having been:

(i) involved in an accident for which an accident report may be requested under Section ~~[41-6-35,]~~ 41-6a-402; or ~~[having been]~~

(ii) struck by any bullet~~], shall report the vehicle to the nearest office of an authorized law enforcement agency within 24 hours after the vehicle is received by the garage or repair shop, giving the].~~

(b) The report required under Subsection (1)(a) shall include the:

(i) vehicle identification number~~];~~

(ii) registration number~~];~~ and ~~[the]~~

(iii) name and address of the owner or operator of the vehicle.

(2) If a damaged vehicle sticker describing the damage is affixed to the vehicle by a peace officer, a report under ~~[this section]~~ Subsection (1) is not required.

Section 54. Section **41-6a-406**, which is renumbered from Section 41-6-41 is renumbered and amended to read:

~~[41-6-41].~~ **41-6a-406. Statistical information regarding accidents -- Annual publication.**

(1) The department ~~[shall tabulate and]~~ may analyze all accident reports ~~[and].~~

(2) (a) The department shall tabulate and publish ~~[annually, or at more frequent intervals, related]~~ statistical information as to the number and circumstances of traffic accidents.

(b) The publication under Subsection (2)(a) shall be at least annually.

Section 55. Section **41-6a-407**, which is renumbered from Section 41-6-38 is renumbered and amended to read:

~~[41-6-38].~~ **41-6a-407. Livestock on highway -- Restrictions -- Collision, action for damages.**

(1) (a) A person ~~[owning]~~ who owns or is in possession or control of any livestock may not willfully or negligently permit any of the livestock to stray or remain unaccompanied ~~[by a~~

~~person in charge or control of the livestock upon] on a highway, if both sides of [which] the highway are [adjoined by] separated from adjoining property [which is separated from the highway] by a fence, wall, hedge, sidewalk, curb, lawn, or building. [This subsection]~~

~~(b) Subsection (1)(a) does not apply to range stock drifting onto any highway [in going to or returning] moving to or from their accustomed ranges.~~

~~(2) (a) A person may not drive any livestock upon, over, or across any highway during the period from half an hour after sunset to half an hour before sunrise[-, without keeping].~~

~~(b) Subsection (2)(a) does not apply if the person has a sufficient number of herders with warning lights on continual duty to open the road to permit the passage of vehicles.~~

~~(3) In any civil action brought [by the owner, operator, or occupant of a motor vehicle or by their personal representatives or assignees, or by the owner of the livestock] for damages caused by collision with any domestic animal or [animals] livestock on a highway, there is no presumption that the collision was due to negligence on behalf of the owner or the person in possession of the domestic animal or livestock.~~

Section 56. Section **41-6a-408**, which is renumbered from Section 41-6-38.5 is renumbered and amended to read:

~~[41-6-38.5].~~ **41-6a-408. Peace officer investigating accident to notify owner if livestock or broken fence involved -- Exempt from liability.**

(1) A peace officer investigating an accident resulting in injury or death of any livestock shall make reasonable efforts as soon as possible to locate the owner of the livestock and inform the owner of the injured or dead animal.

(2) A peace officer investigating an accident resulting in a broken fence, if it appears the fence contains or controls the movement of livestock, shall make reasonable efforts as soon as possible to locate the owner of the property and inform the owner of the broken fence.

(3) (a) Civil or criminal liability for claims does not arise against any peace officer for failure to locate the owner of the livestock or property. ~~[This subsection]~~

(b) Subsection (3)(a) does not preclude disciplinary action by the ~~[department]~~ law enforcement agency against a peace officer for failure to perform duties required by this section.

Section 57. Section **41-6a-501** is enacted to read:

Part 5. Driving Under the Influence and Reckless Driving

41-6a-501. Definitions.

(1) As used in this part:

(a) "Assessment" means an in-depth clinical interview with a licensed mental health therapist:

(i) used to determine if a person is in need of:

(A) substance abuse treatment that is obtained at a substance abuse program;

(B) an educational series; or

(C) a combination of Subsections (1)(a)(i)(A) and (B); and

(ii) that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A-15-105.

(b) "Educational series" means an educational series obtained at a substance abuse program that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A-15-105.

(c) "Negligence" means simple negligence, the failure to exercise that degree of care that an ordinarily reasonable and prudent person exercises under like or similar circumstances.

(d) "Screening" means a preliminary appraisal of a person:

(i) used to determine if the person is in need of:

(A) an assessment; or

(B) an educational series; and

(ii) that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A-15-105.

(e) "Serious bodily injury" means bodily injury that creates or causes:

(i) serious permanent disfigurement;

(ii) protracted loss or impairment of the function of any bodily member or organ; or

(iii) a substantial risk of death.

(f) "Substance abuse treatment" means treatment obtained at a substance abuse program

that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A-15-105.

(g) "Substance abuse treatment program" means a state licensed substance abuse program.

(h) (i) "Vehicle" or "motor vehicle" means a vehicle or motor vehicle as defined in Section 41-6a-102; and

(ii) "Vehicle" or "motor vehicle" includes:

(A) an off-highway vehicle as defined under Section 41-22-2; and

(B) a motorboat as defined in Section 73-18-2.

(2) As used in Section 41-6a-503:

(a) "Conviction" means any conviction for a violation of:

(i) driving under the influence under Section 41-6a-502;

(ii) alcohol, any drug, or a combination of both-related reckless driving under Sections 41-6a-512 and 41-6a-528;

(iii) driving with any measurable controlled substance that is taken illegally in the body under Section 41-6a-517;

(iv) local ordinances similar to Section 41-6a-502 or alcohol, any drug, or a combination of both-related reckless driving adopted in compliance with Section 41-6a-510;

(v) automobile homicide under Section 76-5-207;

(vi) Subsection 58-37-8(2)(g);

(vii) a violation described in Subsections (2)(a)(i) through (vi), which judgment of conviction is reduced under Section 76-3-402; or

(viii) statutes or ordinances previously in effect in this state or in effect in any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of Section 41-6a-502 or alcohol, any drug, or a combination of both-related reckless driving if committed in this state, including punishments administered under 10 U.S.C. Sec. 815.

(b) A plea of guilty or no contest to a violation described in Subsections (2)(a)(i) through

(viii) which plea is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement, for purposes of:

(i) enhancement of penalties under:

(A) this Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; and

(B) automobile homicide under Section 76-5-207; and

(ii) expungement under Section 77-18-12.

Section 58. Section **41-6a-502**, which is renumbered from Section 41-6-44 is renumbered and amended to read:

~~[41-6-44].~~ 41-6a-502. Driving under the influence of alcohol, drugs, or a combination of both or with specified or unsafe blood alcohol concentration.

~~[(1) As used in this section:]~~

~~[(a) "assessment" means an in-depth clinical interview with a licensed mental health therapist:]~~

~~[(i) used to determine if a person is in need of:]~~

~~[(A) substance abuse treatment that is obtained at a substance abuse program;]~~

~~[(B) an educational series; or]~~

~~[(C) a combination of Subsections (1)(a)(i)(A) and (B); and]~~

~~[(ii) that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A-15-105:]~~

~~[(b) (i) "conviction" means any conviction for a violation of:]~~

~~[(A) this section;]~~

~~[(B) alcohol, any drug, or a combination of both-related reckless driving under Subsections (9) and (10);]~~

~~[(C) Section 41-6-44.6, driving with any measurable controlled substance that is taken illegally in the body;]~~

~~[(D) local ordinances similar to this section or alcohol, any drug, or a combination of both-related reckless driving adopted in compliance with Section 41-6-43;]~~

~~[(E) automobile homicide under Section 76-5-207;]~~

~~[(F) Subsection 58-37-8(2)(g);]~~

~~[(G) a violation described in Subsections (1) (b)(i)(A) through (F), which judgment of conviction is reduced under Section 76-3-402; or]~~

~~[(H) statutes or ordinances in effect in any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of this section or alcohol, any drug, or a combination of both-related reckless driving if committed in this state, including punishments administered under 10 U.S.C. Sec. 815;]~~

~~[(ii) A plea of guilty or no contest to a violation described in Subsections (1)(b)(i)(A) through (H) which plea is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement, for purposes of:]~~

~~[(A) enhancement of penalties under:]~~

~~[(I) this Chapter 6, Article 5, Driving While Intoxicated and Reckless Driving; and]~~

~~[(H) automobile homicide under Section 76-5-207; and]~~

~~[(B) expungement under Section 77-18-12.]~~

~~[(c) "educational series" means an educational series obtained at a substance abuse program that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A-15-105;]~~

~~[(d) "screening" means a preliminary appraisal of a person:]~~

~~[(i) used to determine if the person is in need of:]~~

~~[(A) an assessment; or]~~

~~[(B) an educational series; and]~~

~~[(ii) that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A-15-105;]~~

~~[(e) "serious bodily injury" means bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death;]~~

~~[(f) "substance abuse treatment" means treatment obtained at a substance abuse program that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A-15-105;]~~

~~[(g) "substance abuse treatment program" means a state licensed substance abuse program;]~~

~~[(h) a violation of this section includes a violation under a local ordinance similar to this section adopted in compliance with Section 41-6-43; and]~~

~~[(i) the standard of negligence is that of simple negligence, the failure to exercise that degree of care that an ordinarily reasonable and prudent person exercises under like or similar circumstances;]~~

~~[(2)(a)] (1) A person may not operate or be in actual physical control of a vehicle within this state if the person:~~

~~[(i)] (a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test;~~

~~[(ii)] (b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; ~~or]~~~~

~~[(iii)] (c) has a blood or breath alcohol concentration of .08 grams or greater at the time of operation or actual physical control; or~~

~~[(iv)(A)] (d) (i) is 21 years of age or older;~~

~~[(B) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .05 grams or greater at the time of the test;]~~

~~[(C)] (ii) has a passenger under 16 years of age in the vehicle at the time of operation or actual physical control; ~~and]~~~~

~~[(D) committed the offense] (iii) has committed a violation of this Subsection (1)(d) within ten years of a prior conviction~~;~~ or as defined in Subsection 41-6a-501(2); and~~

~~[(v)(A) is 21 years of age or older;]~~

(iv) (A) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .05 grams or greater at the time of the test; or

(B) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation or actual physical control[;].

~~[(C) has a passenger under 16 years of age in the vehicle at the time of operation or actual physical control; and]~~

~~[(D) committed the offense within ten years of a prior conviction.]~~

~~[(b) The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating this section.]~~

~~[(c)]~~ (2) Alcohol concentration in the blood shall be based upon grams of alcohol per 100 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of alcohol per 210 liters of breath.

~~[(3) (a) A person convicted the first or second time of a violation of Subsections (2)(a)(i) through (iii) is guilty of a:]~~

~~[(i) class B misdemeanor; or]~~

~~[(ii) class A misdemeanor if the person:]~~

~~[(A) has also inflicted bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;]~~

~~[(B) had a passenger under 16 years of age in the vehicle at the time of the offense; or]~~

~~[(C) was 21 years of age or older and had a passenger under 18 years of age in the vehicle at the time of the offense.]~~

~~[(b) A person convicted of a violation of Subsection (2) is guilty of a third degree felony if the person has also inflicted serious bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner.]~~

~~[(c) A person convicted of a violation of Subsection (2)(a)(iv) or (v) is guilty of:]~~

~~[(i) a class B misdemeanor; or]~~

~~[(ii) a class A misdemeanor if the person has also inflicted bodily injury upon another as]~~

~~a proximate result of having operated the vehicle in a negligent manner.]~~

~~[(4) (a) As part of any sentence imposed the court shall, upon a first conviction, impose a mandatory jail sentence of not less than 48 consecutive hours.]~~

~~[(b) The court may, as an alternative to all or part of a jail sentence, require the person to:]~~

~~[(i) work in a compensatory-service work program for not less than 48 hours; or]~~

~~[(ii) participate in home confinement through the use of electronic monitoring in accordance with Subsection (13).]~~

~~[(c) In addition to the jail sentence, compensatory-service work program, or home confinement, the court shall:]~~

~~[(i) order the person to participate in a screening;]~~

~~[(ii) order the person to participate in an assessment, if it is found appropriate by a screening under Subsection (4)(c)(i);]~~

~~[(iii) order the person to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (4)(d); and]~~

~~[(iv) impose a fine of not less than \$700.]~~

~~[(d) The court may order the person to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate.]~~

~~[(e) (i) Except as provided in Subsection (4)(e)(ii), the court may order probation for the person in accordance with Subsection (14).]~~

~~[(ii) If there is admissible evidence that the person had a blood alcohol level of .16 or higher, the court shall order probation for the person in accordance with Subsection (14).]~~

~~[(5) (a) If a person is convicted under Subsection (2) within ten years of a prior conviction under this section, the court shall as part of any sentence impose a mandatory jail sentence of not less than 240 consecutive hours.]~~

~~[(b) The court may, as an alternative to all or part of a jail sentence, require the person to:]~~

~~[(i) work in a compensatory-service work program for not less than 240 hours; or]~~

~~[(ii) participate in home confinement through the use of electronic monitoring in accordance with Subsection (13).]~~

~~[(c) In addition to the jail sentence, compensatory-service work program, or home confinement, the court shall:]~~

~~[(i) order the person to participate in a screening;]~~

~~[(ii) order the person to participate in an assessment, if it is found appropriate by a screening under Subsection (5)(c)(i);]~~

~~[(iii) order the person to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (5)(d); and]~~

~~[(iv) impose a fine of not less than \$800.]~~

~~[(d) The court may order the person to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate.]~~

~~[(e) The court shall order probation for the person in accordance with Subsection (14).]~~

~~[(6) (a) A conviction for a violation of Subsection (2) is a third degree felony if it is:]~~

~~[(i) a third or subsequent conviction under this section within ten years of two or more prior convictions; or]~~

~~[(ii) at any time after a conviction of:]~~

~~[(A) automobile homicide under Section 76-5-207 that is committed after July 1, 2001; or]~~

~~[(B) a felony violation under this section that is committed after July 1, 2001.]~~

~~[(b) Any conviction described in this Subsection (6) which judgment of conviction is reduced under Section 76-3-402 is a conviction for purposes of this section.]~~

~~[(c) Under Subsection (3)(b) or (6)(a), if the court suspends the execution of a prison sentence and places the defendant on probation the court shall impose:]~~

~~[(i) a fine of not less than \$1,500; and]~~

~~[(ii) a mandatory jail sentence of not less than 1,500 hours.]~~

~~[(d) For Subsection (6)(a) or (c), the court shall impose an order requiring the person to obtain a screening and assessment and substance abuse treatment at a substance abuse treatment~~

~~program providing intensive care or inpatient treatment and long-term closely supervised follow-through after treatment for not less than 240 hours.]~~

~~[(e) In addition to the penalties required under Subsection (6)(c), if the court orders probation, the probation shall be supervised probation which may include requiring the person to participate in home confinement through the use of electronic monitoring in accordance with Subsection (13).]~~

~~[(7) The mandatory portion of any sentence required under this section may not be suspended and the convicted person is not eligible for parole or probation until any sentence imposed under this section has been served. Probation or parole resulting from a conviction for a violation under this section may not be terminated.]~~

~~[(8) (a) (i) The provisions in Subsections (4), (5), and (6) that require a sentencing court to order a convicted person to: participate in a screening; an assessment, if appropriate; and an educational series; obtain, in the discretion of the court, substance abuse treatment; obtain, mandatorily, substance abuse treatment; or do a combination of those things, apply to a conviction for a violation of Section 41-6-44.6 or 41-6-45 under Subsection (9).]~~

~~[(ii) The court shall render the same order regarding screening, assessment, an educational series, or substance abuse treatment in connection with a first, second, or subsequent conviction under Section 41-6-44.6 or 41-6-45 under Subsection (9), as the court would render in connection with applying respectively, the first, second, or subsequent conviction requirements of Subsections (4), (5), and (6).]~~

~~[(b) (i) The court shall notify the Driver License Division if a person fails to:]~~

~~[(A) complete all court ordered:]~~

~~[(I) screening;]~~

~~[(II) assessment;]~~

~~[(III) educational series;]~~

~~[(IV) substance abuse treatment; and]~~

~~[(V) hours of work in compensatory-service work program; or]~~

~~[(B) pay all fines and fees, including fees for restitution and treatment costs.]~~

~~[(ii) Upon receiving the notification described in Subsection (8)(b)(i), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).]~~

~~[(9) (a) (i) When the prosecution agrees to a plea of guilty or no contest to a charge of a violation of Section 41-6-45, of an ordinance enacted under Section 41-6-43, or of Section 41-6-44.6 in satisfaction of, or as a substitute for, an original charge of a violation of this section, the prosecution shall state for the record a factual basis for the plea, including whether or not there had been consumption of alcohol, drugs, or a combination of both, by the defendant in connection with the violation.]~~

~~[(ii) The statement is an offer of proof of the facts that shows whether there was consumption of alcohol, drugs, or a combination of both, by the defendant, in connection with the violation.]~~

~~[(b) The court shall advise the defendant before accepting the plea offered under this Subsection (9)(b) of the consequences of a violation of Section 41-6-44.6 or of Section 41-6-45.]~~

~~[(c) The court shall notify the Driver License Division of each conviction of Section 41-6-44.6 or 41-6-45 entered under this Subsection (9).]~~

~~[(10) A peace officer may, without a warrant, arrest a person for a violation of this section when the peace officer has probable cause to believe the violation has occurred, although not in the peace officer's presence, and if the peace officer has probable cause to believe that the violation was committed by the person.]~~

~~[(11) (a) The Driver License Division shall:]~~

~~[(i) suspend for 90 days the operator's license of a person convicted for the first time under Subsection (2);]~~

~~[(ii) revoke for one year the license of a person convicted of any subsequent offense under Subsection (2) or if the person has a prior conviction as defined under Subsection (1) if the violation is committed within a period of ten years from the date of the prior violation; and]~~

~~[(iii) suspend or revoke the license of a person as ordered by the court under Subsection (12).]~~

~~[(b) The Driver License Division shall subtract from any suspension or revocation period~~

~~the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.]~~

~~[(12) (a) (i) In addition to any other penalties provided in this section, a court may order the operator's license of a person who is convicted of a violation of Subsection (2) to be suspended or revoked for an additional period of 90 days, 180 days, one year, or two years to remove from the highways those persons who have shown they are safety hazards.]~~

~~[(ii) The additional suspension or revocation period provided in this Subsection (12) shall begin the date on which the individual would be eligible to reinstate the individual's driving privilege for a violation of Subsection (2).]~~

~~[(b) If the court suspends or revokes the person's license under this Subsection (12)(b), the court shall prepare and send to the Driver License Division an order to suspend or revoke that person's driving privileges for a specified period of time.]~~

~~[(13) (a) If the court orders a person to participate in home confinement through the use of electronic monitoring, the electronic monitoring shall alert the appropriate corrections, probation monitoring agency, law enforcement units, or contract provider of the defendant's whereabouts.]~~

~~[(b) The electronic monitoring device shall be used under conditions which require:]~~

~~[(i) the person to wear an electronic monitoring device at all times;]~~

~~[(ii) that a device be placed in the home or other specified location of the person, so that the person's compliance with the court's order may be monitored; and]~~

~~[(iii) the person to pay the costs of the electronic monitoring.]~~

~~[(c) The court shall order the appropriate entity described in Subsection (13)(e) to place an electronic monitoring device on the person and install electronic monitoring equipment in the residence of the person or other specified location.]~~

~~[(d) The court may:]~~

~~[(i) require the person's electronic home monitoring device to include a substance abuse testing instrument;]~~

~~[(ii) restrict the amount of alcohol the person may consume during the time the person is subject to home confinement;]~~

~~[(iii) set specific time and location conditions that allow the person to attend school educational classes, or employment and to travel directly between those activities and the person's home; and]~~

~~[(iv) waive all or part of the costs associated with home confinement if the person is determined to be indigent by the court.]~~

~~[(e) The electronic monitoring described in this section may either be administered directly by the appropriate corrections agency, probation monitoring agency, or by contract with a private provider.]~~

~~[(f) The electronic monitoring provider shall cover the costs of waivers by the court under Subsection (13)(d)(iv).]~~

~~[(14) (a) If supervised probation is ordered under Section 41-6-44.6 or Subsection (4)(e) or (5)(e):]~~

~~[(i) the court shall specify the period of the probation;]~~

~~[(ii) the person shall pay all of the costs of the probation; and]~~

~~[(iii) the court may order any other conditions of the probation.]~~

~~[(b) The court shall provide the probation described in this section by contract with a probation monitoring agency or a private probation provider.]~~

~~[(c) The probation provider described in Subsection (14)(b) shall monitor the person's compliance with all conditions of the person's sentence, conditions of probation, and court orders received under this article and shall notify the court of any failure to comply with or complete that sentence or those conditions or orders.]~~

~~[(d) (i) The court may waive all or part of the costs associated with probation if the person is determined to be indigent by the court.]~~

~~[(ii) The probation provider described in Subsection (14)(b) shall cover the costs of waivers by the court under Subsection (14)(d)(i).]~~

~~[(15) If a person is convicted of a violation of Subsection (2) and there is admissible~~

evidence that the person had a blood alcohol level of .16 or higher, the court shall order the following, or describe on record why the order or orders are not appropriate:]

~~[(a) treatment as described under Subsection (4)(d), (5)(d), or (6)(d); and]~~

~~[(b) one or both of the following:]~~

~~[(i) the installation of an ignition interlock system as a condition of probation for the person in accordance with Section 41-6-44.7; or]~~

~~[(ii) the imposition of home confinement through the use of electronic monitoring in accordance with Subsection (13).]~~

(3) A violation of this section includes a violation under a local ordinance similar to this section adopted in compliance with Section 41-6a-510.

Section 59. Section **41-6a-503** is enacted to read:

41-6a-503. Penalties for driving under the influence violations.

(1) A person convicted the first or second time of a violation of Subsections 41-6a-502(1)(a) through (c) is guilty of a:

(a) class B misdemeanor; or

(b) class A misdemeanor if the person:

(i) has also inflicted bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;

(ii) had a passenger under 16 years of age in the vehicle at the time of the offense; or

(iii) was 21 years of age or older and had a passenger under 18 years of age in the vehicle at the time of the offense.

(2) A person convicted of a violation of Section 41-6a-502 is guilty of a third degree felony if:

(a) the person has also inflicted serious bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;

(b) the conviction under Section 41-6a-502 is within ten years of two or more prior convictions as defined in Subsection 41-6a-501(2); or

(c) the conviction under Section 41-6a-502 is at any time after a conviction of:

(i) automobile homicide under Section 76-5-207 that is committed after July 1, 2001;
(ii) a felony violation of Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502 that is committed after July 1, 2001; or
(iii) any conviction described in Subsection (2)(c)(i) or (ii) which judgment of conviction is reduced under Section 76-3-402.

(3) A person convicted of a violation of Subsection 41-6a-502(1)(d) is guilty of:

(a) a class B misdemeanor; or

(b) a class A misdemeanor if the person has also inflicted bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner.

Section 60. Section **41-6a-504** is enacted to read:

41-6a-504. Defense not available for driving under the influence violation.

The fact that a person charged with violating Section 41-6a-502 is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating Section 41-6a-502.

Section 61. Section **41-6a-505** is enacted to read:

41-6a-505. Sentencing requirements for driving under the influence of alcohol, drugs, or a combination of both violations.

(1) As part of any sentence for a first conviction of Section 41-6a-502:

(a) the court shall:

(i) (A) impose a jail sentence of not less than 48 consecutive hours;

(B) require the person to work in a compensatory-service work program for not less than 48 hours; or

(C) require the person to participate in home confinement through the use of electronic monitoring in accordance with Section 41-6a-506;

(ii) order the person to participate in a screening;

(iii) order the person to participate in an assessment, if it is found appropriate by a screening under Subsection (1)(a)(ii);

(iv) order the person to participate in an educational series if the court does not order

substance abuse treatment as described under Subsection (1)(b):

(v) impose a fine of not less than \$700; and

(vi) order probation for the person in accordance with Section 41-6a-507, if there is admissible evidence that the person had a blood alcohol level of .16 or higher; and

(b) the court may:

(i) order the person to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate; or

(ii) order probation for the person in accordance with Section 41-6a-507.

(2) If a person is convicted under Section 41-6a-502 within ten years of a prior conviction as defined in Subsection 41-6a-501(2):

(a) the court shall:

(i) (A) impose a jail sentence of not less than 240 consecutive hours;

(B) require the person to work in a compensatory-service work program for not less than 240 hours; or

(C) require the person to participate in home confinement through the use of electronic monitoring in accordance with Section 41-6a-506;

(ii) order the person to participate in a screening;

(iii) order the person to participate in an assessment, if it is found appropriate by a screening under Subsection (2)(a)(ii);

(iv) order the person to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (2)(b):

(v) impose a fine of not less than \$800; and

(vi) order probation for the person in accordance with Section 41-6a-507; and

(b) the court may order the person to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate.

(3) Under Subsection 41-6a-503(2), if the court suspends the execution of a prison sentence and places the defendant on probation:

(a) the court shall impose:

(i) a fine of not less than \$1,500;
(ii) a jail sentence of not less than 1,500 hours;
(iii) supervised probation; and
(iv) an order requiring the person to obtain a screening and assessment and substance abuse treatment at a substance abuse treatment program providing intensive care or inpatient treatment and long-term closely supervised follow-through after treatment for not less than 240 hours; and

(b) the court may require the person to participate in home confinement through the use of electronic monitoring in accordance with Section 41-6a-506.

(4) (a) The requirements of Subsections (1)(a), (2)(a), and (3)(a) may not be suspended.

(b) Probation or parole resulting from a conviction for a violation under this section may not be terminated.

(5) If a person is convicted of a violation of Section 41-6a-502 and there is admissible evidence that the person had a blood alcohol level of .16 or higher, the court shall order the following, or describe on record why the order or orders are not appropriate:

(a) treatment as described under Subsection (1)(b), (2)(b), or (3)(a)(iv); and

(b) one or both of the following:

(i) the installation of an ignition interlock system as a condition of probation for the person in accordance with Section 41-6a-518; or

(ii) the imposition of home confinement through the use of electronic monitoring in accordance with Section 41-6a-506.

Section 62. Section **41-6a-506** is enacted to read:

41-6a-506. Electronic monitoring requirements for certain driving under the influence violations.

(1) If the court orders a person to participate in home confinement through the use of electronic monitoring, the electronic monitoring shall alert the appropriate corrections, probation monitoring agency, law enforcement units, or contract provider of the defendant's whereabouts.

(2) The electronic monitoring device shall be used under conditions which require:

- (a) the person to wear an electronic monitoring device at all times;
- (b) that a device be placed in the home or other specified location of the person, so that the person's compliance with the court's order may be monitored; and
- (c) the person to pay the costs of the electronic monitoring.
- (3) The court shall order the appropriate entity described in Subsection (5) to place an electronic monitoring device on the person and install electronic monitoring equipment in the residence of the person or other specified location.
- (4) The court may:
 - (a) require the person's electronic home monitoring device to include a substance abuse testing instrument;
 - (b) restrict the amount of alcohol the person may consume during the time the person is subject to home confinement;
 - (c) set specific time and location conditions that allow the person to attend school educational classes, or employment and to travel directly between those activities and the person's home; and
 - (d) waive all or part of the costs associated with home confinement if the person is determined to be indigent by the court.
- (5) The electronic monitoring described in this section may either be administered directly by the appropriate corrections agency, probation monitoring agency, or by contract with a private provider.
- (6) The electronic monitoring provider shall cover the costs of waivers by the court under Subsection (4)(d).

Section 63. Section **41-6a-507** is enacted to read:

41-6a-507. Supervised probation for certain driving under the influence violations.

- (1) If supervised probation is ordered under Section 41-6a-505 or 41-6a-517:
 - (a) the court shall specify the period of the probation;
 - (b) the person shall pay all of the costs of the probation; and
 - (c) the court may order any other conditions of the probation.

(2) The court shall provide the probation described in this section by contract with a probation monitoring agency or a private probation provider.

(3) The probation provider described in Subsection (2) shall monitor the person's compliance with all conditions of the person's sentence, conditions of probation, and court orders received under this part and shall notify the court of any failure to comply with or complete that sentence or those conditions or orders.

(4) (a) The court may waive all or part of the costs associated with probation if the person is determined to be indigent by the court.

(b) The probation provider described in Subsection (2) shall cover the costs of waivers by the court under Subsection (4)(a).

Section 64. Section **41-6a-508** is enacted to read:

41-6a-508. Arrest without a warrant for a driving under the influence violation.

A peace officer may, without a warrant, arrest a person for a violation of Section 41-6a-502 when the peace officer has probable cause to believe the violation has occurred, although not in the peace officer's presence, and if the peace officer has probable cause to believe that the violation was committed by the person.

Section 65. Section **41-6a-509** is enacted to read:

41-6a-509. Driver license suspension or revocation for a driving under the influence violation.

(1) (a) The Driver License Division shall:

(i) suspend for 90 days the operator's license of a person convicted for the first time under Section 41-6a-502;

(ii) revoke for one year the license of a person convicted of any subsequent offense under Section 41-6a-502 or if the person has a prior conviction as defined under Subsection 41-6a-501(2) if the violation is committed within a period of ten years from the date of the prior violation; and

(iii) suspend or revoke the license of a person as ordered by the court under Subsection (2).

(b) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.

(2) (a) (i) In addition to any other penalties provided in this section, a court may order the operator's license of a person who is convicted of a violation of Section 41-6a-502 to be suspended or revoked for an additional period of 90 days, 180 days, one year, or two years to remove from the highways those persons who have shown they are safety hazards.

(ii) The additional suspension or revocation period provided in this Subsection (2) shall begin the date on which the individual would be eligible to reinstate the individual's driving privilege for a violation of Section 41-6a-502.

(b) If the court suspends or revokes the person's license under this Subsection (2), the court shall prepare and send to the Driver License Division an order to suspend or revoke that person's driving privileges for a specified period of time.

(3) (a) The court shall notify the Driver License Division if a person fails to:

(i) complete all court ordered:

(A) screening;

(B) assessment;

(C) educational series;

(D) substance abuse treatment; and

(E) hours of work in a compensatory-service work program; or

(ii) pay all fines and fees, including fees for restitution and treatment costs.

(b) Upon receiving the notification described in Subsection (3)(a), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

Section 66. Section **41-6a-510**, which is renumbered from Section 41-6-43 is renumbered and amended to read:

[41-6-43]. 41-6a-510. Local DUI and related ordinances and reckless driving ordinances -- Consistent with code.

(1) An ordinance adopted by a local authority that governs the following matters shall be consistent with the provisions in this code which govern the following matters:

(a) a person's operating or being in actual physical control of a motor vehicle while having alcohol in the blood or while under the influence of alcohol or any drug or the combined influence of alcohol and any drug~~[, or that governs,]; or~~

(b) in relation to any of ~~[those]~~ the matters described in Subsection (1)(a), the use of:

(i) a chemical test or chemical tests~~[, or];~~

(ii) evidentiary presumptions~~[, or];~~

(iii) penalties~~]; or [that governs]~~

(iv) any combination of ~~[those]~~ the matters~~[, shall be consistent with the provisions in this code which govern those matters]~~ described in Subsection (1).

(2) An ordinance adopted by a local authority that governs reckless driving, or operating a vehicle in willful or wanton disregard for the safety of persons or property shall be consistent with the provisions of this code which govern those matters.

Section 67. Section **41-6a-511**, which is renumbered from Section 41-6-43.7 is renumbered and amended to read:

~~[41-6-43.7].~~ **41-6a-511. Courts to collect and maintain data.**

(1) The state courts shall collect and maintain data necessary to allow sentencing and enhancement decisions to be made in accordance with this ~~[article]~~ part.

(2) (a) Each justice court shall transmit dispositions electronically to the Department of Public Safety in accordance with the requirement for recertification established by the Judicial Council.

(b) Immediately upon filling the requirements under Subsection (2)(a), a justice court shall collect and report the same DUI related data elements collected and maintained by the state courts under Subsection (1).

(3) The ~~[Department of Public Safety]~~ department shall maintain an electronic data base for DUI related records and data including the data elements received or collected from the courts under this section.

(4) (a) The Commission on Criminal and Juvenile Justice shall prepare an annual report of DUI related data including the following:

(i) the data collected by the courts under Subsections (1) and (2); and

(ii) any measures for which data are available to evaluate the profile and impacts of DUI recidivism and to evaluate the DUI related processes of:

(A) law enforcement;

(B) adjudication;

(C) sanctions;

(D) drivers' license control; and

(E) alcohol education, assessment, and treatment.

(b) The report shall be provided to the Judiciary and Transportation Interim Committees no later than the last day of October following the end of the fiscal year for which the report is prepared.

Section 68. Section **41-6a-512** is enacted to read:

41-6a-512. Factual basis for alcohol or drug-related reckless driving plea.

(1) (a) The prosecution shall state for the record a factual basis for a plea, including whether or not there had been consumption of alcohol, drugs, or a combination of both, by the defendant in connection with the violation when the prosecution agrees to a plea of guilty or no contest to a charge of a violation of the following in satisfaction of, or as a substitute for, an original charge of a violation of Section 41-6a-502:

(i) reckless driving under Section 41-6a-528; or

(ii) an ordinance enacted under Section 41-6a-510.

(b) The statement under Subsection (1)(a) is an offer of proof of the facts that shows whether there was consumption of alcohol, drugs, or a combination of both, by the defendant, in connection with the violation.

(2) The court shall advise the defendant before accepting the plea offered under this section of the consequences of a violation of Section 41-6a-528.

(3) The court shall notify the Driver License Division of each conviction of Section

41-6a-528 entered under this section.

(4) (a) The provisions in Subsections 41-6a-505(1), (2), and (3) that require a sentencing court to order a convicted person to participate in a screening, an assessment, or an educational series or obtain substance abuse treatment or do a combination of those things, apply to a conviction for a violation of Section 41-6a-528 under Subsection (1).

(b) The court shall render the same order regarding screening, assessment, an educational series, or substance abuse treatment in connection with a first, second, or subsequent conviction under Section 41-6a-528 under Subsection (1), as the court would render in connection with applying respectively, the first, second, or subsequent conviction requirements of Subsections 41-6a-505(1), (2), and (3).

Section 69. Section **41-6a-513**, which is renumbered from Section 41-6-43.8 is renumbered and amended to read:

~~[41-6-43.8]. 41-6a-513. Acceptance of plea of guilty to DUI – Restrictions -- Verification of prior violations -- Prosecutor to examine defendant's record.~~

(1) A court may not accept a plea of guilty or no contest to a charge under Section ~~[41-6-44]~~ 41-6a-502 unless:

- (a) the prosecutor agrees to the plea:
 - (i) in open court;
 - (ii) in writing; or
 - (iii) by another means of communication which the court finds adequate to record the prosecutor's agreement;
- (b) the charge is filed by information as defined under Section 77-1-3; or
- (c) the court receives verification from a law enforcement agency that the defendant's driver license record contains no record of a conviction, arrest, or charge for:
 - (i) more than one prior violation within the previous ten years of any offense which, if the defendant were convicted, would qualify as a "conviction" as defined under Subsection ~~[41-6-44(1)]~~ 41-6a-501(2);
 - (ii) a felony violation of Section ~~[41-6-44]~~ 41-6a-502; or

(iii) automobile homicide under Section 76-5-207.

(2) A verification under Subsection (1)(c) may be made by:

(a) a written indication on the citation;

(b) a separate written document; or

(c) any other means which the court finds adequate to record the law enforcement agency's verification.

(3) (a) Prior to agreeing to a plea of guilty or no contest or to filing an information under Subsection (1), the prosecutor shall examine the criminal history or driver license record of the defendant.

(b) If the defendant's record contains a conviction or unresolved arrest or charge for an offense listed in Subsections (1)(c)(i) through (iii), a plea may only be accepted if:

(i) approved by:

(A) a district attorney;

(B) a deputy district attorney;

(C) a county attorney;

(D) a deputy county attorney;

(E) the attorney general; or

(F) an assistant attorney general; and

(ii) the attorney giving approval under Subsection (3)(b)(i) has felony jurisdiction over the case.

(4) A plea of guilty or no contest is not made invalid by the failure of the court, prosecutor, or law enforcement agency to comply with this section.

Section 70. Section **41-6a-514**, which is renumbered from Section 41-6-44.1 is renumbered and amended to read:

~~[41-6-44.1].~~ **41-6a-514. Procedures -- Adjudicative proceedings.**

The [~~Department of Public Safety~~] department shall comply with the procedures and requirements of Title 63, Chapter 46b, Administrative Procedures Act, in its adjudicative proceedings.

Section 71. Section **41-6a-515**, which is renumbered from Section 41-6-44.3 is renumbered and amended to read:

~~[41-6-44.3].~~ 41-6a-515. Standards for chemical breath or oral fluids analysis -- Evidence.

(1) The commissioner of the [~~Department of Public Safety~~] department shall establish standards for the administration and interpretation of chemical analysis of a person's breath or oral fluids, including standards of training.

(2) In any action or proceeding in which it is material to prove that a person was operating or in actual physical control of a vehicle while under the influence of alcohol or any drug or operating with a blood or breath alcohol content statutorily prohibited, documents offered as memoranda or records of acts, conditions, or events to prove that the analysis was made and the instrument used was accurate, according to standards established in Subsection (1), are admissible if:

(a) the judge finds that they were made in the regular course of the investigation at or about the time of the act, condition, or event; and

(b) the source of information from which made and the method and circumstances of their preparation indicate their trustworthiness.

(3) If the judge finds that the standards established under Subsection (1) and the conditions of Subsection (2) have been met, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary.

Section 72. Section **41-6a-516**, which is renumbered from Section 41-6-44.5 is renumbered and amended to read:

~~[41-6-44.5].~~ 41-6a-516. Admissibility of chemical test results in actions for driving under the influence -- Weight of evidence.

(1) (a) In any civil or criminal action or proceeding in which it is material to prove that a person was operating or in actual physical control of a vehicle while under the influence of alcohol or drugs or with a blood or breath alcohol content statutorily prohibited, the results of a chemical test or tests as authorized in Section [~~41-6-44.10~~] 41-6a-520 are admissible as evidence.

(b) (i) In a criminal proceeding, noncompliance with Section [~~41-6-44.10~~] 41-6a-520 does not render the results of a chemical test inadmissible.

(ii) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by Rules of Evidence or the constitution.

(2) This section does not prevent a court from receiving otherwise admissible evidence as to a defendant's blood or breath alcohol level or drug level at the time relevant to the alleged offense.

Section 73. Section **41-6a-517**, which is renumbered from Section 41-6-44.6 is renumbered and amended to read:

[~~41-6-44.6~~]. 41-6a-517. Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.

(1) As used in this section:

(a) "Controlled substance" means any substance scheduled under Section 58-37-4.

(b) "Practitioner" has the same meaning as provided in Section 58-37-2.

(c) "Prescribe" has the same meaning as provided in Section 58-37-2.

(d) "Prescription" has the same meaning as provided in Section 58-37-2.

(2) In cases not amounting to a violation of Section [~~41-6-44~~] 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.

(3) It is an affirmative defense to prosecution under this section that the controlled substance was involuntarily ingested by the accused or prescribed by a practitioner for use by the accused.

(4) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.

(5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.

(6) The Driver License Division shall:

(a) suspend, for 90 days, the driver license of a person convicted under Subsection (2);

(b) revoke, for one year, the driver license of a person convicted of a second or subsequent offense under Subsection (2) or if the person has a prior conviction as defined under Subsection ~~[41-6-44(1)]~~ 41-6a-501(2), if the violation is committed within a period of ten years after the date of the prior violation; and

(c) subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.

(7) ~~[H]~~ (a) The court shall notify the Driver License Division if a person fails to:

(i) complete all court ordered screening and assessment, educational series, and substance abuse treatment~~[-];~~ or ~~[fails to]~~

(ii) pay all fines and fees, including fees for restitution and treatment costs~~[-; the court shall notify the Driver License Division of a failure to comply].~~

(b) Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

(8) The court shall order supervised probation in accordance with ~~[Subsection 41-6-44(14)]~~ Section 41-6a-507 for a person convicted under Subsection (2).

Section 74. Section **41-6a-518**, which is renumbered from Section 41-6-44.7 is renumbered and amended to read:

~~[41-6-44.7].~~ **41-6a-518. Ignition interlock devices -- Use -- Probationer to pay cost -- Impecuniosity -- Fee.**

(1) As used in this section:

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

(b) "Ignition interlock system" or "system" means a constant monitoring device or any similar device certified by the commissioner that prevents a motor vehicle from being started without first determining the driver's breath alcohol concentration.

(c) "Probation provider" means the supervisor and monitor of the ignition interlock

system required as a condition of probation [~~or as otherwise ordered by the court~~] who contracts with the court in accordance with Subsections [~~41-6-44(14)(b) and (c)~~] 41-6a-507(2) and (3).

(2) (a) In addition to any other penalties imposed under [~~Section 41-6-44~~] Sections 41-6a-503 and 41-6a-505, and in addition to any requirements imposed as a condition of probation, the court may require that any person who is convicted of violating Section [~~41-6-44~~] 41-6a-502 and who is granted probation may not operate a motor vehicle during the period of probation unless that motor vehicle is equipped with a functioning, certified ignition interlock system installed and calibrated so that the motor vehicle will not start if the operator's blood alcohol concentration exceeds a level ordered by the court.

(b) If a person convicted of violating Section [~~41-6-44~~] 41-6a-502 was under the age of 21 when the violation occurred, the court shall order the installation of the ignition interlock system as a condition of probation.

(c) (i) If a person is convicted of a violation of Section [~~41-6-44~~] 41-6a-502 within ten years of a prior conviction [~~of that section~~] as defined in Subsection 41-6a-501(2), the court shall order the installation of the ignition interlock system, at the person's expense, for all motor vehicles registered to that person and all motor vehicles operated by that person for [~~three years from the date of conviction~~] the period of probation.

(ii) The division shall post the ignition interlock restriction on the electronic record available to law enforcement.

(d) This section does not apply to a person convicted of a violation of Section [~~41-6-44~~] 41-6a-502 whose violation involves drugs other than alcohol.

(3) Except as provided in Subsection (2)(c), if the court imposes the use of an ignition interlock system as a condition of probation, the court shall:

(a) stipulate on the record the requirement for and the period of the use of an ignition interlock system;

(b) order that an ignition interlock system be installed on each motor vehicle owned or operated by the probationer, at the probationer's expense;

(c) order the probationer to submit his driver license to the Driver License Division in

accordance with Subsection (5);

(d) immediately notify the Driver License Division and the person's probation provider of the order; and

(e) require the probationer to provide proof of compliance with the court's order to the probation provider within 30 days of the order.

(4) (a) The probationer shall provide timely proof of installation within 30 days of an order imposing the use of a system or show cause why the order was not complied with to the court or to the probationer's probation provider.

(b) The probation provider shall notify the court of failure to comply under Subsection (4)(a).

(c) For failure to comply under Subsection (4)(a) or upon receiving the notification under Subsection (4)(b), the court shall order the Driver License Division to suspend the probationer's driving privileges for the remaining period during which the compliance was imposed.

(d) Cause for failure to comply means any reason the court finds sufficiently justifiable to excuse the probationer's failure to comply with the court's order.

(5) (a) If use of an ignition interlock system is required under this section, the division may not issue, reinstate, or renew the driver license of that person unless that requirement is coded on the person's driver license.

(b) (i) If the division receives a notice that a person with a valid driver license that does not require a driver license withdrawal is required to use an ignition interlock system, the division shall notify the person that he has ten calendar days to apply to the division for an ignition interlock system requirement coded on the license.

(ii) The division shall suspend the driver license of the person after the ten-day period until the person applies to the division for an ignition interlock system requirement coded on the license.

(6) (a) Any probationer required to install an ignition interlock system shall have the system monitored by the manufacturer or dealer of the system for proper use and accuracy at least semiannually and more frequently as the court may order.

(b) (i) A report of the monitoring shall be issued by the manufacturer or dealer to the court or the person's probation provider.

(ii) The report shall be issued within 14 days following each monitoring.

(7) (a) If an ignition interlock system is ordered installed, the probationer shall pay the reasonable costs of leasing or buying and installing and maintaining the system.

(b) A probationer may not be excluded from this section for inability to pay the costs, unless:

(i) the probationer files an affidavit of impecuniosity; and

(ii) the court enters a finding that the probationer is impecunious.

(c) In lieu of waiver of the entire amount of the cost, the court may direct the probationer to make partial or installment payments of costs when appropriate.

(d) The ignition interlock provider shall cover the costs of waivers by the court under this Subsection (7).

(8) (a) If a probationer is required in the course and scope of employment to operate a motor vehicle owned by the probationer's employer, the probationer may operate that motor vehicle [~~in the course and scope of employment~~] without installation of an ignition interlock system only if:

(i) the motor vehicle is used in the course and scope of employment;

(ii) the employer has been notified that the employee is restricted; and

(iii) the employee has proof of the notification in his possession while operating the employer's motor vehicle.

(b) (i) To the extent that an employer-owned motor vehicle is made available to a probationer subject to this section for personal use, no exemption under this section shall apply.

(ii) A probationer intending to operate an employer-owned motor vehicle for personal use and who is restricted to the operation of a motor vehicle equipped with an ignition interlock system shall notify the employer and obtain consent in writing from the employer to install a system in the employer-owned motor vehicle.

(c) A motor vehicle owned by a business entity that is all or partly owned or controlled

by a probationer subject to this section is not a motor vehicle owned by the employer and does not qualify for an exemption under this Subsection (8).

(9) Upon conviction for violation of this section, the court shall notify the Driver License Division to immediately suspend the probationer's license to operate a motor vehicle for the remainder of the period of probation.

(10) (a) It is a class B misdemeanor for a person to:

(i) circumvent or tamper with the operation of an ignition interlock system;

(ii) knowingly furnish a motor vehicle without an ignition interlock system to someone who is not authorized to drive a motor vehicle unless the motor vehicle is equipped with an ignition interlock system that is in working order;

(iii) rent, lease, or borrow a motor vehicle without an ignition interlock system if a driving restriction is imposed under this section;

(iv) request another person to blow into an ignition interlock system, if the person is required to have a system and the person requests or solicits another to blow into the system to start the motor vehicle in order to circumvent the system;

(v) blow into an ignition interlock system or start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to another person required to have a system;

(vi) advertise for sale, offer for sale, sell, or lease an ignition interlock system unless the system has been certified by the commissioner and the manufacturer of the system has affixed a warning label, as approved by the commissioner on the system, stating that the tampering, circumventing, or other misuse of the system is a class B misdemeanor; or

(vii) operate a motor vehicle in violation of any ignition interlock restriction.

(b) This Subsection (10) does not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock system is done for the purpose of safety or mechanical repair of the system or the motor vehicle and the person subject to the court order does not drive the motor vehicle.

(11) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,

the commissioner shall make rules setting standards for the certification of ignition interlock systems.

(b) The standards shall require that the system:

(i) not impede the safe operation of the motor vehicle;

(ii) have features that make circumventing difficult and that do not interfere with the normal use of the motor vehicle;

(iii) require a deep lung breath sample as a measure of breath alcohol concentration;

(iv) prevent the motor vehicle from being started if the driver's breath alcohol concentration exceeds an ordered level;

(v) work accurately and reliably in an unsupervised environment;

(vi) resist tampering and give evidence if tampering is attempted;

(vii) operate reliably over the range of motor vehicle environments; and

(viii) be manufactured by a party who will provide liability insurance.

(c) The commissioner may adopt in whole or in part, the guidelines, rules, studies, or independent laboratory tests relied upon in certification of ignition interlock systems by other states.

(d) A list of certified systems shall be published by the commissioner and the cost of certification shall be borne by the manufacturers or dealers of ignition interlock systems seeking to sell, offer for sale, or lease the systems.

(e) (i) In accordance with Section 63-38-3.2, the commissioner may establish an annual dollar assessment against the manufacturers of ignition interlock systems distributed in the state for the costs incurred in certifying.

(ii) The assessment under Subsection (11)(e)(i) shall be apportioned among the manufacturers on a fair and reasonable basis.

(12) There shall be no liability on the part of, and no cause of action of any nature shall arise against, the state or its employees in connection with the installation, use, operation, maintenance, or supervision of an interlock ignition system as required under this section.

Section 75. Section **41-6a-519**, which is renumbered from Section 41-6-44.8 is

renumbered and amended to read:

~~[41-6-44.8].~~ 41-6a-519. Municipal attorneys for specified offenses may prosecute for certain DUI offenses and driving while license is suspended or revoked.

The following class A misdemeanors may be prosecuted by attorneys of cities and towns~~[, as well as by]~~ and other prosecutors authorized elsewhere in this code to prosecute these alleged violations:

- (1) alleged class A misdemeanor violations of Section ~~[41-6-44]~~ 41-6a-502; and
- (2) alleged violations of Section 53-3-227, which consist of the person operating a vehicle while the person's driving privilege is suspended or revoked for:
 - (a) a violation of Section ~~[41-6-44,]~~ 41-6a-502;
 - (b) a local ordinance which complies with the requirements of Section ~~[41-6-43, Section 41-6-44.10, Section]~~ 41-6a-510, 41-6a-520, or 76-5-207[;]; or
 - (c) a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of ~~[those]~~ the sections or ordinances identified in Subsection (2)(a) or (b).

Section 76. Section **~~41-6a-520~~**, which is renumbered from Section 41-6-44.10 is renumbered and amended to read:

~~[41-6-44.10].~~ 41-6a-520. Implied consent to chemical tests for alcohol or drug -- Number of tests -- Refusal -- Warning, report.

(1) (a) A person operating a motor vehicle in this state is considered to have given the person's consent to a chemical test or tests of the person's breath, blood, urine, or oral fluids for the purpose of determining whether the person was operating or in actual physical control of a motor vehicle while:

- (i) having a blood or breath alcohol content statutorily prohibited under Section ~~[41-6-44]~~ 41-6a-502, 53-3-231, [or] 53-3-232, [while] or Subsection 53-3-227(4);
- (ii) under the influence of alcohol, any drug, or combination of alcohol and any drug under Section ~~[41-6-44, or while]~~ 41-6a-502; or
- (iii) having any measurable controlled substance or metabolite of a controlled substance

in the person's body in violation of Section ~~[41-6-44.6, if the test is or tests are]~~ 41-6a-517.

(b) A test or tests authorized under this Subsection (1) must be administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of a motor vehicle while ~~[having a blood or breath alcohol content statutorily prohibited under Section 41-6-44, 53-3-231, or 53-3-232, or while under the influence of alcohol, any drug, or combination of alcohol and any drug under Section 41-6-44, or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6-44.6]~~ in violation of any provision under Subsections (1)(a)(i) through (iii).

~~[(b)]~~ (c) (i) The peace officer determines which of the tests are administered and how many of them are administered.

(ii) If a peace officer requests more than one test, refusal by a person to take one or more requested tests, even though the person does submit to any other requested test or tests, is a refusal under this section.

~~[(c)]~~ (d) (i) A person who has been requested under this section to submit to a chemical test or tests of the person's breath, blood, or urine, or oral fluids may not select the test or tests to be administered.

(ii) The failure or inability of a peace officer to arrange for any specific chemical test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.

(2) (a) ~~[If the person has been placed under arrest;]~~ A peace officer requesting a test or tests shall warn a person that refusal to submit to the test or tests may result in revocation of the person's license to operate a motor vehicle if the person:

(i) has been placed under arrest;

(ii) has then been requested by a peace officer to submit to any one or more of the chemical tests under Subsection (1)~~;~~ and

(iii) refuses to submit to any chemical test requested~~;~~ the person shall be warned by the

~~peace officer requesting the test or tests that a refusal to submit to the test or tests can result in revocation of the person's license to operate a motor vehicle].~~

(b) (i) Following the warning under Subsection (2)(a), if the person does not immediately request that the chemical test or tests as offered by a peace officer be administered, a peace officer shall, on behalf of the Driver License Division and within 24 hours of the arrest, give notice of the Driver License Division's intention to revoke the person's privilege or license to operate a motor vehicle.

(ii) When a peace officer gives the notice on behalf of the Driver License Division, the peace officer shall:

~~(i)~~ (A) take the Utah license certificate or permit, if any, of the operator;

~~(ii)~~ (B) issue a temporary license certificate effective for only 29 days from the date of arrest; and

~~(iii)~~ (C) supply to the operator, in a manner specified by the Driver License Division, basic information regarding how to obtain a hearing before the Driver License Division.

(c) A citation issued by a peace officer may, if provided in a manner specified by the Driver License Division, also serve as the temporary license certificate.

(d) As a matter of procedure, the peace officer shall submit a signed report, within ten calendar days after the day on which notice is provided under Subsection (2)(b), that:

(i) ~~the peace officer had grounds to believe the arrested person [had been operating or was in actual physical control of a motor vehicle while having a blood or breath alcohol content statutorily prohibited under Section 41-6-44, 53-3-231, or 53-3-232, or while under the influence of alcohol, any drug, or combination of alcohol and any drug under Section 41-6-44, or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6-44.6, and that] was in violation of any provision under Subsections (1)(a)(i) through (iii); and~~

(ii) the person had refused to submit to a chemical test or tests under Subsection (1).

(3) Upon the request of the person who was tested, the results of the test or tests shall be made available to the person.

(4) (a) The person to be tested may, at the person's own expense, have a physician of the person's own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.

(b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.

(c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.

(5) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician, or other person present as a condition for the taking of any test.

~~[(e) (i) A person who has been notified of the Driver License Division's intention to revoke the person's license under this section is entitled to a hearing.]~~

~~[(ii) A request for the hearing shall be made in writing within ten calendar days after the day on which notice is provided.]~~

~~[(iii) Upon request in a manner specified by the Driver License Division, the Driver License Division shall grant to the person an opportunity to be heard within 29 days after the date of arrest.]~~

~~[(iv) If the person does not make a request for a hearing before the Driver License Division under this Subsection (2)(e), the person's privilege to operate a motor vehicle in the state is revoked beginning on the 30th day after the date of arrest for a period of:]~~

~~[(A) 18 months unless Subsection (2)(e)(iv)(B) applies; or]~~

~~[(B) 24 months if the person has had a previous:]~~

~~[(F) license sanction for an offense that occurred within the previous ten years from the date of arrest under this section, Section 41-6-44.6, 53-3-223, 53-3-231, or 53-3-232; or]~~

~~[(H) conviction for an offense that occurred within the previous ten years from the date of arrest under Section 41-6-44.]~~

~~[(f) (i) Except as provided in Subsection (2)(f)(ii), if a hearing is requested by the person,~~

the hearing shall be conducted by the Driver License Division in the county in which the offense occurred;]

~~[(ii) The Driver License Division may hold a hearing in some other county if the Driver License Division and the person both agree.]~~

~~[(g) The hearing shall be documented and shall cover the issues of:]~~

~~[(i) whether a peace officer had reasonable grounds to believe that a person was operating a motor vehicle in violation of Section 41-6-44, 41-6-44.6, or 53-3-231; and]~~

~~[(ii) whether the person refused to submit to the test.]~~

~~[(h) (i) In connection with the hearing, the division or its authorized agent:]~~

~~[(A) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers; and]~~

~~[(B) shall issue subpoenas for the attendance of necessary peace officers.]~~

~~[(ii) The Driver License Division shall pay witness fees and mileage from the Transportation Fund in accordance with the rates established in Section 78-46-28;]~~

~~[(i) If after a hearing, the Driver License Division determines that the person was requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the person fails to appear before the Driver License Division as required in the notice, the Driver License Division shall revoke the person's license or permit to operate a motor vehicle in Utah beginning on the date the hearing is held for a period of:]~~

~~[(i) (A) 18 months unless Subsection (2)(i)(i)(B) applies; or]~~

~~[(B) 24 months if the person has had a previous:]~~

~~[(f) license sanction for an offense that occurred within the previous ten years from the date of arrest under this section, Section 41-6-44.6, 53-3-223, 53-3-231, or 53-3-232; or]~~

~~[(H) conviction for an offense that occurred within the previous ten years from the date of arrest under Section 41-6-44;]~~

~~[(ii) The Driver License Division shall also assess against the person, in addition to any fee imposed under Subsection 53-3-205(13), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs;]~~

~~[(iii) The fee shall be cancelled if the person obtains an unappealed court decision following a proceeding allowed under this Subsection (2) that the revocation was improper.]~~

~~[(j) (i) Any person whose license has been revoked by the Driver License Division under this section may seek judicial review.]~~

~~[(ii) Judicial review of an informal adjudicative proceeding is a trial. Venue is in the district court in the county in which the offense occurred.]~~

~~[(3) Any person who is dead, unconscious, or in any other condition rendering the person incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn the consent provided for in Subsection (1), and the test or tests may be administered whether the person has been arrested or not.]~~

~~[(4) Upon the request of the person who was tested, the results of the test or tests shall be made available to the person.]~~

~~[(5) (a) Only a physician, registered nurse, practical nurse, or person authorized under Section 26-1-30, acting at the request of a peace officer, may withdraw blood to determine the alcoholic or drug content. This limitation does not apply to taking a urine, breath, or oral fluid specimen.]~~

~~[(b) Any physician, registered nurse, practical nurse, or person authorized under Section 26-1-30 who, at the direction of a peace officer, draws a sample of blood from any person whom a peace officer has reason to believe is driving in violation of this chapter, or hospital or medical facility at which the sample is drawn, is immune from any civil or criminal liability arising from drawing the sample, if the test is administered according to standard medical practice.]~~

~~[(6) (a) The person to be tested may, at the person's own expense, have a physician of the person's own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.]~~

~~[(b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.]~~

~~[(c) The additional test shall be subsequent to the test or tests administered at the~~

~~direction of a peace officer.]~~

~~[(7) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician, or other person present as a condition for the taking of any test.]~~

~~[(8) If a person under arrest refuses to submit to a chemical test or tests or any additional test under this section, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while under the influence of alcohol, any drug, combination of alcohol and any drug, or while having any measurable controlled substance or metabolite of a controlled substance in the person's body.]~~

Section 77. Section **41-6a-521** is enacted to read:

41-6a-521. Revocation hearing for refusal -- Appeal.

(1) (a) A person who has been notified of the Driver License Division's intention to revoke the person's license under Section 41-6a-520 is entitled to a hearing.

(b) A request for the hearing shall be made in writing within ten calendar days after the day on which notice is provided.

(c) Upon request in a manner specified by the Driver License Division, the Driver License Division shall grant to the person an opportunity to be heard within 29 days after the date of arrest.

(d) If the person does not make a request for a hearing before the Driver License Division under this Subsection (1), the person's privilege to operate a motor vehicle in the state is revoked beginning on the 30th day after the date of arrest for a period of:

(i) 18 months unless Subsection (1)(d)(ii) applies; or

(ii) 24 months if the person has had a previous:

(A) license sanction for an offense that occurred within the previous ten years from the date of arrest under Section 41-6a-517, 41-6a-520, 53-3-223, 53-3-231, 53-3-232, or Subsection 53-3-227(4); or

(B) conviction for an offense that occurred within the previous ten years from the date of

arrest under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502.

(2) (a) Except as provided in Subsection (2)(b), if a hearing is requested by the person, the hearing shall be conducted by the Driver License Division in the county in which the offense occurred.

(b) The Driver License Division may hold a hearing in some other county if the Driver License Division and the person both agree.

(3) The hearing shall be documented and shall cover the issues of:

(a) whether a peace officer had reasonable grounds to believe that a person was operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 53-3-231, or Subsection 53-3-227(4); and

(b) whether the person refused to submit to the test or tests under Section 41-6a-520.

(4) (a) In connection with the hearing, the division or its authorized agent:

(i) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers; and

(ii) shall issue subpoenas for the attendance of necessary peace officers.

(b) The Driver License Division shall pay witness fees and mileage from the Transportation Fund in accordance with the rates established in Section 78-46-28.

(5) (a) If after a hearing, the Driver License Division determines that the person was requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the person fails to appear before the Driver License Division as required in the notice, the Driver License Division shall revoke the person's license or permit to operate a motor vehicle in Utah beginning on the date the hearing is held for a period of:

(i) 18 months unless Subsection (5)(a)(ii) applies; or

(ii) 24 months if the person has had a previous:

(A) license sanction for an offense that occurred within the previous ten years from the date of arrest under Section 41-6a-517, 41-6a-520, 53-3-223, 53-3-231, 53-3-232, or Subsection 53-3-227(4); or

(B) conviction for an offense that occurred within the previous ten years from the date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502.

(b) The Driver License Division shall also assess against the person, in addition to any fee imposed under Subsection 53-3-205(13), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs.

(c) The fee shall be cancelled if the person obtains an unappealed court decision following a proceeding allowed under Subsection (2) that the revocation was improper.

(6) (a) Any person whose license has been revoked by the Driver License Division under this section may seek judicial review.

(b) Judicial review of an informal adjudicative proceeding is a trial.

(c) Venue is in the district court in the county in which the offense occurred.

Section 78. Section **41-6a-522** is enacted to read:

41-6a-522. Person incapable of refusal.

Any person who is dead, unconscious, or in any other condition rendering the person incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn the consent provided for in Subsection 41-6a-520(1), and the test or tests may be administered whether the person has been arrested or not.

Section 79. Section **41-6a-523** is enacted to read:

41-6a-523. Persons authorized to withdraw blood -- Immunity from liability.

(1) (a) Only a physician, registered nurse, practical nurse, or person authorized under Section 26-1-30, acting at the request of a peace officer, may withdraw blood to determine the alcoholic or drug content.

(b) The limitation in Subsection (1)(a) does not apply to taking a urine, breath, or oral fluid specimen.

(2) Any physician, registered nurse, practical nurse, or person authorized under Section 26-1-30 who, at the direction of a peace officer, draws a sample of blood from any person whom a peace officer has reason to believe is driving in violation of this chapter, or hospital or medical

facility at which the sample is drawn, is immune from any civil or criminal liability arising from drawing the sample, if the test is administered according to standard medical practice.

Section 80. Section **41-6a-524** is enacted to read:

41-6a-524. Refusal as evidence.

If a person under arrest refuses to submit to a chemical test or tests or any additional test under Section 41-6a-520, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while:

(1) under the influence of:

(a) alcohol;

(b) any drug; or

(c) a combination of alcohol and any drug; or

(2) having any measurable controlled substance or metabolite of a controlled substance in the person's body.

Section 81. Section **41-6a-525**, which is renumbered from Section 41-6-44.12 is renumbered and amended to read:

[41-6-44.12]. 41-6a-525. Reporting test results -- Immunity from liability.

(1) As used in this section, "health care provider" means a person licensed under:

(a) Title 58, Chapter 31b, Nurse Practice Act[;];

(b) Title 58, Chapter 67, Utah Medical Practice Act[;]; or

(c) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

(2) A health care provider who is providing medical care to any person involved in a motor vehicle crash may notify, as soon as reasonably possible, the nearest peace officer or law enforcement agency if the health care provider has reason to believe, as a result of any test performed in the course of medical treatment, that the:

(a) person's blood alcohol concentration meets or exceeds the limits under Subsection ~~[41-6-44(2)]~~ 41-6a-502(1)(a);

(b) person is younger than 21 years of age and has any measurable blood, breath, or urine

alcohol concentration in the person's body; or

(c) person has any measurable controlled substance or metabolite of a controlled substance in the person's body which could be a violation of Subsection [~~41-6-44(2)(a)(ii)~~] 41-6a-502(1)(b) or Section [~~41-6-44.6~~] 41-6a-517.

(3) The report under Subsection (2) shall consist of the:

- (a) name of the person being treated;
- (b) date and time of the administration of the test; and
- (c) results disclosed by the test.

(4) A health care provider participating in good faith in making a report or assisting an investigator from a law enforcement agency pursuant to this section is immune from any liability, civil or criminal, that otherwise might result by reason of those actions.

(5) A report under Subsection (2) may not be used to support a finding of probable cause that a person who is not a driver of a vehicle has committed an offense.

Section 82. Section **41-6a-526**, which is renumbered from Section 41-6-44.20 is renumbered and amended to read:

~~[41-6-44.20]~~. **41-6a-526**. **Drinking alcoholic beverage and open containers in motor vehicle prohibited -- Definitions -- Exceptions.**

(1) As used in this section:

(a) "Alcoholic beverage" has the same meaning as defined in Section 32A-1-105.

(b) "Chartered bus" has the same meaning as defined in Section 32A-1-105.

(c) "Limousine" has the same meaning as defined in Section 32A-1-105.

(d) (i) "Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers.

(ii) "Passenger compartment" includes areas accessible to the operator and passengers while traveling, including a utility or glove compartment.

(iii) "Passenger compartment" does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle.

~~[(1)]~~ (2) A person may not drink any alcoholic beverage while operating a motor vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway.

~~[(2)]~~ (3) A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on any highway, any container which contains any alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.

~~[(3) In this section:]~~

~~[(a) "Alcoholic beverage" has the meaning given in Section 32A-1-105.]~~

~~[(b) "Chartered bus" has the meaning given in Section 32A-1-105.]~~

~~[(c) "Limousine" has the meaning given in Section 32A-1-105.]~~

~~[(d) "Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers and includes areas accessible to them while traveling, such as a utility or glove compartment, but does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle.]~~

(4) Subsections ~~[(1)]~~ (2) and ~~[(2)]~~ (3) do not apply to ~~[passengers]~~ a passenger:

(a) in the living quarters of a motor home or camper[.];

(b) who has carried an alcoholic beverage onto a limousine or chartered bus that is in compliance with Subsections 32A-12-213(3)(b) and (c); or

(c) in a motorboat or on the waters of this state as these terms are defined in Section 73-18-2.

(5) Subsection ~~[(2)]~~ (3) does not apply to passengers traveling in any licensed taxicab or bus.

~~[(6) Subsections (1) and (2) do not apply to passengers who have carried their own alcoholic beverage onto a limousine or chartered bus that is in compliance with Subsections 32A-12-213(3)(b) and (c).]~~

~~[(7) Subsections (1) and (2) do not apply to a passenger in a motorboat on the waters of this state as these terms are defined in Section 73-18-2.]~~

Section 83. Section **41-6a-527**, which is renumbered from Section 41-6-44.30 is renumbered and amended to read:

~~[41-6-44.30].~~ **41-6a-527. Seizure and impoundment of vehicles by peace officers -- Impound requirements -- Removal of vehicle by owner.**

(1) If a peace officer arrests or cites the operator of a vehicle for violating Section ~~[41-6-44, 41-6-44.6, or 41-6-44.10, or]~~ 41-6a-502, 41-6a-517, 41-6a-520, or 53-3-232, a local ordinance similar to Section ~~[41-6-44]~~ 41-6a-502 which complies with Subsection ~~[41-6-43]~~ 41-6a-510(1), or 53-3-227(4), the peace officer shall seize and impound the vehicle in accordance with Section ~~[41-6-102.5]~~ 41-6a-1406, except as provided under Subsection (2).

(2) If a registered owner of the vehicle, other than the operator, is present at the time of arrest, the peace officer may release the vehicle to that registered owner, but only if:

- (a) the registered owner:
 - (i) requests to remove the vehicle from the scene; and
 - (ii) presents to the peace officer sufficient identification to prove ownership of the vehicle or motorboat;
- (b) the registered owner identifies a driver with a valid operator's license who:
 - (i) complies with all restrictions of his operator's license; and
 - (ii) would not, in the judgment of the officer, be in violation of Section ~~[41-6-44, 41-6-44.6, or 41-6-44.10, or]~~ 41-6a-502, 41-6a-517, or 41-6a-520, a local ordinance similar to Section ~~[41-6-44]~~ 41-6a-502 which complies with Subsection ~~[41-6-43]~~ 41-6a-510(1)[;] or 53-3-227(4) if permitted to operate the vehicle; and
- (c) the vehicle itself is legally operable.

(3) If necessary for transportation of a motorboat for impoundment under this section, the motorboat's trailer may be used to transport the motorboat.

Section 84. Section **41-6a-528**, which is renumbered from Section 41-6-45 is renumbered and amended to read:

~~[41-6-45].~~ **41-6a-528. Reckless driving -- Penalty.**

(1) A person is guilty of reckless driving who operates a vehicle:

(a) in willful or wanton disregard for the safety of persons or property; or
 (b) while committing three or more moving traffic violations under Title 41, Chapter [6] 6a, Traffic [~~Rules and Regulations~~] Code, in a series of acts within a single continuous period of driving.

(2) A person who violates Subsection (1) is guilty of a class B misdemeanor.

Section 85. Section ~~41-6a-601~~, which is renumbered from Section 41-6-46 is renumbered and amended to read:

Part 6. Speed Restrictions

~~[41-6-46].~~ **41-6a-601. Speed regulations -- Safe and appropriate speeds at certain locations -- Prima facie speed limits -- Emergency power of the governor.**

(1) A person may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing, including when:

- (a) approaching and crossing an intersection or railroad grade crossing;
- (b) approaching and going around a curve;
- (c) approaching a hill crest;
- (d) traveling upon any narrow or winding roadway; and
- (e) [~~special~~] approaching other hazards that exist due to pedestrians, other traffic,

weather, or highway conditions.

(2) [~~If no special hazard exists, and subject~~] Subject to [Subsection] Subsections (1) and (4) and Sections [41-6-47 and 41-6-48] 41-6a-602 and 41-6a-603, the following speeds are lawful:

(a) 20 miles per hour in a reduced speed school zone as defined in Section [~~41-6-20.1~~] 41-6a-303;

- (b) 25 miles per hour in any urban district; and
- (c) 55 miles per hour in other locations.

(3) Except as provided in Section [~~41-6-48.5~~] 41-6a-604, any speed in excess of the limits provided in this section or established under [~~Section 41-6-47 or 41-6-48;~~] Sections

41-6a-602 and 41-6a-603 is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

(4) The governor by proclamation in time of war or emergency may change the speed limits on the highways of the state.

Section 86. Section **41-6a-602**, which is renumbered from Section 41-6-47 is renumbered and amended to read:

~~[41-6-47]~~. **41-6a-602**. **Speed limits established on state highways.**

(1) (a) The Department of Transportation may determine the reasonable and safe speed limit for each highway or section of highway under its jurisdiction.

(b) Each speed limit shall be based on traffic engineering and safety studies for each highway or section of the highway ~~[including:]~~.

(c) The traffic engineering and safety studies shall include:

~~[(a)]~~ (i) the design speed;

~~[(b)]~~ (ii) prevailing vehicle speeds;

~~[(c)]~~ (iii) accident history;

~~[(d)]~~ (iv) highway, traffic, and roadside conditions; and

~~[(e)]~~ (v) other highway safety factors.

(2) In addition to the provisions of Subsection (1), the Department of Transportation may establish different speed limits on a highway or section of highway based on:

(a) time of day~~[-];~~

(b) highway construction~~[-];~~

(c) type of vehicle~~[-];~~

(d) weather conditions~~[-];~~ and

(e) other highway safety factors.

(3) (a) ~~[A]~~ Except as provided in Subsection (3)(b), a posted speed limit may not exceed 65 miles per hour ~~[except on]~~.

(b) A posted speed limit on a freeway or other limited access highways ~~[which]~~ may not exceed 75 miles per hour.

~~[(b)]~~ (c) This ~~[subsection]~~ Subsection (3) is an exception to the provisions of Subsections (1) and (2).

(4) When establishing or changing a speed limit, the Department of Transportation shall consult with the following entities prior to erecting or changing a speed limit sign:

(a) the county ~~[or]~~ for state highways in an unincorporated area of the county;

(b) the municipality [prior to erecting or changing any signs] for state highways within the ~~[county or]~~ municipality's ~~[political boundaries]~~ incorporated area; [and]

~~[(b)]~~ (c) the Department of Public Safety; and

(d) the Transportation Commission.

(5) The speed limit is effective when appropriate signs giving notice are erected along the highway or section of the highway.

Section 87. Section ~~41-6a-603~~, which is renumbered from Section 41-6-48 is renumbered and amended to read:

~~[41-6-48].~~ **41-6a-603. Speed limits established by counties and municipalities.**

(1) A county or municipality may determine the reasonable and safe speed limit for each highway or section of highway under its jurisdiction as specified under Title 72, Chapter 3, Highway Jurisdiction and Classification Act.

(2) Each speed limit shall be established in accordance with the provisions of [Section 41-6-47] Subsections 41-6a-602(1), (2), (3), and (5).

~~[(2) In accordance with Section 41-6-47, the Department of Transportation is responsible for establishing speed limits on state highways whether the highways are within or without the corporate limits of any municipality as specified under Section 72-3-109.]~~

Section 88. Section ~~41-6a-604~~, which is renumbered from Section 41-6-48.5 is renumbered and amended to read:

~~[41-6-48.5].~~ **41-6a-604. Maximum speed in a school zone -- Penalty -- Minimum fines -- Compensatory service -- Waiver -- Recordkeeping.**

(1) A person may not operate a vehicle at a speed greater than 20 miles per hour in a reduced speed school zone as defined in Section ~~[41-6-20.1]~~ 41-6a-303.

(2) (a) A violation of ~~[this section]~~ Subsection (1) is a class C misdemeanor and the minimum fine:

(i) for a first offense shall be calculated according to the following schedule:

Vehicle Speed	Minimum Fine
21 - 29 MPH	\$ 50
30 - 39 MPH	\$ 125
40 MPH and greater	\$ 275

(ii) for a second and subsequent offense within three years of a previous conviction or bail forfeiture shall be calculated according to the following schedule:

Vehicle Speed	Minimum Fine
21 - 29 MPH	\$ 50
30 - 39 MPH	\$ 225
40 MPH and greater	\$ 525

(b) (i) Except as provided under Subsection (2)(a)(ii), the court may order the person to perform compensatory service in lieu of the fine or any portion of the fine.

(ii) The court shall order the person to perform compensatory service observing a crossing guard if the conviction is for a:

(A) first offense with a vehicle speed of 30 miles per hour or more; or

(B) second and subsequent offense within three years of a previous conviction or bail forfeiture.

(iii) The court may waive the compensatory service required under Subsection (2)(b)(ii) if the court makes the reasons for the waiver part of the record.

(3) The Driver License Division shall develop and implement a record system to distinguish:

(a) a conviction or bail forfeiture under this section from other convictions; and

(b) between a first and subsequent conviction or bail forfeiture under this section.

(4) The provisions of this section take precedence over the provisions of Sections ~~[41-6-46, 41-6-47, 41-6-48;]~~ 41-6a-601, 41-6a-602, 41-6a-603, and 76-3-301.

Section 89. Section **41-6a-605**, which is renumbered from Section 41-6-49 is renumbered and amended to read:

~~[41-6-49].~~ **41-6a-605. Minimum speed regulations.**

(1) A person may not operate a motor vehicle at a speed so slow as to impede or block the normal and reasonable movement of traffic except when:

- (a) a reduced speed is necessary for safe operation;
- (b) upon a grade; or
- (c) in compliance with ~~[official traffic control devices]~~ a traffic-control device.

(2) Operating a motor vehicle on a ~~[controlled]~~ limited access highway at less than the ~~[lawful maximum]~~ speed limit side by side with and at the same speed as a vehicle operated in the adjacent right lane ~~[constitutes]~~ is evidence of ~~[impeding or blocking normal movement of traffic]~~ a violation of Subsection (1).

(3) ~~(a) [When the Department of Transportation or local authorities within their respective jurisdictions determine on the basis of]~~ If, based on an engineering and traffic investigation, a highway authority determines that slow speeds on any part of a highway under its jurisdiction consistently impede the normal and reasonable movement of traffic, the ~~[Department of Transportation or local authority may determine and shall]~~ highway authority may post a minimum speed limit ~~[below which no]~~.

(b) If a minimum speed limit is posted under this Subsection (3), a person may not operate a vehicle at a speed below the posted minimum speed limit except:

- (i) when necessary for safe operation[-]; or
- (ii) in accordance with Section 41-6a-205.

(c) The minimum speed limit is effective when appropriate signs giving notice are erected along the highway or section of the highway.

Section 90. Section **41-6a-606**, which is renumbered from Section 41-6-51 is renumbered and amended to read:

~~[41-6-51].~~ **41-6a-606. Speed contest or exhibition on highway -- Barricade or obstruction.**

(1) A person may not:

(a) engage in any motor vehicle speed contest or exhibition of speed on a highway; or

(b) aid or abet in any motor vehicle speed contest or exhibition on any highway.

(2) A person may not, [~~for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon a highway;~~] in any manner, obstruct or place any barricade or obstruction or assist or participate in placing any barricade or obstruction upon any highway for any purpose prohibited under Subsection (1).

Section 91. Section **41-6a-607**, which is renumbered from Section 41-6-52 is renumbered and amended to read:

~~[41-6-52].~~ **41-6a-607. Speed violation -- Complaint -- Civil negligence.**

(1) [~~In every~~] For a charge of violation of [any] a speed provision [of this article, the complaint and the summons or notice to appear] under this part, the citation or information shall specify the:

(a) speed at which the defendant is alleged to have operated a vehicle[~~, also the prima facie speed applicable within the district or at the location.~~]; and

(b) speed limit applicable to the section of the highway where the violation is alleged to have occurred.

(2) The provisions of this [~~article~~] part declaring prima facie speed limitations do not relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

Section 92. Section **41-6a-608**, which is renumbered from Section 41-6-52.5 is renumbered and amended to read:

~~[41-6-52.5].~~ **41-6a-608. Photo radar -- Restrictions on use.**

(1) "Photo radar" means a device used primarily for highway speed limit enforcement substantially consisting of a low power doppler radar unit and camera mounted in or on a vehicle, which automatically produces a photograph of a vehicle traveling in excess of the legal speed limit, with the vehicle's speed, the date, time of day, and location of the violation printed on the photograph.

- (2) Photo radar may not be used except:
- (a) (i) in school zones; or
 - (ii) in other areas that have a posted speed limit of 30 miles per hour or less;
 - (b) when a peace officer is present with the photo radar unit;
 - (c) when signs are posted on the highway providing notice to a motorist that photo radar may be used;
 - (d) when use of photo radar by a local highway authority is approved by the local highway authority's governing body; and
 - (e) when the citation is accompanied by the photograph produced by photo radar.
- (3) The restrictions under Subsection (2) on the use of photo radar do not apply when the information gathered is used for highway safety research or to issue warning citations not involving a fine, court appearance, or a person's driving record.
- (4) A contract or agreement regarding the purchase, lease, rental, or use of photo radar by the department or by a local highway authority may not specify any condition for issuing a citation.
- (5) The department and any local highway authority using photo radar, upon request, shall make the following information available for public inspection during regular office hours:
- (a) the terms of any contract regarding the purchase, lease, rental, or use of photo radar;
 - (b) the total fine revenue generated by using photo radar;
 - (c) the number of citations issued by the use of photo radar; and
 - (d) the amount paid to the person providing the photo radar unit.
- (6) A moving traffic violation obtained through the use of photo radar is not a reportable violation as defined under Section 53-3-102, and points may not be assessed against a person for the violation.

Section 93. Section **41-6a-609**, which is renumbered from Section 41-6-52.7 is renumbered and amended to read:

[~~41-6-52.7~~]. 41-6a-609. Radar jamming devices and jamming radar prohibited -- Defense -- Exceptions -- Penalties.

(1) As used in this section, "radar jamming device" means any instrument or mechanism designed or intended to interfere with the radar or any laser that is used by law enforcement personnel to measure the speed of a motor vehicle on a highway.

(2) (a) A person may not operate a motor vehicle on a highway with a radar jamming device in the motor vehicle.

(b) A person may not knowingly use a radar jamming device to interfere with the radar signals or lasers used by law enforcement personnel to measure the speed of a motor vehicle on a highway.

(3) It is an affirmative defense to a charge under Subsection (2)(a) that the radar jamming device was in an inoperative condition or could not be readily used at the time of the arrest or citation.

(4) This section does not apply to law enforcement personnel acting in their official capacity.

(5) A person who violates this section is guilty of a class C misdemeanor.

Section 94. Section **41-6a-701**, which is renumbered from Section 41-6-53 is renumbered and amended to read:

Part 7. Driving on Right Side of Highway and Passing

[41-6-53]. 41-6a-701. Duty to operate vehicle on right side of roadway --

Exceptions.

(1) On all roadways of sufficient width, a person operating a vehicle shall ~~[be operated upon]~~ operate the vehicle on the right half of the roadway, except:

(a) when overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement;

(b) when an obstruction requires operating the vehicle to the left of the center of the roadway~~], but the operator shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portions of the highway within a distance constituting an immediate hazard]~~ subject to the provisions of Subsection (2);

(c) on a roadway divided into three marked lanes for traffic under the applicable rules; or

(d) on a roadway designed and signposted for one-way traffic.

~~[(2) On all roadways a vehicle proceeding]~~

(2) A person operating a vehicle shall yield the right-of-way to a vehicle:

(a) traveling in the proper direction on a roadway; and

(b) that is within a distance constituting an immediate hazard.

(3) A person operating a vehicle on a roadway at less than the normal speed of traffic ~~[under the existing conditions]~~ shall ~~[be operated]~~ operate the vehicle in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when:

(a) overtaking and passing another vehicle proceeding in the same direction ~~[or when];~~

(b) preparing [for a] to turn left [turn at an intersection or into a private road or driveway.]; or

(c) taking a different highway or an exit on the left.

Section 95. Section ~~41-6a-702~~, which is renumbered from Section 41-6-53.5 is renumbered and amended to read:

~~[41-6-53.5].~~ 41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions -- Penalties.

(1) As used in this section and Section ~~[41-6-55]~~ 41-6a-704, "general purpose lane" means a highway lane open to vehicular traffic but does not include ~~[an officially]~~ a designated:

(a) high occupancy vehicle (HOV) lane; or

(b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway off-ramp.

(2) On a ~~[highway]~~ freeway or section of a ~~[highway that is part of the interstate system as defined in Section 72-1-102 and]~~ freeway which has three or more general purpose lanes in the same direction, a person may not operate a vehicle in the left most general purpose lane if the person's:

(a) vehicle is drawing a trailer or semitrailer regardless of size; or

(b) vehicle or combination of ~~[vehicle]~~ vehicles has a gross vehicle weight of 12,001 or

more pounds.

(3) Subsection (2) does not apply to a person operating a vehicle who is:

(a) preparing to turn left or taking a different highway split or an exit on the left;

(b) responding to emergency conditions;

(c) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or

(d) following direction signs that direct use of a designated lane.

(4) (a) [~~The Department of Transportation or local authorities~~] A highway authority may designate a specific lane or lanes of travel for any type of vehicle on a highway or portion of a highway under [~~their respective~~] its jurisdiction for the:

(i) safety of the public;

(ii) efficient maintenance of a highway; or

(iii) use of high occupancy vehicles.

(b) The lane designation under Subsection (4)(a) is effective when appropriate signs giving notice are erected on the highway or portion of the highway.

(5) The lane designation under Subsection (4)(a) shall allow a vehicle with clean fuel special group license plates to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants.

(6) A person who operates a vehicle in violation of Subsection (2) or in violation of the restrictions made under Subsection (4) is guilty of a class C misdemeanor.

Section 96. Section ~~41-6a-703~~, which is renumbered from Section 41-6-54 is renumbered and amended to read:

~~[41-6-54].~~ **41-6a-703. Passing vehicles proceeding in opposite directions.**

~~[Operators of vehicles]~~

(1) In accordance with Section 41-6a-701, a person operating a vehicle proceeding in an opposite [~~directions~~] direction from another vehicle shall pass [~~each~~] the other vehicle to the right.

(2) On [~~roadways~~] a roadway having width for not more than one line of traffic in each

direction, ~~[each]~~ the operator of a vehicle shall, as nearly as possible, give to the other at least ~~[one-half]~~ 1/2 of the main traveled portion of the roadway ~~[as nearly as possible]~~.

Section 97. Section ~~41-6a-704~~, which is renumbered from Section 41-6-55 is renumbered and amended to read:

~~[41-6-55]~~. **41-6a-704. Overtaking and passing vehicles proceeding in same direction.**

(1) On any highway:

(a) the operator of a vehicle overtaking another vehicle proceeding in the same direction:

(i) shall, except as provided under Section ~~[41-6-56]~~ 41-6a-705, pass ~~[to]~~ the overtaken vehicle on the left at a safe distance; and

(ii) may not drive to the right side of the roadway until safely clear of the overtaken vehicle;

(b) the operator of an overtaken vehicle:

(i) shall give way to the right in favor of the overtaking vehicle; and

(ii) may not increase the speed of the vehicle until completely passed by the overtaking vehicle.

(2) On a highway having more than one lane in the same direction, the operator of a vehicle traveling in ~~[a]~~ the left general purpose lane:

(a) shall, upon being overtaken by another vehicle in the same lane, yield to the overtaking vehicle by moving safely to a lane to the right; and

(b) may not impede the movement or free flow of traffic in ~~[a]~~ the left general purpose lane ~~[or except:]~~.

(3) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling in the left general purpose lane when:

~~[(i) when]~~ (a) overtaking and passing another vehicle proceeding in the same direction in accordance with Subsection (1)(a);

~~[(ii) when]~~ (b) preparing to turn left or taking a different highway ~~[split]~~ or an exit on the left;

~~[(iii) when]~~ (c) responding to emergency conditions;

~~[(iv) to avoid]~~ (d) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or

~~[(v) when]~~ (e) following the direction ~~[signs]~~ of a traffic-control device that ~~[direct]~~ directs the use of a designated lane.

Section 98. Section **41-6a-705**, which is renumbered from Section 41-6-56 is renumbered and amended to read:

~~[41-6-56].~~ 41-6a-705. Passing upon right -- When permissible.

(1) The operator of a vehicle may overtake and pass ~~[upon]~~ on the right of another vehicle only:

(a) when the vehicle overtaken is making or preparing to make a left turn; or

(b) ~~[upon]~~ on a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle~~[-or]~~.

~~[(c) upon a one-way highway, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.]~~

(2) The operator of a vehicle may overtake and pass another vehicle ~~[upon]~~ on the right only under conditions permitting the movement with safety. ~~[The]~~

~~(3) The operator of a vehicle may not overtake and pass another vehicle if the movement~~ [may not be] is made by driving off the roadway.

Section 99. Section **41-6a-706**, which is renumbered from Section 41-6-57 is renumbered and amended to read:

~~[41-6-57].~~ 41-6a-706. Limitation on passing -- Prohibitions.

(1) ~~[A vehicle may not be operated]~~ Subject to the provisions of Section 41-6a-707, on a two-way highway, a person may not operate a vehicle to the left side of the center of the roadway ~~[in overtaking and passing]~~ to pass another vehicle proceeding in the same direction unless the left side is:

(a) clearly visible; and ~~[is]~~

(b) free of oncoming traffic for a sufficient distance ~~[ahead]~~ to permit ~~[overtaking and]~~ the passing movement to be completed without interfering with the operation of any vehicle approaching from the opposite direction ~~[of any vehicle overtaken]~~ in accordance with Subsection (2).

~~[(2) Overtaking and passing under this section may not be made where prohibited by Section 41-6-58.]~~

~~[(3)]~~ (2) The person operating the overtaking vehicle shall return the vehicle to an authorized lane of travel:

(a) as soon as practical~~[-];~~ and

(b) if the passing movement involves the use of a lane authorized for vehicles approaching in the opposite direction, before coming within 200 feet of any vehicle approaching from the opposite direction.

Section 100. Section **41-6a-707**, which is renumbered from Section 41-6-58 is renumbered and amended to read:

~~[41-6-58].~~ **41-6a-707. Limitations on driving on left side of road -- Exceptions.**

(1) A ~~[vehicle may not be operated]~~ person may not operate a vehicle on the left side of the roadway:

(a) when approaching or on a crest of a grade or a curve on the highway where the ~~[operator's]~~ person's view is obstructed within a distance which creates a hazard if another vehicle ~~[may approach]~~ approached from the opposite direction;

(b) when approaching within 100 feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by ~~[official]~~ a traffic-control ~~[devices]~~ device or a peace officer; or

(c) when the view is obstructed ~~[upon]~~ while approaching within 100 feet of any bridge, viaduct, or tunnel.

(2) ~~[This section]~~ Subsection (1) does not apply:

(a) on a one-way roadway~~[-, nor]~~;

(b) under the conditions described in Subsection ~~[41-6-53]~~ 41-6a-701(1)(b) ~~[nor to the~~

~~operator of]; or~~

~~(c) to a person operating a vehicle turning left onto or from an alley, private road, or driveway.~~

Section 101. Section **41-6a-708**, which is renumbered from Section 41-6-59 is renumbered and amended to read:

[41-6-59]. 41-6a-708. Signs and markings on roadway -- No-passing zones -- Exceptions.

~~[(1) (a) The Department of Transportation and local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left of the roadway is especially hazardous and may by appropriate signs or markings on the highway indicate the beginning and end of those zones.]~~

~~[(b) When the signs or markings are in place and clearly visible to a reasonably observant person, every operator of a vehicle shall obey the directions.]~~

(1) (a) A highway authority may designate no-passing zones on any portion of a highway under its jurisdiction if the highway authority determines passing is especially hazardous.

(b) A highway authority shall designate a no-passing zone under Subsection (1)(a) by placing appropriate traffic-control devices on the highway.

~~(2) [Where signs or markings are in place to define a no-passing zone under Subsection (1), an operator]~~ A person operating a vehicle may not drive on the left side of:

(a) the roadway within the no-passing zone; or [on the left side of]

(b) any pavement striping designed to mark the no-passing zone [throughout its lengths].

~~(3) [This section]~~ Subsection (2) does not apply ~~[to]~~:

(a) under the conditions described under Subsection [41-6-53] 41-6a-701(1)(b) [nor to the operator of a]; or

(b) to a person operating a vehicle turning left onto or from an alley, private road, or driveway.

Section 102. Section **41-6a-709**, which is renumbered from Section 41-6-60 is renumbered and amended to read:

[41-6-60]. 41-6a-709. One-way traffic.

(1) ~~[The Department of Transportation and local authorities]~~ A highway authority may designate any highway, roadway, part of a roadway, or specific lanes under ~~[their respective jurisdictions upon which vehicular traffic shall proceed in]~~ the highway authority's jurisdiction for one direction ~~[at all times or as otherwise]~~ of vehicle travel at all times as indicated by ~~[official]~~ traffic-control devices.

(2) On a roadway designated for one-way traffic, a person operating a vehicle shall ~~[be operated only]~~ operate the vehicle in the direction indicated by ~~[official]~~ traffic-control devices.

(3) A ~~[vehicle passing around a rotary traffic island shall be operated]~~ person operating a vehicle in a roundabout shall operate the vehicle only to the right of the roundabout island.

Section 103. Section **41-6a-710**, which is renumbered from Section 41-6-61 is renumbered and amended to read:

[41-6-61]. 41-6a-710. Roadway divided into marked lanes -- Provisions -- Traffic-control devices.

On a roadway divided into two or more clearly marked lanes for traffic the following provisions apply:

- (1) A person operating a vehicle:
 - (a) shall keep the vehicle as nearly as practical entirely within a single lane; and
 - (b) may not move the vehicle from the lane until the operator has determined the movement can be made safely.
- (2) On a roadway divided into three or more lanes and providing for two-way movement of traffic, a person operating a vehicle may not drive in the center lane except:
 - (a) when overtaking and passing another vehicle traveling in the same direction, and when the center lane is:
 - (i) clear of traffic within a safe distance; and
 - (ii) not a two-way left turn lane;
 - (b) in preparation of making or completing a left turn in compliance with Section ~~[41-6-66]~~ 41-6a-801; or

(c) where the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is proceeding [~~and the allocation is designated by official~~] as indicated by traffic-control devices.

(3) (a) [~~Official~~] A highway authority may erect traffic-control devices [~~may be erected~~] directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway.

(b) An operator of a vehicle shall obey the directions of [~~official~~] a traffic-control [~~devices~~] device erected under Subsection (3)(a).

Section 104. Section **41-6a-711**, which is renumbered from Section 41-6-62 is renumbered and amended to read:

~~[41-6-62].~~ 41-6a-711. Following another vehicle -- Safe distance -- Exceptions.

(1) The operator of a vehicle:

(a) may not follow another vehicle more closely than is reasonable and prudent, having regard for the:

- (i) speed of the vehicles;
- (ii) traffic upon the highway; and
- (iii) condition of the highway; and

(b) shall allow sufficient space in front of the vehicle to enable any other vehicle to enter and occupy the space.

(2) Subsection (1)(b) does not apply to funeral processions or to congested traffic conditions resulting in prevailing vehicle speeds of less than 35 miles per hour.

Section 105. Section **41-6a-712**, which is renumbered from Section 41-6-63.10 is renumbered and amended to read:

~~[41-6-63.10].~~ 41-6a-712. Divided highway -- Use of right-hand side -- Crossing only where permitted.

(1) A person operating a vehicle [~~operated~~] on a divided highway shall use the right-hand roadway unless directed or permitted to use another roadway by [~~official~~] a traffic-control [~~devices~~] device or a peace officer.

(2) A person operating a vehicle may not [~~be operated~~] operate the vehicle over, across, or within any dividing space, median, or barrier of a divided highway, except where authorized by [~~an official~~] a traffic-control device or a peace officer.

Section 106. Section **41-6a-713**, which is renumbered from Section 41-6-63.30 is renumbered and amended to read:

~~[41-6-63.30].~~ **41-6a-713. Definitions -- Gore area -- Island -- Driving over gore or island prohibited -- Exceptions -- Penalties.**

~~[(1) As used in this section: (a) "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.]~~

~~[(b) "Island" means an area between traffic lanes for control of vehicle movements or for pedestrian refuge designated by:]~~

~~[(i) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;]~~

~~[(ii) channelizing devices;]~~

~~[(iii) curbs;]~~

~~[(iv) pavement edges; or]~~

~~[(v) other devices.]~~

~~[(2)]~~ (1) (a) A person may not operate a vehicle over, across, or within any part of a gore area or an island.

(b) Subsection ~~[(2)]~~ (1)(a) does not apply to:

(i) a person operating a vehicle that is disabled; or

(ii) an operator of an authorized emergency vehicle under conditions described under Section ~~[41-6-14]~~ 41-6a-208.

~~[(3)]~~ (2) A person who violates Subsection ~~[(2)]~~ (1) is guilty of class C misdemeanor.

Section 107. Section **41-6a-714**, which is renumbered from Section 41-6-64 is renumbered and amended to read:

~~[41-6-64].~~ **41-6a-714. Freeway and controlled-access highways -- Driving onto**

and from highways where permitted.

A person may not operate a vehicle onto or from any freeway or other controlled-access highway except at entrances and exits established by [~~public~~] the highway authority having jurisdiction over the highway.

Section 108. Section **41-6a-715**, which is renumbered from Section 41-6-65 is renumbered and amended to read:

[~~41-6-65~~]. 41-6a-715. Controlled-access highways -- Prohibiting use by class or kind of traffic -- Traffic-control devices.

(1) [~~The Department of Transportation, and local authorities~~] A highway authority may regulate or prohibit the use of any controlled-access [~~roadway~~] highway within [~~their~~] its respective [~~jurisdictions~~] jurisdiction by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(2) The [~~Department of Transportation or the local authority~~] highway authority shall erect and maintain [~~official~~] traffic-control devices on the controlled-access highway on which the regulations or prohibitions are applicable.

Section 109. Section **41-6a-801**, which is renumbered from Section 41-6-66 is renumbered and amended to read:

Part 8. Turning and Signaling for Turns

[~~41-6-66~~]. 41-6a-801. Turning -- Manner -- Traffic-control devices.

The operator of a vehicle shall make turns as follows:

(1) Right turns: both a right turn and an approach for a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

(2) Left turns:

(a) the operator of a vehicle intending to turn left shall approach the turn from the extreme left-hand lane for traffic moving in the same direction;

(b) whenever practicable, shall be made by turning onto the roadway being entered in the extreme left-hand lane for traffic moving in the new direction, unless otherwise directed by [~~an official~~] a traffic-control device; and

(c) may be made on a highway across solid double yellow line pavement markings indicating a two-direction, no-passing zone.

(3) Two-way left turn lanes: [~~where a special lane for making left turns by operators proceeding in opposite directions has been indicated by official traffic-control devices:~~]

(a) where a two-way left turn lane is provided, a left turn may not be made from any other lane;

(b) a vehicle may not be driven in the two-way left turn lane except when preparing for or making:

(i) a left turn from or into the roadway; or

(ii) a U-turn except when prohibited by [~~an official~~] a traffic-control device;

(c) (i) except as provided under Subsection (3)(c)(ii), the operator of a vehicle intending to turn left may not enter a two-way left turn lane more than 500 feet prior to making the turn;

(ii) if traffic in the two-way left turn lane extends beyond 500 feet, the operator of a vehicle intending to turn left may enter the two-way left turn lane immediately upon reaching the last vehicle in the two-way left turn lane;

(d) the operator of a vehicle that has turned left into the two-way left turn lane may not travel in the lane more than 500 feet unless the operator intends to turn left and Subsection (3)(c)(ii) applies; and

(e) the operator of a vehicle may not travel straight through an intersection in a two-way left turn lane.

(4) (a) [~~The Department of Transportation and local authorities in their respective jurisdictions may cause official~~] A highway authority in its jurisdiction may provide exceptions to the provisions of this section by erecting traffic-control devices [to be erected that direct] directing a different course [from that specified in this section] to be traveled by turning vehicles.

(b) The operator of a vehicle may not turn a vehicle [~~other than as directed by official~~] in violation of a traffic-control [devices] device erected under Subsection (4)(a).

Section 110. Section **41-6a-802**, which is renumbered from Section 41-6-67 is renumbered and amended to read:

[41-6-67]. 41-6a-802. Turning around -- Where prohibited -- Visibility.

The operator of a vehicle may not make a U-turn or turn the vehicle to proceed in the opposite direction:

- (1) unless the movement can be made safely and without interfering with other traffic; or
- (2) on any curve, or upon the approach to, or near the crest of a grade, if the vehicle is not visible at a distance of 500 feet by the operator of any other vehicle approaching from either direction.

Section 111. Section **41-6a-803**, which is renumbered from Section 41-6-68 is renumbered and amended to read:

[41-6-68]. 41-6a-803. Moving a vehicle -- Safety.

A person may not move a vehicle which is stopped, standing, or parked until the movement may be made with reasonable safety.

Section 112. Section **41-6a-804**, which is renumbered from Section 41-6-69 is renumbered and amended to read:

[41-6-69]. 41-6a-804. Turning or changing lanes -- Safety -- Signals -- Stopping or sudden decrease in speed -- Signal flashing -- Where prohibited.

(1) (a) A person may not turn a vehicle or move right or left ~~[upon]~~ on a roadway or change lanes until:

- (i) the movement can be made with reasonable safety; and
- (ii) an appropriate signal has been given as provided under this section.

(b) A signal of intention to turn right or left or to change lanes shall be given continuously for at least the last three seconds preceding the beginning of the ~~[turn or change]~~ movement.

(2) A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the operator of any vehicle immediately to the rear when there is opportunity to give a signal.

~~[(3) The signals required on vehicles by Section 41-6-70 may not be flashed]~~

(3) (a) A stop or turn signal when required shall be given either by the hand and arm or

by signal lamps.

(b) If hand and arm signals are used, a person operating a vehicle shall give the required hand and arm signals from the left side of the vehicle as follows:

(i) Left turn: hand and arm extended horizontally;

(ii) Right turn: hand and arm extended upward; and

(iii) Stop or decrease speed: hand and arm extended downward.

(c) (i) A person operating a bicycle or device propelled by human power may give the required hand and arm signals for a right turn by extending the right hand and arm horizontally to the right.

(ii) This Subsection (3)(c) is an exception to the provision of Subsection (3)(b)(ii).

(4) A person required to make a signal under this section may not flash a signal:

(a) on one side only on a disabled vehicle[~~, flashed~~];

(b) as a courtesy or "do pass" to operators of other vehicles approaching from the rear[~~; or flashed~~]; or

(c) on one side only of a parked vehicle [~~except as necessary to comply with this section~~].

Section 113. Section **41-6a-901**, which is renumbered from Section 41-6-72 is renumbered and amended to read:

Part 9. Right-of-Way

[~~41-6-72~~]. 41-6a-901. Right-of-way between vehicles -- Unregulated intersection.

(1) The operator of a vehicle approaching an intersection not regulated by [~~an official~~] a traffic-control device shall yield the right-of-way to any vehicle that has entered the intersection from a different highway.

(2) Except as specified in [~~Subsections (3) and (4)~~], Subsection (3) and unless otherwise directed by a peace officer, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right when:

(a) more than one vehicle enters or approaches an intersection from different highways at approximately the same time; and

(b) the intersection:

~~[(a)]~~ (i) is not regulated by ~~[an official]~~ a traffic-control device;

~~[(b)]~~ (ii) is not regulated because the traffic-control signal is inoperative; or

~~[(c)]~~ (iii) is regulated from all directions by stop signs~~[-, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right unless otherwise directed by a peace officer].~~

(3) The operator of a vehicle approaching an intersection not regulated by ~~[an official]~~ a traffic-control device~~[-];~~

(a) from a highway that does not continue beyond the intersection, shall yield the right-of-way to the operator of any vehicle on the intersecting highway~~[-. (4) The operator of a vehicle approaching an intersection not regulated by an official traffic-control device.];~~ and

(b) from a highway that is not paved, shall yield the right-of-way to the operator of any vehicle on a paved intersecting highway.

Section 114. Section **41-6a-902**, which is renumbered from Section 41-6-72.10 is renumbered and amended to read:

~~[41-6-72.10].~~ **41-6a-902. Right-of-way -- Stop or yield signals -- Yield -- Collisions at intersections or junctions of roadways -- Evidence.**

(1) Preferential right-of-way may be indicated by stop signs or yield signs under Section ~~[41-6-99]~~ 41-6a-906.

(2) (a) Except when directed to proceed by a peace officer, every operator of a vehicle approaching a stop sign shall stop:

(i) at a clearly marked stop line~~[-, but if none,];~~

(ii) before entering the crosswalk on the near side of the intersection~~[-, but if none, then]~~ if there is not a clearly marked stop line; or

(iii) at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it if there is not a clearly marked stop line or a crosswalk.

(b) After having stopped at a stop sign, the operator of a vehicle shall yield the

right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard [~~during the time when the operator is moving across or within the intersection or junction of roadways~~].

(c) The operator of a vehicle approaching a stop sign shall yield the right-of-way to pedestrians within an adjacent crosswalk.

(3) (a) The operator of a vehicle approaching a yield sign shall:

(i) slow down to a speed reasonable for the existing conditions; and

(ii) if required for safety, [~~shall~~] stop as provided under Subsection (2).

(b) (i) After slowing or stopping at a yield sign, the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the operator is moving across or within the intersection or junction of roadways.

(ii) The operator of a vehicle approaching a yield sign shall yield to pedestrians within an adjacent crosswalk. [Hf]

(4) (a) A collision is prima facie evidence of an operator's failure to yield the right-of-way after passing a yield sign without stopping if the operator is involved in a collision:

(i) with a vehicle in the intersection or junction of roadways; or

(ii) with a pedestrian at an adjacent crosswalk[~~, after passing a yield sign without stopping, the collision is prima facie evidence of the operator's failure to yield the right-of-way, but~~].

(b) A collision under Subsection (4)(a) is not considered negligence per se in determining liability for the accident.

Section 115. Section **41-6a-903**, which is renumbered from Section 41-6-73 is renumbered and amended to read:

[41-6-73]. 41-6a-903. Yield right-of-way -- Vehicle turning left -- Entering or crossing highway other than from another roadway -- Merging lanes.

The operator of a vehicle:

(1) intending to turn to the left shall yield the right-of-way to any vehicle approaching

from the opposite direction which is so close to the turning vehicle as to constitute an immediate hazard[-];

(2) about to enter or cross a highway from any place other than another highway shall yield the right-of-way to all vehicles approaching on the highway to be entered or crossed; and

(3) traveling in a lane that is about to merge into a continuing lane, shall yield the right-of-way to all vehicles traveling in the continuing lane and which are so close as to be an immediate hazard.

Section 116. Section **41-6a-904**, which is renumbered from Section 41-6-76 is renumbered and amended to read:

[41-6-76]. 41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary emergency vehicle -- Duties of respective operators.

(1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon the immediate approach of an authorized emergency vehicle using audible or visual signals under Section [~~41-6-14, 41-6-132, or 41-6-146 or of a peace officer vehicle lawfully using an audible or visual signal~~] 41-6a-212 or 41-6a-1625, shall:

(a) yield the right-of-way and immediately move to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

(b) then stop and remain [~~there~~] stopped until the authorized emergency vehicle has passed.

(2) The operator of a vehicle, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

(a) reduce the speed of the vehicle;

(b) provide as much space as practical to the stationary authorized emergency vehicle; and

(c) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if practical, with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to the authorized emergency vehicle.

(3) The operator of a vehicle, upon approaching a stationary tow truck or highway

maintenance vehicle that is displaying flashing amber lights, shall:

- (a) reduce the speed of the vehicle; and
- (b) provide as much space as practical to the stationary tow truck or highway

maintenance vehicle.

(4) This section does not relieve the operator of an authorized emergency vehicle, tow truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all persons using the highway.

Section 117. Section **41-6a-905**, which is renumbered from Section 41-6-76.10 is renumbered and amended to read:

~~[41-6-76.10].~~ **41-6a-905. Vehicle or pedestrian working upon highway -- Right-of-way.**

The operator of a vehicle shall yield the right-of-way to ~~[any]~~ an:

(1) authorized vehicle or pedestrian actually engaged in work ~~[upon]~~ on a highway within ~~[any]~~ a highway construction or maintenance area indicated by ~~[official]~~ a traffic-control ~~[devices]~~ device; or

(2) authorized vehicle obviously and actually engaged in work ~~[upon]~~ on a highway when the vehicle displays lights ~~[meeting the requirements of]~~ in accordance with Section ~~[41-6-140.20]~~ 41-6a-1617.

Section 118. Section **41-6a-906**, which is renumbered from Section 41-6-99 is renumbered and amended to read:

~~[41-6-99].~~ **41-6a-906. Designation of through highways -- Stop signs, yield signs, and traffic-control devices -- Designation of intersections as locations for preferential right-of-way treatment.**

~~[The Department of Transportation with reference to state highways and local authorities with reference to highways under their]~~ A highway authority, with reference to highways under its jurisdiction, may erect and maintain stop signs, yield signs, or other ~~[official]~~ traffic-control devices to designate:

- (1) through highways~~[-];~~ or ~~[to designate]~~

(2) intersections or other roadway junctions at which vehicular traffic on one or more of the roadways should yield or stop and yield before entering the intersection or junction.

Section 119. Section **41-6a-1001**, which is renumbered from Section 41-6-77 is renumbered and amended to read:

Part 10. Pedestrians' Rights and Duties

~~[41-6-77].~~ **41-6a-1001. Pedestrians subject to traffic-control devices -- Other controls.**

(1) A pedestrian shall obey the instructions of ~~[any official]~~ a traffic-control device specifically applicable to ~~[him]~~ the pedestrian unless otherwise directed by a peace officer.

(2) ~~[Pedestrians are]~~ A pedestrian is subject to traffic and pedestrian-control signals under Sections ~~[41-6-24 and 41-6-25]~~ 41-6a-305 and 41-6a-306.

Section 120. Section **41-6a-1002**, which is renumbered from Section 41-6-78 is renumbered and amended to read:

~~[41-6-78].~~ **41-6a-1002. Pedestrians' right-of-way -- Duty of pedestrian.**

(1) (a) Except as provided under Subsection (2), when traffic-control signals are not in place or not in operation, the operator of a vehicle shall yield the right-of-way~~;~~ by slowing down or stopping if necessary ~~[to yield];~~

(i) to a pedestrian crossing the roadway within a crosswalk when the pedestrian is ~~[upon]~~ on the half of the roadway upon which the vehicle is traveling~~;~~ or

(ii) when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. ~~[This subsection]~~

(b) Subsection (1)(a) does not apply under conditions of Subsection ~~[41-6-79]~~ 41-6a-1003(2).

~~[(b)]~~ (c) A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(2) The operator of a vehicle approaching a school crosswalk shall come to a complete stop at the school crosswalk if:

(a) a school speed limit sign has the warning lights operating; and

(b) the crosswalk is occupied by ~~[any]~~ a person.

(3) If a vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

Section 121. Section **41-6a-1003**, which is renumbered from Section 41-6-79 is renumbered and amended to read:

~~[41-6-79].~~ **41-6a-1003. Pedestrians yielding right-of-way -- Limits on pedestrians.**

(1) A pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles on the roadway.

(2) A pedestrian crossing a roadway at a point where there is a pedestrian tunnel or overhead pedestrian crossing shall yield the right-of-way to all vehicles ~~[upon]~~ on the roadway.

(3) Between adjacent intersections at which traffic-control signals are in operation, ~~[pedestrians]~~ a pedestrian may not cross at any place except in a marked crosswalk.

(4) (a) A pedestrian may not cross a roadway intersection diagonally unless authorized by ~~[official]~~ a traffic-control ~~[devices, and if]~~ device.

(b) If a pedestrian is authorized to cross diagonally~~[-]~~ under Subsection (4)(a), the pedestrian shall cross only as directed by the appropriate [official] traffic-control [devices] device.

Section 122. Section **41-6a-1004**, which is renumbered from Section 41-6-79.10 is renumbered and amended to read:

~~[41-6-79.10].~~ **41-6a-1004. Emergency vehicle -- Necessary signals -- Duties of operator -- Pedestrian to yield.**

(1) ~~[Upon]~~ A pedestrian shall yield the right-of-way to an authorized emergency vehicle upon the immediate approach of an authorized emergency vehicle using audible or visual signals [meeting the requirements of Section 41-6-14, 41-6-132, or 41-6-146, or of a peace officer vehicle properly and lawfully making use of an audible or visual signal, every pedestrian shall

yield the right-of-way to the authorized emergency vehicle] in accordance with Section 41-6a-212 or 41-6a-1625.

- (2) This section does not relieve the operator of an authorized emergency vehicle from:
 - (a) the duty to drive with regard for the safety of all persons using the highway[;]; nor
 - (b) from the duty to exercise care to avoid colliding with [~~any~~] a pedestrian.

Section 123. Section **41-6a-1005**, which is renumbered from Section 41-6-79.20 is renumbered and amended to read:

[41-6-79.20]. 41-6a-1005. Passing closed railroad or bridge gate or barrier prohibited.

A pedestrian may not pass through, around, over, under, or remain [~~upon any~~] on a crossing gate or barrier at a railroad crossing or bridge while the gate or barrier is closed or is being opened or closed.

Section 124. Section **41-6a-1006**, which is renumbered from Section 41-6-80 is renumbered and amended to read:

[41-6-80]. 41-6a-1006. Vehicles to exercise due care to avoid pedestrians -- Audible signals and caution.

- (1) The operator of a vehicle shall:
 - (a) exercise care to avoid colliding with [~~any~~] a pedestrian [~~and shall~~];
 - (b) give an audible signal when necessary; and
 - (c) exercise appropriate precaution [~~upon observing any~~] if the operator of the vehicle observes a child or [~~any~~] an obviously confused, incapacitated, or intoxicated person.

(2) This section supersedes any conflicting provision of:

- (a) this chapter; or [~~of~~]
- (b) a local ordinance in accordance with Section 41-6a-208.

Section 125. Section **41-6a-1007**, which is renumbered from Section 41-6-80.1 is renumbered and amended to read:

[41-6-80.1]. 41-6a-1007. Operators to yield right-of-way to blind pedestrian -- Duties of blind pedestrian -- Use of cane -- Failure to yield -- Liability.

(1) (a) The operator of a vehicle shall yield the right-of-way to ~~[any]~~ a blind or visually impaired pedestrian;

(i) carrying a clearly visible white cane; or

(ii) accompanied by a guide dog specially trained for that purpose and equipped with a harness.

(b) ~~[A]~~ (i) Except as provided in Subsection (1)(b)(ii), a person who fails to yield the right-of-way is liable for any loss or damage which results as a proximate cause of the failure to yield the right-of-way to blind or visually impaired persons~~[, except that blind]~~.

(ii) Blind or visually impaired persons shall:

(A) exercise due care in approaching and crossing roadways; and ~~[shall]~~

(B) yield the right-of-way to authorized emergency vehicles giving an audible warning signal.

(2) A pedestrian other than a blind or visually impaired person may not carry a cane as described in Subsection (1).

Section 126. Section **41-6a-1008**, which is renumbered from Section 41-6-80.5 is renumbered and amended to read:

~~[41-6-80.5].~~ **41-6a-1008. Vehicle crossing sidewalk -- Operator to yield.**

The operator of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk.

Section 127. Section **41-6a-1009**, which is renumbered from Section 41-6-82 is renumbered and amended to read:

~~[41-6-82].~~ **41-6a-1009. Use of roadway by pedestrians -- Prohibited activities.**

(1) Where there is a sidewalk provided and its use is practicable, a pedestrian may not walk along ~~[and upon]~~ or on an adjacent roadway.

(2) Where a sidewalk is not provided, a pedestrian walking along ~~[and upon]~~ or on a highway shall walk only on ~~[a]~~ the shoulder, as far as practicable from the edge of the roadway.

(3) Where ~~[neither]~~ a sidewalk or a shoulder is not available, a pedestrian walking along or ~~[upon]~~ on a highway shall:

(a) walk as near as practicable to ~~[an]~~ the outside edge of the roadway~~;~~; and

(b) if on a two-way roadway, ~~[shall]~~ walk only on the left side of the roadway facing traffic.

(4) A person may not sit, stand, or loiter ~~[in]~~ on or near a roadway for the purpose of soliciting from the occupant of ~~[any]~~ a vehicle:

(a) a ride~~;~~;

(b) contributions~~;~~;

(c) employment~~;~~;

(d) the parking, watching, or guarding of a vehicle~~;~~; or

(e) other business.

(5) A pedestrian who is under the influence of alcohol or any drug to a degree which renders ~~[him]~~ the pedestrian a hazard may not walk or be ~~[upon]~~ on a highway except on a sidewalk or sidewalk area.

(6) Except as otherwise provided in this chapter, a pedestrian ~~[upon]~~ on a roadway shall yield the right-of-way to all vehicles ~~[upon]~~ on the roadway.

Section 128. Section **41-6a-1010**, which is renumbered from Section 41-6-82.10 is renumbered and amended to read:

~~[41-6-82.10].~~ **41-6a-1010. Unmarked crosswalk locations -- Restrictions on pedestrian.**

~~[The Department of Transportation and local authorities in their respective jurisdictions]~~

(1) A highway authority in its respective jurisdiction may, after an engineering and traffic investigation, designate unmarked crosswalk locations where:

(a) pedestrian crossing is prohibited; or ~~[where]~~

(b) pedestrians shall yield the right-of-way to vehicles.

(2) The restrictions in Subsection (1) are effective only when ~~[official]~~ traffic-control devices indicating the restrictions are in place.

Section 129. Section **41-6a-1011**, which is renumbered from Section 41-6-82.50 is renumbered and amended to read:

[41-6-82.50]. 41-6a-1011. Pedestrian vehicles.

(1) As used in this section:

(a) (i) "Pedestrian vehicle" means ~~any~~ a self-propelled conveyance designed, manufactured, and intended for the exclusive use of ~~persons~~ a person with a physical disability~~[, but the]~~.

(ii) A "pedestrian vehicle" may not:

~~(i)~~ (A) exceed 48 inches in width;

~~(ii)~~ (B) have an engine or motor with more than 300 cubic centimeters displacement or with more than 12 brake horsepower; and

~~(iii)~~ (C) be capable of developing a speed in excess of 30 miles per hour.

(b) "Physical disability" means any bodily impairment which precludes a person from walking or otherwise moving about as a pedestrian.

(2) (a) A pedestrian vehicle operated by a physically disabled person is exempt from vehicle registration, inspection, and operator license requirements.

(b) Authority to operate a pedestrian vehicle on public highways or sidewalks shall be granted according to rules promulgated by the commissioner of public safety.

(3) (a) A physically disabled person may operate a pedestrian vehicle with a motor of not more than .5 brake horsepower capable of developing a speed of not more than eight miles per hour ~~upon~~:

(i) on the sidewalk; and

(ii) in all places where pedestrians are allowed. ~~No~~

(b) A permit, license, registration, authority, application, or restriction may not be required or imposed ~~upon~~ on a physically disabled person operating a pedestrian vehicle under this Subsection (3).

(c) The provisions of this Subsection (3) supercede the provision of Subsection (2)(b).

Section 130. Section **41-6a-1101**, which is renumbered from Section 41-6-83 is renumbered and amended to read:

Part 11. Bicycles Regulation of Operation

[41-6-83]. 41-6a-1101. Parents and guardians may not authorize child's violation of chapter.

The parent or guardian of ~~[any]~~ a child may not authorize or knowingly permit the child to violate any of the provisions of this chapter.

Section 131. Section **41-6a-1102**, which is renumbered from Section 41-6-84 is renumbered and amended to read:

[41-6-84]. 41-6a-1102. Bicycle and device propelled by human power and moped riders subject to chapter -- Exception.

(1) Except as provided under Subsection (2) or as otherwise specified under this ~~[article]~~ part, a person operating a bicycle ~~[or any]~~, a vehicle or device propelled by human power, or a moped has all the rights and is subject to the provisions of this chapter applicable to the operator of any other vehicle.

(2) A person operating a nonmotorized bicycle or ~~[any]~~ a vehicle or device propelled by human power is not subject to the penalties related to operator licenses under alcohol and drug-related traffic offenses.

Section 132. Section **41-6a-1103**, which is renumbered from Section 41-6-85 is renumbered and amended to read:

[41-6-85]. 41-6a-1103. Carrying more persons than design permits prohibited -- Exception.

~~[A]~~ (1) Except as provided in Subsection (2), a bicycle or moped may not be used to carry more persons at one time than the number for which it is designed or equipped~~[, except that an]~~.

(2) An adult rider may carry a child securely attached to ~~[his]~~ the adult rider's person in a back pack or sling.

Section 133. Section **41-6a-1104**, which is renumbered from Section 41-6-86 is renumbered and amended to read:

[41-6-86]. 41-6a-1104. Persons on bicycles, mopeds, skates, and sleds not to attach to moving vehicles -- Exception.

(1) A person riding a bicycle, moped, coaster, skate board, roller skates, sled, or toy vehicle may not attach it or ~~himself~~ a person to any moving vehicle ~~upon~~ on a highway.

(2) This section does not prohibit attaching a trailer or semitrailer to a bicycle or moped if that trailer or semitrailer has been designed for attachment.

Section 134. Section **41-6a-1105**, which is renumbered from Section 41-6-87 is renumbered and amended to read:

~~[41-6-87].~~ **41-6a-1105. Operation of bicycle or moped on and use of roadway -- Duties, prohibitions.**

(1) A person operating a bicycle or a moped ~~upon~~ on a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near as practicable to the right-hand edge of the roadway except when:

(a) overtaking and passing another bicycle or vehicle proceeding in the same direction;
 (b) preparing to make a left turn at an intersection or into a private road or driveway;
 (c) traveling straight through an intersection that has a right-turn only lane that is in conflict with the straight through movement; or

(d) reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand edge of the roadway including:

(i) fixed or moving objects[;];

(ii) parked or moving vehicles[;];

(iii) bicycles[;];

(iv) pedestrians[;];

(v) animals[;];

(vi) surface hazards[;]; or

(vii) a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(2) A person operating a bicycle or moped on a highway shall operate in the designated direction of traffic.

(3) ~~[Persons]~~ (a) A person riding [bicycles] a bicycle or [mopeds upon] moped on a

roadway may not ride more than two abreast with another person except on paths or parts of roadways set aside for the exclusive use of bicycles. [Persons]

(b) If allowed under Subsection (3)(a), a person riding two abreast with another person may not impede the normal and reasonable movement of traffic and shall ride within a single lane.

(4) If a usable path for bicycles has been provided adjacent to a roadway, a bicycle [riders] rider may be directed by [official] a traffic-control [devices] device to use the path and not the roadway.

Section 135. Section **41-6a-1106**, which is renumbered from Section 41-6-87.3 is renumbered and amended to read:

[41-6-87.3]. 41-6a-1106. Bicycles and human powered vehicle or device to yield right-of-way to pedestrians on sidewalks, paths, or trails -- Uses prohibited -- Negligent collision prohibited -- Speed restrictions -- Rights and duties same as pedestrians.

(1) A person operating a bicycle or [any] a vehicle or device propelled by human power shall:

(a) yield the right-of-way to any pedestrian; and [shall]

(b) give an audible signal before overtaking and passing a pedestrian.

(2) A person may not operate a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway in a crosswalk, where prohibited by [official] a traffic-control [devices] device or ordinance.

(3) A person may not operate a bicycle or [any] a vehicle or device propelled by human power in a negligent manner so as to collide with [any] a:

(a) pedestrian [or other]; or

(b) person operating a;

(i) bicycle; or [any]

(ii) vehicle or device propelled by human power.

(4) A person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a driveway, or across a roadway on a crosswalk may not operate

at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing.

(5) Except as provided under Subsections (1) and (4), a person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway on a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

Section 136. Section **41-6a-1107**, which is renumbered from Section 41-6-87.4 is renumbered and amended to read:

[41-6-87.4]. 41-6a-1107. Bicycles -- Parking on sidewalk, roadway -- Prohibitions.

(1) A person may park a bicycle on a sidewalk unless prohibited or restricted by ~~[an official]~~ a traffic-control device.

(2) A bicycle parked on a sidewalk may not impede the normal and reasonable movement of pedestrian or other traffic.

(3) A bicycle may be parked on the roadway at any location where parking is allowed:
(a) at any angle to the curb or edge of the roadway ~~[at any location where parking is allowed.]; and~~

~~[(4)] (b) [A bicycle may be parked on the roadway]~~ abreast of another bicycle or bicycles near the side of the roadway ~~[at any location where parking is allowed].~~

~~[(5)] (4)~~ A bicycle may not be parked on a roadway in a manner as to obstruct the movement of a legally parked motor vehicle.

~~[(6)] (5)~~ In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of ~~[Article]~~ Part 14 ~~[of this chapter]~~, Stopping, Standing, and Parking, regarding the parking of vehicles.

Section 137. Section **41-6a-1108**, which is renumbered from Section 41-6-87.5 is renumbered and amended to read:

[41-6-87.5]. 41-6a-1108. Bicycles and mopeds -- Turns -- Designated lanes.

(1) A person riding a bicycle or moped and intending to turn left shall comply with Section ~~[41-6-66]~~ 41-6a-801 or Subsection (2).

(2) (a) A person riding a bicycle or moped intending to turn left shall approach the turn

as close as practicable to the right curb or edge of the roadway.

(b) After proceeding across the intersecting roadway, to the far corner of the curb or intersection of the roadway edges, the bicyclist or moped operator shall stop, as far out of the way of traffic as practical.

(c) After stopping ~~[he]~~, the bicyclist or moped operator shall yield to any traffic proceeding in either direction along the roadway he had been using.

(d) After yielding and complying with any ~~[official]~~ traffic-control device or peace officer regulating traffic, ~~[he]~~ the bicyclist or moped operator may proceed in the new direction.

(3) (a) Notwithstanding Subsections (1) and (2), ~~[the Department of Transportation and local authorities]~~ a highway authority in ~~[their]~~ its respective ~~[jurisdictions]~~ jurisdiction may ~~[cause official]~~ place traffic-control devices ~~[to be placed and]~~ that require and direct ~~[that]~~ turning bicyclists and moped operators to travel a specific course ~~[be traveled by turning bicycles and mopeds]~~.

(b) When the devices are placed under Subsection (3)(a), a person may not turn a bicycle other than as directed by the devices.

Section 138. Section **41-6a-1109**, which is renumbered from Section 41-6-87.7 is renumbered and amended to read:

~~[41-6-87.7].~~ 41-6a-1109. Bicycles and mopeds -- Turn signals -- Exceptions.

(1) Except as provided in this section, a person riding a bicycle or moped shall comply with Section ~~[41-6-69]~~ 41-6a-804 regarding turn signals and turning.

(2) A person is not required to signal by hand and arm continuously if the hand is needed in the control or operation of the bicycle or moped.

(3) A person operating a bicycle or moped ~~[and]~~ who is stopped in a lane designated for turning traffic only is not required to signal prior to making the turning movement.

Section 139. Section **41-6a-1110**, which is renumbered from Section 41-6-87.8 is renumbered and amended to read:

~~[41-6-87.8].~~ 41-6a-1110. Bicycle and moped inspections -- At request of officer.

A peace officer may at any time ~~[upon]~~ require a person riding a bicycle or moped to stop

and submit the bicycle or moped to an inspection and a test as appropriate if the officer has reasonable cause to believe that [a]:

(1) the bicycle or moped is unsafe or not equipped as required by law[;]; or [that its]

(2) the bicycle or moped's equipment is not in proper adjustment or repair[; require the person riding the bicycle or moped to stop and submit the bicycle or moped to an inspection and a test as appropriate].

Section 140. Section **41-6a-1111**, which is renumbered from Section 41-6-87.9 is renumbered and amended to read:

[41-6-87.9]. 41-6a-1111. Bicycle racing -- When approved -- Prohibitions -- Exceptions -- Authorized exemptions from traffic laws.

(1) Bicycle racing on highways is prohibited under Section [41-6-51] 41-6a-606, except as authorized in this section.

(2) (a) Bicycle racing on a highway is permitted when a racing event is approved by [state or local authorities] a highway authority on [any] a highway under [their respective jurisdictions] its jurisdiction.

(b) Approval of bicycle highway racing events may be granted only under conditions:

(i) which assure reasonable safety for all race participants, spectators, and other highway users[;]; and

(ii) which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(3) [By agreement with the approving authority, participants] Participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable[;];

(a) by agreement with the approving highway authority; and

(b) if traffic control is adequate to assure the safety of all highway users.

Section 141. Section **41-6a-1112**, which is renumbered from Section 41-6-88 is renumbered and amended to read:

[41-6-88]. 41-6a-1112. Bicycles and mopeds -- Carrying bundle -- One hand on

handlebars.

(1) A person operating a bicycle or moped may not carry any package, bundle, or article which prevents the use of both hands in the control and operation of the bicycle or moped.

(2) A person operating a bicycle or moped shall keep at least one hand on the handlebars at all times.

Section 142. Section **41-6a-1113**, which is renumbered from Section 41-6-89 is renumbered and amended to read:

[41-6-89]. 41-6a-1113. Bicycle -- Prohibited equipment -- Brakes required.

(1) A bicycle may not be equipped with, and a person may not use ~~upon~~ on a bicycle, ~~any~~ a siren or whistle.

(2) Every bicycle shall be equipped with a brake or brakes which enable its driver to stop the bicycle within 25 feet from a speed of ~~10~~ ten miles per hour on dry, level, clean pavement.

Section 143. Section **41-6a-1114**, which is renumbered from Section 41-6-90 is renumbered and amended to read:

[41-6-90]. 41-6a-1114. Bicycles -- Lamps and reflective material required.

(1) Every bicycle in use at the times described in Section ~~41-6-118~~ 41-6a-1603 shall be equipped with a:

(a) lamp of a type approved by the department which is on the front emitting a white light visible from a distance of at least 500 feet to the front; and

(b) (i) red reflector of a type approved by the department which is visible for 500 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle; or

(ii) red taillight designed for use on a bicycle and emitting flashing or nonflashing light visible from a distance of 500 feet to the rear.

(2) Every bicycle when in use at the times described in Section ~~41-6-118~~ 41-6a-1603 shall be equipped with:

(a) reflective material of sufficient size and reflectivity to be visible from both sides for 500 feet when directly in front of lawful lower beams of head lamps on a motor vehicle~~;~~; or

(b) in lieu of reflective material, ~~with~~ a lighted lamp visible from both sides from a

distance of at least 500 feet.

(3) A bicycle or its rider may be equipped with lights or reflectors in addition to those required by Subsections (1) and (2).

Section 144. Section **41-6a-1115**, which is renumbered from Section 41-6-90.5 is renumbered and amended to read:

~~[41-6-90.5].~~ 41-6a-1115. Motor assisted scooters -- Conflicting provisions -- Restrictions -- Penalties.

(1) (a) Except as otherwise provided in this section, a motor assisted scooter [~~and a personal motorized mobility device~~] is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.

(b) For a person operating a motor assisted scooter [~~or a personal motorized mobility device~~], the following provisions do not apply:

- (i) seating positions under Section [~~41-6-107~~] 41-6a-1501;
- (ii) required lights, horns, and mirrors under Section [~~41-6-154.50~~] 41-6a-1506;
- (iii) entitlement to full use of a lane under Subsection [~~41-6-107.2(1)~~] 41-6a-1502(1);

and

- (iv) driver licensing requirements under Section 53-3-202.

(2) A person under 16 years of age may not operate a [~~personal motorized mobility device or a~~] motor assisted scooter using the motor unless the person is under the direct supervision of the person's parent or guardian.

(3) A person may not operate a motor assisted scooter:

- (a) in a public parking structure;
- (b) on public property posted as an area prohibiting skateboards;
- (c) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic;
- (d) on a highway with a posted speed limit greater than 25 miles per hour; or
- (e) that has been structurally altered from the original manufacturer's design.

~~[(4) A person may not operate a personal motorized mobility device.]~~

~~[(a) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic;]~~

~~[(b) on a highway with a posted speed limit greater than 35 miles per hour; or]~~

~~[(c) that has been structurally altered from the original manufacturer's design.]~~

~~[(5)]~~ (4) Except where posted or prohibited by rule or local ordinance, a motor assisted scooter is considered a nonmotorized vehicle if it is being used with the motor turned off.

~~[(6)]~~ (5) A person who violates this section is guilty of a class C misdemeanor.

Section 145. Section **41-6a-1116** is enacted to read:

41-6a-1116. Personal motorized mobility devices -- Conflicting provisions --

Restrictions -- Penalties.

(1) (a) Except as otherwise provided in this section, a personal motorized mobility device is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.

(b) For a person operating a personal motorized mobility device, the following provisions do not apply:

(i) seating positions under Section 41-6a-1501;

(ii) required lights, horns, and mirrors under Section 41-6a-1506;

(iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and

(iv) driver licensing requirements under Section 53-3-202.

(2) A person under 16 years of age may not operate a personal motorized mobility device using the motor unless the person is under the direct supervision of the person's parent or guardian.

(3) A person may not operate a personal motorized mobility device:

(a) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic;

(b) on a highway with a posted speed limit greater than 35 miles per hour; or

(c) that has been structurally altered from the original manufacturer's design.

(4) A person who violates this section is guilty of a class C misdemeanor.

Section 146. Section **41-6a-1201**, which is renumbered from Section 41-6-93 is

renumbered and amended to read:

Part 12. Railroad Trains, Railroad Grade Crossings, and Safety Zones

[41-6-93]. 41-6a-1201. Driving on tracks.

~~[(a)] (1) [It is unlawful for the driver of any]~~ The operator of a vehicle proceeding [upon] on any track in front of a railroad train ~~[upon]~~ on a ~~[street to fail to]~~ highway shall remove ~~[such]~~ the vehicle from the track as soon as practicable after signal from the operator of ~~[such]~~ the train.

~~[(b)] (2)~~ When a railroad train has started to cross an intersection ~~[no driver]~~, an operator of a vehicle ~~[shall]~~ may not drive ~~[upon or cross]~~:

(a) on or across the tracks; or

(b) in the path of ~~[such]~~ the train within the intersection in front of ~~[such]~~ the train.

Section 147. Section **41-6a-1202**, which is renumbered from Section 41-6-94 is renumbered and amended to read:

[41-6-94]. 41-6a-1202. Driving through safety zone.

~~[No vehicle shall at any time be driven]~~ The operator of a vehicle may not drive through or within a safety zone.

Section 148. Section **41-6a-1203**, which is renumbered from Section 41-6-95 is renumbered and amended to read:

[41-6-95]. 41-6a-1203. Railroad grade crossing -- Duty to stop -- Malfunctions and school buses -- Driving through, around, or under gate or barrier prohibited.

(1) Whenever ~~[any]~~ a person ~~[driving]~~ operating a vehicle approaches a railroad grade crossing, the ~~[driver]~~ operator of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad track and may not proceed if:

(a) a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;

(b) a crossing gate is lowered, or when a human flagman gives or continues to give a signal of the approach or passage of a train;

(c) a railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible ~~[from such distance]~~ and the train by reason of its speed or nearness to the

crossing is an immediate hazard;

(d) an approaching train is plainly visible and is in hazardous proximity to the crossing;

or

(e) there is any other condition that makes it unsafe to proceed through the crossing.

(2) (a) [~~A driver~~] An operator of a vehicle who suspects a false activation or malfunction of a railroad grade crossing signal device may drive a vehicle, including a school bus, through the railroad grade crossing after stopping if:

(i) the [~~driver~~] the operator of a vehicle has a clear line of sight of at least one mile of the railroad tracks in all directions;

(ii) there is no evidence of an approaching train;

(iii) the vehicle can cross over the tracks safely; and

(iv) the [~~driver~~] operator of a vehicle does not violate Subsection (3).

(b) As soon as is reasonably possible, the [~~driver~~] operator of a school bus shall notify the driver's dispatcher and the dispatcher shall notify the owner of the railroad track where the grade crossing signal device is located of the false activation or malfunction.

(3) A person may not drive [~~any~~] a vehicle through, around, or under [~~any~~] a crossing gate or barrier at a railroad crossing while the [~~gates~~] gate or barrier is closed or is being opened or closed.

Section 149. Section **41-6a-1204**, which is renumbered from Section 41-6-95.5 is renumbered and amended to read:

[~~41-6-95.5~~]. 41-6a-1204. Trains -- Interference with vehicles limited.

[~~No~~] A person or government agency [~~shall~~] may not operate [~~any~~] a train in a manner to prevent vehicular use of [~~any~~] a roadway for a period of time in excess of five consecutive minutes except:

(1) when necessary to comply with signals affecting the safety of the movement of trains;

(2) when necessary to avoid striking any object or person on the track;

(3) when the train is disabled;

(4) when the train is in motion or while engaged in switching operations [~~or as~~]

determined by local authority];

- (5) when there is no vehicular traffic waiting to use the crossing; [or]
- (6) when necessary to comply with a governmental safety regulation[-]; or
- (7) as determined by a highway authority.

Section 150. Section **41-6a-1205**, which is renumbered from Section 41-6-97 is renumbered and amended to read:

**~~41-6-97~~. 41-6a-1205. Railroad grade crossings -- Certain vehicles must stop --
Exceptions -- Rules.**

(1) [~~A driver~~] An operator of a commercial motor vehicle, as defined under Section 53-3-102, shall upon approaching a railroad grade crossing:

(a) unless Subsection (2) applies, slow down and check that the tracks are clear of an approaching train;

(b) stop within 50 feet, but not closer than 15 feet, from the nearest rail of the railroad track before reaching the crossing if the tracks are not clear;

(c) obey all traffic control devices or the directions of a peace officer, or other crossing official at the crossing; and

(d) before proceeding over a railroad grade crossing:

(i) ensure that the vehicle has sufficient space to drive completely through a railroad grade crossing without stopping; and

(ii) ensure that the vehicle has sufficient undercarriage clearance to safely and completely pass through the crossing.

(2) (a) Except as provided in Subsection (3), the [~~driver~~] operator of [~~any~~] a vehicle described in 49 CFR 392.10 shall stop within 50 feet, but not closer than 15 feet, from the nearest rail of the railroad track before crossing, at grade, any track of a railroad.

(b) While stopped, the [~~driver~~] operator shall look in both directions along the track for any sign of an approaching train and look and listen for signals indicating the approach of any train.

(c) The [~~driver~~] the operator may proceed across the railroad track only when the

movement may be made with reasonable safety.

(d) After stopping as required and upon safely proceeding, the ~~[driver]~~ operator shall only cross the railroad track in a gear that ensures no necessity for manually changing gears while traversing the crossing.

(e) The ~~[driver]~~ operator may not manually shift gears while crossing the railroad track.

(3) This section does not apply at a:

(a) railroad grade crossing where traffic is controlled by a peace officer or other crossing official;

(b) railroad grade crossing where traffic is regulated by a traffic-control signal;

(c) railroad grade crossing where ~~[an official]~~ a traffic-control device gives notice that the stopping requirements of this section are not applicable; or

(d) other railroad grade crossings excluded under 49 CFR 392.10.

Section 151. Section **41-6a-1206**, which is renumbered from Section 41-6-98 is renumbered and amended to read:

~~[41-6-98].~~ 41-6a-1206. Railroad crossing duties respecting crawler type tractor, power shovel, derrick, or other equipment or structure.

(1) A person may not operate or move ~~[any]~~ the following on or across any tracks at a railroad grade crossing without first complying with this section:

(a) a crawler type tractor;~~;~~

(b) a power shovel;~~;~~

(c) a derrick;~~;~~

(d) a roller; or

(e) any equipment or structure having:

(i) normal operating speed of ten or less miles per hour; or

(ii) a vertical body or load clearance of less than:

(A) 1/2 inch per foot of the distance between any two adjacent axles; or

(B) in any event ~~[of less than]~~, nine inches measured above the level surface of a roadway ~~[upon or across any tracks at a railroad grade crossing without first complying with this~~

section].

(2) Notice of an intended crossing under this section shall be given to the railroad and a reasonable time shall be given to the railroad to provide proper protection at the crossing.

(3) (a) Before making a crossing under this section the person operating or moving the vehicle or equipment shall first stop within 50 feet but not closer than 15 feet from the nearest rail of the railway.

(b) While stopped, the ~~[driver]~~ operator of the vehicle shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a railroad train.

(c) The ~~[driver]~~ operator may proceed across the track only when the crossing can be made safely.

(4) The ~~[driver]~~ operator of a vehicle shall obey all traffic control devices or the directions of a peace officer or other crossing official at the crossing.

Section 152. Section **41-6a-1301**, which is renumbered from Section 41-6-140.10 is renumbered and amended to read:

Part 13. School Buses and School Bus Parking Zones

~~[41-6-140.10].~~ **41-6a-1301. Standards and specifications for lighting and special warning devices on school buses.**

~~[(a) Every]~~ (1) (a) A school bus shall ~~[, in addition to any other equipment and distinctive markings required by this chapter,]~~ be equipped with red signal lamps mounted as high and as widely spaced laterally as practicable ~~[, which shall display to the front].~~

(b) The red signal lamps shall display two alternately flashing red lights, located at the same level, to the front and ~~[to the]~~ rear ~~[two alternately flashing red lights located at the same level, and these lights]~~ of the school bus.

(c) The red signal lamps shall be visible at 500 feet in normal sunlight.

~~[(b) Any]~~ (2) (a) A school bus shall ~~[, in addition to the lights required by Subsection (a),]~~ be equipped with yellow signal lamps mounted near each of the four red signal lamps and at the same level but closer to the vertical centerline of the bus ~~[, which].~~

(b) The yellow signal lamps shall display two alternately flashing yellow lights to the front and ~~[two alternately flashing yellow lights to the]~~ rear~~[, and these lights]~~ of the school bus.

(c) The yellow signal lamps shall be visible at 500 feet in normal sunlight. ~~[These lights shall be displayed by the]~~

(3) A school bus driver shall activate the yellow signal lamps at least 100 feet, but not more than 500 feet, before every stop at which the alternately flashing red lights ~~[required by Subsection (a) will be actuated]~~ are activated.

~~[(c) The department is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and so far as possible conform to the specifications then current as approved by the Society of Automotive Engineers.]~~

Section 153. Section **41-6a-1302**, which is renumbered from Section 41-6-100.10 is renumbered and amended to read:

~~[41-6-100.10].~~ **41-6a-1302. School bus -- Signs and light signals -- Flashing amber lights -- Flashing red lights -- Passing school bus -- Duty to stop -- Travel in opposite direction -- Penalties.**

(1) ~~[Every]~~ A school bus, when operated for the transportation of school children, shall:

(a) bear ~~[upon]~~ on the front and rear of the bus a plainly visible sign containing the words "school bus" in letters not less than eight inches in height, which shall be removed or covered when the vehicle is not in use for the transportation of school children; and

(b) be equipped with alternating flashing amber and red light signals visible from the front and rear, of a type approved and mounted as required under Section 41-6a-1301 and prescribed by the department under Section 41-6a-1601.

(2) The operator of ~~[any]~~ a vehicle ~~[upon]~~ on a highway, upon meeting or overtaking ~~[any]~~ a school bus equipped with signals required under this section which is displaying alternating flashing:

(a) amber warning light signals, shall slow ~~[his]~~ the vehicle, but may proceed past the

school bus using due care and caution at a speed not greater than specified in Subsection [41-6-46] 41-6a-601(2) for school zones for the safety of the school children that may be in the vicinity; or

(b) red light signals visible from the front or rear, shall stop immediately before reaching the bus and may not proceed until the flashing red light signals cease operation.

(3) The operator of a vehicle need not stop upon meeting or passing a school bus displaying alternating flashing red light signals if the school bus is traveling in the opposite direction when:

(a) traveling ~~upon~~ on a divided highway;

(b) the bus is stopped at an intersection or other place controlled by a traffic-control signal or by a peace officer; or

(c) ~~upon~~ on a highway of five or more lanes, which may include a left-turn lane or two-way left turn lane.

(4) (a) The operator of a school bus shall operate alternating flashing red light signals at all times when:

(i) children are unloading from a school bus to cross a highway~~[-or when];~~

(ii) a school bus is stopped for the purpose of loading children who must cross a highway to board the bus~~[-or at any other time when];~~ or

(iii) it would be hazardous for vehicles to proceed past the stopped school bus.

(b) The alternating flashing red light signals may not be operated except:

(i) when the school bus is stopped for loading or unloading school children; or

(ii) for ~~any~~ an emergency purpose.

(5) The operator of a school bus being operated on a highway shall have the headlights of the school bus lighted.

(6) (a) A violation of Subsection (2) or (3) is a class C misdemeanor and the minimum fine ~~shall be~~ is:

(i) \$100 for a first offense;

(ii) \$200 for a second offense within three years of a previous conviction or bail

forfeiture; and

(iii) \$500 for a third ~~and~~ or subsequent offense within three years of a previous conviction or bail forfeiture.

(b) A violation of Subsection (5) is a class C misdemeanor and the fine ~~shall be~~ is \$50.

(c) The court may order the person to perform compensatory service in lieu of the fine or any portion of the fine if the court makes the reasons for the waiver part of the record.

(7) The Driver License Division shall develop and implement a record system to distinguish:

(a) a conviction or bail forfeiture under this section from other convictions; and

(b) between a first and subsequent conviction or bail forfeiture under this section.

Section 154. Section **41-6a-1303**, which is renumbered from Section 41-6-100.15 is renumbered and amended to read:

~~[41-6-100.15].~~ **41-6a-1303. Passing a school bus complaint procedure.**

(1) (a) An operator of a school bus who observes a violation of Subsection ~~[41-6-100.10]~~ 41-6a-1302(2) or (3) may prepare a report, in a manner specified by the school district, to the school district transportation coordinator no more than two working days after the alleged violation occurred.

(b) The report under Subsection (1)(a) shall contain:

~~[(a)]~~ (i) the date, time, and location of the violation;

~~[(b)]~~ (ii) the license plate number and state and description of the offending vehicle;

~~[(c)]~~ (iii) as much as practical, a description of the operator of the offending vehicle;

~~[(d)]~~ (iv) a description of the incident involving the violation;

~~[(e)]~~ (v) information on how to contact the school bus operator who witnessed the offense; and

~~[(f)]~~ (vi) the signature of the operator of the school bus who witnessed the offense attesting to the accuracy of the report.

(2) (a) Upon receipt of a report in accordance with Subsection (1), the school district transportation coordinator shall promptly send a notification letter to the last-known registered

owner of the vehicle.

(b) The notification letter shall include:

(i) the applicable information on the school bus operator's report stating that the vehicle was observed passing a school bus displaying alternating flashing red lights in violation of state law;

(ii) a complete explanation of the applicable provisions of Section ~~[41-6-100.10]~~ 41-6a-1302; and

(iii) an explanation that the notification letter is not a peace officer citation but is an effort to call attention to the seriousness of the incident.

(c) The school district transportation coordinator may file the report with the local law enforcement agency that has jurisdiction for the alleged violation.

(3) A law enforcement agency that receives a report in accordance with Subsection (2) may have a peace officer initiate an investigation of the reported violation.

Section 155. Section ~~41-6a-1304~~, which is renumbered from Section 41-6-115 is renumbered and amended to read:

~~[41-6-115].~~ **41-6a-1304. School buses -- Rules regarding design and operation.**

~~[The]~~ (1) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Department of Transportation by and with the advice of the State Board of Education and the Department of Public Safety shall adopt and enforce ~~[regulations]~~ rules, not inconsistent with this chapter, to govern the design and operation of all school buses in this state when:

(i) owned and operated by any school district; ~~[or]~~

(ii) privately owned and operated under contract with ~~[any]~~ a school district~~[-];~~ or

(iii) privately owned for use by a private school~~[-, in this state, and such regulations].~~

(b) The rules under this Subsection (1) shall by reference be made a part of any ~~[such]~~ contract with a school district or private school to operate a school bus.

(2) Every school district or private school, its officers and employees, and every person employed under contract by a school district or private school shall be subject to ~~[said regulations]~~ the rules under Subsection (1).

Section 156. Section **41-6a-1305**, which is renumbered from Section 41-6-116 is renumbered and amended to read:

~~41-6-116~~. 41-6a-1305. Violation of rules -- Penalty.

~~[Any]~~ (1) An officer or employee of ~~[any]~~ a school district who violates any of the ~~[regulations]~~ rules provided ~~[for in]~~ under Section ~~[41-6-115]~~ 41-6a-1304 or fails to include the obligation to comply with ~~[said regulations]~~ the rules in ~~[any]~~ a contract executed by that person on behalf of a school district ~~[shall be]~~ is guilty of misconduct and subject to removal from office or employment. ~~[Any]~~

(2) A person operating a school bus under contract with a school district who fails to comply with any ~~[said regulations shall be]~~ rules provided under Section 41-6a-1304 is guilty of breach of contract, and ~~[such]~~ the contract shall be canceled after notice and hearing by the responsible officers of ~~[such]~~ the school district.

Section 157. Section **41-6a-1306**, which is renumbered from Section 41-6-116.1 is renumbered and amended to read:

~~41-6-116.1~~. 41-6a-1306. School buses removed from service -- Removal of markings -- Repainting -- School district not to bear expense -- Infraction.

(1) (a) As used in this section, "old school bus" means a school bus that has been removed from service and is operated on the highways, streets, or roads of this state for a nonschool permanent commercial use.

(b) ~~[Any]~~ A person who acquires an old school bus shall cause:

(i) identifying markings be removed; and

(ii) the bus be painted a color other than school-bus yellow.

(c) The school districts may not be charged any expense related to removing markings from ~~[any]~~ the school bus removed from service.

(2) ~~[Each]~~ A person who violates this section is guilty of an infraction.

Section 158. Section **41-6a-1307**, which is renumbered from Section 41-6-103.5 is renumbered and amended to read:

~~41-6-103.5~~. 41-6a-1307. School bus parking zones -- Establishment --

Uniform markings -- Penalty.

(1) As used in this section, "school bus parking zone" means a parking space that is clearly identified as reserved for use by a school bus.

(2) [~~The Department of Transportation for state highways, local authorities~~] A highway authority for highways under [~~their~~] its jurisdiction[;] and school boards for roadways located on school property may establish and locate school bus parking zones in accordance with specifications established under Subsection (3).

(3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Department of Transportation, after consultation with local highway authorities and school boards which may include input from school traffic safety committees established under Section 53A-3-402, shall make rules establishing specifications for uniform signage or markings to clearly identify school bus parking zones.

(4) A person may not stop, stand, or park a vehicle other than a school bus, whether occupied or not, in a clearly identified school bus parking zone.

(5) A person who violates Subsection (4) shall pay a minimum fine of \$75.

Section 159. Section **41-6a-1401**, which is renumbered from Section 41-6-103 is renumbered and amended to read:

Part 14. Stopping, Standing, and Parking

[~~41-6-103~~]. 41-6a-1401. Standing or parking vehicles -- Restrictions and exceptions.

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law, the directions of a peace officer, or [~~an official~~] a traffic-control device, a person may not:

(a) stop, stand, or park a vehicle:

(i) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) on a sidewalk;

(iii) within an intersection;

(iv) on a crosswalk;

(v) between a safety zone and the adjacent curb or within 30 feet of points on the curb

immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

(vi) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) ~~upon~~ on any bridge or other elevated structure, ~~upon~~ on a highway, or within a highway tunnel;

(viii) on any railroad tracks;

(ix) on any controlled-access highway;

(x) in the area between roadways of a divided highway, including crossovers; or

(xi) any place where ~~official~~ a traffic-control ~~devices prohibit~~ device prohibits stopping, standing, or parking; or

(b) stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) in front of a public or private driveway;

(ii) within 15 feet of a fire hydrant;

(iii) within 20 feet of a crosswalk;

(iv) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;

(v) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted; or

(vi) at any place where ~~official~~ a traffic-control ~~devices prohibit~~ device prohibits standing; or

(c) park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(i) within 50 feet of the nearest rail of a railroad crossing; or

(ii) at any place where ~~official~~ traffic-control devices prohibit parking.

(2) A person may not move a vehicle that is not lawfully under the person's control into

any prohibited area or into an unlawful distance from the curb.

Section 160. Section **41-6a-1402**, which is renumbered from Section 41-6-104 is renumbered and amended to read:

~~[41-6-104].~~ 41-6a-1402. Stopping or parking on roadways -- Angle parking -- Traffic-control devices prohibiting or restricting.

(1) Except as otherwise provided in this section, ~~[every]~~ a vehicle stopped or parked ~~[upon]~~ on a two-way roadway shall be stopped or parked with the right-hand wheels:

- (a) parallel to and within twelve inches of the right-hand curb; or
- (b) as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, ~~[every]~~ a vehicle stopped or parked ~~[upon]~~ on a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement with its:

- (a) right-hand wheels:
 - (i) within twelve inches of the right-hand curb; or
 - (ii) as close as practicable to the right edge of the right-hand shoulder; or ~~[with its]~~
- (b) left-hand wheels:
 - (i) within twelve inches of the left-hand curb; or
 - (ii) as close as practicable to the left edge of the left-hand shoulder.

(3) ~~[Local]~~ (a) Except as provided in Subsection (3)(b), local highway authorities may by ordinance permit angle parking on any roadway~~[-except that angle].~~

(b) Angle parking ~~[shall]~~ is not ~~[be]~~ permitted on any federal-aid or state highway unless the Department of Transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) (a) The Department of Transportation, with respect to highways under its jurisdiction, may place traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on ~~[any]~~ a highway where ~~[in its opinion such]:~~

- (i) the stopping, standing, or parking is dangerous to those using the highway; or ~~[where]~~
- (ii) the stopping, standing, or parking of vehicles would unduly interfere with the free

movement of traffic. ~~[No]~~

(b) A person ~~[shall]~~ may not stop, stand, or park ~~[any]~~ a vehicle in violation of the restriction indicated by ~~[such]~~ the devices under Subsection (4)(a).

Section 161. Section **41-6a-1403**, which is renumbered from Section 41-6-105 is renumbered and amended to read:

~~[41-6-105]. 41-6a-1403. Motor vehicle left unattended -- Requirements.~~

~~[No]~~ (1) A person ~~[driving]~~ operating or in charge of a motor vehicle ~~[shall]~~ may not permit ~~[it]~~ the vehicle to stand unattended without ~~[first]~~:

- (a) stopping the engine~~;~~;
- (b) locking the ignition and removing the key~~;~~;
- (c) placing the transmission in "park" or the gears in "low" or "reverse" if the vehicle has a manual shift~~;~~; or
- (d) effectively setting the brakes thereon~~;~~ ~~and, when standing upon any perceptible grade, turning~~].

(2) A person shall turn the front wheels to the curb or side of the highway when standing a vehicle on any perceptible grade.

Section 162. Section **41-6a-1404**, which is renumbered from Section 41-6-101 is renumbered and amended to read:

~~[41-6-101]. 41-6a-1404. Stopping or parking on roadway outside business or residential district.~~

(1) Outside a business or residence district ~~[no]~~, a person ~~[shall]~~ may not stop, park, or leave standing ~~[any]~~ a vehicle, whether attended or unattended, ~~[upon]~~ on the roadway when it is practical to stop, park, or ~~[so]~~ leave ~~[such]~~ the vehicle off the roadway~~;~~ ~~[but in every event]~~.

(2) A person who stops, parks, or leaves a vehicle standing on a roadway shall:

- (a) leave an unobstructed width of the highway opposite ~~[a standing]~~ the vehicle ~~[shall be left]~~ for the free passage of other vehicles; and
- (b) leave the vehicle so that other vehicle operators have a clear view of ~~[such]~~ the stopped vehicle ~~[shall be available]~~ from a distance of 200 feet in each direction ~~[upon such]~~ on

the roadway.

(3) This section and Sections [~~41-6-103~~] 41-6a-1401 and [~~41-6-104 shall~~] 41-6a-1402 do not apply to the [~~driver~~] operator of [~~any~~] a vehicle [~~which is~~] if the vehicle becomes disabled while on the paved or main traveled portion of a roadway in [~~such~~] a manner and to [~~such~~] the extent that it is impossible to avoid stopping and temporarily leaving [~~such~~] the disabled vehicle [~~in such position~~] on the paved or main traveled portion of the roadway.

Section 163. Section **41-6a-1405**, which is renumbered from Section 41-6-102 is renumbered and amended to read:

~~[41-6-102].~~ **41-6a-1405. Peace officer authorized to move vehicle.**

(1) If a peace officer finds a vehicle in violation of Section [~~41-6-101~~] 41-6a-1404, the officer may move the vehicle, cause the vehicle to be moved, or require the [~~driver~~] operator or other person responsible for the vehicle to move the vehicle to a safe position off the highway.

(2) A peace officer may remove or cause to be removed to a place of safety [~~any~~] an unattended vehicle left standing [~~upon any~~] on a highway in:

(a) violation of this [~~article~~] part; or [~~in~~]

(b) a position or under circumstances that the vehicle obstructs the normal movement of traffic.

(3) In accordance with Section [~~41-6-102.5~~] 41-6a-1406, a peace officer may remove or cause to be removed to the nearest garage or other place of safety [~~any~~] a vehicle found [~~upon~~] on a highway when:

(a) the vehicle has been reported stolen or taken without the consent of its owner;

(b) the person responsible for the vehicle is unable to provide for its custody or removal;

or

(c) the person operating the vehicle is arrested for an alleged offense for which the peace officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

Section 164. Section **41-6a-1406**, which is renumbered from Section 41-6-102.5 is renumbered and amended to read:

~~[41-6-102.5].~~ **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

(1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under ~~[Sections]~~ Section 41-1a-1101, ~~[41-6-44.30, 41-6-102, 41-6-116.10]~~ 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person acting on behalf of a law enforcement agency or highway authority ~~[as defined in Section 72-1-102]~~, the removal or impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner~~[-to]~~.

(2) The vehicle, vessel, or outboard motor under Subsection (1) shall be removed or impounded to:

- (a) a state impound yard~~[-]~~; or
- (b) if none, ~~[to]~~ a garage, docking area, or other place of safety.

~~[(2)]~~ (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be removed by a tow truck motor carrier that meets standards established:

- (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
- (b) by the department under Subsection ~~[(9)]~~ (10).

~~[(3)]~~ (4) (a) Immediately after the removal of the vehicle, vessel, or outboard motor, a report of the removal shall be sent to the Motor Vehicle Division by:

- (i) the peace officer or agency by whom the peace officer is employed; and
- (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.

(b) The report shall be in a form specified by the Motor Vehicle Division and shall include:

- (i) the operator's name, if known;
- (ii) a description of the vehicle, vessel, or outboard motor;
- (iii) the vehicle identification number or vessel or outboard motor identification number;
- (iv) the license number or other identification number issued by a state agency;

- (v) the date, time, and place of impoundment;
- (vi) the reason for removal or impoundment;
- (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, or

outboard motor; and

- (viii) the place where the vehicle, vessel, or outboard motor is stored.

(c) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection [~~(3)~~] (4), a tow truck motor carrier or impound yard may not:

- (i) collect any fee associated with the removal; and
- (ii) begin charging storage fees.

[~~(4)~~] (5) (a) Upon receipt of the report, the Motor Vehicle Division shall give notice to the registered owner of the vehicle, vessel, or outboard motor and any lien holder in the manner prescribed by Section 41-1a-114.

(b) The notice shall:

(i) state the date, time, and place of removal, the name, if applicable, of the person operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, or outboard motor is stored;

(ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor; and

(iii) inform the registered owner of the vehicle, vessel, or outboard motor of the conditions that must be satisfied before the vehicle, vessel, or outboard motor is released.

(c) If the vehicle, vessel, or outboard motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort to notify the registered owner and any lien holder of the removal and the place where the vehicle, vessel, or outboard motor is stored.

(d) The Motor Vehicle Division shall forward a copy of the notice to the place where the vehicle, vessel, or outboard motor is stored.

[~~(5)~~] (6) (a) The vehicle, vessel, or outboard motor shall be released after the registered owner, lien holder, or the owner's agent:

- (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of the

State Tax Commission;

(ii) presents identification sufficient to prove ownership of the impounded vehicle, vessel, or outboard motor;

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

(iv) if the impoundment was made under Section [~~41-6-44.30~~] 41-6a-527, pays an administrative impound fee of \$230; and

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

(b) (i) Twenty-nine dollars of the administrative impound fee assessed under Subsection [~~(5)~~] (6)(a)(iv) shall be dedicated credits to the Motor Vehicle Division;

(ii) \$97 of the administrative impound fee assessed under Subsection [~~(5)~~] (6)(a)(iv) shall be deposited in the Department of Public Safety Restricted Account created in Section 53-3-106; and

(iii) the remainder of the administrative impound fee assessed under Subsection [~~(5)~~] (6)(a)(iv) shall be deposited in the General Fund.

(c) The administrative impound fee assessed under Subsection [~~(5)~~] (6)(a)(iv) shall be waived or refunded by the State Tax Commission if the registered owner, lien holder, or owner's agent presents written evidence to the State Tax Commission that:

(i) the Driver License Division determined that the arrested person's driver license should not be suspended or revoked under Section 53-3-223 or [~~Section 41-6-44.10~~] 41-6a-521 as shown by a letter or other report from the Driver License Division presented within 30 days of the final notification from the Driver License Division; or

(ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the stolen vehicle report presented within 30 days of the impoundment.

[~~(6)~~] (7)(a) An impounded vehicle, vessel, or outboard motor not claimed by the registered owner or the owner's agent within the time prescribed by Section 41-1a-1103 shall be sold in accordance with that section and the proceeds, if any, shall be disposed of as provided [~~in~~] under Section 41-1a-1104.

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

~~(7)~~ (8) The registered owner who pays all fees and charges incurred in the impoundment of the owner's vehicle, vessel, or outboard motor, has a cause of action for all the fees and charges, together with damages, court costs, and attorney fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.

~~(8)~~ (9) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or outboard motor.

~~(9) The department shall make rules in~~

(10) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules setting the performance standards for towing companies to be used by the department.

~~(10)~~ (11) (a) The Motor Vehicle Division may specify that a report required under Subsection ~~(3)~~ (4) be submitted in electronic form utilizing a database for submission, storage, and retrieval of the information.

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

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

(A) be reasonable and fair; and ~~shall~~

(B) reflect the cost of administering the database.

Section 165. Section **41-6a-1407**, which is renumbered from Section 41-6-102.7 is renumbered and amended to read:

~~[41-6-102.7].~~ **41-6a-1407. Removal of unattended vehicles prohibited without authorization -- Penalties.**

(1) In cases not amounting to burglary or theft of a vehicle, a person may not remove an unattended vehicle without prior authorization of:

(a) a peace officer;

(b) a law enforcement agency;

(c) a highway authority[~~, as defined under Section 72-1-102,~~] having jurisdiction over the highway on which there is an unattended vehicle; or

(d) the owner or person in lawful possession or control of the real property.

(2) (a) An authorization from a person specified under Subsection (1)(a), (b), or (c) shall be in a form specified by the Motor Vehicle Division.

(b) The removal of the unattended vehicle shall comply with requirements of Section ~~[41-6-102.5]~~ 41-6a-1406.

(3) The removal of the unattended vehicle authorized under Subsection (1)(d) shall comply with requirements of Section 72-9-603.

(4) A person who violates Subsections (1) or (3) is guilty of a class C misdemeanor.

Section 166. Section **41-6a-1408**, which is renumbered from Section 41-6-116.10 is renumbered and amended to read:

~~[41-6-116.10].~~ **41-6a-1408. Abandoned vehicles -- Removal by peace officer --**

Report -- Vehicle identification.

(1) As used in this section, "abandoned vehicle" means a vehicle that is left unattended:

(a) on a highway for a period in excess of 48 hours; or

(b) on ~~[any]~~ public or private property for a period in excess of seven days without express or implied consent of the owner or person in lawful possession or control of the property.

(2) A person may not abandon a vehicle ~~[upon any]~~ on a highway.

(3) A person may not abandon a vehicle ~~[upon any]~~ on public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(4) A peace officer who has reasonable grounds to believe that a vehicle has been abandoned may remove the vehicle or cause it to be removed in accordance with Section ~~[41-6-102.5]~~ 41-6a-1406.

(5) If the motor number, manufacturer's number or identification mark of the abandoned vehicle has been defaced, altered or obliterated, the vehicle may not be released or sold until:

(a) the original motor number, manufacturer's number or identification mark has been

replaced[;]; or ~~until~~

(b) a new number assigned by the Motor Vehicle Division has been stamped on the vehicle.

Section 167. Section **41-6a-1501**, which is renumbered from Section 41-6-107 is renumbered and amended to read:

Part 15. Special Vehicles

~~[41-6-107].~~ **41-6a-1501. Motorcycle or motor-driven cycle -- Place for operator to ride -- Passengers.**

~~[(a)]~~ (1) A person operating a motorcycle or motor-driven cycle shall ride only ~~upon~~ on the permanent and regular seat attached ~~[thereto and such operator shall]~~ to the motorcycle or motor-driven cycle.

(2) (a) Except as provided in Subsection (2)(b):

(i) a person operating a motorcycle or motor-driven cycle may not carry any other person ~~[nor shall any other person]~~ on the motorcycle or motor-driven cycle; and

(ii) a passenger may not ride on a motorcycle or a motor-driven cycle ~~[unless such vehicle is designed to carry more than one person, in which event].~~

(b) If a motorcycle or motor-driven cycle is designed to carry more than one person, a passenger may ride ~~upon~~ on:

(i) the permanent and regular seat, if designed for two persons[;]; or ~~upon~~

(ii) another seat firmly attached to the motorcycle or motor-driven cycle at the rear or side of the operator.

~~[(b)]~~ (3) A person shall ride ~~upon~~ on a motorcycle or motor-driven cycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle or motor-driven cycle.

~~[(c) No]~~ (4) A person ~~shall~~ may not operate a motorcycle or motor-driven cycle while carrying ~~any~~ a package, bundle, or other article which prevents ~~him~~ the person from keeping both hands on the handlebars.

~~[(d) No]~~ (5) An operator ~~[shall carry any person, nor shall any person]~~ of a motorcycle

or motor-driven cycle may not carry a person and a person may not ride in a position that ~~will interfere~~ interferes with:

- (a) the operation or control of the motorcycle or motor-driven cycle; or
- (b) the view of the operator.

Section 168. Section **41-6a-1502**, which is renumbered from Section 41-6-107.2 is renumbered and amended to read:

~~[41-6-107.2].~~ **41-6a-1502. Motorcycles, motor-driven cycles, or all-terrain type I vehicles -- Operation on public highways.**

(1) ~~[All motorcycles and]~~ (a) A motorcycle or a motor-driven ~~[cycles are]~~ cycle is entitled to full use of a lane ~~[and no]~~.

(b) ~~A person may not operate a~~ motor vehicle ~~[may be driven]~~ in a manner ~~[so as to deprive any]~~ that deprives a motorcycle or motor-driven cycle of the full use of a lane.

(c) This Subsection (1) does not apply to motorcycles or motor-driven cycles operated two abreast in a single lane.

(2) The operator of a motorcycle or motor-driven cycle may not overtake and pass in the same lane occupied by the vehicle being overtaken.

(3) ~~[No]~~ A person may not operate a motorcycle or motor-driven cycle between:

- (a) lanes of traffic~~[-or between];~~ or
- (b) adjacent lines or rows of vehicles.

(4) Motorcycles or motor-driven cycles may not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) do not apply to ~~[police officers in the performance of their official duties]~~ peace officers acting in the peace officers' official capacities.

(6) The provisions of this section also apply to all-terrain type I vehicles.

Section 169. Section **41-6a-1503**, which is renumbered from Section 41-6-107.4 is renumbered and amended to read:

~~[41-6-107.4].~~ **41-6a-1503. Motorcycle or motor-driven cycle -- Attaching to another vehicle prohibited.**

~~[No]~~ A person riding ~~[upon]~~ on a motorcycle or motor-driven cycle ~~[shall]~~ may not attach himself to any other vehicle on a roadway.

Section 170. Section **41-6a-1504**, which is renumbered from Section 41-6-107.6 is renumbered and amended to read:

~~[41-6-107.6].~~ **41-6a-1504. Motorcycle or motor-driven cycle -- Footrests for passenger -- Height of handlebars limited.**

~~[(a) Any]~~ (1) A motorcycle or motor-driven vehicle carrying a passenger on a public highway, other than in a sidecar or enclosed cab, shall be equipped with footrests for ~~[such]~~ the passenger.

~~[(b) No]~~ (2) A person ~~[shall]~~ may not operate ~~[any]~~ a motorcycle or motor-driven cycle with handlebars above shoulder height.

Section 171. Section **41-6a-1505**, which is renumbered from Section 41-6-107.8 is renumbered and amended to read:

~~[41-6-107.8].~~ **41-6a-1505. Motorcycle or motor-driven cycle -- Protective headgear -- Closed cab excepted -- Electric assisted bicycles, motor assisted scooters, personal motorized mobility devices.**

(1) A person under the age of 18 may not operate or ride on a motorcycle or motor-driven cycle on a highway unless the person is wearing protective headgear which complies with ~~[rules made]~~ specifications adopted under Subsection (3).

(2) This section does not apply to persons riding within an enclosed cab.

~~[(3) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commissioner of the Department of Public Safety shall make rules establishing specifications and standards for the use of protective headgear required under this section.]~~

~~[(b) The rules shall require that protective headgear for an operator of an electric assisted bicycle, a motor assisted scooter, personal motorized mobility device meet the standards of the American National Standards Institute or the Snell Memorial Foundation's Standards for Protective Headgear for use in bicycling.]~~

(3) The following standards and specifications for protective headgear are adopted:

(a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and

(b) 49 C.F.R. 1203 related to protective headgear for bicycles, motor assisted scooters, and personal motorized mobility devices.

Section 172. Section **41-6a-1506**, which is renumbered from Section 41-6-154.50 is renumbered and amended to read:

~~[41-6-154.50].~~ **41-6a-1506. Motorcycles -- Required equipment -- Brakes.**

~~[(a) Every]~~ (1) A motorcycle and ~~[every]~~ a motor-driven cycle shall be equipped with the following items~~[, which shall comply with the regulations of the department]:~~

~~[(1)]~~ (a) one head lamp which, when factory equipped with an automatic lighting ignition system, ~~[shall]~~ may not be disconnected;

~~[(2)]~~ (b) one tail lamp;

~~[(3)]~~ (c) either a tail lamp or a separate lamp ~~[shall be so constructed and placed as to illuminate with a white light]~~ which illuminates the rear ~~[registration plate]~~ license plate with a white light;

~~[(4)]~~ (d) one red reflector on the rear, either separate or as part of the tail lamp ~~[or separately];~~

~~[(5)]~~ (e) one stop lamp;

~~[(6)]~~ (f) a braking system, other than parking brake, ~~[as provided]~~ in accordance with Section ~~[41-6-145]~~ 41-6a-1623;

~~[(7)]~~ (g) a horn or warning device in accordance with Section ~~[41-6-146]~~ 41-6a-1625;

~~[(8)]~~ (h) a muffler and emission control system in accordance with Section ~~[41-6-147]~~ 41-6a-1626;

~~[(9)]~~ (i) a mirror in accordance with Section ~~[41-6-148]~~ 41-6a-1627; and

~~[(10)]~~ (j) tires in accordance with Section ~~[41-6-150]~~ 41-6a-1636.

~~[(b) The commissioner is authorized to]~~ (2) The department may require an inspection of the braking system on ~~[any]~~ a motor-driven cycle and ~~[to]~~ disapprove ~~[any such braking system on a vehicle which in his opinion is equipped with]~~ a braking system that is not designed or constructed as to insure reasonable and reliable performance in actual use in accordance with

Section 41-6a-1623.

~~[(c) The commissioner may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when he determines that the braking system thereon does not comply with the provisions of this section.]~~

~~[(d) No]~~ (3) A person [shall operate on any highway any vehicle referred to in this section in the event the commissioner] may not operate a motor-driven cycle on a highway if the department has disapproved the braking system [upon such vehicle] on the motor-driven cycle.

(4) (a) Upon notice to the party to whom the motor-driven cycle is registered, the department may suspend the registration of a motor-driven cycle if the department has disapproved the braking system under this section.

(b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse to register a motor-driven cycle if it has reason to believe the motor-driven cycle has a braking system disapproved under this section.

Section 173. Section **41-6a-1507**, which is renumbered from Section 41-6-155.5 is renumbered and amended to read:

~~[41-6-155.5].~~ **41-6a-1507. Replica vehicles -- Defined -- Compliance with all laws and standards -- Exceptions -- Revocation -- Signed statement required.**

(1) (a) As used in this section, "replica vehicle" means a motor vehicle;

(i) with a body that is or resembles the body of a motor vehicle with a model year prior to 1975; and

(ii) that may have a significant drive train or equipment upgrade.

(b) A replica vehicle is for occasional pleasure rides and is not used for general daily transportation.

(c) A replica vehicle does not include a vintage vehicle as defined in Section 41-21-1, nor a special interest vehicle as defined in Section 41-1a-102.

(2) Except as specified under this section, a replica vehicle shall meet all safety, emissions, registration, insurance, fees, and taxes required under this title.

(3) (a) Except as provided in Subsection (3)(b), all safety equipment of a replica vehicle

shall at least meet the safety standards applicable to the model year of the vehicle being replicated. Any replacement equipment shall comply with the design standards of the replacement equipment's manufacture.

(b) A replica vehicle shall comply with current vehicle brake and stopping standards.

(c) A replica vehicle shall comply with emissions standards applicable to the model year of the engine of the replica vehicle.

(4) The tax commission may revoke the registration of a replica vehicle for failure to comply with this section.

(5) The owner of a replica vehicle shall provide a signed statement certifying that the replica vehicle is owned and operated for the purposes enumerated in this section to the safety inspection and emissions inspection station in order to qualify for the exceptions provided under this section.

Section 174. Section **41-6a-1508**, which is renumbered from Section 41-6-117.6 is renumbered and amended to read:

~~[41-6-117.6].~~ **41-6a-1508. Low-speed vehicle.**

(1) Except as otherwise provided in this section, a low-speed vehicle is considered a motor vehicle for purposes of the Utah Code including requirements for:

(a) traffic rules under Title 41, Chapter [~~6, Traffic Rules and Regulations~~] 6a, Traffic Code;

(b) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

(c) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;

(d) vehicle registration, titling, odometer statements, vehicle identification numbers, license plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

(e) vehicle taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, and fee in lieu of property taxes or in lieu fees under Section 59-2-405;

(f) motor vehicle dealer licensing under Title 41, Chapter 3, Motor Vehicle Business Regulation Act;

(g) motor vehicle safety inspection requirements under Section 53-8-205; and

(h) safety belt requirements under Title 41, Chapter ~~[6, Article 17]~~ 6a, Part 18, Motor Vehicle ~~[Seat]~~ Safety Belt Usage Act.

(2) (a) A low-speed vehicle shall comply with federal safety standards established in 49 C.F.R. 571.500 and shall be equipped with:

(i) headlamps;

(ii) front and rear turn signals, tail lamps, and stop lamps;

(iii) turn signal lamps;

(iv) reflex reflectors one on the rear of the vehicle and one on the left and right side and as far to the rear of the vehicle as practical;

(v) a parking brake;

(vi) a windshield that meets the standards under Section ~~[41-6-149]~~ 41-6a-1635, including a device for cleaning rain, snow, or other moisture from the windshield;

(vii) an exterior rearview mirror on the driver's side and either an interior rearview mirror or an exterior rearview mirror on the passenger side;

(viii) a speedometer and odometer; and

(ix) braking for each wheel.

(b) A low-speed vehicle that complies with ~~[Subsections]~~ this Subsection (2) and Subsection (3) and that is not altered from the manufacturer is considered to comply with equipment requirements ~~[in Title 41, Chapter 6, Article 16, Equipment]~~ under Part 16, Vehicle Equipment.

(3) A person may not operate a low-speed vehicle that has been structurally altered from the original manufacturer's design.

(4) A user of a low-speed vehicle shall obtain an annual clean special fuel tax certificate for each low-speed vehicle as required under Section 59-13-304.

(5) A low-speed vehicle is exempt from a motor vehicle emissions inspection and maintenance program requirements under Section ~~[41-6-163.6]~~ 41-6a-1642.

(6) (a) Except to cross a highway at an intersection, a low-speed vehicle may not be

operated on a highway with a posted speed limit of more than 35 miles per hour.

(b) In addition to the restrictions under Subsection (6)(a), a highway authority, [~~as defined under Section 72-1-102;~~] may prohibit or restrict the operation of a low-speed vehicle on any highway under its jurisdiction, if the highway authority determines the prohibition or restriction is necessary for public safety.

(7) [~~(a)~~] A person may not operate a low-speed vehicle on a highway without displaying on the rear of the low-speed vehicle, a slow-moving vehicle identification emblem that complies with the Society of Automotive Engineers standard SAE J943.

~~[(b) This Subsection (7) is an exception to the provisions of Section 41-6-130.]~~

(8) A person who violates Subsection (2), (3), (6), or (7) is guilty of a class C misdemeanor.

Section 175. Section **41-6a-1601**, which is renumbered from Section 41-6-117 is renumbered and amended to read:

Part 16. Vehicle Equipment

~~[41-6-117].~~ **41-6a-1601. Operation of unsafe or improperly equipped vehicles on public highways -- Exceptions.**

~~[(1) It is a misdemeanor for any person to drive or move or for the owner to]~~

(1) (a) A person may not operate or move and an owner may not cause or knowingly permit to be [driven] operated or moved on [any] a highway [any] a vehicle or combination of vehicles which;

(i) is in [such] an unsafe condition [as to] that may endanger any person[~~, or which~~];

(ii) does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter [~~or in rules issued by the department, or which~~];

(iii) is equipped in any manner in violation of this chapter [~~or those rules or for any person to~~]; or

(iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local

health departments.

(b) A person may not do any act forbidden or fail to perform any act required under this chapter [or those rules].

(2) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, and in coordination with the rules made under Section 53-8-204, the department shall make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under this part.

(b) The rules under Subsection (2)(a):

(i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and Regulations;

(ii) may incorporate by reference, in whole or in part, the federal standards under Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on motor vehicle safety;

(iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;

(iv) shall include standards for the emergency lights of authorized emergency vehicles;

(v) may provide standards and specifications applicable to lighting equipment on school buses consistent with:

(A) this part;

(B) federal motor vehicle safety standards; and

(C) current specifications of the Society of Automotive Engineers;

(vi) shall provide procedures for the submission, review, approval, disapproval, issuance of an approval certificate, and expiration or renewal of approval of any part as required under Section 41-6a-1620;

(vii) shall establish specifications for the display or etching of a vehicle identification number on a vehicle;

(viii) shall establish specifications in compliance with this part for a flare, fusee, electric lantern, warning flag, or portable reflector used in compliance with this part;

(ix) shall establish approved safety and law enforcement purposes when video display is

visible to the motor vehicle operator; and

(x) shall include standards and specifications for both original equipment and parts included when a vehicle is manufactured and aftermarket equipment and parts included after the original manufacture of a vehicle.

(c) The following standards and specifications for vehicle equipment are adopted:

(i) 49 C.F.R. 571.209 related to safety belts;

(ii) 49 C.F.R. 571.213 related to child restraint devices;

(iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles and trailers operated in interstate commerce;

(iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and

(v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related to air conditioning equipment.

~~[(2)] (3) Nothing in this chapter or the rules [of] made by the department prohibit;~~

~~(a) equipment required by the United States Department of Transportation [nor]; or~~

~~(b) the use of additional parts and accessories on [any] a vehicle not inconsistent with the provisions of this chapter or [those] the rules made by the department.~~

~~[(3) The provisions of this chapter and rules of the department, with respect to equipment required on vehicles, do not apply to implements of husbandry, road machinery, road rollers, or farm tractors, except as specifically made applicable.]~~

~~[(4) The provisions of this chapter and rules of the department with respect to equipment required on vehicles do not apply to motorcycles or motor-driven cycles, except as specifically made applicable.]~~

~~[(5) The provisions of this chapter and rules of the department do not apply to vehicles moved solely by human power, except as specifically made applicable.]~~

~~[(6) The] (4) Except as specifically made applicable, the provisions of this chapter and rules of the department with respect to equipment required on vehicles do not apply to:~~

~~(a) implements of husbandry;~~

~~(b) road machinery;~~

(c) road rollers;

(d) farm tractors;

(e) motorcycles;

(f) motor-driven cycles;

(g) vehicles moved solely by human power;

~~[(a)]~~ (h) off-highway vehicles registered under Section 41-22-3 either:

(i) on a highway designated as open for off-highway vehicle use; or

(ii) in the manner prescribed by Section 41-22-10.3; or

~~[(b)]~~ (i) off-highway implements of husbandry when operated in the manner prescribed by Subsections 41-22-5.5 (3) through (5).

~~[(7)]~~ (5) The vehicles referred to in ~~[Subsection (6)]~~ Subsections (4)(h) and (i) are subject to the equipment requirements of Title 41, Chapter 22, Off-highway Vehicles, and the rules ~~[promulgated thereunder]~~ made under that chapter.

~~[(8)]~~ (6) (a) A federal motor vehicle safety standard ~~[which conflicts with a]~~ supersedes any conflicting provision of this chapter ~~[supersedes that provision as to any vehicle in compliance with the federal standard].~~

(b) The department;

(i) shall report any ~~[such]~~ conflict found under Subsection (6)(a) to the appropriate committees or officials of the Legislature; and

(ii) may adopt a rule to replace the superseded provision.

Section 176. Section **41-6a-1602**, which is renumbered from Section 41-6-117.5 is renumbered and amended to read:

~~**[41-6-117.5].**~~ **41-6a-1602. Permit to operate vehicle in violation of equipment regulations.**

(1) The department may issue a permit which will allow temporary operation of a vehicle in violation of the provisions of this chapter or in violation of ~~[departmental regulations]~~ rules made by the department.

(2) The permit shall be carried ~~[by the driver or]~~ in the vehicle and shall be displayed

upon demand of a magistrate or peace officer.

(3) (a) ~~[In issuing the permits in Subsection (1), the]~~ The department may limit the time, manner, or duration of operation and may otherwise prescribe conditions of operation that are necessary to protect the safety of highway users or efficient movement of traffic.

(b) Any conditions shall be stated on the permit and a person ~~[shall]~~ may not violate them.

Section 177. Section **41-6a-1603**, which is renumbered from Section 41-6-118 is renumbered and amended to read:

~~[41-6-118].~~ **41-6a-1603. Lights and illuminating devices -- Duty to display -- Time.**

~~[(a) Every vehicle upon]~~

(1) (a) The operator of a vehicle shall turn on the lamps or lights of the vehicle on a highway ~~[within this state]~~ at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead ~~[shall display]~~.

(b) The lights, lighted lamps, and other lamps and illuminating devices under Subsection (1)(a) shall be lighted as respectively required for different classes of vehicles, subject to the exceptions ~~[with respect to] for parked vehicles[, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices]~~ under Section 41-6a-1607.

~~[(b)]~~ (2) Whenever a requirement is ~~[hereinafter declared]~~ made as to distance from which certain lamps and devices shall render objects visible or within which ~~[such]~~ the lamps or devices shall be visible, ~~[said]~~ the provisions ~~[shall]~~ apply during the times ~~[stated in]~~ specified under Subsection ~~[(a) in respect to]~~ (1)(a) for a vehicle without load ~~[when upon]~~ on a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

~~[(c)]~~ (3) Whenever a requirement is ~~[hereinafter declared]~~ made as to the mounted height

of lamps or devices it shall mean from the center of [~~such~~] the lamp or device to the level ground upon which the vehicle stands when [~~such~~] the vehicle is without a load.

Section 178. Section **41-6a-1604**, which is renumbered from Section 41-6-119 is renumbered and amended to read:

[~~41-6-119~~]. 41-6a-1604. Motor vehicle head lamp, tail lamps, stop lamps, and other lamps -- Requirements.

[~~Every~~] (1) A motor vehicle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle[~~, which head lamps~~].

(2) (a) A motor vehicle, trailer, semitrailer, pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps and two or more red reflectors mounted on the rear.

(b) (i) Except as provided under Subsections (2)(b)(ii), (2)(c), and Section 41-6a-1612, all stop lamps or other lamps and reflectors mounted on the rear of a vehicle shall display or reflect a red color.

(ii) A turn signal or hazard warning light may be red or yellow.

(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate.

(3) (a) A motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two or more stop lamps and flashing turn signals.

(b) A supplemental stop lamp may be mounted on the rear of a vehicle, if the supplemental stop lamp:

(i) emits a red light;

(ii) is mounted:

(A) and constructed so that no light emitted from the device, either direct or reflected, is visible to the driver;

(B) not lower than 15 inches above the roadway; and

(C) on the vertical center line of the vehicle; and

(iii) is the size, design, and candle power that conforms to federal standards regulating

stop lamps.

(4) (a) Each head lamp, tail lamp, supplemental stop lamp, flashing turn lamp, other lamp, or reflector required under this part shall comply with the requirements and limitations [set forth in the regulations promulgated by the department.] established under Section 41-6a-1601.

(b) The department, by rules made under Section 41-6a-1601, may require trucks, buses, motor homes, motor vehicles with truck-campers, trailers, semitrailers, and pole trailers to have additional lamps and reflectors.

(5) The department, by rules made under Section 41-6a-1601, may allow:

(a) one tail lamp on any vehicle equipped with only one when it was made;

(b) one stop lamp on any vehicle equipped with only one when it was made; and

(c) passenger cars and trucks with a width less than 80 inches and manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.

Section 179. Section **41-6a-1605**, which is renumbered from Section 41-6-127 is renumbered and amended to read:

[41-6-127]. 41-6a-1605. Vehicles operated in combination.

~~[Whenever]~~ If a motor vehicle and other vehicles are operated in combination during the time that lights are required[, any lamp need not be lighted which, by reason of its location on a vehicle of the combination, would be] under Section 41-6a-1603, a lamp that is obscured by another vehicle of the combination is not required to be lighted.

Section 180. Section **41-6a-1606**, which is renumbered from Section 41-6-128 is renumbered and amended to read:

[41-6-128]. 41-6a-1606. Load extending beyond rear of vehicle -- Duty to display lamps and reflectors or flag.

~~[Whenever the load upon any]~~ (1) If a load on a vehicle extends to the rear four feet or more beyond the bed or body of [such] the vehicle [there shall be displayed], the operator shall display lamps, reflectors, or flags at the extreme rear end of the load[, at the times] in accordance with this section.

(2) During hours of darkness as specified in Section [41-6-118, two red lamps,]

41-6a-1603, the following shall be displayed:

(a) two red reflectors located so as to indicate maximum width[;]; and

(b) two red lamps, one on each side with one red lamp located so as to indicate maximum overhang. ~~[There shall be displayed at all other times on any]~~

(3) (a) At a time other than the time indicated under Subsection (2), on a vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags[; not less than 12 inches square;] shall be displayed marking the extremities of [such] the load, at each point where a lamp ~~[would otherwise be]~~ or reflector is required ~~[by this section. Lamps and reflectors required in this section shall comply with requirements of the department.]~~ under Subsection (2).

(b) The red flags shall be at least 12 inches square.

Section 181. Section **41-6a-1607**, which is renumbered from Section 41-6-129 is renumbered and amended to read:

[41-6-129]. 41-6a-1607. Parking lamps required -- Use when vehicle parked at night -- Head lamps dimmed.

~~[(a) Every]~~ (1) (a) A vehicle shall be equipped with one or more parking lamps ~~[which]~~.

(b) The parking lamps shall comply with requirements [of the department] established under Section 41-6a-1601.

~~[(b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet upon such street or highway, no lights need be displayed upon such parked vehicle:]~~

~~[(c) Whenever a]~~ (2) A vehicle [is] parked or stopped ~~[upon]~~ on a roadway or shoulder ~~[adjacent thereto]~~, whether attended or unattended, ~~[during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of 1,000 feet upon such highway, such vehicle so parked or stopped shall display parking lamps meeting the requirements of the department]~~ shall display lighted parking lamps if conditions exist as specified under Subsection 41-6a-1603(1)(a).

~~[(d)]~~ (3) Any lighted head lamps ~~[upon]~~ on a parked vehicle shall be ~~[depressed or]~~ dimmed.

Section 182. Section **41-6a-1608**, which is renumbered from Section 41-6-130 is renumbered and amended to read:

~~[41-6-130].~~ **41-6a-1608. Farm tractors and equipment -- Lamps and reflectors -- Slow-moving vehicle emblem.**

~~[(a) Every]~~ (1) (a) A farm tractor and [every] a self-propelled implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with [vehicular] hazard warning lights of a type described in Section [41-6-133;] 41-6a-1611.

(b) The hazard warning lights shall be:

(i) visible from a distance of not less than 1,000 feet to the front and rear in normal sunlight[~~-, which shall be~~]; and

(ii) displayed whenever [any such vehicle] a farm tractor or self-propelled implement of husbandry is operated [upon] on a highway.

~~[(b) Every]~~ (2) (a) A farm tractor and [every] a self-propelled implement of husbandry manufactured or assembled after January 1, 1970, shall [at all times, and every other such motor vehicle shall at all times mentioned in Section 41-6-118;] be equipped with lamps and reflectors as [follows:] required under this section.

(b) A farm tractor and a self-propelled implement of husbandry manufactured or assembled prior to January 1, 1970 shall be equipped with lamps and reflectors as required in this section if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a).

(3) Subject to the provisions of Subsection (2), a farm tractor and an implement of husbandry shall be equipped with:

~~[(1) At]~~ (a) at least two head lamps [meeting the requirements of the department];

~~[(2) At]~~ (b) at least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear mounted as far to the left of the center of the vehicle as practicable[-]; and

~~[(3) At]~~ (c) at least two red reflectors visible from all distances within 600 feet to 100

feet to the rear when directly in front of lawful lower beams of head lamps.

~~[(c) On every combination of farm tractor and towed farm equipment or towed implement of husbandry, the farm tractor shall be equipped as required in Subsections (a) and (b), and the towed unit shall at all times mentioned in Section 41-6-118]~~

(4) Towed farm equipment or a towed implement of husbandry shall be equipped with lamps and reflectors as [follows:] provided under this Subsection (4), if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a).

~~[(1)]~~ (a) If the towed unit or its load extends more than four feet to the rear of the tractor or obscures any light ~~[thereon, said]~~ on a tractor, the towed unit shall be equipped on the rear with at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.

~~[(2)]~~ (b) (i) If the towed unit ~~[of such combination]~~ extends more than four feet to the left of the center line of the tractor, ~~[said]~~ the towed unit shall be equipped on the front with an amber reflector visible from all distances within 600 feet to 100 feet to the front when directly in front of lawful lower beams of head lamps. ~~[This]~~

(ii) The reflector under Subsection (4)(b)(i) shall be ~~[so]~~ positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit.

~~[(3)]~~ (c) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in Subsection ~~[(a)]~~ (1).

~~[(4)]~~ (5) (a) The two red reflectors required ~~[in the foregoing subsections]~~ under Subsections (3) and (4) shall be ~~[so]~~ positioned ~~[as]~~ to show ~~[from the rear]~~, as nearly as practicable, the extreme width of the vehicle or combination ~~[carrying them. Provided that all other requirements are met, reflective]~~ of vehicles as viewed from the rear of the vehicle or combination of vehicles.

(b) Reflective tape or paint may be used in lieu of the reflectors required ~~[by Subsection (c)]~~ under this section.

~~[(e) After July 1, 1979, every]~~

(6) (a) A slow-moving vehicle emblem mounted on the rear is required on:

(i) a farm tractor and ~~[every]~~ a self-propelled implement of husbandry designed for operation at speeds not in excess of 25 miles per hour ~~[shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in Subsection (f)].~~; or

~~[(f) After July 1, 1979, every combination of farm tractor described in Subsection (e) and]~~

(ii) towed farm equipment or a towed implement of husbandry ~~[shall at all times be equipped with a slow moving vehicle emblem as follows: (1) Where]~~ if the towed unit or any load ~~[thereon] on it obscures the slow-moving vehicle emblem on the farm tractor~~[-the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem]~~ or self-propelled implement of husbandry.~~

~~[(2) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit or its load, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.]~~

~~[(g) The emblem required by Subsections (e) and (f), and its mounting and position on the vehicle, shall]~~

(b) The slow-moving vehicle emblem's design, size, mounting, and position on the vehicle required under this Subsection (6), shall:

(i) comply with current standards and specifications of the American Society of Agricultural Engineers [as]; and

(ii) be approved by the ~~[commissioner]~~ department.

~~[(h) No person shall use the]~~

(c) A slow-moving vehicle identification emblem ~~[except as required in this section and in Section 41-6-130.5 nor display the emblem] may not be:~~

(i) used except as required under this section and Sections 41-6a-1508 and 41-6a-1609;
or

(ii) displayed on a vehicle traveling at a speed in excess of 25 miles per hour.

Section 183. Section **41-6a-1609**, which is renumbered from Section 41-6-130.5 is

renumbered and amended to read:

~~[41-6-130.5].~~ **41-6a-1609. Lamps and reflectors on vehicles not otherwise specified -- Slow-moving vehicle identification emblems on animal-drawn vehicles.**

~~[(a) Every vehicle, including animal-drawn vehicles and vehicles referred to in Section 41-6-117,]~~

(1) An animal-drawn vehicle, a vehicle under Section 41-6a-1604, and a vehicle not specifically required by the provisions of other sections in this chapter to be equipped with lamps or other lighting devices, shall [at all times specified in Section 41-6-118] be equipped with lamps or other lighting devices if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a) as follows:

(a) at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of [said] the vehicle[~~], and shall also be equipped withand~~

(b) (i) two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of [said] the vehicle[~~];~~; or [as an alternative,]

(ii) one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of head lamps.

~~[(b) After July 1, 1979, every]~~

(2) An animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle identification emblem [complying with] as provided under Section [41-6-130] 41-6a-1608.

Section 184. Section **41-6a-1610**, which is renumbered from Section 41-6-131 is renumbered and amended to read:

~~[41-6-131].~~ **41-6a-1610. Spot lamps.**

~~[Any]~~ (1) A motor vehicle may not be equipped with [not to exceed] more than two spot lamps [and every].

(2) A lighted spot lamp [shall be so] may not be aimed [and] or used [that no] so that any part of the high intensity portion of the beam [will strike] strikes the windshield, or any windows, mirror, or occupant of another vehicle in use.

~~(3)~~ This section does not apply to spot lamps on an authorized emergency ~~[vehicles]~~ vehicle.

Section 185. Section **41-6a-1611**, which is renumbered from Section 41-6-133 is renumbered and amended to read:

~~[41-6-133].~~ **41-6a-1611. Hazard warning lamps.**

~~[(a) Any]~~ (1) A vehicle [may] manufactured with hazard warning lights, shall be equipped with [lamps] hazard warning lights for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.

~~[(b) After July 1, 1979, every]~~

(2) In addition to the requirements of Subsection (1), a bus, truck, truck-tractor, trailer, semitrailer, or pole trailer shall be equipped with hazard warning lights if the bus, truck, truck-tractor, trailer, semitrailer, or pole trailer is 80 inches or more in overall width or 30 feet or more in overall length [shall be equipped with lamps meeting the requirements of this section].

~~[(c) Lamps allowed by]~~

(3) The hazard warning lights required under this section shall comply with [regulations issued] rules made by the department under Section 41-6a-1601.

Section 186. Section **41-6a-1612**, which is renumbered from Section 41-6-133.5 is renumbered and amended to read:

~~[41-6-133.5].~~ **41-6a-1612. Back-up lamps -- Side marker lamps.**

~~[(a) Any]~~ (1) (a) A motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps[~~, but any such~~].

(b) A back-up lamp or lamps [shall] may not be lighted when the motor vehicle is in forward motion.

(c) A lighted back-up lamp shall emit a white light.

~~[(b) Any]~~ (2) A vehicle may be equipped with one or more side marker lamps [and any such lamp] that may be flashed in conjunction with turn or vehicular hazard warning signals.

~~[(c) Lamps allowed by this section shall comply with regulations issued by the]~~

department.]

(3) A back-up lamp and side marker lamp under this section shall comply with rules made by the department under Section 41-6a-1601.

Section 187. Section **41-6a-1613**, which is renumbered from Section 41-6-135 is renumbered and amended to read:

[41-6-135]. 41-6a-1613. Lamp required for operation of vehicle on highway or adjacent shoulder -- Dimming of lights.

(1) (a) If a vehicle is operated on a highway or shoulder adjacent to the highway [during the times specified in Section 41-6-118, the driver] under the conditions specified under Subsection 41-6a-1603(1)(a), the operator of a vehicle shall use a high or low beam distribution of light or composite beam except as provided under Subsection (1)(c).

(b) Except as provided under Subsection (1)(c), the distribution of light or composite beam shall be directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle[; except that a driver].

(c) The operator of a vehicle shall use a low beam distribution of light or composite beam if the [driver of a] vehicle approaches:

[~~(a)~~] (i) an oncoming vehicle within 500 feet; or

[~~(b)~~] (ii) another vehicle from the rear within 300 feet.

(2) (a) The low beam distribution of light or composite beam shall be aimed to avoid projecting glaring rays into the:

(i) eyes of an oncoming [driver] operator; or [onto the]

(ii) rearview mirror of a vehicle approached from the rear.

(b) A vehicle [~~does not violate~~] is not in violation of Subsection (2)(a) if:

(i) the vehicle has not been significantly altered from the original vehicle manufacturer's specifications; or

(ii) the glaring rays result from road contour or a temporary load on the vehicle.

Section 188. Section **41-6a-1614**, which is renumbered from Section 41-6-135.5 is renumbered and amended to read:

~~[41-6-135.5].~~ **41-6a-1614. Head lamps on farm tractors -- Motor vehicles sold prior to certain date.**

(1) Head lamp systems which provide only a single distribution of light shall be permitted on ~~[all; farm tractors regardless of date of manufacture, and on];~~

(a) a farm tractor; and

(b) other motor vehicles manufactured and sold prior to July 1, 1980~~[, if they comply with requirements of the department].~~

(2) Head lamp systems authorized under this section shall comply with rules made by the department under Section 41-6a-1601.

Section 189. Section **41-6a-1615**, which is renumbered from Section 41-6-138 is renumbered and amended to read:

~~[41-6-138].~~ **41-6a-1615. Requirements for slow-moving vehicles.**

~~[Any]~~ Notwithstanding any other provision of this part, a motor vehicle may be operated on a highway under the conditions specified ~~[in Section 41-6-118 when]~~ under Subsection 41-6a-1603(1)(a) if:

(1) the motor vehicle is equipped with two lighted lamps ~~[upon]~~ on the front ~~[thereof]~~ of the vehicle;

(2) the lamps are capable of revealing persons and vehicles 100 feet ahead ~~[provided; however, that at no time shall it be]; and~~

(3) the motor vehicle is not operated at a speed in excess of 20 miles per hour.

Section 190. Section **41-6a-1616**, which is renumbered from Section 41-6-140 is renumbered and amended to read:

~~[41-6-140].~~ **41-6a-1616. High intensity beams -- Red or blue lights -- Flashing lights -- Color of rear lights and reflectors.**

(1) (a) ~~[During the times specified in Section 41-6-118, any]~~ Except as provided under Subsection (1)(b), under the conditions specified under Subsection 41-6a-1603(1)(a), a lighted lamp or illuminating device ~~[upon]~~ on a ~~[motor]~~ vehicle, [other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicular hazard warning lamps, and school bus warning

~~lamps,]~~ which projects a beam of light of an intensity greater than 300 candlepower shall be ~~[so]~~ directed so that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) The provisions of Subsection (1)(a) do not apply to head lamps, spot lamps, auxiliary lamps, flashing turn signals, hazard warning lamps, and school bus warning lamps.

(c) A motor vehicle on a highway may not have more than a total of four lamps lighted on the front of the vehicle including head lamps, auxiliary lamps, spot lamps, or any other lamp if the lamp projects a beam of an intensity greater than 300 candlepower.

(2) Except ~~[as required in Sections 41-6-132 and 41-6-140.10]~~ for an authorized emergency vehicle and a school bus, a person may not ~~[drive]~~ operate or move any vehicle or equipment ~~[upon any]~~ on a highway with ~~[any]~~ a lamp or device capable of displaying a red or blue light that is visible from directly in front of the center of the vehicle.

~~[(3) Flashing lights are prohibited except as authorized or required in Sections 41-6-90, 41-6-121.10, 41-6-130, 41-6-132, 41-6-133, 41-6-140.10, and 41-6-140.20.]~~

~~[(4) The alternately flashing lights described in Sections 41-6-132 and 41-6-140.10 may not be used on any vehicle other than a school bus or an authorized emergency vehicle. The rotating light described in Section 41-6-132 may not be used]~~

(3) A person may not use flashing lights on a vehicle except for:

(a) taillights of bicycles under Section 41-6a-1114;

(b) authorized emergency vehicles under rules made by the department under Section 41-6a-1601;

(c) turn signals under Section 41-6a-1604;

(d) hazard warning lights under Sections 41-6a-1608 and 41-6a-1611;

(e) school bus flashing lights under Section 41-6a-1302; and

(f) vehicles engaged in highway construction or maintenance under Section 41-6a-1617.

(4) A person may not use a rotating light on any vehicle other than an authorized emergency vehicle.

~~[(5) All lighting devices and reflectors mounted on the rear of any vehicle shall display~~

~~or reflect a red color, except the stop light or other signal device, which may be red or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white.]~~

Section 191. Section **41-6a-1617**, which is renumbered from Section 41-6-140.20 is renumbered and amended to read:

~~[41-6-140.20].~~ **41-6a-1617. Highway construction and maintenance vehicles -- Transportation department to adopt rules for lighting.**

~~[(a) The]~~ (1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Department of Transportation shall [adopt] make rules providing specifications [and rules] governing the design and use of special flashing lights on vehicles engaged in highway construction or maintenance operations.

(2) The standards and specifications adopted under Subsection (1) shall correlate with, and where possible conform to, the standards set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other standards issued or endorsed by the federal highway administrator.

~~[(b)]~~ (3) The [driver of any such vehicle] operator of a vehicle engaged in highway construction or maintenance operations shall comply with rules adopted under this section.

Section 192. Section **41-6a-1618**, which is renumbered from Section 41-6-141 is renumbered and amended to read:

~~[41-6-141].~~ **41-6a-1618. Sale or use of unapproved lighting equipment or devices prohibited.**

~~[(a) On and after July 1, 1979, no person shall]~~

(1) Except as provided under Subsection (2), a person may not use, have for sale, sell, or offer for sale for use [upon] on or as a part of the equipment of a motor vehicle, trailer, semitrailer, or pole trailer [or use upon any such vehicle] any head lamp, auxiliary[, or] fog lamp, rear lamp, signal lamp [or], required reflector[, which reflector is required hereunder], or any parts of [any of the foregoing] that equipment which tend to change the original design or performance, unless [of a type which has been submitted to the commissioner and approved by

him. The foregoing provision of this section shall] the part or equipment complies with the specifications adopted under Section 41-6a-1601.

~~(2) The provisions of Subsection (1) do not apply to equipment in actual use [when this section is adopted or] prior to July 1, 1979 or to replacement parts [therefor] of this equipment.~~

~~[(b) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer or pole trailer any lamp or device mentioned in this section which has been approved by the commissioner unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.]~~

~~[(c) No person shall use upon any]~~

(3) A person may not use on a motor vehicle, trailer, semitrailer, or pole trailer any lamps [mentioned in] under this section unless [said] the lamps are mounted, adjusted, and aimed in accordance with [instructions of the commissioner] this part.

Section 193. Section **41-6a-1619**, which is renumbered from Section 41-6-141.5 is renumbered and amended to read:

~~[41-6-141.5].~~ **41-6a-1619. Sale of unapproved equipment prohibited -- Trademark or brand name.**

~~[(a)] (1) A person shall not sell or offer for sale any equipment or parts that do not comply with the standards adopted under Section 41-6a-1601 including any lamp, reflector, hydraulic brake fluid, seat belt, safety glass, emergency disablement warning device, studded tire, motorcycle helmet, eye protection device for motorists, or red rear bicycle reflector [unless and until it has been approved by the department].~~

~~[(b) A person shall not sell or offer for sale any item of equipment for which a standard has been adopted under Section 41-6-142 unless and until it has been approved by the department.]~~

(2) Any equipment described under Subsection (1) or Section 41-6a-1618 or any package containing the equipment shall bear the manufacturer's trademark or brand name unless it complies with identification requirements of the United States Department of Transportation or other federal agencies.

Section 194. Section **41-6a-1620**, which is renumbered from Section 41-6-143 is renumbered and amended to read:

~~[41-6-143].~~ **41-6a-1620. Departmental approval of lighting devices or safety equipment.**

~~[(a)] (1) (a)~~ The department ~~[is hereby required to]~~ shall approve or disapprove any lighting device or other safety equipment, component or assembly of a type for which approval is specifically required ~~[in]~~ under this ~~[article]~~ part.

~~(b)~~ The department shall consider the part for approval within a reasonable time after ~~[such]~~ approval has been requested.

~~[(b)] (2) (a)~~ The department shall establish ~~[the procedure to be followed when request for approval of any lighting device or other safety equipment, component or assembly is submitted under this section.]~~ a procedure for the submission, review, approval, disapproval, issuance of an approval certificate, and the expiration or renewal of approval for any part under Subsection (1).

~~(b) (i)~~ The procedure may provide for submission of ~~[such device, component or assembly]~~ the part to the American Association of Motor Vehicle Administrators as the agent of the ~~[commissioner and for the issuance of an approval certificate by the association in the name of the commissioner in lieu of submission of the device, component or assembly to the commissioner]~~ department.

~~(ii)~~ Approval issued by the association under Subsection (1)(b)(i) shall have the same force and effect as if it has been issued by the ~~[commissioner]~~ department.

(c) The ~~[commissioner]~~ department shall maintain and publish lists of all parts, devices, components, or assemblies which have been approved by ~~[him]~~ the department.

~~(d) [Approvals shall remain]~~ A part approved under this section is valid unless revoked under Section [41-6-143.5] 41-6a-1621 or unless the [commissioner] department requires [them] it to be renewed under [regulations issued by him] rules made under Section 41-6a-1601.

Section 195. Section **41-6a-1621**, which is renumbered from Section 41-6-143.5 is renumbered and amended to read:

~~[41-6-143.5].~~ **41-6a-1621. Departmental hearings -- Compliance of approved devices -- Revocation of approval -- Reapproval.**

~~[(a) Whenever the commissioner]~~

~~(1) If the department has reason to believe that a [device] part approved under Section [41-6-143 does not comply with his standards, he] 41-6a-1620 should no longer be approved, the department shall, upon 30 days' notice to the [one] applicant to whom approval was issued, conduct a hearing [upon] on the question of [the continued compliance of the approved device] whether the part should remain approved.~~

~~(2) (a) After the hearing, the [commissioner] department shall determine whether the device meets the requirements of the applicable standard.~~

~~(b) If the device does not meet those requirements, the [commissioner] department shall give notice to the [one] applicant to whom the approval [has been] was issued of [his] the department's intention to revoke the approval.~~

~~(c) If the [holder of] applicant to whom the approval was issued fails to satisfy the [commissioner] department that the device being sold or offered for sale meets the applicable standard within 90 days of the notice[, the commissioner] of the department's intention to revoke the approval, the department shall revoke the approval [and].~~

~~(3) When an approval has been revoked under this section:~~

~~(a) the department:~~

~~(i) shall require the withdrawal of all [such devices] the parts from the market; and~~

~~(ii) may require that all devices sold since the notification of the department's intention to revoke the approval be replaced by [devices that do comply] parts that are approved.~~

~~[(b) When an approval has been revoked pursuant to this section, the device shall not be again approved unless and until it has been submitted to reapproval and it has been demonstrated, in the same manner as in an application for an original approval, that the device fully meets the requirements of the applicable standard. The commissioner]~~

~~(b) A part that has been revoked under this section may not be approved again unless a new application and approval is received.~~

(c) The department may require that as a condition for a new approval of the same or similar part all previously [approved items are being] revoked parts are effectively recalled and removed from the market [as a condition for reapproval].

Section 196. Section **41-6a-1622**, which is renumbered from Section 41-6-144 is renumbered and amended to read:

~~[41-6-144].~~ 41-6a-1622. Purchase and testing of equipment by department -- Prohibition against sale of substandard devices -- Injunction -- Review -- Appeal.

~~[(a)]~~ (1) The department may purchase and test equipment described in Section ~~[41-6-141.5]~~ 41-6a-1619 to determine whether it complies with ~~[its]~~ the standards under this part.

~~[(b)]~~ (2) Upon identification of unapproved or substandard devices being sold or offered for sale, the ~~[commissioner]~~ department shall give notice to the person selling them that ~~[he]~~ the person is in violation of Section ~~[41-6-141.5]~~ 41-6a-1619 and that selling or offering them for sale is prohibited.

~~[(c)]~~ (3) (a) In order to enforce the prohibition against the sale or offer for sale of unapproved or substandard devices, the ~~[commissioner]~~ department may file a petition in the district court of the county in which the person maintains a place of business to enjoin any further sale or offer of sale of ~~[such]~~ the unapproved or substandard ~~[devices. Upon]~~ part.

(b) An injunction under Subsection (3)(a) shall be issued upon a prima facie showing that: ~~[(1) such device]~~

(i) the part is of a type required to be approved by the ~~[commissioner; (2) it]~~ department under this part;

(ii) the part has not been approved; and ~~[(3) it]~~

(iii) the part is being sold or offered for sale~~[-the injunction shall be issued].~~

~~[(d)]~~ (4) (a) Any person ~~[so]~~ enjoined under Subsection (3) may file a petition for a review of the court's order in the county in which the injunction was issued.

(b) A copy of ~~[such]~~ the petition shall be served ~~[upon]~~ on the ~~[commissioner]~~ department and the ~~[commissioner]~~ department shall have 30 days after ~~[such]~~ the service to file

an answer, but ~~such~~ the petition shall not act as a stay of the injunction.

(c) At the hearing ~~upon~~ on the petition, the judge shall sit without intervention of a jury and shall only receive evidence as to whether the ~~devices~~ parts in question: ~~(1)~~

(i) are of a type for which approval by the ~~commissioner~~ department is required; ~~(2)~~
~~have or~~

(ii) have not been ~~so~~ approved; and ~~(3)~~

(iii) are ~~in fact~~ being sold or offered for sale in violation of Section ~~41-6-141.5. Upon~~
a finding by the court that such device: (1) is of a type required to be approved by the
commissioner; (2) that it has not in fact been approved; and (3) that it is being sold or offered for
sale, ~~the injunction shall be continued.]~~ 41-6a-1619.

(d) Following a hearing under Subsection (4)(c), the injunction shall be continued if the
court finds that each condition under Subsection (4)(c) has been met.

~~(e)~~ (5) Either party may appeal the decision of the court in the same manner as in other
civil appeals from the district court.

Section 197. Section **41-6a-1623**, which is renumbered from Section 41-6-145 is
renumbered and amended to read:

~~41-6-145].~~ **41-6a-1623. Braking systems required -- Adoption of performance
requirements by department.**

~~(a) Every~~ (1) A motor vehicle and ~~every~~ a combination of vehicles shall have a
service braking system which will stop the motor vehicle or combination of vehicles within:

(a) 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard
surface; or ~~within such~~

(b) a shorter distance as may be specified by the department in accordance with federal
standards.

~~(b) Every~~ (2) A motor vehicle and a combination of vehicles shall have a parking
brake system:

(a) adequate to hold the motor vehicle or combination of vehicles on any grade on which
it is operated under all conditions of loading on a surface free from snow, ice or loose material;

or

(b) which ~~[shall comply]~~ complies with performance standards issued by the department in accordance with federal standards.

~~[(c) When]~~ (3) In addition to the requirements of Subsections (1) and (2), if necessary for safe operation, the department may by [regulation] rule require additional braking systems in accordance with federal standards.

~~[(d) The department may adopt performance requirements for braking systems under this section. In formulating these requirements, the department shall consider standards of the United States Department of Transportation, recommendations of other agencies and organizations, different classes of vehicles, deceleration rates, speeds, weather, loads, terrain and all other factors bearing on safe highway operations.]~~

Section 198. Section **41-6a-1624**, which is renumbered from Section 41-6-145.5 is renumbered and amended to read:

~~[41-6-145.5].~~ **41-6a-1624. Failure to repair a damaged or deployed airbag -- Penalty.**

(1) As used in this section, "person" includes the owner or lessee of a motor vehicle, a body shop, dealer, remanufacturer, salvage rebuilder, vehicle service maintenance facility, or any entity or individual engaged in the repair or replacement of motor vehicles or airbag passive restraint systems.

(2) Except as provided under Subsection (3), if a repair to a vehicle to be used on a highway is initiated, a person who has actual knowledge that a motor vehicle's airbag passive restraint system is damaged or has been deployed may not fail or cause another person to fail to fully restore, arm, and return to original operating condition, the motor vehicle's airbag passive restraint system.

(3) In the course of repairing a motor vehicle, a person who has actual knowledge that the motor vehicle's airbag passive restraint system is damaged or has been deployed shall notify the owner or lessee of the vehicle, in a form approved by the Department of Public Safety, that the failure to repair and fully restore the motor vehicle's airbag passive restraint system is a class

B misdemeanor.

(4) Unless acting under a dismantling permit under Section 41-1a-1010, a person may not remove or modify a motor vehicle's airbag passive restraint system with the intent of rendering the motor vehicle's airbag passive restraint system inoperable.

(5) A person who violates this section is guilty of a class B misdemeanor.

Section 199. Section **41-6a-1625**, which is renumbered from Section 41-6-146 is renumbered and amended to read:

[41-6-146]. 41-6a-1625. Horns and warning devices -- Emergency vehicles.

~~[(a) Every]~~ (1) (a) A motor vehicle ~~[when]~~ operated ~~[upon]~~ on a highway shall be equipped with a horn or other warning device in good working order ~~[and]~~.

(b) The horn or other warning device:

(i) shall be capable of emitting sound audible under normal conditions from a distance of not less than 200 feet~~[, but no horn or other warning device shall]; and~~

(ii) may not emit an unreasonably loud or harsh sound or a whistle.

(c) The ~~[driver]~~ operator of a motor vehicle ~~[shall]~~:

(i) when reasonably necessary to insure safe operation, shall give audible warning with ~~[his horn but shall not otherwise use such horn when upon a highway. (b) No vehicle shall the horn; and~~

(ii) except as provided under Subsection (1)(c)(i), may not use the horn on a highway.

(2) Except as provided under this section, a vehicle may not be equipped with ~~[nor shall any] and a person may not use~~ ~~[upon]~~ on a vehicle ~~[any]~~ a siren, whistle, or bell~~[, except as otherwise permitted in this section].~~

~~[(c) Any]~~ (3) (a) A vehicle may be equipped with a theft alarm signal device ~~[which is so]~~ if it is arranged so that it cannot be used by the ~~[driver]~~ operator as an ordinary warning signal. ~~[Such a]~~

(b) A theft alarm signal device may:

(i) use a whistle, bell, horn or other audible signal ~~[but shall]; and~~

(ii) not use a siren.

~~[(d) Every]~~ (4) (a) An authorized emergency vehicle shall be equipped with a siren, whistle, or bell[;] capable of emitting sound audible under normal conditions from a distance of not less than 500 feet ~~[and of a type]~~.

(b) The type of sound shall be approved by the department~~[, but such siren shall]~~ based on standards adopted by rules under Section 41-6a-1601.

(c) The siren on an authorized emergency vehicle may not be used except:

(i) when ~~[such]~~ the vehicle is operated in response to an emergency call; or

(ii) in the immediate pursuit of an actual or suspected violator of the law~~[, in which said latter events the driver of such]~~.

(d) The operator of an authorized emergency vehicle shall sound ~~[said]~~ the siren in accordance with this section when reasonably necessary to warn pedestrians and other ~~[drivers]~~ vehicle operators of the approach ~~[thereof]~~ of the authorized emergency vehicle.

Section 200. Section **41-6a-1626**, which is renumbered from Section 41-6-147 is renumbered and amended to read:

~~[41-6-147].~~ **41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution control devices.**

(1) (a) ~~[Every]~~ A vehicle shall be equipped, maintained, and operated to prevent excessive or unusual noise.

(b) ~~[Every]~~ A motor vehicle shall ~~[at all times]~~ be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation.

(c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.

(2) (a) ~~[The]~~ Except while the engine is being warmed to the recommended operating temperature, the engine and power mechanism of ~~[every]~~ a:

(i) gasoline-powered motor vehicle may not emit visible contaminants during operation ~~[except while the engine is being brought up to the recommended operating temperature.];~~

~~[(b) Diesel engines]~~ (ii) diesel engine manufactured on or after January 1, 1973, may not emit visible contaminants of a shade or density darker than 20% opacity~~[, except while the engine is being brought up to the recommended operating temperature.];~~ and

~~[(c) Diesel engines]~~ (iii) diesel engine manufactured before January 1, 1973, may not emit visible contaminants of a shade or density darker than 40% opacity~~[-except while the engine is being brought up to the recommended operating temperature].~~

~~[(d) Violation of this subsection is]~~

(b) A person who violates the provisions of Subsection (2)(a) is guilty of a class C misdemeanor.

(3) (a) ~~[Every]~~ A motor vehicle equipped by a manufacturer with air pollution control devices ~~[must have]~~ shall maintain the devices in good working order and in constant operation.

(b) ~~[An]~~ For purposes of the first sale of a vehicle at retail, an air pollution control device may be substituted for the manufacturer's original device if the substituted device is at least as effective in the reduction of emissions from the vehicle motor as the air pollution control ~~[devices]~~ device furnished by the manufacturer of the vehicle as standard equipment for ~~[purposes of the first sale at retail of vehicles of]~~ the same vehicle class.

(c) ~~[It is a class B misdemeanor to render]~~ A person who renders inoperable ~~[on any motor vehicle]~~ an air pollution control ~~[devices]~~ device on a motor vehicle is guilty of a class B misdemeanor.

(4) Subsection (3) does not apply to a motor ~~[vehicles]~~ vehicle altered and modified to use clean fuel, as defined under Section 59-13-102, when the emissions from the modified or altered motor vehicle are at levels that comply with existing state or federal standards for the emission of pollutants from a motor ~~[vehicles]~~ vehicle of the same class.

~~[(5) As used in this section, "clean fuel" means:]~~

~~[(a) propane, compressed natural gas, or electricity;]~~

~~[(b) other fuel the Air Quality Board determines to be at least as effective as fuels under Subsection (a) in reducing air pollution; or]~~

~~[(c) other fuel that meets the clean fuel vehicle standards in the federal Clean Air Act Amendments of 1990, Title II.]~~

Section 201. Section **41-6a-1627**, which is renumbered from Section 41-6-148 is renumbered and amended to read:

[41-6-148]. 41-6a-1627. Mirrors.

~~[(a) Every]~~ (1) (a) A motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle ~~[and so]~~.

(b) A mirror under Subsection (1)(a) shall be located ~~[as]~~ to reflect to the driver a view of the highway to the rear of the vehicle.

~~[(b) Every motor vehicle except]~~

(2) (a) Except for a motorcycle, in addition to the mirror required under Subsection (1), a motor vehicle shall be equipped with ~~[an additional]~~ a mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side ~~[and so]~~.

(b) The mirror under Subsection (2)(a) shall be located ~~[as]~~ to reflect to the driver a view of the highway to the rear of the vehicle.

Section 202. Section **41-6a-1628**, which is renumbered from Section 41-6-148.10 is renumbered and amended to read:

[41-6-148.10]. 41-6a-1628. Seat belts -- Design and installation -- Specifications or requirements.

~~[Seat belts. -- (a) Any]~~

(1) A safety belt ~~[or safety harness]~~ installed in a vehicle ~~[and large enough]~~ to accommodate an adult person shall be designed and installed ~~[in such manner as]~~ to prevent or materially reduce the movement of the person using the ~~[same]~~ safety belt in the event of collision or upset of the vehicle.

~~[(b) The department shall establish specifications or requirements for approved-type safety belts and safety harnesses, attachments and installation, and the specifications or requirements shall not be lower in standard than those specifications or requirements for safety belts or safety harnesses established by the Society of Automotive Engineers or American Standards Association.]~~

~~[(c) No]~~ (2) A person ~~[shall]~~ may not sell, offer, or keep for sale ~~[any]~~ a safety belt~~;~~ safety harness~~;~~ or attachments ~~[thereto]~~ for use in a vehicle ~~[unless of a type which has been approved by the department]~~ that does not comply with the specifications under Section

41-6a-1601.

Section 203. Section **41-6a-1629**, which is renumbered from Section 41-6-148.29 is renumbered and amended to read:

~~[41-6-148.29].~~ **41-6a-1629. Vehicles subject to Sections 41-6a-1629 through 41-6a-1633 -- Definitions.**

~~[(1) Sections 41-6-148.29 through 41-6-148.33 apply to all motor vehicles with an original manufacturer's gross vehicle weight rating of 15,000 pounds or less operated or parked on a highway within the state.]~~

~~[(2) (1) As used in Sections [41-6-148.29] 41-6a-1629 through [41-6-148.33] 41-6a-1633:~~

~~[(a) "Commissioner" means the commissioner of the Department of Public Safety.]~~

~~[(b) (a) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest longitudinal structural member of the body of the vehicle.~~

~~[(c) (b) "Frame height" means the vertical distance between the ground and the lowest point on the frame. The distance is measured when the vehicle is unladen and on a level surface.~~

~~[(d) (c) "Gross vehicle weight rating (GVWR)" means the original manufacturer's gross vehicle weight rating, whether or not the vehicle is modified by use of parts not originally installed by the original manufacturer.~~

~~[(e) (d) "Manufacturer" means any person engaged in manufacturing or assembling new motor vehicles utilizing new parts or components, or a person defined as a manufacturer in current applicable Federal Motor Vehicle Safety Standards [(FMVSS)] and Regulations.~~

~~[(f) (e) "Mechanical alteration" or "mechanical lift" means modification or alteration of the axles, chassis, suspension, or body by any means, including tires and wheels, and excluding any load, which affects the frame height of the motor vehicle.~~

~~[(g) (f) "O.E.M." means original equipment manufacturer.~~

~~[(h) (g) "Original equipment" means an item of motor vehicle equipment, including tires, which were installed in or on a motor vehicle or available as an option for the particular~~

vehicle from the original manufacturer at the time of its delivery to the first purchaser.

~~[(†)]~~ (h) "Wheel track" means the shortest distance between the center of the tire treads on the same axle. On vehicles having dissimilar axle widths, the axle with the widest distance is used for all calculations.

(2) (a) Except as provided in Subsection (2)(b), the provisions of Sections 41-6a-1629 through 41-6a-1633 apply to all motor vehicles with an original manufacturer's gross vehicle weight rating of 15,000 pounds or less operated or parked on a highway.

~~[(3)]~~ (b) The provisions of Sections ~~[41-6-148.29]~~ 41-6a-1629 through ~~[41-6-148.33]~~ 41-6a-1633 do not apply to the following vehicles:

~~[(a)]~~ (i) implements of husbandry;

~~[(b)]~~ (ii) farm tractors;

~~[(c)]~~ (iii) road machinery;

~~[(d)]~~ (iv) road rollers; and

~~[(e)]~~ (v) historical vehicles or horseless carriages that have been restored as near to original condition as is reasonably possible.

Section 204. Section **41-6a-1630**, which is renumbered from Section 41-6-148.31 is renumbered and amended to read:

~~[41-6-148.31].~~ **41-6a-1630. Standards applicable to vehicles.**

(1) The following standards apply to vehicles under Sections ~~[41-6-148.29]~~ 41-6a-1629 through ~~[41-6-148.33]~~ 41-6a-1633:

(a) ~~[AH]~~ A replacement ~~[parts]~~ part and equipment used in a mechanical alteration shall be:

(i) designed and capable of performing the function for which they are intended; and ~~[shall be]~~

(ii) equal to or greater in strength and durability than the original parts provided by the original manufacturer.

(b) Except for original equipment, ~~[the]~~ a person may not use ~~[of]~~ spacers to increase wheel track width of ~~[any]~~ a vehicle ~~[is prohibited]~~.

(c) ~~[The]~~ A person may not use ~~[of]~~ axle blocks to alter the suspension on the front axle of ~~[any]~~ a vehicle ~~[is prohibited]~~.

(d) ~~[The stacking of]~~ A person may not stack two or more axle blocks of ~~[any]~~ a vehicle ~~[is prohibited]~~.

(2) (a) In doubtful or unusual cases, or to meet specific industrial requirements, personnel of the Utah Highway Patrol shall inspect the vehicle to determine:

(i) the road worthiness and safe condition of the vehicle; and

(ii) whether it complies with Sections ~~[41-6-148.29]~~ 41-6a-1629 through ~~[41-6-148.33]~~ 41-6a-1633.

(b) If the vehicle complies, the Utah Highway Patrol shall issue a permit of approval that shall be carried in the vehicle.

(3) (a) Upon notice to the party to whom the motor vehicle is registered, the ~~[Department of Public Safety]~~ department shall suspend the registration of any motor vehicle equipped, altered, or modified in violation of Sections ~~[41-6-148.29]~~ 41-6a-1629 through ~~[41-6-148.33]~~ 41-6a-1633.

(b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse to register any motor vehicle it has reason to believe is equipped, altered, or modified in violation of Sections ~~[41-6-148.29]~~ 41-6a-1629 through ~~[41-6-148.33]~~ 41-6a-1633.

Section 205. Section **41-6a-1631**, which is renumbered from Section 41-6-148.32 is renumbered and amended to read:

~~[41-6-148.32]~~. **41-6a-1631. Prohibitions.**

(1) A person may not operate on ~~[any]~~ a highway ~~[within the state]~~ a motor vehicle that is mechanically altered or changed:

(a) in any way that may under normal operation:

(i) cause the motor vehicle body or chassis to come in contact with the roadway~~[-]~~;

(ii) expose the fuel tank to damage from collision~~[-]~~; or

(iii) cause the wheels to come in contact with the body ~~[under normal operation]~~;

(b) in any manner that may impair the safe operation of the vehicle;

(c) so that any part of the vehicle other than tires, rims, and mudguards are less than three inches above the ground;

(d) to a frame height of more than 24 inches for a motor vehicle with a gross vehicle weight rating of less than 4,500 pounds;

(e) to a frame height of more than 26 inches for a motor vehicle with a gross vehicle weight rating of at least 4,500 pounds and less than 7,500 pounds;

(f) to a frame height of more than 28 inches for a motor vehicle with a gross vehicle weight rating of at least 7,500 pounds;

(g) by stacking or attaching vehicle frames (one from on top of or beneath another frame); or

(h) so that the lowest portion of the body floor is raised more than three inches above the top of the frame.

(2) If the wheel track is increased beyond the O.E.M. specification, the top 50% of the tires shall be covered by the original fenders, by rubber, or other flexible fender extenders under any loading condition.

~~[(3) A person who violates the provisions of this section is guilty of a class C misdemeanor.]~~

Section 206. Section **41-6a-1632**, which is renumbered from Section 41-6-148.33 is renumbered and amended to read:

~~**41-6-148.33.**~~ **41-6a-1632. Bumpers.**

(1) ~~[Every]~~ A motor vehicle shall be equipped with a bumper on both front and rear of the motor vehicle, except ~~[those that were]~~ a motor vehicle that was not originally designed or manufactured with a bumper or bumpers.

(2) (a) On ~~[a]~~ a motor ~~[vehicles]~~ vehicle under 15,000 GVWR, ~~[bumpers]~~ a bumper shall be:

- (i) at least 4.5 inches in vertical height;
- (ii) centered on the vehicle's center line; and
- (iii) extend no less than the width of the respective wheel track distance.

(b) [~~Bumpers~~] A bumper shall be securely mounted, horizontal load bearing, and attached to the motor vehicle's frame to effectively transfer impact when engaged.

(3) [~~When any~~] If a motor vehicle is originally or later equipped with [~~bumpers~~] a bumper, the [~~bumpers~~] bumper shall:

(a) be maintained in operational condition; and [~~shall~~]

(b) comply with this section.

Section 207. Section **41-6a-1633**, which is renumbered from Section 41-6-150.10 is renumbered and amended to read:

~~[41-6-150.10].~~ 41-6a-1633. Mudguards or flaps at rear wheels of trucks, trailers, truck tractors, or altered motor vehicles -- Exemptions.

~~[(1) The definitions in Section 41-6-148.29 apply to this section.]~~

~~[(2)]~~ (1) (a) Except as provided in [~~Subsections (3) and (4)~~] Subsection (2), when operated on a highway, the following vehicles shall be equipped with wheel covers, mudguards, flaps, or splash aprons behind the rearmost wheels to prevent, as far as practicable, the wheels from throwing dirt, water, or other materials on other vehicles:

(i) a vehicle that has been altered:

(A) from the original manufacturer's frame height; or

(B) in any other manner so that the motor vehicle's wheels may throw dirt, water, or other materials on other vehicles;

(ii) any truck with a gross vehicle weight rating of 10,500 pounds or more;

(iii) any truck tractor; and

(iv) any trailer or semitrailer with an unladen weight of 750 pounds or more.

(b) The wheel covers, mudguards, flaps, or splash aprons shall:

(i) be at least as wide as the tires they are protecting;

(ii) be directly in line with the tires; and

(iii) have a ground clearance of not more than 50% of the diameter of a rear-axle wheel, under any conditions of loading of the motor vehicle.

~~[(3)]~~ (2) Wheel covers, mudguards, flaps, or splash aprons are not required;

(a) if the motor vehicle, trailer, or semitrailer is designed and constructed so that the requirements of Subsection (1) are accomplished by means of fenders, body construction, or other means of enclosure[-]; or

~~[(4) Wheel covers, mudguards, flaps, or splash aprons are not required]~~

(b) on a vehicle operated or driven during fair weather on well-maintained, hard-surfaced roads if the motor vehicle:

~~[(a)]~~ (i) was made in America prior to 1935;

~~[(b)]~~ (ii) is registered as a vintage vehicle; or

~~[(c)]~~ (iii) is a replica vehicle as defined under Section ~~[41-6-155.5]~~ 41-6a-1507.

~~[(5)]~~ (3) Except as provided in Subsection ~~[(4)]~~ (2)(b), rear wheels not covered at the top by fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means extending rearward at least to the center line of the rearmost axle.

Section 208. Section **41-6a-1634**, which is renumbered from Section 41-6-148.40 is renumbered and amended to read:

~~[41-6-148.40].~~ **41-6a-1634. Safety chains on towed vehicles required --**

Exceptions.

~~[Safety chains on trailers. -- Every]~~

(1) A towed vehicle shall be coupled by means of a safety chain, cable or equivalent device, in addition to the regular trailer hitch or coupling.

~~[(a) Such]~~ (2) Except as provided under Subsection (3), a safety chain, cable or equivalent device shall be:

(a) securely connected with the chassis of the towing vehicle, the towed vehicle, and the drawbar[-];

(b) ~~[It shall be]~~ of sufficient material and strength to prevent the two vehicles from becoming separated~~[-, and shall]~~; and

(c) attached to:

(i) have no more slack than is necessary for proper turning[-];

~~[(c) Such safety chain, cable or equivalent device shall be attached to]~~

(ii) the trailer drawbar [~~so as~~] to prevent it from dropping to the ground[;]; and [~~to~~]
 (iii) assure the towed vehicle follows substantially in the course of the towing vehicle in case the vehicles become separated.

~~[(d) This requirement does]~~

(3) The provisions of Subsection (2) do not apply to a:

(a) semitrailer having a connecting device composed of a fifth wheel and king pin assembly[~~, nor to a~~]; or

(b) pole trailer.

Section 209. Section **41-6a-1635**, which is renumbered from Section 41-6-149 is renumbered and amended to read:

~~[41-6-149].~~ **41-6a-1635. Windshields and windows -- Tinting -- Obstructions reducing visibility -- Wipers -- Prohibitions.**

(1) Except as provided in Subsections (2) and (3), a person may not operate a motor vehicle with:

- (a) a windshield that allows less than 70% light transmittance;
- (b) a front side window that allows less than 43% light transmittance;
- (c) any windshield or window that is composed of, covered by, or treated with any material or component that presents a metallic or mirrored appearance; or
- (d) any sign, poster, or other nontransparent material on the windshield[~~, sidewings,~~] or side windows of the motor vehicle except:
 - (i) a certificate or other paper required to be so displayed by law; or
 - (ii) the vehicle's identification number displayed or etched in accordance with rules made by the department under Section 41-6a-1601.

(2) Nontransparent materials may be used:

(a) along the top edge of the windshield if the materials do not extend downward more than four inches from the top edge of the windshield or beyond the AS-1 line whichever is lowest;

(b) in the lower left-hand corner of the windshield provided they do not extend more than

three inches to the right of the left edge or more than four inches above the bottom edge of the windshield; or

(c) on the rear windows.

(3) A windshield or other window is considered to comply with the requirements of Subsection (1) if the windshield or other window meets the federal statutes and regulations for motor vehicle window composition, covering, light transmittance, and treatment.

(4) Except for material used on the windshield in compliance with Subsections (2)(a) and (b), a motor vehicle with tinting or nontransparent material on any window shall be equipped with rear-view mirrors mounted on the left side and on the right side of the motor vehicle to reflect to the driver a view of the highway to the rear of the motor vehicle.

(5) (a) (i) The windshield on ~~[every]~~ a motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield.

(ii) The device shall be constructed to be operated by the ~~[driver]~~ operator of the motor vehicle.

(b) ~~[Every]~~ A windshield wiper on a motor vehicle shall be maintained in good working order.

(6) ~~[(a)]~~ A person may not have for sale, sell, offer for sale, install, cover, or treat a windshield or window in violation of this section.

~~[(b) A person who violates this section is guilty of a class C misdemeanor.]~~

(7) Notwithstanding this section, any person subject to the federal Motor Vehicle Safety Standards, including motor vehicle manufacturers, distributors, dealers, importers, and repair businesses, shall comply with the federal standards on motor vehicle window tinting.

Section 210. Section **41-6a-1636**, which is renumbered from Section 41-6-150 is renumbered and amended to read:

~~[41-6-150].~~ 41-6a-1636. Tires which are prohibited -- Regulatory powers of state transportation department -- Winter use of studs -- Special permits -- Tread depth.

~~[(a) Every]~~ (1) A solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

~~[(b) No]~~ (2) A person ~~[shall]~~ may not operate or move on ~~[any]~~ a highway ~~[any]~~ a motor vehicle, trailer, or semitrailer having ~~[any]~~ a metal tire in contact with the roadway.

~~[(c) No]~~ (3) Except as otherwise provided in this section, a person may not have a tire on a vehicle that is moved on a highway [shall have on its] that has on the tire's periphery [any] a block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which [project] projects beyond the tread of the traction surface of the tire[, except as otherwise provided in this section. The state department of transportation may by regulation].

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Department of Transportation may make rules to permit the use of tires on a vehicle having protuberances other than rubber [when it], if the department concludes that [they will] protuberances do not:

(a) damage the highway significantly[;]; or

(b) constitute a hazard to life, health, or property. [Notwithstanding anything to the contrary contained in this section or in any such regulation, it is permissible to use on a vehicle tires]

(5) Notwithstanding any other provision of this section, a person may use:

(a) a tire with protuberances consisting of tungsten carbide studs on a vehicle if the studs:

(i) are only used during the winter periods of October fifteenth through December thirty-first and January first through March thirty-first of each year [if the tungsten carbide studs shall];

(ii) do not project beyond the tread of the traction surface of the tire more than .050 inches; [but tires bearing these tungsten carbide studs shall not be used at any time on] and

(iii) are not used on a vehicle with a maximum gross weight in excess of 9,000 pounds unless the vehicle is an emergency vehicle or school bus[, an emergency vehicle or school bus being allowed to use tires bearing these studs during these periods. It shall be permissible to use];

(b) farm machinery with tires having protuberances which will not injure the highway[; and also it shall be permissible to use]; and

(c) tire chains of reasonable proportions [upon any] on a vehicle when required for safety

because of snow, ice, or other conditions tending to cause a vehicle to skid.

~~[(d) The Department of Transportation and local authorities in their respective jurisdictions may, in their discretion,]~~

(6) Notwithstanding any other provision of this chapter, a highway authority, for a highway under its jurisdiction, may issue special permits authorizing the operation [upon] on a highway of:

(a) farm tractors;

(b) other farm machinery; or

(c) traction engines or tractors having movable tracks with transverse corrugations [upon] on the periphery of [such] the movable tracks [or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter].

~~[(e)]~~ (7) (a) A person [shall] may not operate [any] a vehicle [when] if one or more of the tires in use on [that] the vehicle;

(i) is in an unsafe operating condition; or

(ii) has a tread depth less than 2/32 inch measured in any two adjacent tread grooves at three equally spaced intervals around the circumference of the tire [but such measurements shall].

(b) The measurement under Subsection (7)(a) may not be made at the location of any tread wear indicator, tie bar, hump, or fillet.

~~[(f)]~~ (8) A person in the business of selling tires [shall] may not sell or offer for sale for highway use any tire [which is in unsafe condition or which has a tread depth of less than 2/32 inch measured as specified in Subsection (e)] prohibited for use under Subsection (7).

Section 211. Section **41-6a-1637**, which is renumbered from Section 41-6-152 is renumbered and amended to read:

~~[41-6-152].~~ **41-6a-1637. Flares, fusees, or electric lanterns and flags -- Alternative reflector units -- Duty to carry in trucks and buses -- Requirements.**

~~[(a) No]~~ (1) Except as provided under Subsection (2) and unless the vehicle is carrying the equipment required under this section, a person [shall] may not operate [any] a truck, bus or truck-tractor, or [any] a motor vehicle towing a house trailer[, upon any]:

(a) on a highway outside an urban district; or [upon any]

(b) on a divided highway [at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicles the following equipment except as provided in Subsection (b):] during hours of darkness specified under Section 41-6a-1603.

[(1) At] (2) (a) The vehicle shall carry at least:

(i) three flares [or];

(ii) three red electric lanterns [or];

(iii) three portable red emergency reflectors[, each of which]; or

(iv) three red-burning fusees.

(b) The equipment required under Subsections (2)(a)(i) and (ii) shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions [at nighttime. No] during the hours of darkness.

(c) The equipment required under Subsection (2)(a)(iii) shall be capable of reflecting red light clearly visible from a distance of not less than 600 feet under normal atmospheric conditions during the hours of darkness when directly in front of lawful lower beams of head lamps.

(3) A flare, fusee, electric lantern [or], warning flag [shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the commissioner and approved by him. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within 600 feet to 100 feet under normal atmospheric conditions at night when directly in front of lawful lower beams of head lamps, and unless it is of a type which has been submitted to the commissioner and approved by him.], or portable reflector used under this section or Section 41-6a-1638 shall comply with specifications adopted under Section 41-6a-1601.

[(2) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.]

[(b) No] (4) (a) A person [shall operate at the time and under conditions stated in

Subsection (a) ~~any~~ may not operate a motor vehicle used for the transportation of explosives or any cargo tank truck used for the transportation of flammable liquids or compressed gases under the conditions specified under Subsections (1)(a) and (b) unless there ~~shall be~~ is carried in ~~such~~ the vehicle;

(i) three red electric lanterns; or

(ii) three portable red emergency reflectors ~~[meeting the requirements of Subsection (a); and there shall not be carried in any said vehicle, or in any].~~

(b) A person operating a vehicle specified under Subsection (4)(a) or a vehicle using compressed gas as a motor fuel~~[-any flares, fusees]~~ may not carry in the vehicle a flare, fusee, or signal produced by flame.

~~[(c) No]~~ (5) A person [shall] may not operate [any] a vehicle described [in Subsection (a) or (b) upon any] under this section on a highway outside of an urban district or [upon] on a divided highway [at any time when lighted lamps are not required by Section 41-6-118 unless there shall be carried in such vehicle] during daylight hours unless at least two red flags, not less than 12 inches square, with standards to support ~~such~~ the flags are carried in the vehicle.

Section 212. Section **41-6a-1638**, which is renumbered from Section 41-6-153 is renumbered and amended to read:

~~[41-6-153]. 41-6a-1638. Warning signal around disabled vehicle -- Time and place.~~

(1) (a) ~~[Whenever any]~~ When a truck, bus, truck-tractor, trailer, semitrailer, or pole trailer 80 inches or more in over-all width or 30 feet or more in over-all length is stopped [upon] on a roadway or adjacent shoulder, the [driver] operator shall immediately actuate vehicular hazard warning signal lamps meeting the requirements of Section ~~[41-6-133] 41-6a-1611.~~

(b) The signal lights need not be displayed by a vehicle:

(i) parked lawfully in an urban district;

(ii) stopped lawfully to receive or discharge passengers;

(iii) stopped to avoid conflict with other traffic or to comply with the directions of a peace officer or an official traffic-control device; or

(iv) while the devices specified in Subsections (2) through ~~[(7)]~~ (6) are in place.

(2) (a) Except as provided in Subsection (3), ~~[whenever any]~~ if a vehicle of a type [referred to in] specified under Subsection (1) is disabled[;] or stopped for more than ten minutes[; upon] on a roadway outside of an urban district [at any time when lighted lamps are required, the driver] under the conditions specified under Subsection 41-6a-1603(1), the operator of the vehicle shall display the following warning devices:

~~[(a)]~~ (i) a lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic; and

~~[(b)]~~ (ii) as soon [thereafter as possible but in any event] as possible after placing the warning devices under Subsection (2)(a)(i) but within the burning period of the fusee (15 minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns, or three portable red emergency reflectors on the roadway in the following order:

~~[(i)]~~ (A) one approximately 100 feet from the disabled vehicle in the center of the lane occupied by ~~[such] the~~ vehicle and toward traffic approaching in that lane;

~~[(ii)]~~ (B) one approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by the vehicle; and

~~[(iii)]~~ (C) one at the traffic side of the disabled vehicle not less than ten feet rearward or forward of the disabled vehicle in the direction of the nearest approaching traffic.

(b) If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with Subsection (2)~~[(b)(i)]~~(a)(ii)(A), ~~[it may be placed for this purpose]~~ a rearward lantern or reflector under Subsection (2)(a)(ii)(C) is not required.

(3) ~~[Whenever any]~~ If a vehicle [referred to in] specified under this section is disabled, or stopped for more than ten minutes:

(a) within 500 feet of a curve, hillcrest, or other obstruction to view, the warning device in that direction shall be ~~[so]~~ placed ~~[as]~~ to afford ample warning to other users of the highway,

but in no case less than 100 feet ~~[nor]~~ or more than 500 feet from the disabled vehicle;

(b) ~~[upon any]~~ on a roadway of a divided highway ~~[during the time lighted lamps are required]~~ under the conditions specified under Subsection 41-6a-1603(1), the appropriate warning devices ~~[prescribed in]~~ required under Subsections (2) and (4) shall be placed as follows:

(i) one at a distance of approximately 200 feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

(ii) one at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and

(iii) one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic; or

(c) ~~[upon]~~ on a roadway outside of an urban district or ~~[upon]~~ on the roadway of a divided highway ~~[at any time when lighted lamps are not required by Section 41-6-118]~~ not under the conditions specified under Subsection 41-6a-1603(1), the driver of the vehicle shall display two red flags as follows:

(i) if traffic on the roadway moves in two directions, one flag shall be placed approximately 100 feet to the rear and one flag approximately 100 feet in advance of the vehicle in the center of the lane occupied by ~~[such]~~ the vehicle; or

(ii) ~~[upon]~~ on a one-way roadway, one flag shall be placed approximately 100 feet and one flag approximately 200 feet to the rear of the vehicle in the center of the lane occupied by ~~[such]~~ the vehicle.

(4) ~~[(a) Whenever any]~~ When a motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed gas is disabled, or stopped for more than ten minutes, at any time and place ~~[mentioned in]~~ specified under Subsection (2) or (3), the ~~[driver]~~ operator of the vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner as specified in ~~[Subsections]~~ Subsection (2) or (3).

~~[(b) Flares, fuseses, or signals produced by flame may not be used as warning devices for~~

vehicles of the type mentioned in this Subsection (4) nor for vehicles using compressed gas as a fuel.]

(5) The warning devices [~~described in~~] specified under Subsections (2) through (4) [~~need not~~] are not required to be displayed where there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet.

(6) [~~At any time and place that any~~] If a vehicle described [~~in~~] under this section is stopped entirely off the roadway and on an adjacent shoulder, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.

[~~(7) The flares, fuseses, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the applicable requirements of Section 41-6-152.~~]

Section 213. Section **41-6a-1639**, which is renumbered from Section 41-6-154 is renumbered and amended to read:

[~~41-6-154~~]. 41-6a-1639. Hazardous materials -- Transportation regulations -- Fire extinguishers.

[~~(a) The~~] (1) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Department of Transportation shall [~~adopt such regulations as may be necessary~~] make rules for the safe transportation of hazardous materials. [~~Such regulations shall duplicate~~]

(b) The rules shall adopt by reference or be consistent with current Hazardous Materials Regulations of the United States Department of Transportation. [~~The department of transportation is hereby authorized to adopt said Hazardous Materials Regulations by reference and any such~~]

(c) An adoption by reference under Subsection (1)(b) shall be construed to incorporate amendments thereto as may be made from time to time.

[~~(b) Any~~] (2) A person operating a vehicle transporting any hazardous material as a cargo or part of a cargo [~~upon~~] on a highway shall at all times comply with [~~regulations of~~] rules made by the Department of Transportation [~~adopted pursuant to the provisions of~~] under this

section[-] including being:

~~[(c) Said vehicle shall be]~~

~~(a) marked or placarded [at such places and in such manner as have been prescribed by regulations adopted pursuant to this section.]; and~~

~~[(d) Every said vehicle shall be]~~

(b) equipped with fire extinguishers;

(i) of a type, size, and number approved by [the Department of Transportation,] rule; and

(ii) that are filled [and], ready for immediate use, and placed at a convenient point on the vehicle [so used].

Section 214. Section **41-6a-1640**, which is renumbered from Section 41-6-154.10 is renumbered and amended to read:

~~[41-6-154.10].~~ **41-6a-1640. Air conditioning equipment -- Requirements.**

~~[(a) The term] (1) As used in this section, "air conditioning equipment" [as used or referred to in this section shall mean] means mechanical vapor compression refrigeration equipment [which is] used to cool the [driver's] operator or passenger compartment of [any] a motor vehicle.~~

~~[(b) Such] (2) Air conditioning equipment shall;~~

(a) be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public; and [shall]

(b) not contain any refrigerant which is toxic to persons or which is flammable.

~~[(c) The department may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers.]~~

~~[(d) No] (3) A person [shall] may not have for sale, offer for sale, sell, or equip any motor vehicle with [any such] air conditioning equipment unless it complies with the [requirements of] specifications adopted under Section 41-6a-1601 and this section.~~

~~[(e) No] (4) A person [shall] may not operate [on any highway any] a motor vehicle on a~~

highway if the motor vehicle is equipped with [any air-conditioning] air conditioning equipment unless [said] the air conditioning equipment complies with the [requirements of] specifications adopted under Section 41-6a-1601 and this section.

Section 215. Section **41-6a-1641**, which is renumbered from Section 41-6-154.20 is renumbered and amended to read:

~~[41-6-154.20].~~ **41-6a-1641. Video display in motor vehicles prohibited if visible to driver -- Exceptions.**

(1) A motor vehicle may not be operated on a highway if the motor vehicle is equipped with ~~[television-type receiving equipment so]~~ a video display located so that the ~~[viewer or screen]~~ display is visible ~~[from the driver's seat]~~ to the operator of the vehicle.

(2) This section does not prohibit the use of ~~[television-type receiving equipment]~~ a video display used exclusively for:

(a) safety or law enforcement purposes if the use is approved by rule of the department under Section 41-6a-1601; ~~[or]~~

(b) motor vehicle navigation~~[?]~~; or

(c) monitoring of equipment and operating systems of the motor vehicle.

Section 216. Section **41-6a-1642**, which is renumbered from Section 41-6-163.6 is renumbered and amended to read:

~~[41-6-163.6].~~ **41-6a-1642. Emissions inspection -- County program.**

(1) The legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard shall require:

(a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is exempt from emissions inspection and maintenance program requirements be presented:

(i) as a condition of registration or renewal of registration; and

(ii) at other times as the county legislative body may require to enforce inspection requirements for individual motor vehicles, except that the county legislative body may not

routinely require a certificate of emission inspection, or waiver of ~~[such]~~ the certificate, more often than required under Subsection (6); and

~~[(b) all motor vehicles owned by or being used by all departments, instrumentalities, agencies, and employees of the federal government, the state and any of its agencies, and all political subdivisions of the state including school districts and registered or principally operated in that county comply with this section.]~~

(b) compliance with this section for a motor vehicle registered or principally operated in the county and owned by or being used by a department, division, instrumentality, agency, or employee of:

- (i) the federal government;
- (ii) the state and any of its agencies; or
- (iii) a political subdivision of the state, including school districts.

(2) (a) The legislative body of a county identified in Subsection (1), in consultation with the Air Quality Board created under Section 19-1-106, shall make ~~[rules]~~ regulations or ordinances regarding:

- (i) emissions standards[-];
- (ii) test procedures[-];
- (iii) inspections stations[-];
- (iv) repair requirements and dollar limits for correction of deficiencies[-]; and
- (v) certificates of emissions inspections ~~[which are determined necessary by the county legislative body in consultation with the Air Quality Board created in Section 19-1-106].~~

(b) The regulations or ordinances shall:

- (i) be made to attain or maintain ambient air quality standards in the county, consistent with the state implementation plan and federal requirements[-]; and
- (ii) may allow for a phase-in of the program by geographical area.

(c) The county legislative body and the ~~[board]~~ Air Quality Board shall give preference to an inspection and maintenance program that is:

- ~~[(a)]~~ (i) decentralized, to the extent the decentralized program will attain and maintain

ambient air quality standards and meet federal requirements;

~~[(b)]~~ (ii) the most cost effective means to achieve and maintain the maximum benefit with regard to ambient air quality standards and to meet federal air quality requirements as related to vehicle emissions; and

~~[(c)]~~ (iii) providing a reasonable phase-out period for replacement of air pollution emission testing equipment made obsolete by the program~~[-but]~~.

(d) The provisions of Subsection (2)(c)(iii) apply only to the extent the phase-out:

(i) may be accomplished in accordance with applicable federal requirements; and [the phase-out]

(ii) does not otherwise interfere with the attainment and maintenance of ambient air quality standards. [The rules may allow for a phase-in of the program by geographical area.]

(3) [Agricultural implements] The following vehicles are exempt from the provisions of this section:

(a) an implement of husbandry; and [any]

(b) a motor vehicle that:

(i) meets the definition of a farm truck under Section 41-1a-102; and

(ii) has a gross vehicle weight rating of 12,001 pounds or more [are exempt from this section].

(4) (a) The legislative body of a county identified in Subsection (1) shall exempt [any] a pickup truck, as defined in Section 41-1a-102, [having] with a gross vehicle weight of 12,000 pounds or less from the emission inspection requirements of this section, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:

(i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under Sections 59-2-502 and 59-2-503; and

(ii) exclusively for the following purposes in operating the farm:

(A) for the transportation of farm products, including livestock and its products, poultry and its products, floricultural and horticultural products; and

(B) in the transportation of farm supplies, including tile, fence, and every other thing or

commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and maintenance.

(b) The county shall provide to the registered owner who signs and submits a signed statement under this section a certificate of exemption from emission inspection requirements for purposes of registering the exempt vehicle.

(5) (a) Each college or university located in a county subject to this section shall require its students and employees who park ~~[any] a motor vehicle [on its campus or property that is not registered in a county subject to this section]~~ not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property.

(b) College or university parking areas that are metered or for which payment is required per use are not subject to the requirements of this Subsection (5).

(6) (a) An emissions inspection station shall issue a certificate of emissions inspection for each motor vehicle that meets the inspection and maintenance program requirements established in rules made under Subsection (2).

(b) The frequency of the emissions inspection shall be determined based on the age of the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (6)(c).

(c) (i) To the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative body of a county identified in Subsection (1) shall only require the emissions inspection every two years for each vehicle.

(ii) The provisions of Subsection (6)(c)(i) apply only to a vehicle that is less than six years old on January 1.

(d) If an emissions inspection is only required every two years for a vehicle under Subsection (6)(c), the inspection shall be required for the vehicle in:

- (i) odd-numbered years for vehicles with odd-numbered model years; or
- (ii) in even-numbered years for vehicles with even-numbered model years.

(7) The emissions inspection shall be required within the same time limit applicable to a safety inspection under Section 41-1a-205.

(8) (a) [~~Counties~~] A county identified in Subsection (1) shall collect information about and monitor the program.

(b) [~~The counties~~] A county identified in Subsection (1) shall supply this information to an appropriate legislative committee, as designated by the Legislative Management Committee, at times determined by [~~that~~] the designated committee to identify program needs, including funding needs.

(9) If approved by the county legislative body, a county that had an established emissions inspection fee as of January 1, 2002, may increase the established fee that an emissions inspection station may charge by \$2.50 for each year that is exempted from emissions inspections under Subsection (6)(c) up to a \$7.50 increase.

Section 217. Section **41-6a-1643**, which is renumbered from Section 41-6-163.7 is renumbered and amended to read:

~~[41-6-163.7].~~ **41-6a-1643. Development of standardized emissions inspection and maintenance program.**

(1) The county legislative body of each county in which an emissions inspection and maintenance program for motor vehicles is implemented to meet National Ambient Air Quality Standards may enter into an agreement under Title 11, Chapter 13, Interlocal Cooperation Act, to develop an emissions inspection and maintenance program that:

(a) requires standardized, computerized testing equipment;

(b) provides for reciprocity, so that a person required to submit an emissions certificate for vehicle registration may obtain an emissions certificate from any county in which a vehicle emissions inspection and maintenance program is in operation; and

(c) requires standardized emissions standards for all counties entering into an agreement under this section.

(2) Emissions standards set under Subsection (1) shall allow all counties identified in Subsection (1) to meet the National Ambient Air Quality Standards.

(3) Each county legislative body entering into an agreement under Subsection (1) shall make regulations or ordinances to implement the emissions inspection and maintenance program developed under Subsection (1).

Section 218. Section **41-6a-1644**, which is renumbered from Section 41-6-163.8 is renumbered and amended to read:

[41-6-163.8]. 41-6a-1644. Diesel emissions program -- Implementation -- Monitoring.

The legislative body of each county required by the comprehensive plan for air pollution control developed by the Air Quality Board under Subsection 19-2-104(3)(e) to use an emissions opacity inspection and maintenance program for diesel-powered motor vehicles shall:

- (1) make regulations or ordinances to implement and enforce the requirement established by the Air Quality Board;
- (2) collect information about and monitor the program; and
- (3) by August 1 of each year supply written information to the Department of Environmental Quality to identify program status.

Section 219. Section **41-6a-1701**, which is renumbered from Section 41-6-106 is renumbered and amended to read:

Part 17. Miscellaneous Rules

[41-6-106]. 41-6a-1701. Backing -- When permissible.

~~[(a) The driver]~~ (1) The operator of a vehicle ~~[shall]~~ may not back the ~~[same]~~ vehicle unless ~~[such]~~ the movement can be made with safety and without interfering with other traffic.

~~[(b) The driver]~~ (2) The operator of a vehicle ~~[shall]~~ may not back the ~~[same upon any]~~ vehicle on a shoulder or roadway of ~~[any]~~ a limited-access roadway.

Section 220. Section **41-6a-1702**, which is renumbered from Section 41-6-106.10 is renumbered and amended to read:

[41-6-106.10]. 41-6a-1702. Sidewalk -- Driving prohibited -- Exception.

(1) Except for a bicycle or device propelled by human power, a person may not operate a vehicle ~~[upon]~~ on a sidewalk or sidewalk area ~~[except upon a driveway]~~.

(2) The provisions of Subsection (1) do not apply on a driveway.

Section 221. Section **41-6a-1703**, which is renumbered from Section 41-6-108 is renumbered and amended to read:

[41-6-108]. 41-6a-1703. Prohibition as to passenger riding on improper portion of motor vehicle -- Exceptions.

~~[No]~~ (1) A person ~~[shall ride, and no person driving]~~ may not ride and a person operating a motor vehicle ~~[shall]~~ may not knowingly permit ~~[any]~~ a person to ride~~[, upon]~~ on any portion of ~~[any]~~ a vehicle not designed or intended for the use of passengers.

(2) This provision ~~[shall]~~ does not apply to ~~[any vehicle driven elsewhere than upon a highway or to]:~~

(a) a vehicle that is not being operated on a highway;

(b) an employee engaged in the necessary discharge of [his] the employee's duty ~~[or to persons]; or~~

(c) a person riding within or [upon any] on a motor vehicle in a space intended for ~~[any]~~ a load on ~~[said] the~~ vehicle.

Section 222. Section **41-6a-1704**, which is renumbered from Section 41-6-108.10 is renumbered and amended to read:

[41-6-108.10]. 41-6a-1704. Vehicle door -- Prohibited opening.

~~[No]~~ (1) A person ~~[shall]~~ may not open the door of a motor vehicle on a side available to moving traffic unless ~~[and until it is safe to do so and]~~ it can be done safely and without interfering with the movement of other traffic~~[, nor shall any person].~~

(2) A person may not leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Section 223. Section **41-6a-1705**, which is renumbered from Section 41-6-109 is renumbered and amended to read:

[41-6-109]. 41-6a-1705. Obstruction to driver's view or driving mechanism.

(1) ~~[No person shall drive]~~ A person may not operate a vehicle when it is ~~[so]~~ loaded~~;~~ or when there are in the front seat ~~[such number of persons, exceeding three, as to]~~ more than three

persons that:

(a) obstruct the view of the [~~driver~~] operator to the front or sides of the vehicle [~~or as to~~];

(b) interfere with the [~~driver's~~] operator's control over the driving mechanism of the vehicle.

(2) [~~No~~] A passenger in a vehicle [shall] may not ride in [such position as to interfere with the driver's] a position that interferes with the operator's:

(a) view ahead or to the sides[~~, or to interfere with his~~]; or

(b) control over the driving mechanism of the vehicle.

Section 224. Section **41-6a-1706**, which is renumbered from Section 41-6-109.5 is renumbered and amended to read:

[41-6-109.5]. 41-6a-1706. Occupancy of a trailer or semitrailer while being moved on highway prohibited.

(1) A person may not occupy a trailer or semitrailer while it is being drawn by a motor vehicle [~~upon~~] on a public highway.

(2) This section does not apply to a:

(a) livestock trailer or livestock semitrailer;

(b) trailer or semitrailer being used for participation in a parade; or

(c) trailer or semitrailer being used in an agricultural operation.

Section 225. Section **41-6a-1707**, which is renumbered from Section 41-6-109.10 is renumbered and amended to read:

[41-6-109.10]. 41-6a-1707. Entering intersection, crosswalk, or railroad grade -- Sufficient space required.

[~~No driver shall~~] The operator of a vehicle may not enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle [~~he is operating~~] without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic-control signal indication to proceed.

Section 226. Section **41-6a-1708**, which is renumbered from Section 41-6-110 is

renumbered and amended to read:

~~[41-6-110].~~ 41-6a-1708. Driving in canyons and on mountain highways.

The ~~[driver]~~ operator of a motor vehicle traveling through defiles or canyons or on mountain highways shall:

(1) hold ~~[such]~~ the motor vehicle under control and as near the right-hand edge of the roadway as reasonably possible; and~~[-]~~

(2) except when driving entirely on the right of the center of the roadway ~~[shall]~~, give an audible warning with the horn of ~~[such]~~ the motor vehicle upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway.

Section 227. Section **41-6a-1709**, which is renumbered from Section 41-6-111 is renumbered and amended to read:

~~[41-6-111].~~ 41-6a-1709. Coasting prohibited.

~~[(a) The driver of any]~~ (1) The operator of a motor vehicle, when traveling ~~[upon]~~ on a downgrade ~~[shall]~~, may not coast with the gears or transmission of ~~[such]~~ the vehicle in neutral.

~~[(b) The driver]~~ (2) The operator of a truck or bus, when traveling ~~[upon]~~ on a downgrade ~~[shall]~~, may not coast with the clutch disengaged.

Section 228. Section **41-6a-1710**, which is renumbered from Section 41-6-112 is renumbered and amended to read:

~~[41-6-112].~~ 41-6a-1710. Following or parking near fire apparatus prohibited.

~~[The driver of any vehicle other than one of official business shall not follow]~~ Except for an authorized emergency vehicle, the operator of a vehicle may not:

(1) follow closer than 500 feet any fire apparatus traveling in response to a fire alarm ~~[closer than 500 feet or stop such]; or~~

(2) stop the vehicle within 500 feet of ~~[any]~~ a fire apparatus which has stopped in answer to a fire alarm.

Section 229. Section **41-6a-1711**, which is renumbered from Section 41-6-113 is renumbered and amended to read:

~~[41-6-113].~~ 41-6a-1711. Driving over firehose.

~~[No]~~ The operator of a vehicle ~~[shall be driven]~~ may not drive over an unprotected hose of a fire department when laid down on ~~[any]~~ a street, private road, or driveway to be used at ~~[any]~~ a fire or alarm of fire, without the consent of the fire department official in command.

Section 230. Section **41-6a-1712**, which is renumbered from Section 41-6-114 is renumbered and amended to read:

~~[41-6-114].~~ **41-6a-1712. Destructive or injurious materials on highways, parks, recreation areas, waterways, or other public or private lands -- Throwing lighted material from moving vehicle -- Enforcement officers -- Litter receptacles required.**

(1) ~~[It shall be unlawful for any person to]~~ A person may not throw, deposit, or discard, or to permit to be dropped, thrown, deposited, or discarded ~~[upon]~~ on any public road, highway, park, recreation area, or other public or private land, or waterway, any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could mar or impair the scenic aspect or beauty of the land in the state whether under private, state, county, municipal, or federal ownership without the permission of the owner or person having control or custody of the land.

(2) ~~[Any]~~ A person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, ~~[upon]~~ on any public road, highway, park, recreation area, or other public or private land or waterway any destructive, injurious, or unsightly material shall:

- (a) immediately remove the material or cause it to be removed; and
- (b) deposit the material in a receptacle designed to receive the material.

(3) ~~[Any]~~ A person distributing commercial handbills, leaflets, or other advertising shall take whatever measures are reasonably necessary to keep the material from littering public or private property or public roadways.

(4) ~~[Any]~~ A person removing a wrecked or damaged vehicle from a public road, highway, park, recreation area, or other public or private land shall remove any glass or other injurious substance dropped from the vehicle ~~[upon]~~ on the road or highway or in the park, recreation area, or other public or private land.

(5) ~~[It shall be unlawful to]~~ A person may not throw any lighted material from a moving

vehicle.

(6) Except as provided in Section 72-7-409, any person transporting loose cargo by truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent the cargo from littering or spilling on both public and private property or public roadways.

(7) ~~[Any]~~ A person in charge of a construction or demolition site shall take reasonable steps to prevent the accumulation of litter at the construction or demolition site.

(8) (a) ~~[Officers of the Division of Wildlife Resources and Parks and Recreation, peace officers of incorporated cities and towns, sheriffs and their deputies, deputy state fire wardens, state capitol security officers, and other officers of the state, within their]~~ A law enforcement officer as defined in Section 53-13-103, within the law enforcement officer's jurisdiction, shall enforce the provisions of this section.

(b) Each officer in Subsection (8)(a) is empowered to issue citations to ~~[any]~~ a person ~~[violating]~~ who violates any of the provisions of this section and may serve and execute all warrants, citations, and other process issued by any court in enforcing this section.

(9) ~~[Each]~~ An operator of a park, campground, trailer park, drive-in restaurant, gasoline service station, shopping center, grocery store parking lot, tavern parking lot, parking lots of industrial firms, marina, boat launching area, boat moorage and fueling station, public and private pier, beach, and bathing area shall maintain sufficient litter receptacles on the premises to accommodate the litter that accumulates.

(10) ~~[Cities and towns within their]~~ A municipality within its corporate limits and [counties] a county outside of incorporated ~~[cities and towns shall have power to]~~ municipalities may enact local ordinances to carry out the provisions of this section.

Section 231. Section **41-6a-1713**, which is renumbered from Section 41-6-114.1 is renumbered and amended to read:

~~[41-6-114.1].~~ **41-6a-1713. Penalty for littering.**

(1) ~~[Any person violating]~~ A person who violates any of the provisions of Section ~~[41-6-114]~~ 41-6a-1712 is guilty of a class C misdemeanor and shall be fined not less than \$100 for each violation.

(2) The sentencing judge may [~~impose as additional penalties the requirements~~] require that the offender devote at least four hours in cleaning up:

- (a) litter caused by him; and
- (b) existing litter from a safe area designated by the sentencing judge.

Section 232. Section **41-6a-1714**, which is renumbered from Section 41-6-114.2 is renumbered and amended to read:

~~[41-6-114.2].~~ 41-6a-1714. Warning signs.

The Department of Transportation shall place adequate warning signs wherever it considers proper within the state notifying all persons using the public roads, highways, parks, or recreation areas[;] of the provisions of [~~this act, wherever they deem it proper within the state~~] Sections 41-6a-1712 and 41-6a-1713.

Section 233. Section **41-6a-1801**, which is renumbered from Section 41-6-181 is renumbered and amended to read:

Part 18. Motor Vehicle Safety Belt Usage Act

~~[41-6-181].~~ 41-6a-1801. Short title.

This [~~article~~] part is known as the "Motor Vehicle [~~Seat~~] Safety Belt Usage Act."

Section 234. Section **41-6a-1802**, which is renumbered from Section 41-6-181.5 is renumbered and amended to read:

~~[41-6-181.5].~~ 41-6a-1802. Definitions.

As used in this [~~article~~] part:

(1) "Child restraint device" means a child restraint device [~~approved by the commissioner of the Department of Public Safety~~] that meets standards adopted under Section 41-6a-1601.

(2) "Motor vehicle" means a vehicle defined in Section 41-1a-102, except vehicles that are not equipped with safety belts by the manufacturer.

(3) "Safety belt" means a safety belt or seat belt system that meets standards [~~set by the commissioner of the Department of Public Safety~~] adopted under Section 41-6a-1601.

(4) "Seating position" means any area within the passenger compartment of a motor

vehicle in which the manufacturer has installed a safety belt.

Section 235. Section **41-6a-1803**, which is renumbered from Section 41-6-182 is renumbered and amended to read:

~~[41-6-182].~~ **41-6a-1803. Driver and passengers -- Seat belt or child restraint device required.**

(1) The ~~[driver]~~ operator of a motor vehicle operated on a highway shall:

(a) wear a properly adjusted and fastened safety belt;

(b) provide for the protection of each person younger than five years of age by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and

(c) provide for the protection of each person five years of age up to 16 years of age by:

(i) using an appropriate child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; or ~~[by]~~

(ii) securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

(2) A passenger who is 16 years of age or older of a motor vehicle operated on a highway shall wear a properly adjusted and fastened safety belt.

~~[(3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commissioner of the Department of Public Safety shall set standards for approved safety belts and child restraint devices.]~~

~~[(4)]~~ (3) If more than one person is not using a child restraint device or wearing a safety belt in violation of Subsection (1), it is only one offense and the driver may receive only one citation.

~~[(5)]~~ (4) For a person 19 years of age or older who violates Subsection (1)(a) or (2), enforcement by a state or local law enforcement officer shall be only as a secondary action when the person has been detained for a suspected violation of Title 41, Motor Vehicles, other than Subsection (1)(a) or (2), or for another offense.

Section 236. Section **41-6a-1804**, which is renumbered from Section 41-6-183 is

renumbered and amended to read:

[~~41-6-183~~]. 41-6a-1804. Exceptions.

(1) This [~~article~~] part does not apply to [~~a driver~~] an operator or passenger of:

(a) a motor vehicle manufactured before July 1, 1966;

(b) a motor vehicle in which the [~~driver~~] operator or passengers possess a written verification from a licensed physician that the [~~driver or passenger~~] person is unable to wear a safety belt for physical or medical reasons; or

(c) a motor vehicle or seating position which is not required to be equipped with a safety belt system under federal law.

(2) This [~~article~~] part does not apply to a passenger if all seating positions are occupied by other passengers.

Section 237. Section **41-6a-1805**, which is renumbered from Section 41-6-185 is renumbered and amended to read:

[~~41-6-185~~]. 41-6a-1805. Penalty for violation.

(1) (a) A person who violates Section [~~41-6-182~~] 41-6a-1803 is guilty of an infraction and shall be fined a maximum of \$45.

(b) The court shall waive all but \$15 of the fine for a violation of Section [~~41-6-182~~] 41-6a-1803 if a person:

(i) shows evidence of completion of a two-hour course approved by the commissioner of the Department of Public Safety that includes education on the benefits of using a safety belt and child restraint device; and

(ii) if the violation is for an offense under Subsection [~~41-6-182~~] 41-6a-1803(1)(b), submits proof of acquisition, rental, or purchase of a child restraint device.

(2) Points for a motor vehicle reportable violation, as defined under Section 53-3-102, may not be assessed against [~~any~~] a person for a violation of Section [~~41-6-182~~] 41-6a-1803.

Section 238. Section **41-6a-1806**, which is renumbered from Section 41-6-186 is renumbered and amended to read:

[~~41-6-186~~]. 41-6a-1806. Compliance -- Civil litigation.

The failure to use a child restraint device or to wear a safety belt:

(1) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries~~;~~; and

(2) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.

Section 239. Section **41-12a-202** is amended to read:

41-12a-202. Access to accident reports.

(1) Accident reports and supplemental information as required under this chapter are protected and are for the confidential use of the department and other state, local, or federal government agencies and may be disclosed only as provided in Section ~~[41-6-40]~~ 41-6a-404.

(2) (a) Any person entitled to the disclosure of an accident report, as provided in Section ~~[41-6-40]~~ 41-6a-404, may obtain a photocopy by paying the department a fee established under Section 63-38-3.2.

(b) These fees shall be deposited in the General Fund.

Section 240. Section **41-12a-301** is amended to read:

41-12a-301. Definition -- Requirement of owner's or operator's security --

Exceptions.

(1) As used in this section:

(a) "highway" has the same meaning as provided in Section 41-1a-102; and

(b) "quasi-public road or parking area" has the same meaning as provided in Section ~~[41-6-17.5]~~ 41-6a-214.

(2) Except as provided in Subsection (5):

(a) every resident owner of a motor vehicle shall maintain owner's or operator's security in effect at any time that the motor vehicle is operated on a highway or on a quasi-public road or parking area within the state; and

(b) every nonresident owner of a motor vehicle that has been physically present in this state for:

(i) 90 or fewer days during the preceding 365 days shall maintain the type and amount of

owner's or operator's security required in his place of residence, in effect continuously throughout the period the motor vehicle remains within Utah; or

(ii) more than 90 days during the preceding 365 days shall thereafter maintain owner's or operator's security in effect continuously throughout the period the motor vehicle remains within Utah.

(3) (a) Except as provided in Subsection (5), the state and all of its political subdivisions and their respective departments, institutions, or agencies shall maintain owner's or operator's security in effect continuously for their motor vehicles.

(b) Any other state is considered a nonresident owner of its motor vehicles and is subject to Subsection (2)(b).

(4) The United States, any political subdivision of it, or any of its agencies may maintain owner's or operator's security in effect for their motor vehicles.

(5) Owner's or operator's security is not required for any of the following:

(a) off-highway vehicles registered under Section 41-22-3 when operated either:

(i) on a highway designated as open for off-highway vehicle use; or

(ii) in the manner prescribed by Section 41-22-10.3;

(b) off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) through (5);

(c) electric assisted bicycles as defined under Section ~~[41-6-1]~~ 41-6a-102;

(d) motor assisted scooters as defined under Section ~~[41-6-1]~~ 41-6a-102; or

(e) personal motorized mobility device as defined under Section ~~[41-6-1]~~ 41-6a-102.

Section 241. Section **41-12a-501** is amended to read:

41-12a-501. Post-accident security.

(1) (a) Unless excepted under Subsection (2), the operator of a motor vehicle involved in an accident in the state and any owner who has not previously satisfied the requirement of security under Section 41-12a-301 shall file post-accident security with the department for the benefit of persons obtaining judgments against the operator on account of bodily injury, death, or property damage caused by the accident.

(b) The security shall be in an amount determined by the department to be sufficient to satisfy judgments arising from bodily injury, death, or property damage resulting from the accident that may be recovered against the operator, but may not exceed the minimum single limit under Subsection 31A-22-304(2).

(c) The department shall determine the amount of post-accident security on the basis of reports and other evidence submitted to the department by interested parties, including officials investigating the accident.

(d) In setting the amount of post-accident security, the department may not take into account alleged damages resulting from pain and suffering.

(e) Persons who fail to file required post-accident security are subject to the penalties under Subsection (3).

(2) The operator is exempted from the post-accident requirement under Subsection (1) if any of the following conditions are satisfied:

(a) No bodily injury, death, or damage to the property of one person in excess of the damage limit specified under Section [~~41-6-31~~] 41-6a-401 resulted from the accident.

(b) No injury, death, or property damage was suffered by any person other than the owner or operator.

(c) The owner of the motor vehicle was in compliance with the owner's security requirement under Section 41-12a-301 at the time of the accident and the operator had permission from the owner to operate the motor vehicle.

(d) The operator was in compliance with the operator's security requirement under Section 41-12a-301 at the time of the accident.

(e) The operator has filed satisfactory evidence with the department that the operator has been released from liability, has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident and is not in default on that agreement.

(f) The motor vehicle involved in the accident was operated by a nonresident who had an

insurance policy or bond covering the accident, but not fully complying with the policy provision requirements under Section 31A-22-302, if the policy or bond is sufficient to provide full recovery for claimants and the policy or bond is issued by an insurer licensed in the state.

(g) The operator at the time of the accident was operating a motor vehicle owned or leased by the operator's employer and driven with the employer's permission.

(h) Evidence as to the extent of injuries or property damage caused by the accident has not been submitted by or on behalf of any person affected by the accident within six months following the date of the accident.

(i) The motor vehicle was legally parked at the time of the accident.

(j) The motor vehicle was an emergency vehicle acting in the line of duty at the time of the accident.

(k) The motor vehicle involved in the accident is owned by the United States, this state, or any political subdivision of this state, if the operator was using the vehicle with the permission of the owner.

(l) The motor vehicle was legally stopped at a stop sign, traffic signal, or at the direction of a peace officer at the time of the accident.

(3) (a) If an operator who is required to file post-accident security under Subsection (1) does not do so within ten days after receiving notice of the requirement of security, the department shall suspend the driver's license of the operator and all registrations of the owner, if he is a resident of the state.

(b) If the operator is not a resident of Utah, the department shall suspend the privilege of operating a motor vehicle within the state and of using, in the state, any owned motor vehicle.

(c) Notice of these suspensions shall be sent to the owner or operator no less than 15 days prior to the effective date of the suspension.

Section 242. Section **41-12a-502** is amended to read:

41-12a-502. Accident reports.

(1) (a) Accident reports required under Section [~~41-6-35~~] 41-6a-402 shall contain information to enable the department to determine whether the owner and operator of the

automobile involved in the accident were in compliance with the security requirement of Section 41-12a-301.

(b) The information may consist of identifying the policy, bond, or certificate's issuer and number.

(c) The department may rely upon the accuracy of the information unless it has reason to believe that it is erroneous.

(2) (a) The operator of a motor vehicle involved in an accident shall, unless physically incapable, make an accident report.

(b) If the operator is physically incapable, the owner shall, if physically capable, make a report within ten days of learning of the accident.

(c) The operator and owner shall furnish any additional relevant information the department reasonably requests.

[~~(2)~~] (3) Failure to report an accident as required under Section [~~41-6-35~~] 41-6a-402 shall be punished as set forth under Subsection [~~41-6-37(3)~~] 41-6a-402(5).

Section 243. Section **41-22-2** is amended to read:

41-22-2. Definitions.

As used in this chapter:

(1) "Advisory council" means the Off-highway Vehicle Advisory Council appointed by the Board of Parks and Recreation.

(2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having an unladen dry weight of 800 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

(3) "All-terrain type II vehicle" means any other motor vehicle, not defined in Subsection (2), (9), or (20), designed for or capable of travel over unimproved terrain. This term does not include golf carts, any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, or farm tractors as defined under Section 41-1a-102.

(4) "Board" means the Board of Parks and Recreation.

(5) "Dealer" means a person engaged in the business of selling off-highway vehicles at wholesale or retail.

(6) "Division" means the Division of Parks and Recreation.

(7) "Low pressure tire" means any pneumatic tire six inches or more in width designed for use on wheels with rim diameter of 12 inches or less and utilizing an operating pressure of ten pounds per square inch or less as recommended by the vehicle manufacturer.

(8) "Manufacturer" means a person engaged in the business of manufacturing off-highway vehicles.

(9) "Motorcycle" means every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.

(10) "Motor vehicle" means every vehicle which is self-propelled.

(11) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle.

(12) "Off-highway implement of husbandry" means every all-terrain type I vehicle, motorcycle, or snowmobile which is used by the owner or his agent for agricultural operations.

(13) "Operate" means to control the movement of or otherwise use an off-highway vehicle.

(14) "Operator" means the person who is in actual physical control of an off-highway vehicle.

(15) "Organized user group" means an off-highway vehicle organization incorporated as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

(16) "Owner" means a person, other than a person with a security interest, having a property interest or title to an off-highway vehicle and entitled to the use and possession of that vehicle.

(17) "Public land" means land owned or administered by any federal or state agency or any political subdivision of the state.

(18) "Register" means the act of assigning a registration number to an off-highway

vehicle.

(19) "Roadway" is used as defined in Section ~~[41-6-1]~~ 41-6a-102.

(20) "Snowmobile" means any motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

(21) "Street or highway" means the entire width between boundary lines of every way or place of whatever nature, when any part of it is open to the use of the public for vehicular travel.

Section 244. Section **41-22-10.2** is amended to read:

41-22-10.2. Off-highway vehicles -- Prohibited on interstate freeway.

It is unlawful for an off-highway vehicle to operate along, across, or within the boundaries of an interstate freeway or controlled access highway, as defined in Section ~~[41-6-1]~~ 41-6a-102.

Section 245. Section **41-22-10.6** is amended to read:

41-22-10.6. Requiring compliance with traffic laws.

Any person operating an off-highway vehicle is subject to the provisions of Title 41, Chapter ~~[6]~~ 6a, Traffic Code, unless specifically excluded.

Section 246. Section **41-22-16** is amended to read:

41-22-16. Authorized peace officers -- Arrest provisions.

(1) Any peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce the provisions of this chapter and the rules promulgated under this chapter.

(2) Whenever any person is arrested for any violation of the provisions of this chapter or of the rules promulgated under this chapter, the procedure for the arrest is the same as outlined in Sections ~~[41-6-166, 41-6-167, 41-6-168, and 41-6-169]~~ 77-7-22, 77-7-23, and 77-7-24.

Section 247. Section **41-22-32** is amended to read:

41-22-32. Certification of safety instructors.

(1) The division may certify certain qualified persons as off-highway vehicle safety instructors. An instructor certified by the division may act in behalf of the division as an agent in:

- (a) conducting off-highway vehicle safety classes and examinations; and
- (b) issuing safety certificates.
- (2) A certified off-highway vehicle safety instructor shall:
 - (a) successfully complete an off-highway vehicle safety instructor program for the type of vehicle instruction to be given through a program:
 - (i) of the division; or
 - (ii) recognized by the division which is conducted by an off-highway vehicle safety organization;
 - (b) be at least 18 years of age and hold a valid motor vehicle operator's license;
 - (c) have no convictions as defined in Subsection [~~41-6-44(1)~~] 41-6a-501(2) for driving under the influence of alcohol or drugs during the previous five years; and
 - (d) have no convictions for a sexual offense against a minor or a violent crime against a minor.

Section 248. Section **53-1-106** is amended to read:

53-1-106. Department duties -- Powers.

- (1) In addition to the responsibilities contained in this title, the department shall:
 - (a) make rules and perform the functions specified in Title 41, Chapter [6] 6a, Traffic [~~Rules and Regulations~~] Code, including:
 - (i) setting performance standards for towing companies to be used by the department, as required by Section [~~41-6-102.5~~] 41-6a-1406; and
 - (ii) advising the Department of Transportation regarding the safe design and operation of school buses, as required by Section [~~41-6-115~~] 41-6a-1304;
 - (b) make rules to establish and clarify standards pertaining to the curriculum and teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;
 - (c) aid in enforcement efforts to combat drug trafficking;
 - (d) meet with the Department of Administrative Services to formulate contracts, establish priorities, and develop funding mechanisms for dispatch and telecommunications operations, as required by Section 63A-6-107;

(e) provide assistance to the Crime Victims' Reparations Board and Reparations Office in conducting research or monitoring victims' programs, as required by Section 63-25a-405;

(f) develop sexual assault exam protocol standards in conjunction with the Utah Hospital Association;

(g) engage in emergency planning activities, including preparation of policy and procedure and rulemaking necessary for implementation of the federal Emergency Planning and Community Right to Know Act of 1986, as required by Section 63-5-5;

(h) implement the provisions of Section 53-2-202, the Emergency Management Assistance Compact; and

(i) (i) maintain a database of the information listed below regarding each driver license or state identification card status check made by a law enforcement officer:

(A) the agency employing the law enforcement officer;

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

(C) the race and gender of the law enforcement officer;

(D) the purpose of the law enforcement officer's status check, including but not limited to a traffic stop or a pedestrian stop; and

(E) the race of the individual regarding whom the status check is made, based on the information provided through the application process under Section 53-3-205 or 53-3-804;

(ii) provide access to the database created in Subsection (1)(i)(i) to the Commission on Criminal and Juvenile Justice for the purpose of:

(A) evaluating the data;

(B) evaluating the effectiveness of the data collection process; and

(C) reporting and making recommendations to the Legislature; and

(iii) classify any personal identifying information of any individual, including law enforcement officers, in the database as protected records under Subsection 63-2-304(9).

(2) (a) The department may establish a schedule of fees as required or allowed in this title for services provided by the department.

(b) The fees shall be established in accordance with Section 63-38-3.2.

Section 249. Section **53-1-108** is amended to read:

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

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

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

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

(c) make rules:

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

(ii) allowing privately owned vehicles to be designated for part-time emergency use, as provided in Section [~~41-6-1.5~~] 41-6a-310;

(d) set standards for safety belt systems, as required by Section [~~41-6-182~~] 41-6a-1803;

(e) serve as the chairman of the Disaster Emergency Advisory Council, as required by Section 63-5-4;

(f) designate vehicles as "authorized emergency vehicles," as required by Section [~~41-6-1~~] 41-6a-102; and

(g) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or gender.

(2) The commissioner may:

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

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

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

(d) cooperate with any recognized agency in the education of the public in safety and

crime prevention and participate in public or private partnerships, subject to Subsection (3);

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

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

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

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

Section 250. Section **53-1-109** is amended to read:

53-1-109. Security for capitol complex -- Traffic and parking rules enforcement for division -- Security personnel as law enforcement officers.

(1) As used in this section, "capitol hill facilities" and "capitol hill grounds" have the same meaning as provided in Section 63C-9-102.

(2) (a) The commissioner, under the direction of the State Capitol Preservation Board, shall:

(i) provide for the security of capitol hill facilities and capitol hill grounds; and

(ii) enforce traffic provisions under Title 41, Chapter [6] 6a, Traffic [~~Rules and Regulations~~] Code, and parking rules, as adopted by the State Capitol Preservation Board, for capitol hill facilities and capitol hill grounds.

(b) The commissioner, in cooperation with the director of the Division of Facilities Construction and Management shall provide for the security of all grounds and buildings under the jurisdiction of the Division of Facilities Construction and Management.

(3) Security personnel required in Subsection (2) shall be law enforcement officers as defined in Section 53-13-103.

(4) Security personnel who were actively employed and had five or more years of active service with Protective Services within the Utah Highway Patrol Division as special function officers, as defined in Section 53-13-105, on June 29, 1996, shall become law enforcement officers:

(a) without a requirement of any additional training or examinations, if they have completed the entire law enforcement officer training of the Peace Officers Standards and Training Division; or

(b) upon completing only the academic portion of the law enforcement officer training of the Peace Officers Standards and Training Division.

(5) An officer in a supervisory position with Protective Services within the Utah Highway Patrol Division shall be allowed to transfer the job title that the officer held on April 28, 1996, into a comparable supervisory position of employment as a peace officer for as long as the officer remains with Protective Services within the Utah Highway Patrol Division.

Section 251. Section **53-3-104** is amended to read:

53-3-104. Division duties.

The division shall:

(1) make rules:

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

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

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

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

(3) license motor vehicle drivers;

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

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

(b) all applications granted; and

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

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

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

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

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

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

(10) develop and implement a record system as required by Section [~~41-6-48.5~~]
41-6a-604;

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

(a) procedures and standards to certify teachers of driver education classes to administer knowledge and skills tests;

(b) minimal standards for the tests; and

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

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

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

(b) minimal standards for the test; and

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

(13) provide administrative support to the Driver License Medical Advisory Board created in Section 53-3-303.

Section 252. Section **53-3-105** is amended to read:

53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling, and identification cards.

The following fees apply under this chapter:

- (1) An original class D license application under Section 53-3-205 is \$20.
- (2) An original class M license application under Section 53-3-205 is \$22.50.
- (3) An original provisional license application for a class D license under Section 53-3-205 is \$25.
- (4) An original provisional license application for a class M license under Section 53-3-205 is \$27.50.
- (5) An original application for a motorcycle endorsement under Section 53-3-205 is \$7.50.
- (6) An original application for a taxicab endorsement under Section 53-3-205 is \$5.
- (7) A renewal of a class D license under Section 53-3-214 is \$20 unless Subsection (13) applies.
- (8) A renewal of a class M license under Section 53-3-214 is \$22.50.
- (9) A renewal of a provisional license application for a class D license under Section 53-3-214 is \$20.
- (10) A renewal of a provisional license application for a class M license under Section 53-3-214 is \$22.50.
- (11) A renewal of a motorcycle endorsement under Section 53-3-214 is \$7.50.
- (12) A renewal of a taxicab endorsement under Section 53-3-214 is \$5.
- (13) A renewal of a class D license for a person 65 and older under Section 53-3-214 is \$8.
- (14) An extension of a class D license under Section 53-3-214 is \$15 unless Subsection (20) applies.
- (15) An extension of a class M license under Section 53-3-214 is \$17.50.
- (16) An extension of a provisional license application for a class D license under Section 53-3-214 is \$15.
- (17) An extension of a provisional license application for a class M license under Section 53-3-214 is \$17.50.
- (18) An extension of a motorcycle endorsement under Section 53-3-214 is \$7.50.

- (19) An extension of a taxicab endorsement under Section 53-3-214 is \$5.
- (20) An extension of a class D license for a person 65 and older under Section 53-3-214 is \$6.
- (21) An original or renewal application for a commercial class A, B, or C license or an original or renewal of a provisional commercial class A or B license under Part 4 [~~of this chapter~~], Uniform Commercial Driver License Act, is:
- (a) \$35 for the knowledge test; and
 - (b) \$55 for the skills test.
- (22) Each original CDL endorsement for passengers, hazardous material, double or triple trailers, or tankers is \$5.
- (23) An original CDL endorsement for a school bus under Part 4 [~~of this chapter~~], Uniform Commercial Driver License Act, is \$5.
- (24) A renewal of a CDL endorsement under Part 4 [~~of this chapter~~], Uniform Commercial Driver License Act, is \$5.
- (25) A retake of a CDL knowledge or a CDL skills test provided for in Section 53-3-205 is \$15.
- (26) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$5.
- (27) A duplicate class A, B, C, D, or M license certificate under Section 53-3-215 is \$13.
- (28) (a) A license reinstatement application under Section 53-3-205 is \$25.
- (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or combination of alcohol and any drug-related offense is \$25 in addition to the fee under Subsection (28)(a).
- (29) (a) An administrative fee for license reinstatement after an alcohol, drug, or combination of alcohol and any drug-related offense under Section [~~41-6-44.10~~] 41-6a-520, 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under Part 4 [~~of this chapter~~], Uniform Commercial Driver License Act, is \$150.
- (b) This administrative fee is in addition to the fees under Subsection (28).
- (30) (a) An administrative fee for providing the driving record of a driver under Section

53-3-104 or 53-3-420 is \$4.

(b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county, state, or federal agency.

(31) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

(32) An identification card application under Section 53-3-808 is \$8.

Section 253. Section **53-3-106** is amended to read:

53-3-106. Disposition of revenues under this chapter -- Restricted account created -- Uses as provided by appropriation -- Nonlapsing.

(1) There is created within the Transportation Fund a restricted account known as the "Department of Public Safety Restricted Account."

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

(a) all monies received under this chapter;

(b) administrative fees received according to the fee schedule authorized under this chapter and Section 63-38-3.2; and

(c) any appropriations made to the account by the Legislature.

(3) (a) The account shall earn interest.

(b) All interest earned on account monies shall be deposited in the account.

(4) The expenses of the department in carrying out this chapter shall be provided for by legislative appropriation from this account.

(5) The amount in excess of \$35 of the fees collected under Subsection 53-3-105(29) shall be appropriated by the Legislature from this account to the department to implement the provisions of Section 53-1-117, except that of the amount in excess of \$35, \$30 shall be deposited in the State Laboratory Drug Testing restricted account created in Section 26-1-34.

(6) All monies received under Subsection [~~41-6-102.5(5)~~] 41-6a-1406(6)(b)(ii) shall be appropriated by the Legislature from this account to the department to implement the provisions of Section 53-1-117.

(7) Appropriations to the department from the account are nonlapsing.

Section 254. Section **53-3-202** is amended to read:

53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.

(1) A person may not drive a motor vehicle on a highway in this state unless the person is:

(a) granted the privilege to operate a motor vehicle by being licensed as a driver by the division under this chapter;

(b) driving an official United States Government class D motor vehicle with a valid United States Government driver permit or license for that type of vehicle;

(c) driving a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved, or propelled on the highways;

(d) a nonresident who is at least 16 years of age and younger than 18 years of age who has in his immediate possession a valid license certificate issued to him in his home state or country and is driving as a class D or M driver;

(e) a nonresident who is at least 18 years of age and who has in his immediate possession a valid license certificate issued to him in his home state or country if driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6 of this chapter;

(f) driving under a temporary learner permit, instruction permit, or practice permit in accordance with Section 53-3-210 or 53A-13-208;

(g) driving with a temporary license certificate issued in accordance with Section 53-3-207; or

(h) exempt under Title 41, Chapter 22, Off-highway Vehicles.

(2) A person may not drive or, while within the passenger compartment of a motor vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a motor vehicle upon a highway unless the person:

(a) holds a valid license issued under this chapter for the type or class of motor vehicle being towed; or

(b) is exempted under either Subsection (1)(b) or (1)(c).

(3) A person may not drive a motor vehicle as a taxicab on a highway of this state unless

the person has a taxicab endorsement issued by the division on his license certificate.

(4) (a) A person may not operate an electric assisted bicycle as defined under Section ~~[41-6-1]~~ 41-6a-102 unless the person has a valid class M or class D license issued under this chapter.

(b) Subsection (4)(a) is an exception to the provisions of Section 53-3-104.

(5) A person who violates this section is guilty of a class C misdemeanor.

Section 255. Section **53-3-214** is amended to read:

53-3-214. Renewal -- Fees required -- Extension without examination.

(1) (a) The holder of a valid license may renew his license and any endorsement to the license by applying:

(i) at any time within six months before the license expires; or

(ii) more than six months prior to the expiration date if the applicant furnishes proof that he will be absent from the state during the six-month period prior to the expiration of the license.

(b) The application for a renewal of, extension of, or any endorsement to a license shall be accompanied by a fee under Section 53-3-105.

(2) (a) Except as provided under Subsections (2)(b) and (3), upon application for renewal of a license, provisional license, and any endorsement to a license, the division shall reexamine each applicant as if for an original license and endorsement to the license, if applicable.

(b) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

(3) (a) Except as provided under Subsection ~~(3)~~(b), the division shall extend a license, any endorsement to the license, a provisional license, and any endorsement to a provisional license for five years without examination for licensees whose driving records for the five years immediately preceding the determination of eligibility for extension show:

(i) no suspensions;

(ii) no revocations;

(iii) no conviction for reckless driving under Section ~~[41-6-45]~~ 41-6a-528; and

(iv) no more than four reportable violations in the preceding five years.

(b) (i) After the expiration of a license, a new license certificate and any endorsement to a license certificate may not be issued until the person has again passed the tests under Section 53-3-206 and paid the required fee.

(ii) A person 65 years of age or older shall take and pass the eye examination specified in Section 53-3-206.

(iii) An extension may not be granted to any person who is identified by the division as having a medical impairment that may represent a hazard to public safety.

(iv) An extension may not be granted to any person holding a CDL issued under Part 4 of this chapter.

(c) The division shall allow extensions:

(i) by mail at the appropriate extension fee rate under Section 53-3-105;

(ii) only if the applicant qualifies under this section; and

(iii) for only one extension.

Section 256. Section **53-3-218** is amended to read:

53-3-218. Court to report convictions and may recommend suspension of license -- Severity of speeding violation defined.

(1) As used in this section, "conviction" means conviction by the court of first impression or final administrative determination in an administrative traffic proceeding.

(2) (a) A court having jurisdiction over offenses committed under this chapter or any other law of this state, or under any municipal ordinance regulating driving motor vehicles on highways or driving motorboats on the water, shall forward to the division within ten days, an abstract of the court record of the conviction or plea held in abeyance of any person in the court for a reportable traffic or motorboating violation of any laws or ordinances, and may recommend the suspension of the license of the person convicted.

(b) When the division receives a court record of a conviction or plea in abeyance for a motorboat violation, the division may only take action against a person's driver license if the motorboat violation is for a violation of Title 41, Chapter ~~[6, Article]~~ 6a, Part 5, Driving ~~[White Intoxicated]~~ Under the Influence and Reckless Driving.

- (3) The abstract shall be made in the form prescribed by the division and shall include:
 - (a) the name and address of the party charged;
 - (b) the number of his license certificate, if any;
 - (c) the registration number of the motor vehicle or motorboat involved;
 - (d) whether the motor vehicle was a commercial motor vehicle;
 - (e) whether the motor vehicle carried hazardous materials;
 - (f) the nature of the offense;
 - (g) the date of the hearing;
 - (h) the plea;
 - (i) the judgment or whether bail was forfeited; and
 - (j) the severity of the violation, which shall be graded by the court as "minimum,"

"intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

(4) When a convicted person secures a judgment of acquittal or reversal in any appellate court after conviction in the court of first impression, the division shall reinstate his license immediately upon receipt of a certified copy of the judgment of acquittal or reversal.

Section 257. Section **53-3-220** is amended to read:

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

(1) (a) The division shall immediately revoke or, when this chapter or Title 41, Chapter [6] 6a, Traffic [~~Rules and Regulations~~] Code, specifically provides for denial, suspension, or disqualification, the division shall deny, suspend, or disqualify the license of a person upon receiving a record of the person's conviction for any of the following offenses:

(i) manslaughter or negligent homicide resulting from driving a motor vehicle, or automobile homicide under Section 76-5-207;

(ii) driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or combination of them to a degree that renders the person incapable of safely driving a motor vehicle as prohibited in Section [~~41-6-44~~] 41-6a-502 or as

prohibited in an ordinance that complies with the requirements of Subsection [~~41-6-43~~]
41-6a-510(1);

(iii) driving or being in actual physical control of a motor vehicle while having a blood or breath alcohol content prohibited in Section [~~41-6-44~~] 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection [~~41-6-43~~] 41-6a-510(1);

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

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

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

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

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

(ix) failure to bring a motor vehicle to a stop at the command of a peace officer as required in Section [~~41-6-13.5~~] 41-6a-206;

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

(xi) discharging or allowing the discharge of a firearm from a vehicle in violation of Subsection 76-10-508(2);

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

(xiii) operating or being in actual physical control of a motor vehicle while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section [~~41-6-44.6~~] 41-6a-517; and

(xiv) operating or being in actual physical control of a motor vehicle while having any

alcohol in the person's body in violation of Section 53-3-232.

(b) The division shall immediately revoke the license of a person upon receiving a record of an adjudication under Title 78, Chapter 3a, Juvenile Court Act of 1996, for any of the following offenses:

(i) discharging or allowing the discharge of a firearm from a vehicle in violation of Subsection 76-10-508(2); and

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

(c) Except when action is taken under Section 53-3-219 for the same offense, the division shall immediately suspend for six months the license of a person upon receiving a record of conviction for any of the following offenses:

(i) any violation of:

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

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

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

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

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

(ii) any criminal offense that prohibits:

(A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance that is prohibited under the acts described in Subsection (1)(c)(i); or

(B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).

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

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

(ii) a record of a conviction of the person for any violation of the motor vehicle law in

which the person was involved as a driver;

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

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

(b) For a violation of Subsection 53-3-227(4), the division shall extend the period of the first suspension, revocation, or disqualification for an additional one-year period.

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

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

(i) automobile homicide under Subsection (1)(a)(i);

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

(iii) those offenses referred to in Subsection (2) when the original denial, suspension, revocation, or disqualification was imposed because of a violation of Section ~~[41-6-44, Section 41-6-44.6]~~ 41-6a-502, 41-6a-517, a local ordinance which complies with the requirements of Subsection ~~[41-6-43]~~ 41-6a-510(1), Section ~~[41-6-44.10]~~ 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of these sections or ordinances.

(b) This discretionary privilege is limited to when undue hardship would result from a failure to grant the privilege and may be granted only once to any individual during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.

(c) A limited CDL may not be granted to an individual disqualified under Part 4,

Uniform Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or denied under this chapter.

Section 258. Section **53-3-222** is amended to read:

53-3-222. Purpose of revocation or suspension for driving under the influence.

The Legislature finds that the purpose of this title relating to suspension or revocation of a person's license or privilege to drive a motor vehicle for driving with a blood alcohol content above a certain level or while under the influence of alcohol, any drug, or a combination of alcohol and any drug, or for refusing to take a chemical test as provided in Section ~~[41-6-44.10]~~ 41-6a-520, is protecting persons on highways by quickly removing from the highways those persons who have shown they are safety hazards.

Section 259. Section **53-3-223** is amended to read:

53-3-223. Chemical test for driving under the influence -- Temporary license -- Hearing and decision -- Suspension and fee -- Judicial review.

(1) (a) If a peace officer has reasonable grounds to believe that a person may be violating or has violated Section ~~[41-6-44]~~ 41-6a-502, prohibiting the operation of a vehicle with a certain blood or breath alcohol concentration and driving under the influence of any drug, alcohol, or combination of a drug and alcohol or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section ~~[41-6-44.6]~~ 41-6a-517, the peace officer may, in connection with arresting the person, request that the person submit to a chemical test or tests to be administered in compliance with the standards under Section ~~[41-6-44.10]~~ 41-6a-520.

(b) In this section, a reference to Section ~~[41-6-44]~~ 41-6a-502 includes any similar local ordinance adopted in compliance with Subsection ~~[41-6-43]~~ 41-6a-510(1).

(2) The peace officer shall advise a person prior to the person's submission to a chemical test that a test result indicating a violation of Section ~~[41-6-44 or 41-6-44.6]~~ 41-6a-502 or 41-6a-517 shall, and the existence of a blood alcohol content sufficient to render the person incapable of safely driving a motor vehicle may, result in suspension or revocation of the person's license to drive a motor vehicle.

(3) If the person submits to a chemical test and the test results indicate a blood or breath alcohol content in violation of Section [~~41-6-44~~ or ~~41-6-44.6~~] 41-6a-502 or 41-6a-517, or if a peace officer makes a determination, based on reasonable grounds, that the person is otherwise in violation of Section [~~41-6-44~~] 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of arrest, give notice of the division's intention to suspend the person's license to drive a motor vehicle.

(4) (a) When a peace officer gives notice on behalf of the division, the peace officer shall:

(i) take the Utah license certificate or permit, if any, of the driver;

(ii) issue a temporary license certificate effective for only 29 days from the date of arrest;

and

(iii) supply to the driver, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division.

(b) A citation issued by a peace officer may, if provided in a manner specified by the division, also serve as the temporary license certificate.

(5) As a matter of procedure, a peace officer shall send to the division within ten calendar days after the day on which notice is provided:

(a) the person's license certificate;

(b) a copy of the citation issued for the offense;

(c) a signed report in a manner specified by the division indicating the chemical test results, if any; and

(d) any other basis for the peace officer's determination that the person has violated Section [~~41-6-44~~ or ~~41-6-44.6~~] 41-6a-502 or 41-6a-517.

(6) (a) Upon request in a manner specified by the division, the division shall grant to the person an opportunity to be heard within 29 days after the date of arrest. The request to be heard shall be made within ten calendar days of the day on which notice is provided under Subsection (5).

(b) (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the

division in the county in which the arrest occurred.

(ii) The division may hold a hearing in some other county if the division and the person both agree.

(c) The hearing shall be documented and shall cover the issues of:

(i) whether a peace officer had reasonable grounds to believe the person was driving a motor vehicle in violation of Section [~~41-6-44 or 41-6-44.6~~] 41-6a-502 or 41-6a-517;

(ii) whether the person refused to submit to the test; and

(iii) the test results, if any.

(d) (i) In connection with a hearing the division or its authorized agent:

(A) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers; or

(B) may issue subpoenas for the attendance of necessary peace officers.

(ii) The division shall pay witness fees and mileage from the Transportation Fund in accordance with the rates established in Section 78-46-28.

(e) The division may designate one or more employees to conduct the hearing.

(f) Any decision made after a hearing before any designated employee is as valid as if made by the division.

(g) After the hearing, the division shall order whether the person's license to drive a motor vehicle is suspended or not.

(h) If the person for whom the hearing is held fails to appear before the division as required in the notice, the division shall order whether the person's license to drive a motor vehicle is suspended or not.

(7) (a) A first suspension, whether ordered or not challenged under this Subsection (7), is for a period of 90 days, beginning on the 30th day after the date of the arrest.

(b) A second or subsequent suspension for an offense that occurred within the previous ten years under this Subsection (7) is for a period of one year, beginning on the 30th day after the date of arrest.

(8) (a) The division shall assess against a person, in addition to any fee imposed under

Subsection 53-3-205(13) for driving under the influence, a fee under Section 53-3-105 to cover administrative costs, which shall be paid before the person's driving privilege is reinstated. This fee shall be cancelled if the person obtains an unappealed division hearing or court decision that the suspension was not proper.

(b) A person whose license has been suspended by the division under this section may file a petition within 30 days after the suspension for a hearing on the matter which, if held, is governed by Section 53-3-224.

Section 260. Section **53-3-223.5** is amended to read:

53-3-223.5. Telephonic or live audiovisual testimony at hearings.

In any division hearing authorized under this chapter or Title 41, Chapter ~~[6, Article]~~ 6a, Part 5, Driving ~~[While Intoxicated]~~ Under the Influence and Reckless Driving, the division may permit a party or witness to attend or to testify by telephone or live audiovisual means.

Section 261. Section **53-3-226** is amended to read:

53-3-226. Grounds for confiscation of licenses, plates, and other articles issued by state.

(1) The division or a peace officer acting in his official capacity may take possession of any certificate of title, registration card, decal, permit, license certificate, permit, registration plate, or any other article issued by the state:

- (a) that is fictitious or altered;
- (b) that has been unlawfully or erroneously issued;
- (c) that is unlawfully or erroneously displayed; or
- (d) as required under Section ~~[41-6-44.10]~~ 41-6a-520, 53-3-223, 53-3-231, or 53-3-418.

(2) A receipt shall be issued that describes each confiscated item.

Section 262. Section **53-3-227** is amended to read:

53-3-227. Driving a motor vehicle prohibited while driving privilege denied, suspended, disqualified, or revoked -- Penalties.

(1) A person whose driving privilege has been denied, suspended, disqualified, or revoked under this chapter or under the laws of the state in which the person's driving privilege

was granted and who drives any motor vehicle upon the highways of this state while that driving privilege is denied, suspended, disqualified, or revoked shall be punished as provided in this section.

(2) A person convicted of a violation of Subsection (1), other than a violation specified in Subsection (3) or (4), is guilty of a class C misdemeanor.

(3) (a) A person is guilty of a class B misdemeanor if the person's conviction under Subsection (1) is based on the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked for:

- (i) a refusal to submit to a chemical test under Section [~~41-6-44.10~~] 41-6a-520;
 - (ii) a violation of Section [~~41-6-44~~] 41-6a-502;
 - (iii) a violation of a local ordinance that complies with the requirements of Section [~~41-6-43~~] 41-6a-510;
 - (iv) a violation of Section [~~41-6-44.6~~] 41-6a-517;
 - (v) a violation of Section 76-5-207;
 - (vi) a criminal action that the person plead guilty to as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances under this Subsection (3);
 - (vii) a revocation or suspension which has been extended under Subsection 53-3-220(2);
- or
- (viii) where disqualification is the result of driving a commercial motor vehicle while the person's CDL is disqualified, suspended, canceled, or revoked under Subsection 53-3-414(1).

(b) A person is guilty of a class B misdemeanor if the person's conviction under Subsection (1) is based on the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked by any state, the United States, or any district, possession, or territory of the United States for violations corresponding to the violations listed in Subsections (3)(a)(i) through (viii).

(c) A fine imposed under this Subsection (3) shall be at least the maximum fine for a class C misdemeanor under Section 76-3-301.

(4) (a) A person is guilty of a class B misdemeanor if:

(i) the person's conviction under Subsection (1) is based on the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked for:

(A) any violations listed in Subsections (3)(a)(i) through (vi); or

(B) a violation listed in Subsection (3)(a)(vii) if the original revocation or suspension was based on any violations listed in Subsections (3)(a)(i) through (vi); and

(ii) the person had any alcohol in the person's body at the time of the violation under Subsection (1).

(b) A person is guilty of a class B misdemeanor if:

(i) the person's conviction under Subsection (1) is based on the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked by any state, the United States, or any district, possession, or territory of the United States for violations corresponding to:

(A) the violations listed in Subsections (3)(a)(i) through (vi); or

(B) a violation listed in Subsection (3)(a)(vii) if the original revocation or suspension was based on any violation corresponding to the violations listed in Subsections (3)(a)(i) through (vi); and

(ii) the person had any alcohol in the person's body at the time of the violation under Subsection (1).

(c) (i) As part of any sentence imposed for a violation of this Subsection (4), the court shall order:

(A) a jail sentence of not less than 48 consecutive hours;

(B) a compensatory-service work program for not less than 48 hours; or

(C) home confinement through the use of electronic monitoring in accordance with

~~[Subsection 41-6-44(13)]~~ Section 41-6a-506.

(ii) In addition to the penalties under Subsection (4)(c)(i), the court shall impose a fine of not less than \$750.

Section 263. Section **53-3-231** is amended to read:

53-3-231. Person under 21 may not operate a vehicle or motorboat with detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing and decision -- Suspension of license or operating privilege -- Fees -- Judicial review -- Referral to local substance abuse authority or program.

(1) (a) As used in this section:

(i) "Local substance abuse authority" has the same meaning as provided in Section 62A-15-102.

(ii) "Substance abuse program" means any substance abuse program licensed by the Department of Human Services or the Department of Health and approved by the local substance abuse authority.

(b) Calculations of blood, breath, or urine alcohol concentration under this section shall be made in accordance with the procedures in Subsection [~~41-6-44(2)~~] 41-6a-502(1).

(2) (a) A person younger than 21 years of age may not operate or be in actual physical control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol concentration in the person's body as shown by a chemical test.

(b) (i) A person with a valid operator license who violates Subsection (2)(a), in addition to any other applicable penalties arising out of the incident, shall have the person's operator license denied or suspended as provided in Subsection (2)(b)(ii).

(ii) (A) For a first offense under Subsection (2)(a), the division shall deny the person's operator license if ordered or not challenged under this section for a period of 90 days beginning on the 30th day after the date of the arrest under Section 32A-12-209.

(B) For a second or subsequent offense under Subsection (2)(a), within three years of a prior denial or suspension, the division shall suspend the person's operator license for a period of one year beginning on the 30th day after the date of arrest.

(c) (i) A person who has not been issued an operator license who violates Subsection (2)(a), in addition to any other penalties arising out of the incident, shall be punished as provided in Subsection (2)(c)(ii).

(ii) For one year or until the person is 17, whichever is longer, a person may not operate a

vehicle and the division may not issue the person an operator license or learner's permit.

(3) (a) When a peace officer has reasonable grounds to believe that a person may be violating or has violated Subsection (2), the peace officer may, in connection with arresting the person for a violation of Section 32A-12-209, request that the person submit to a chemical test or tests to be administered in compliance with the standards under Section [~~41-6-44.10~~] 41-6a-520.

(b) The peace officer shall advise a person prior to the person's submission to a chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or suspension of the person's license to operate a motor vehicle or a refusal to issue a license.

(c) If the person submits to a chemical test and the test results indicate a blood, breath, or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a determination, based on reasonable grounds, that the person is otherwise in violation of Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the arrest, give notice of the division's intention to deny or suspend the person's license to operate a vehicle or refusal to issue a license under Subsection (2).

(4) When a peace officer gives notice on behalf of the division, the peace officer shall:

(a) take the Utah license certificate or permit, if any, of the operator;

(b) issue a temporary license certificate effective for only 29 days from the date of arrest if the driver had a valid operator's license; and

(c) supply to the operator, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division.

(5) A citation issued by a peace officer may, if provided in a manner specified by the division, also serve as the temporary license certificate under Subsection (4)(b).

(6) As a matter of procedure, a peace officer shall send to the division within ten calendar days after the day on which notice is provided:

(a) the person's driver license certificate, if any;

(b) a copy of the citation issued for the offense;

(c) a signed report in a manner specified by the Driver License Division indicating the chemical test results, if any; and

(d) any other basis for a peace officer's determination that the person has violated Subsection (2).

(7) (a) (i) Upon request in a manner specified by the division, the Driver License Division shall grant to the person an opportunity to be heard within 29 days after the date of arrest under Section 32A-12-209.

(ii) The request shall be made within ten calendar days of the day on which notice is provided.

(b) (i) Except as provided in Subsection (7)(b)(ii), a hearing, if held, shall be before the division in the county in which the arrest occurred.

(ii) The division may hold a hearing in some other county if the division and the person both agree.

(c) The hearing shall be documented and shall cover the issues of:

(i) whether a peace officer had reasonable grounds to believe the person was operating a motor vehicle or motorboat in violation of Subsection (2)(a);

(ii) whether the person refused to submit to the test; and

(iii) the test results, if any.

(d) In connection with a hearing, the division or its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and records as defined in Section 46-4-102.

(e) One or more members of the division may conduct the hearing.

(f) Any decision made after a hearing before any number of the members of the division is as valid as if made after a hearing before the full membership of the division.

(g) After the hearing, the division shall order whether the person:

(i) with a valid license to operate a motor vehicle will have the person's license denied or not or suspended or not; or

(ii) without a valid operator license will be refused a license under Subsection (2)(c).

(h) If the person for whom the hearing is held fails to appear before the division as required in the notice, the division shall order whether the person shall have the person's license

denied, suspended, or not denied or suspended, or whether an operator license will be refused or not refused.

(8) (a) (i) Following denial or suspension the division shall assess against a person, in addition to any fee imposed under Subsection 53-3-205(13), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs.

(ii) This fee shall be canceled if the person obtains an unappealed division hearing or court decision that the suspension was not proper.

(b) A person whose operator license has been denied, suspended, or postponed by the division under this section may file a petition within 30 days after the suspension for a hearing on the matter which, if held, is governed by Section 53-3-224.

(9) After reinstatement of an operator license for a first offense under this section, a report authorized under Section 53-3-104 may not contain evidence of the denial or suspension of the person's operator license under this section if the person has not been convicted of any other offense for which the denial or suspension may be extended.

(10) (a) In addition to the penalties in Subsection (2), a person who violates Subsection (2)(a) shall:

(i) obtain an assessment and recommendation for appropriate action from a substance abuse program, but any associated costs shall be the person's responsibility; or

(ii) be referred by the division to the local substance abuse authority for an assessment and recommendation for appropriate action.

(b) (i) Reinstatement of the person's operator license or the right to obtain an operator license is contingent upon successful completion of the action recommended by the local substance abuse authority or the substance abuse program.

(ii) The local substance abuse authority's or the substance abuse program's recommended action shall be determined by an assessment of the person's alcohol abuse and may include:

(A) a targeted education and prevention program;

(B) an early intervention program; or

(C) a substance abuse treatment program.

(iii) Successful completion of the recommended action shall be determined by standards established by the Division of Substance Abuse and Mental Health.

(c) At the conclusion of the penalty period imposed under Subsection (2), the local substance abuse authority or the substance abuse program shall notify the division of the person's status regarding completion of the recommended action.

(d) The local substance abuse authorities and the substance abuse programs shall cooperate with the division in:

- (i) conducting the assessments;
- (ii) making appropriate recommendations for action; and
- (iii) notifying the division about the person's status regarding completion of the recommended action.

(e) (i) The local substance abuse authority is responsible for the cost of the assessment of the person's alcohol abuse, if the assessment is conducted by the local substance abuse authority.

(ii) The local substance abuse authority or a substance abuse program selected by a person is responsible for:

- (A) conducting an assessment of the person's alcohol abuse; and
- (B) for making a referral to an appropriate program on the basis of the findings of the assessment.

(iii) (A) The person who violated Subsection (2)(a) is responsible for all costs and fees associated with the recommended program to which the person selected or is referred.

(B) The costs and fees under Subsection (10)(e)(iii)(A) shall be based on a sliding scale consistent with the local substance abuse authority's policies and practices regarding fees for services or determined by the substance abuse program.

Section 264. Section **53-3-232** is amended to read:

53-3-232. Conditional license -- May not operate a vehicle or motorboat with alcohol in body -- Penalty.

(1) As used in this section, "qualifying conviction" means:

- (a) a conviction of a violation of Section [~~41-6-44~~] 41-6a-502, Section [~~41-6-44.6~~]

41-6a-517, a local ordinance which complies with the requirements of Subsection [~~41-6-43~~] 41-6a-510(1), Section 76-5-207, or of alcohol-related reckless driving as described under Subsection [~~41-6-44(9)~~] 41-6a-512(1);

(b) a revocation under Section [~~41-6-44.10~~] 41-6a-521 if the revocation is not based on the same arrest as a conviction under Subsection (1)(a); or

(c) a violation of Subsection (3).

(2) The division may only issue, reinstate, or renew a driver license in the form of a no alcohol conditional license to a person who has a qualifying conviction for a period of:

(a) two years after issuance of a Utah driver license or permit following a first qualifying conviction that occurred within the previous ten years from the date of arrest; and

(b) ten years after issuance of a Utah driver license or permit following a second or subsequent qualifying conviction that occurred within the previous ten years from the date of arrest.

(3) A no alcohol conditional license shall be issued on the condition that the person may not operate or be in actual physical control of a vehicle or motorboat in this state with any alcohol in the person's body.

(4) It is a class B misdemeanor for a person who has been issued a no alcohol conditional license to operate or be in actual physical control of a vehicle or motorboat in this state in violation of Subsection (3).

Section 265. Section **53-3-414** is amended to read:

53-3-414. CDL disqualification or suspension -- Grounds and duration --

Procedure.

(1) A person who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first offense of:

(a) driving a commercial motor vehicle while under the influence of alcohol, drugs, a controlled substance, or more than one of these;

(b) driving a commercial motor vehicle while the concentration of alcohol in his blood, breath, or urine is .04 grams or more;

(c) leaving the scene of an accident involving a commercial motor vehicle he was driving;

(d) using a commercial motor vehicle in the commission of a felony;

(e) refusal to submit to a test to determine the concentration of alcohol in his blood, breath, or urine; or

(f) driving a commercial motor vehicle while the person's commercial driver license is disqualified, suspended, canceled, or revoked.

(2) If any of the violations under Subsection (1) occur while the driver is transporting a hazardous material required to be placarded, the driver is disqualified for not less than three years.

(3) (a) Except as provided under Subsection (4), a driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if convicted of two or more of any of the offenses under Subsection (1) arising from two or more separate incidents.

(b) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.

(4) (a) Any driver disqualified for life from driving a commercial motor vehicle under this section, who has both voluntarily enrolled in and successfully completed an appropriate rehabilitation program that meets the standards of the division, may apply to the division for reinstatement of his CDL.

(b) The applicant is not eligible for reinstatement until he has served a minimum disqualification period of ten years and has fully met the standards for reinstatement of commercial motor vehicle driving privileges established by rule of the division.

(c) If a reinstated driver is subsequently convicted of another disqualifying offense under this section, he is permanently disqualified for life and is ineligible to again apply for a reduction of the lifetime disqualification.

(5) A driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if he uses a commercial motor vehicle in the commission of any felony involving the manufacturing, distributing, or dispensing

of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(6) A driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for not less than 60 days from driving a commercial motor vehicle if he is convicted of two serious traffic violations and is disqualified for not less than 120 days if he is convicted of three serious traffic violations that:

- (a) occur within three years of each other;
- (b) arise from separate incidents; and
- (c) involve the use or operation of a commercial motor vehicle.

(7) A driver of a commercial motor vehicle who is convicted of violating an out-of-service order while driving a commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period not less than:

- (a) 90 days but not more than one year if the driver is convicted of a first violation;
- (b) one year but not more than five years if, during any ten-year period, the driver is convicted of two violations of out-of-service orders in separate incidents;
- (c) three years but not more than five years if, during any ten-year period, the driver is convicted of three or more violations of out-of-service orders in separate incidents;

(d) 180 days but not more than two years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded or while operating a motor vehicle designed to transport 16 or more passengers, including the driver; or

(e) three years but not more than five years if, during any ten-year period, the driver is convicted of two or more violations, in separate incidents, of an out-of-service order while transporting hazardous materials required to be placarded or while operating a motor vehicle designed to transport 16 or more passengers, including the driver.

(8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for not less than 60 days if the division determines, in its check of his driver license status, application, and record prior to issuing a CDL or at any time after the CDL is issued, that the driver has falsified information required to apply for a CDL in this state.

(9) A driver of a commercial motor vehicle who is convicted of violating a railroad-highway grade crossing provision under Section [~~41-6-97~~] 41-6a-1205, while driving a commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period not less than:

- (a) 60 days if the driver is convicted of a first violation;
- (b) 120 days if, during any three-year period, the driver is convicted of a second violation in separate incidents; or
- (c) one year if, during any three-year period, the driver is convicted of three or more violations in separate incidents.

(10) (a) The division shall update its records and notify the CDLIS within ten days of suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.

(b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL, the division shall notify the licensing authority of the issuing state or other jurisdiction and the CDLIS within ten days after the action is taken.

(c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this state, the division shall notify the CDLIS within ten days after the action is taken.

(11) (a) The division may immediately suspend or disqualify the CDL of a driver without a hearing or receiving a record of the driver's conviction when the division has reason to believe that the:

- (i) CDL was issued by the division through error or fraud;
- (ii) applicant provided incorrect or incomplete information to the division; or
- (iii) driver no longer meets the fitness standards required to obtain a CDL.

(b) Suspension of a CDL under this Subsection (11) shall be in accordance with Section 53-3-221.

(c) If a hearing is held under Section 53-3-221, the division shall then rescind the suspension order or cancel the CDL.

Section 266. Section **53-3-418** is amended to read:

53-3-418. Prohibited alcohol level for drivers -- Procedures, including hearing.

(1) A person who holds or is required to hold a CDL may not drive a commercial motor vehicle in this state if the person:

(a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .04 grams or greater at the time of the test after the alleged driving of the commercial motor vehicle; ~~[or]~~

(b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to degree that renders the person incapable of safely driving a commercial motor vehicle; or

(c) has a blood or breath alcohol concentration of .04 grams or greater at the time of driving the commercial motor vehicle.

(2) A person who holds or is required to hold a CDL and who drives a commercial motor vehicle in this state is considered to have given the person's consent to a test or tests of the person's blood, breath, or urine to determine the concentration of alcohol or the presence of other drugs in the person's physical system.

(3) If a peace officer or port-of-entry agent has reasonable cause to believe that a person may be violating this section, the peace officer or port-of-entry agent may request the person to submit to a chemical test to be administered in compliance with Section ~~[41-6-44.3]~~ 41-6a-515.

(4) When a peace officer or port-of-entry agent requests a person to submit to a test under this section, the peace officer or port-of-entry agent shall advise the person that test results indicating .04 grams or greater alcohol concentration or refusal to submit to any test requested will result in the person's disqualification under Section 53-3-414 from driving a commercial motor vehicle.

(5) If test results under this section indicate .04 grams or greater of alcohol concentration or the person refuses to submit to any test requested under this section, a peace officer or port-of-entry agent shall, on behalf of the division and within 24 hours of the arrest, give the person notice of the division's intention to disqualify the person's privilege to drive a commercial motor vehicle.

(6) When a peace officer or port-of-entry agent gives notice under Subsection (5), the

peace officer or port-of-entry agent shall:

- (a) take any Utah license certificate or permit held by the driver;
 - (b) issue to the driver a temporary license certificate effective for 29 days from the date of arrest;
 - (c) provide the driver, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division; and
 - (d) issue a 24-hour out-of-service order.
- (7) A notice of disqualification issued under Subsection (6) may serve also as the temporary license certificate under that subsection, if provided in a manner specified by the division.
- (8) As a matter of procedure, a peace officer or port-of-entry agent shall, within ten calendar days after the day on which notice is provided, send to the division the person's license certificate, a copy of the notice, and a report signed by the peace officer or port-of-entry agent that indicates the results of any chemical test administered or that the person refused a test.
- (9) (a) A person disqualified under this section has the right to a hearing regarding the disqualification.
- (b) The request for the hearing shall be submitted to the division in a manner specified by the division and shall be made within ten calendar days of the date the notice was issued. If requested, the hearing shall be conducted within 29 days after the date of arrest.
- (10) (a) (i) Except as provided in Subsection (10)(a)(ii), a hearing held under this section shall be held before the division and in the county where the notice was issued.
- (ii) The division may hold a hearing in some other county if the division and the person both agree.
- (b) The hearing shall be documented and shall determine:
- (i) whether the peace officer or port-of-entry agent had reasonable grounds to believe the person had been driving a motor vehicle in violation of this section;
 - (ii) whether the person refused to submit to any requested test; and
 - (iii) any test results obtained.

(c) In connection with a hearing the division or its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and documents.

(d) One or more members of the division may conduct the hearing.

(e) A decision made after a hearing before any number of members of the division is as valid as if the hearing were held before the full membership of the division.

(f) After a hearing under this section the division shall indicate by order if the person's CDL is disqualified.

(g) If the person for whom the hearing is held fails to appear before the division as required in the notice, the division shall indicate by order if the person's CDL is disqualified.

(11) (a) If the division disqualifies a person under this section, the person may petition for a hearing under Section 53-3-224.

(b) The petition shall be filed within 30 days after the division issues the disqualification.

(12) (a) A person who violates this section shall be punished in accordance with Section 53-3-414.

(b) (i) In accordance with Section 53-3-414, the first disqualification under this section shall be for one year, and a second disqualification shall be for life.

(ii) A disqualification under Section 53-3-414 begins on the 30th day after the date of arrest.

(13) (a) In addition to the fees imposed under Section 53-3-205 for reinstatement of a CDL, a fee under Section 53-3-105 to cover administrative costs shall be paid before the driving privilege is reinstated.

(b) The fees under Sections 53-3-105 and 53-3-205 shall be canceled if an unappealed hearing at the division or court level determines the disqualification was not proper.

Section 267. Section **53-8-105** is amended to read:

53-8-105. Duties of Highway Patrol.

In addition to the duties in this chapter, the Highway Patrol shall:

(1) enforce the state laws and rules governing use of the state highways;

- (2) regulate traffic on all highways and roads of the state;
- (3) assist the governor in an emergency or at other times at his discretion;
- (4) in cooperation with federal, state, and local agencies, enforce and assist in the enforcement of all state and federal laws related to the operation of a motor carrier on a highway, including all state and federal rules and regulations;
- (5) inspect certain vehicles to determine road worthiness and safe condition as provided in Section [~~41-6-148.31~~] 41-6a-1630;
- (6) upon request, assist with any condition of unrest existing or developing on a campus or related facility of an institution of higher education;
- (7) assist the Alcoholic Beverage Control Commission in an emergency to enforce the state liquor laws;
- (8) provide security and protection for both houses of the Legislature while in session as the speaker of the House of Representatives and the president of the Senate finds necessary; and
- (9) carry out the following for the Supreme Court and the Court of Appeals:
 - (a) provide security and protection to those courts when in session in the capital city of the state;
 - (b) execute orders issued by the courts; and
 - (c) carry out duties as directed by the courts.

Section 268. Section **53-8-202** is amended to read:

53-8-202. Definitions.

- (1) The definitions in Section [~~41-6-1~~] 41-6a-102 apply to this part.
- (2) As used in this part, "council" means the Motor Vehicle Safety Inspection Advisory Council created in Section 53-8-203.

Section 269. Section **53-8-213** is amended to read:

53-8-213. Special function officer status for certain employees -- Retirement provisions.

- (1) The commissioner may designate an employee of the Utah Highway Patrol Division as a special function officer, as defined in Section 53-13-105, for the purpose of enforcing all

laws relating to vehicle parts and equipment, including the provisions of this part and Title 41, Chapter [~~6, Article~~] 6a, Part 16, Vehicle Equipment.

(2) Notwithstanding Section 49-15-201, a special function officer designated under this section may not become or be designated as a member of the Public Safety Retirement Systems.

Section 270. Section **53A-3-402** is amended to read:

53A-3-402. Powers and duties generally.

(1) Each local school board shall:

(a) implement the core curriculum utilizing instructional materials that best correlate to the core curriculum and graduation requirements;

(b) administer tests, required by the State Board of Education, which measure the progress of each student, and coordinate with the state superintendent and State Board of Education to assess results and create plans to improve the student's progress which shall be submitted to the State Office of Education for approval;

(c) use progress-based assessments as part of a plan to identify schools, teachers, and students that need remediation and determine the type and amount of federal, state, and local resources to implement remediation;

(d) develop early warning systems for students or classes failing to make progress;

(e) work with the State Office of Education to establish a library of documented best practices, consistent with state and federal regulations, for use by the local districts; and

(f) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in core academics.

(2) Local school boards shall spend minimum school program funds for programs and activities for which the State Board of Education has established minimum standards or rules under Section 53A-1-402.

(3) (a) A board may purchase, sell, and make improvements on school sites, buildings, and equipment and construct, erect, and furnish school buildings.

(b) School sites or buildings may only be conveyed or sold on board resolution affirmed by at least two-thirds of the members.

(4) (a) A board may participate in the joint construction or operation of a school attended by children residing within the district and children residing in other districts either within or outside the state.

(b) Any agreement for the joint operation or construction of a school shall:

(i) be signed by the president of the board of each participating district;

(ii) include a mutually agreed upon pro rata cost; and

(iii) be filed with the State Board of Education.

(5) A board may establish, locate, and maintain elementary, secondary, and applied technology schools.

(6) A board may enroll children in school who are at least five years of age before September 2 of the year in which admission is sought.

(7) A board may establish and support school libraries.

(8) A board may collect damages for the loss, injury, or destruction of school property.

(9) A board may authorize guidance and counseling services for children and their parents or guardians prior to, during, or following enrollment of the children in schools.

(10) (a) A board may apply for, receive, and administer funds made available through programs of the federal government.

(b) Federal funds are not considered funds within the school district budget under Title 53A, Chapter 19, School District Budgets.

(c) Federal funds may only be expended for the purposes for which they are received and are accounted for by the board.

(d) A program created with or expanded by federal funds may be reduced to the extent allowed by law when federal funds for that program are subsequently reduced or eliminated.

(11) (a) A board may organize school safety patrols and adopt rules under which the patrols promote student safety.

(b) A student appointed to a safety patrol shall be at least ten years old and have written

parental consent for the appointment.

(c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of a highway intended for vehicular traffic use.

(d) Liability may not attach to a school district, its employees, officers, or agents or to a safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting the program by virtue of the organization, maintenance, or operation of a school safety patrol.

(12) (a) A board may on its own behalf, or on behalf of an educational institution for which the board is the direct governing body, accept private grants, loans, gifts, endowments, devises, or bequests that are made for educational purposes.

(b) These contributions are not subject to appropriation by the Legislature.

(13) (a) A board may appoint and fix the compensation of a compliance officer to issue citations for violations of Subsection 76-10-105(2).

(b) A person may not be appointed to serve as a compliance officer without the person's consent.

(c) A teacher or student may not be appointed as a compliance officer.

(14) A board shall adopt bylaws and rules for its own procedures.

(15) (a) A board shall make and enforce rules necessary for the control and management of the district schools.

(b) All board rules and policies shall be in writing, filed, and referenced for public access.

(16) A board may hold school on legal holidays other than Sundays.

(17) (a) Each board shall establish for each school year a school traffic safety committee to implement this Subsection (17).

(b) The committee shall be composed of one representative of:

(i) the schools within the district;

(ii) the Parent Teachers' Association of the schools within the district;

(iii) the municipality or county;

(iv) state or local law enforcement; and

(v) state or local traffic safety engineering.

(c) The committee shall:

(i) receive suggestions from parents, teachers, and others and recommend school traffic safety improvements, boundary changes to enhance safety, and school traffic safety program measures;

(ii) review and submit annually to the Department of Transportation and affected municipalities and counties a child access routing plan for each elementary, middle, and junior high school within the district;

(iii) consult the Utah Safety Council and the Division of Family Health Services and provide training to all school children in kindergarten through grade six, within the district, on school crossing safety and use; and

(iv) help ensure the district's compliance with rules made by the Department of Transportation under Section [~~41-6-20.1~~] 41-6a-303.

(d) The committee may establish subcommittees as needed to assist in accomplishing its duties under Subsection (17)(c).

(e) The board shall require the school community council of each elementary, middle, and junior high school within the district to develop and submit annually to the committee a child access routing plan.

(18) (a) Each school board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in its public schools, on school grounds, on its school vehicles, and in connection with school-related activities or events.

(b) The board shall implement its plan by July 1, 2000.

(c) The plan shall:

(i) include prevention, intervention, and response components;

(ii) be consistent with the student conduct and discipline policies required for school districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

(iii) require inservice training for all district and school building staff on what their roles are in the emergency response plan; and

(iv) provide for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the areas and activities referred to in Subsection (18)(a).

(d) The State Board of Education, through the state superintendent of public instruction, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (18)(a).

(e) Each local school board shall, by July 1 of each year, certify to the State Board of Education that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and their parents and local law enforcement and public safety representatives.

(19) (a) Each local school board may adopt an emergency response plan for the treatment of sports-related injuries that occur during school sports practices and events.

(b) The plan may be implemented by each secondary school in the district that has a sports program for students.

(c) The plan may:

(i) include emergency personnel, emergency communication, and emergency equipment components;

(ii) require inservice training on the emergency response plan for school personnel who are involved in sports programs in the district's secondary schools; and

(iii) provide for coordination with individuals and agency representatives who:

(A) are not employees of the school district; and

(B) would be involved in providing emergency services to students injured while participating in sports events.

(d) The board, in collaboration with the schools referred to in Subsection (19)(b), may review the plan each year and make revisions when required to improve or enhance the plan.

(e) The State Board of Education, through the state superintendent of public instruction, shall provide local school boards with an emergency plan response model that local boards may use to comply with the requirements of this Subsection (19).

(20) A board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.

Section 271. Section **53B-3-106** is amended to read:

53B-3-106. Criminal and traffic laws in full force and effect.

(1) All of the criminal laws of this state, including the traffic laws, are in full force and effect on the campuses of state institutions of higher education and upon all other property or facilities owned by the institutions or operated or controlled by the governing board of the institution.

(2) (a) State institutions of higher education are "political subdivisions" and the board of the institutions is a "local authority."

(b) All streets, roadways, alleys, and parking lots on property owned or controlled by state institutions of higher education are "streets or highways" as these terms are used in Title 41, Chapter ~~[6]~~ 6a, Traffic Code.

Section 272. Section **58-20a-305** is amended to read:

58-20a-305. Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, a person is exempt from the licensure requirements of this chapter if:

(1) the person's practice of environmental health science is limited to inspecting in order to enforce compliance with an inspection and maintenance program established pursuant to Section ~~[41-6-163:6]~~ 41-6a-1642 or to issuing permits under that program;

(2) the person is a laboratory staff person employed by the Department of Agriculture and Food or the Department of Health, and in his employment inspects, permits, certifies, or otherwise enforces laboratory standards in laboratories regulated by state or local public health laws; or

(3) the person is the local health officer of a local public health department which employs a director of environmental health services licensed under this chapter.

Section 273. Section **58-67-305** is amended to read:

58-67-305. Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the described acts or practices without being licensed under this chapter:

- (1) an individual rendering aid in an emergency, when no fee or other consideration of value for the service is charged, received, expected, or contemplated;
- (2) an individual administering a domestic or family remedy;
- (3) (a) (i) a person engaged in the sale of vitamins, health foods, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited by state or federal law; and
 - (ii) a person acting in good faith for religious reasons, as a matter of conscience, or based on a personal belief, when obtaining or providing any information regarding health care and the use of any product under Subsection (3)(a)(i); and
 - (b) Subsection (3)(a) does not:
 - (i) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity, pain, or other condition; or
 - (ii) prohibit providing truthful and non-misleading information regarding any of the products under Subsection (3)(a)(i);
 - (4) a person engaged in good faith in the practice of the religious tenets of any church or religious belief, without the use of prescription drugs;
 - (5) an individual authorized by the Department of Health under Section 26-1-30, to withdraw blood to determine the alcohol or drug content pursuant to Section ~~[41-6-44.1]~~ 41-6a-523;
 - (6) a medical assistant while working under the direct and immediate supervision of a licensed physician and surgeon, to the extent the medical assistant is engaged in tasks appropriately delegated by the supervisor in accordance with the standards and ethics of the practice of medicine;
 - (7) an individual engaging in the practice of medicine when:
 - (a) the individual is licensed in good standing as a physician in another state with no

licensing action pending and no less than ten years of professional experience;

(b) the services are rendered as a public service and for a noncommercial purpose;

(c) no fee or other consideration of value is charged, received, expected, or contemplated for the services rendered beyond an amount necessary to cover the proportionate cost of malpractice insurance; and

(d) the individual does not otherwise engage in unlawful or unprofessional conduct; and

(8) an individual providing expert testimony in a legal proceeding.

Section 274. Section **58-68-305** is amended to read:

58-68-305. Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the described acts or practices without being licensed under this chapter:

(1) an individual rendering aid in an emergency, when no fee or other consideration of value for the service is charged, received, expected, or contemplated;

(2) an individual administering a domestic or family remedy;

(3) (a) (i) a person engaged in the lawful sale of vitamins, health foods, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited by state or federal law; and

(ii) a person acting in good faith for religious reasons, as a matter of conscience, or based on a personal belief, when obtaining or providing any information regarding health care and the use of any product under Subsection (3)(a)(i); and

(b) Subsection (3)(a) does not:

(i) permit a person to diagnose any human disease, ailment, injury, infirmity, deformity, pain, or other condition; or

(ii) prohibit providing truthful and non-misleading information regarding any of the products under Subsection (3)(a)(i);

(4) a person engaged in good faith in the practice of the religious tenets of any church or religious belief without the use of prescription drugs;

(5) an individual authorized by the Department of Health under Section 26-1-30, to withdraw blood to determine the alcohol or drug content pursuant to Section ~~[41-6-44.1]~~ 41-6a-523;

(6) a medical assistant while working under the direct and immediate supervision of a licensed osteopathic physician, to the extent the medical assistant is engaged in tasks appropriately delegated by the supervisor in accordance with the standards and ethics of the practice of medicine;

(7) an individual engaging in the practice of osteopathic medicine when:

(a) the individual is licensed in good standing as an osteopathic physician in another state with no licensing action pending and no less than ten years of professional experience;

(b) the services are rendered as a public service and for a noncommercial purpose;

(c) no fee or other consideration of value is charged, received, expected, or contemplated for the services rendered beyond an amount necessary to cover the proportionate cost of malpractice insurance; and

(d) the individual does not otherwise engage in unlawful or unprofessional conduct; and

(8) an individual providing expert testimony in a legal proceeding.

Section 275. Section **58-71-305** is amended to read:

58-71-305. Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the described acts or practices without being licensed under this chapter:

(1) an individual rendering aid in an emergency, when no fee or other consideration of value for the service is charged, received, expected, or contemplated;

(2) an individual administering a domestic or family remedy;

(3) a person engaged in the sale of vitamins, health foods, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited under state or federal law, but this subsection does not:

(a) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity,

pain, or other condition: or

(b) prohibit providing truthful and nonmisleading information regarding any of the products under this subsection;

(4) a person engaged in good faith in the practice of the religious tenets of any church or religious belief, without the use of prescription drugs;

(5) a person acting in good faith for religious reasons as a matter of conscience or based on a personal belief when obtaining or providing information regarding health care and the use of any product under Subsection (3);

(6) an individual authorized by the Department of Health under Section 26-1-30, to withdraw blood to determine the alcohol or drug content pursuant to Section ~~[41-6-44.1]~~ 41-6a-523;

(7) a naturopathic medical assistant while working under the direct and immediate supervision of a licensed naturopathic physician to the extent the medical assistant is engaged in tasks appropriately delegated by the supervisor in accordance with the standards and ethics of the practice of naturopathic medicine; and

(8) an individual who has completed all requirements for licensure under this chapter except the clinical experience required under Section 58-71-302, for a period of one year while that individual is completing that clinical experience requirement and who is working under the provisions of a temporary license issued by the division.

Section 276. Section **62A-15-105** is amended to read:

62A-15-105. Authority and responsibilities of board.

The board is the policymaking body for the division and for programs funded with state and federal moneys under Sections 17-43-201, 17-43-301, 17-43-304, and 62A-15-110. The board shall:

(1) in establishing policy, seek input from local substance abuse authorities, local mental health authorities, consumers, providers, advocates, division staff, and other interested parties as determined by the board;

(2) establish, by rule, minimum standards for local substance abuse authorities and local

mental health authorities;

(3) establish, by rule, procedures for developing its policies which ensure that local substance abuse authorities and local mental health authorities are given opportunity to comment and provide input on any new policy of the board or proposed changes in existing policy of the board;

(4) provide a mechanism for review of its existing policy, and for consideration of policy changes that are proposed by local substance abuse authorities or local mental health authorities;

(5) develop program policies, standards, rules, and fee schedules for the division; and

(6) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, make rules approving the form and content of substance abuse treatment, educational series, screening, and assessment that are described in Section [~~41-6-44~~] 41-6a-501.

Section 277. Section **62A-15-502** is amended to read:

62A-15-502. Penalty for DUI conviction -- Amounts.

(1) Courts of record and not of record may at sentencing assess against the defendant, in addition to any fine, an amount that will fully compensate agencies that treat the defendant for their costs in each case where a defendant is convicted of violating:

(a) Section [~~41-6-44 or 41-6-44.6~~] 41-6a-502 or 41-6a-517;

(b) a criminal prohibition resulting from a plea bargain after an original charge of violating Section [~~41-6-44~~] 41-6a-502; or

(c) an ordinance that complies with the requirements of Subsection [~~41-6-43~~] 41-6a-510(1).

(2) The fee assessed shall be collected by the court or an entity appointed by the court.

Section 278. Section **63-2-304** is amended to read:

63-2-304. Protected records.

The following records are protected if properly classified by a governmental entity:

(1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63-2-308;

(2) commercial information or nonindividual financial information obtained from a

person if:

(a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;

(b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and

(c) the person submitting the information has provided the governmental entity with the information specified in Section 63-2-308;

(3) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;

(4) records the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4);

(5) test questions and answers to be used in future license, certification, registration, employment, or academic examinations;

(6) records the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except that this Subsection (6) does not restrict the right of a person to see bids submitted to or by a governmental entity after bidding has closed;

(7) records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

(a) public interest in obtaining access to the information outweighs the governmental entity's need to acquire the property on the best terms possible;

(b) the information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

(c) in the case of records that would identify property, potential sellers of the described property have already learned of the governmental entity's plans to acquire the property;

(d) in the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the governmental entity's estimated value of the property; or

(e) the property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Section 78-34-4.5;

(8) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:

(a) the public interest in access outweighs the interests in restricting access, including the governmental entity's interest in maximizing the financial benefit of the transaction; or

(b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

(9) records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:

(a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;

(b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

(c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;

(d) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an

investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or

(e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

(10) records the disclosure of which would jeopardize the life or safety of an individual;

(11) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;

(12) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;

(13) records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;

(14) records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections;

(15) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;

(16) records prepared by or on behalf of a governmental entity solely in anticipation of litigation that are not available under the rules of discovery;

(17) records disclosing an attorney's work product, including the mental impressions or legal theories of an attorney or other representative of a governmental entity concerning litigation;

(18) records of communications between a governmental entity and an attorney representing, retained, or employed by the governmental entity if the communications would be

privileged as provided in Section 78-24-8;

(19) personal files of a legislator, including personal correspondence to or from a member of the Legislature, provided that correspondence that gives notice of legislative action or policy may not be classified as protected under this section;

(20) (a) records in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public; and

(b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;

(21) research requests from legislators to the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in response to these requests;

(22) drafts, unless otherwise classified as public;

(23) records concerning a governmental entity's strategy about collective bargaining or pending litigation;

(24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;

(25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

(26) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

(27) records of independent state agencies if the disclosure of the records would conflict

with the fiduciary obligations of the agency;

(28) records of a public institution of higher education regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open and Public Meetings, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;

(29) records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;

(30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

(31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;

(32) transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-7;

(33) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;

(34) memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;

(35) records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the

person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;

(36) materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;

(37) the name of a donor or a prospective donor to a governmental entity, including a public institution of higher education, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

(a) the donor requests anonymity in writing;

(b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the governmental entity under this Subsection (37); and

(c) except for public institutions of higher education, the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of his immediate family, or any entity owned or controlled by the donor or his immediate family;

(38) accident reports, except as provided in Sections [~~41-6-40~~] 41-6a-404, 41-12a-202, and 73-18-13;

(39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;

(40) (a) the following records of a public institution of education, which have been developed, discovered, or received by or on behalf of faculty, staff, employees, or students of the institution:

(i) unpublished lecture notes;

(ii) unpublished research notes and data;

(iii) unpublished manuscripts;

(iv) creative works in process;

(v) scholarly correspondence; and

(vi) confidential information contained in research proposals; and

(b) Subsection (40)(a) may not be construed to affect the ownership of a record;

(41) (a) records in the custody or control of the Office of Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit prior to the date that audit is completed and made public; and

(b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the Legislative Auditor General is a public document unless the legislator asks that the records in the custody or control of the Office of Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;

(42) records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:

(a) a production facility; or

(b) a magazine;

(43) information contained in the database described in Section 62A-3-311.1;

(44) information contained in the Management Information System and Licensing Information System described in Title 62A, Chapter 4a, Child and Family Services;

(45) information regarding National Guard operations or activities in support of the National Guard's federal mission;

(46) records provided by any pawnbroker or pawnshop to a law enforcement agency in compliance with Title 13, Chapter 32a, Pawnshop Transaction Information Act; and

(47) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food.

Section 279. Section **63-30d-301** is amended to read:

63-30d-301. Waivers of immunity -- Exceptions.

(1) (a) Immunity from suit of each governmental entity is waived as to any contractual obligation.

(b) Actions arising out of contractual rights or obligations are not subject to the requirements of Sections 63-30d-401, 63-30d-402, 63-30d-403, or 63-30d-601.

(c) The Division of Water Resources is not liable for failure to deliver water from a reservoir or associated facility authorized by Title 73, Chapter 26, Bear River Development Act, if the failure to deliver the contractual amount of water is due to drought, other natural condition, or safety condition that causes a deficiency in the amount of available water.

(2) Immunity from suit of each governmental entity is waived:

(a) as to any action brought to recover, obtain possession of, or quiet title to real or personal property;

(b) as to any action brought to foreclose mortgages or other liens on real or personal property, to determine any adverse claim on real or personal property, or to obtain an adjudication about any mortgage or other lien that the governmental entity may have or claim on real or personal property;

(c) as to any action based on the negligent destruction, damage, or loss of goods, merchandise, or other property while it is in the possession of any governmental entity or employee, if the property was seized for the purpose of forfeiture under any provision of state law;

(d) subject to Subsection 63-30d-302(1), as to any action brought under the authority of Article I, Section 22, of the Utah Constitution, for the recovery of compensation from the governmental entity when the governmental entity has taken or damaged private property for public uses without just compensation;

(e) subject to Subsection 63-30d-302(2), as to any action brought to recover attorneys' fees under Sections 63-2-405 and 63-2-802; or

(f) for actual damages under Title 67, Chapter 21, [~~Utah's~~ Utah Protection of Public Employees Act.

(3) (a) Except as provided in Subsection (3)(b), immunity from suit of each governmental entity is waived as to any injury caused by:

(i) a defective, unsafe, or dangerous condition of any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them; or

(ii) any defective or dangerous condition of a public building, structure, dam, reservoir,

or other public improvement.

(b) Immunity is not waived if the injury arises out of, in connection with, or results from:

(i) a latent dangerous or latent defective condition of any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them; or

(ii) a latent dangerous or latent defective condition of any public building, structure, dam, reservoir, or other public improvement.

(4) Immunity from suit of each governmental entity is waived as to any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment.

(5) Immunity is not waived under Subsections (3) and (4) if the injury arises out of, in connection with, or results from:

(a) the exercise or performance, or the failure to exercise or perform, a discretionary function, whether or not the discretion is abused;

(b) assault, battery, false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation of civil rights;

(c) the issuance, denial, suspension, or revocation of, or by the failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization;

(d) a failure to make an inspection or by making an inadequate or negligent inspection;

(e) the institution or prosecution of any judicial or administrative proceeding, even if malicious or without probable cause;

(f) a misrepresentation by an employee whether or not it is negligent or intentional;

(g) riots, unlawful assemblies, public demonstrations, mob violence, and civil disturbances;

(h) the collection of and assessment of taxes;

(i) the activities of the Utah National Guard;

(j) the incarceration of any person in any state prison, county or city jail, or other place of

legal confinement;

(k) any natural condition on publicly owned or controlled lands, any condition existing in connection with an abandoned mine or mining operation, or any activity authorized by the School and Institutional Trust Lands Administration or the Division of Forestry, Fire, and State Lands;

(l) research or implementation of cloud management or seeding for the clearing of fog;

(m) the management of flood waters, earthquakes, or natural disasters;

(n) the construction, repair, or operation of flood or storm systems;

(o) the operation of an emergency vehicle, while being driven in accordance with the requirements of Section ~~[41-6-14]~~ 41-6a-208;

(p) the activities of:

(i) providing emergency medical assistance;

(ii) fighting fire;

(iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;

(iv) emergency evacuations;

(v) transporting or removing injured persons to a place where emergency medical assistance can be rendered or where the person can be transported by a licensed ambulance service; or

(vi) intervening during dam emergencies;

(q) the exercise or performance, or the failure to exercise or perform, any function pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water Resources; or

(r) unauthorized access to government records, data, or electronic information systems by any person or entity.

Section 280. Section **63-55-241** is amended to read:

63-55-241. Repeal dates, Title 41.

The following provisions of Title 41 are repealed on the following dates:

(1) Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program, is repealed July 1, 2010.

(2) The HOV lane exception for clean fuel special group license plate vehicles in

Subsection [~~41-6-53.5~~] 41-6a-702(5) is repealed December 31, 2005.

Section 281. Section **63-63a-1** is amended to read:

63-63a-1. Surcharge -- Application and exemptions.

(1) (a) A surcharge shall be paid on all criminal fines, penalties, and forfeitures imposed by the courts.

(b) The surcharge shall be:

(i) 85% upon conviction of a:

(A) felony;

(B) class A misdemeanor;

(C) violation of Title 41, Chapter [~~6, Article~~] 6a, Part 5, Driving [~~While Intoxicated~~]

Under the Influence and Reckless Driving; or

(D) class B misdemeanor not classified within Title 41, Motor Vehicles, including violation of comparable county or municipal ordinances; or

(ii) 35% upon conviction of any other offense, including violation of county or municipal ordinances not subject to the 85% surcharge.

(2) The surcharge may not be imposed:

(a) upon nonmoving traffic violations;

(b) upon court orders when the offender is ordered to perform compensatory service work in lieu of paying a fine; and

(c) upon penalties assessed by the juvenile court as part of the nonjudicial adjustment of a case under Section 78-3a-502.

(3) (a) The surcharge and the exceptions under Subsections (1) and (2) also apply to all fines, penalties, and forfeitures imposed on juveniles for conduct that would be criminal if committed by an adult.

(b) However, the surcharge does not include amounts assessed or collected separately by juvenile courts for the Juvenile Restitution Account, which is independent of this chapter and does not affect the imposition or collection of the surcharge.

(4) The surcharge under this section shall be imposed in addition to the fine charged for a

civil or criminal offense, and no reduction may be made in the fine charged due to the surcharge imposition.

(5) Fees, assessments, and surcharges related to criminal or traffic offenses shall be authorized and managed by this chapter rather than attached to particular offenses.

Section 282. Section **72-6-109** is amended to read:

72-6-109. Class B and C roads -- Construction and maintenance -- Definitions -- Estimates lower than bids -- Accountability.

(1) As used in this section and Section 72-6-108:

(a) "Bid limit" means:

(i) for the year 2003, \$125,000; and

(ii) for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the Consumer Price Index during the previous calendar year.

(b) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.

(c) (i) "Construction" means the work that would apply to:

(A) any new roadbed either by addition to existing systems or relocation;

(B) resurfacing of existing roadways with more than two inches of bituminous pavement;

or

(C) new structures or replacement of existing structures, except the replacement of drainage culverts.

(ii) "Construction" does not include maintenance, emergency repairs, or the installation of traffic control devices as described in Section ~~[41-6-20]~~ 41-6a-301.

(d) "Improvement project" means construction and maintenance as defined in this section except for that maintenance excluded under Subsection (2).

(e) "Maintenance" means the keeping of a road facility in a safe and usable condition to which it was constructed or improved, and includes:

(i) the reworking of an existing surface by the application of up to and including two inches of bituminous pavement;

(ii) the installation or replacement of guardrails, seal coats, and culverts;

(iii) the grading or widening of an existing unpaved road or flattening of shoulders or side slopes to meet current width and safety standards; and

(iv) horizontal or vertical alignment changes necessary to bring an existing road in compliance with current safety standards.

(f) "Project" means the performance of a clearly identifiable group of associated road construction activities or the same type of maintenance process, where the construction or maintenance is performed on any one class B or C road, within a half-mile proximity and occurs within the same calendar year.

(2) The following types of maintenance work are not subject to the contract or bid limit requirements of this section:

(a) the repair of less than the entire surface by crack sealing or patching; and

(b) road repairs incidental to the installation, replacement, or repair of water mains, sewers, drainage pipes, culverts, or curbs and gutters.

(3) (a) (i) If the estimates of a qualified engineer referred to in Section 72-6-108 are substantially lower than any responsible bid received or in the event no bids are received, the county or municipality may perform the work by force account.

(ii) In no event shall "substantially lower" mean estimates that are less than 10% below the lowest responsible bid.

(b) If a county or municipality performs an improvement project by force account, it shall:

(i) provide an accounting of the costs and expenditures of the improvement including material, labor, and direct equipment costs to be calculated using the Cost Reference Guide for Construction Equipment by Dataquest Inc.;

(ii) disclose the costs and expenditures to any person upon request and allow the person to make a copy and pay for the actual cost of the copy; and

(iii) perform the work using the same specifications and standards that would apply to a private contractor.

Section 283. Section **72-6-114** is amended to read:

72-6-114. Restricting use of or closing highway -- Penalty for failure to observe barricade, warning light, etc.

(1) A highway authority may close or restrict travel on a highway under their jurisdiction due to construction, maintenance work, or emergency.

(2) If a highway or portion of a highway is closed or restricted to travel, a highway authority shall cause suitable barriers and notices to be posted and maintained in accordance with Section [~~41-6-20~~] 41-6a-301.

(3) A person who willfully fails to observe any barricade, warning light, sign, or flagman, used in accordance with this section, is guilty of a class B misdemeanor.

Section 284. Section **72-7-107** is amended to read:

72-7-107. Public safety program signs -- Permits.

(1) As used in this section, "public safety program sign" means a sign, placed on or adjacent to a highway, that is promoting a highway safety program or highway safety practice, or a crime or drug abuse prevention program that is being sponsored by the department, the Department of Public Safety, or a local law enforcement agency.

(2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules to allow public safety program signs on state highways by permit. The rules shall contain reasonable terms and conditions:

(a) that are no more restrictive than motorist service signing requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways adopted under Section [~~41-6-20~~] 41-6a-301; and

(b) for granting and maintaining a permit.

Section 285. Section **72-7-401** is amended to read:

72-7-401. Application of size, weight, and load limitations for vehicles -- Exceptions.

(1) (a) Except as provided in Subsection (2), the maximum size, weight, and load limitations on vehicles under this part apply to all highways throughout the state.

(b) Local authorities may not alter the limitations except as expressly provided under Sections [~~41-6-17~~] 41-6a-204 and 72-7-408.

(2) Except as specifically made applicable, the size, weight, and load limitations in this chapter do not apply to:

(a) fire-fighting apparatus;

(b) highway construction and maintenance equipment being operated at the site of maintenance or at a construction project as authorized by a highway authority;

(c) highway construction and maintenance equipment temporarily being operated between a material site and a highway maintenance site or a highway construction project if:

(i) the section of any highway being used is not located within a county of the first or second class;

(ii) authorized for a specific highway project by the highway authority having jurisdiction over each highway being used;

(iii) the distance between the material site and maintenance site or highway construction project does not exceed ten miles; and

(iv) the operator carries in the vehicle written verification of the authorization from the highway authority having jurisdiction over each highway being used;

(d) implements of husbandry incidentally moved on a highway while engaged in an agricultural operation or incidentally moved for repair or servicing, subject to the provisions of Section 72-7-407;

(e) vehicles transporting logs or poles from forest to sawmill:

(i) when required to move upon a highway other than the national system of interstate and defense highways;

(ii) if the gross vehicle weight does not exceed 80,000 pounds; and

(iii) the vehicle or combination of vehicles are in compliance with Subsections 72-7-404(1) and (2)(a); and

(f) tow trucks or towing vehicles under emergency conditions when:

(i) it becomes necessary to move a vehicle, combination of vehicles, special mobile equipment, or objects to the nearest safe area for parking or temporary storage;

(ii) no other alternative is available; and

(iii) the movement is for the safety of the traveling public.

(3) (a) Except when operating on the national system of interstate and defense highways, a motor vehicle carrying livestock as defined in Section 4-1-8, or a motor vehicle carrying raw grain if the grain is being transported by the farmer from his farm to market prior to bagging, weighing, or processing, may exceed by up to 2,000 pounds the tandem axle weight limitations specified under Section 72-7-404 without obtaining an overweight permit under Section 72-7-406.

(b) Subsection (3)(a) is an exception to Sections 72-7-404 and 72-7-406.

Section 286. Section **72-7-403** is amended to read:

72-7-403. Towing requirements and limitations on towing.

(1) (a) The draw-bar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, may not exceed 15 feet in length from one vehicle to the other except in the case of a connection between any two vehicles transporting poles, pipe, machinery, or structural material that cannot be dismembered when transported upon a pole trailer as defined in Section ~~[41-6-1]~~ 41-6a-102.

(b) When the connection between the two vehicles is a chain, rope, or cable, a red flag or other signal or cloth not less than 12 inches both in length and width shall be displayed on or near the midpoint of the connection.

(2) A person may not operate a combination of vehicles when any trailer, semitrailer, or other vehicle being towed:

(a) whips or swerves from side to side dangerously or unreasonably; or

(b) fails to follow substantially in the path of the towing vehicle.

(3) A person who violates this section is guilty of a class B misdemeanor.

Section 287. Section **72-7-407** is amended to read:

72-7-407. Implements of husbandry -- Escort vehicle requirements -- Oversize permit -- Rulemaking -- Penalty.

(1) As used in this section, "escort vehicle" means a motor vehicle, as defined under Section 41-1a-102, that has its emergency warning lights operating, and that is being used to warn approaching motorists by either preceding or following a slow or oversized vehicle, object, or implement of husbandry being moved on the highway.

(2) An implement of husbandry being moved on a highway shall be accompanied by:

(a) front and rear escort vehicles when the implement of husbandry is 16 feet in width or greater unless the implement of husbandry is moved by a farmer or rancher or his employees in connection with an agricultural operation; or

(b) one or more escort vehicles when the implement of husbandry is traveling on a highway where special hazards exist related to weather, pedestrians, other traffic, or highway conditions.

(3) In addition to the requirements of Subsection (2), a person may not move an implement of husbandry on a highway during hours of darkness without lights and reflectors as required under Section ~~[41-6-130 or 41-6-130.5]~~ 41-6a-1608 or 41-6a-1609.

(4) (a) Except for an implement of husbandry moved by a farmer or rancher or the farmer's or rancher's employees in connection with an agricultural operation, a person may not move an implement of husbandry on the highway without:

(i) an oversize permit obtained under Section 72-7-406 if required;

(ii) trained escort vehicle drivers and approved escort vehicles when required under Subsection (2); and

(iii) compliance with the vehicle weight requirements of Section 72-7-404.

(b) (i) The department shall issue an annual oversize permit for the purpose of allowing the movement of implements of husbandry on the highways in accordance with this chapter.

(ii) The permit shall require the applicant to obtain verbal permission from the department for each trip involving the movement of an implement of husbandry 16 feet or greater in width.

(c) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules specifying training for escort vehicle drivers and equipment requirements for escort vehicles as provided in Subsection (4)(a).

(5) Any person who violates this section is guilty of a class B misdemeanor.

Section 288. Section **72-9-501** is amended to read:

72-9-501. Construction, operation, and maintenance of ports-of-entry by the department -- Function of ports-of-entry -- Checking and citation powers of port-of-entry agents.

(1) (a) The department shall construct ports-of-entry for the purpose of checking motor carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws including laws relating to:

- (i) driver qualifications;
- (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;
- (iii) vehicle registration;
- (iv) fuel tax payment;
- (v) vehicle size, weight, and load;
- (vi) security or insurance;
- (vii) this chapter;
- (viii) hazardous material as defined under 49 U.S.C. 5102;
- (ix) livestock transportation; and
- (x) safety.

(b) The ports-of-entry shall be located on state highways at sites determined by the department.

(2) (a) The ports-of-entry shall be operated and maintained by the department.

(b) A port-of-entry agent may check, inspect, or test drivers, vehicles, and vehicle loads for compliance with state and federal laws specified in Subsection (1).

(3) (a) A port-of-entry agent, in whose presence an offense described in this section is committed, may:

- (i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;
- (ii) request and administer chemical tests to determine blood alcohol concentration in compliance with Section ~~[41-6-44.3]~~ 41-6a-515;
- (iii) place a driver out-of-service in accordance with Section 53-3-417; and
- (iv) serve a driver with notice of the Driver License Division of the Department of Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle in accordance with Section 53-3-418.

(b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a port-of-entry agent who is not a peace officer or special function officer designated under Title 53, Chapter 13, Peace Officer Classifications.

Section 289. Section **72-9-601** is amended to read:

72-9-601. Tow truck motor carrier requirements -- Authorized towing certificates.

- (1) In addition to the requirements of this chapter, a tow truck motor carrier shall:
 - (a) ensure that all the motor carrier's tow truck drivers are properly:
 - (i) trained to operate tow truck equipment;
 - (ii) licensed, as required under Title 53, Chapter 3, Uniform Driver License Act; and
 - (iii) complying with the requirements under Sections ~~[41-6-102.5]~~ 41-6a-1406 and 72-9-603; and
 - (b) obtain and display a current authorized towing certificate for the tow truck motor carrier, and each tow truck and driver, as required under Section 72-9-602.

(2) A tow truck motor carrier may only perform a towing service described in Section ~~[41-6-102.5, 41-6-102.7]~~ 41-6a-1406, 41-6a-1407, or 72-9-603, with a tow truck and driver that has a current authorized towing certificate under this part.

Section 290. Section **72-9-602** is amended to read:

72-9-602. Towing inspections, investigations, and certification -- Equipment requirements -- Consumer information.

(1) (a) The department shall inspect, investigate, and certify tow truck motor carriers, tow trucks, and tow truck drivers to ensure compliance with this chapter and compliance with

Sections [~~41-6-102.5 and 41-6-102.7~~] 41-6a-1406 and 41-6a-1407.

(b) The inspection, investigation, and certification shall be conducted prior to any tow truck operation and at least every two years thereafter.

(c) (i) The department shall issue an authorized towing certificate for each tow truck motor carrier, tow truck, and driver that complies with this part.

(ii) The certificate shall expire two years from the month of issuance.

(d) The department may charge a biennial fee established under Section 63-38-3.2 to cover the cost of the inspection, investigation, and certification required under this part.

(2) The department shall make consumer protection information available to the public that may use a tow truck motor carrier.

Section 291. Section **72-9-603** is amended to read:

72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned vehicle title restrictions -- Rules for maximum rates and certification.

(1) Except for tow truck service that was ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or a highway authority, as defined in Section 72-1-102, after performing a tow truck service that is being done without the vehicle, vessel, or outboard motor owner's knowledge, the tow truck operator or the tow truck motor carrier shall:

(a) immediately upon arriving at the place of storage or impound of the vehicle, vessel, or outboard motor, contact the law enforcement agency having jurisdiction over the area where the vehicle, vessel, or outboard motor was picked up and notify the agency of the:

(i) location of the vehicle, vessel, or outboard motor;

(ii) date, time, and location from which the vehicle, vessel, or outboard motor was removed;

(iii) reasons for the removal of the vehicle, vessel, or outboard motor;

(iv) person who requested the removal of the vehicle, vessel, or outboard motor; and

(v) vehicle, vessel, or outboard motor's description, including its identification number and license number or other identification number issued by a state agency; and

(b) within two business days of performing the tow truck service, send a certified letter to

the last-known address of the registered owner and lien holder of the vehicle, vessel, or outboard motor obtained from the Motor Vehicle Division or if the person has actual knowledge of the owner's address to the current address, notifying him of the:

- (i) location of the vehicle, vessel, or outboard motor;
- (ii) date, time, location from which the vehicle, vessel, or outboard motor was removed;
- (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
- (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
- (v) a description, including its identification number and license number or other identification number issued by a state agency; and
- (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor.

(2) Until the tow truck operator or tow truck motor carrier reports the removal as required under Subsection (1)(a), a tow truck motor carrier or impound yard may not:

- (a) collect any fee associated with the removal; and
- (b) begin charging storage fees.

(3) The owner of a vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:

- (a) the tow truck service and storage fees set in accordance with Subsection (7); and
- (b) the administrative impound fee set in Section [~~41-6-102.5~~] 41-6a-1406, if applicable.

(4) The fees under Subsection (3) are a possessory lien on the vehicle, vessel, or outboard motor until paid.

(5) A person may not request a transfer of title to an abandoned vehicle until at least 30 days after notice has been sent under Subsection (1)(b).

(6) A tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all its current fees and rates for tow truck service and storage of a vehicle in accordance with rules established under Subsection (7).

(7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Department of Transportation shall:

- (a) set maximum rates that:

(i) tow truck motor carriers may charge for the tow truck service of a vehicle, vessel, or outboard motor that are transported in response to:

(A) a peace officer dispatch call;

(B) a motor vehicle division call; and

(C) any other call where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and

(ii) impound yards may charge for the storage of a vehicle, vessel, or outboard motor stored as a result of one of the conditions listed under Subsection (7)(a)(i);

(b) establish authorized towing certification requirements, not in conflict with federal law, related to incident safety, clean-up, and hazardous material handling; and

(c) specify the form and content of the posting and disclosure of fees and rates charged by a tow truck motor carrier or impound yard.

Section 292. Section **72-10-501** is amended to read:

72-10-501. Flying under the influence of alcohol, drugs, or with specified or unsafe blood alcohol concentration -- Calculations of blood or breath alcohol -- Criminal punishment -- Arrest without warrant.

(1) (a) A person may not operate or be in actual physical control of an aircraft within this state if the person:

(i) has sufficient alcohol in his body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .04 grams or greater at the time of the test;

(ii) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating an aircraft; or

(iii) has a blood or breath alcohol concentration of .04 grams or greater at the time of operation or actual physical control.

(b) The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating this section.

(2) Calculations of blood or breath alcohol concentration under this section shall be made in accordance with Subsection [~~41-6-44(2)~~] 41-6a-502(1).

(3) (a) A person convicted of a violation of Subsection (1) is guilty of a:

(i) class B misdemeanor; or

(ii) class A misdemeanor if the person has also inflicted bodily injury upon another as a proximate result of having operated the aircraft in a negligent manner.

(b) In this section, the standard of negligence is that of simple negligence, the failure to exercise that degree of care that an ordinarily reasonable and prudent person exercises under like or similar circumstances.

(4) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe:

(a) the violation has occurred, although not in the officer's presence; and

(b) the violation was committed by that person.

Section 293. Section **72-10-502** is amended to read:

72-10-502. Implied consent to chemical tests for alcohol or drugs -- Number of tests -- Refusal -- Person incapable of refusal -- Results of test available -- Who may give test -- Evidence.

(1) (a) A person operating an aircraft in this state consents to a chemical test or tests of the person's breath, blood, urine, or oral fluids:

(i) for the purpose of determining whether the person was operating or in actual physical control of an aircraft while having a blood or breath alcohol content statutorily prohibited under Section 72-10-501, or while under the influence of alcohol, any drug, or combination of alcohol and any drug under Section 72-10-501, if the test is or tests are administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of an aircraft in violation of Section 72-10-501; or

(ii) if the person operating the aircraft is involved in an accident that results in death, serious injury, or substantial aircraft damage.

(b) (i) The peace officer determines which of the tests are administered and how many of them are administered.

(ii) The peace officer may order any or all tests of the person's breath, blood, urine, or

oral fluids.

(iii) If an officer requests more than one test, refusal by a person to take one or more requested tests, even though the person does submit to any other requested test or tests, is a refusal under this section.

(c) (i) A person who has been requested under this section to submit to a chemical test or tests of the person's breath, blood, urine, or oral fluids may not select the test or tests to be administered.

(ii) The failure or inability of a peace officer to arrange for any specific chemical test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.

(2) (a) If the person has been placed under arrest and has then been requested by a peace officer to submit to any one or more of the chemical tests provided in Subsection (1) and refuses to submit to any chemical test, the person shall be warned by the peace officer requesting the test that a refusal to submit to the test is admissible in civil or criminal proceedings as provided under Subsection (8).

(b) Following this warning, unless the person immediately requests that the chemical test offered by a peace officer be administered, a test may not be given.

(3) Any person who is dead, unconscious, or in any other condition rendering the person incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn the consent provided for in Subsection (1), and the test or tests may be administered whether the person has been arrested or not.

(4) Upon the request of the person who was tested, the results of the test or tests shall be made available to that person.

(5) (a) Only a physician, registered nurse, practical nurse, or person authorized under Section 26-1-30 to draw blood under Section [~~41-6-44.10~~] 41-6a-523, acting at the request of a peace officer, may withdraw blood to determine the alcohol or drug content. This limitation does not apply to the taking of a urine, breath, or oral fluid specimen.

(b) Any physician, registered nurse, practical nurse, or person authorized under Section 26-1-30 to draw blood under Section ~~[41-6-44.10]~~ 41-6a-523 who, at the direction of a peace officer, draws a sample of blood from any person whom a peace officer has reason to believe is flying in violation of this chapter, or hospital or medical facility at which the sample is drawn, is immune from any civil or criminal liability arising from drawing the sample, if the test is administered according to standard medical practice.

(6) (a) The person to be tested may, at the person's own expense, have a physician of the person's own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.

(b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.

(c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.

(7) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician, or other person present as a condition for the taking of any test.

(8) If a person under arrest refuses to submit to a chemical test or tests or any additional test under this section, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of an aircraft while under the influence of alcohol, any drug, or combination of alcohol and any drug.

(9) The results of any test taken under this section or the refusal to be tested shall be reported to the Federal Aviation Administration by the peace officer requesting the test.

Section 294. Section **72-12-110** is amended to read:

72-12-110. Vehicles used and drivers excluded from definitions for regulatory purposes.

(1) A motor vehicle used in a ride-sharing arrangement is not a bus or commercial

vehicle under:

~~[(a) Title 41, Chapter 6, Traffic Rules and Regulations, relating to equipment requirements and rules of the road; and]~~

~~[(b)]~~ (a) Title 41, Chapter 1a, Motor Vehicle Act, relating to registration[-]; and

(b) Title 41, Chapter 6a, Traffic Code, relating to equipment requirements and rules of the road.

(2) The driver of a vehicle used in a ride-sharing arrangement is not a chauffeur and he is not transporting persons for compensation under the driver licensing provisions of Title 53, Chapter 3, Uniform Driver License Act.

Section 295. Section **73-18-13** is amended to read:

73-18-13. Duties of operator involved in accident -- Notification and reporting procedures -- Use of accident reports -- Giving false information as misdemeanor.

(1) As used in this section, "agent" has the same meaning as provided in Section ~~[41-6-40]~~ 41-6a-404.

(2) It is the duty of the operator of a vessel involved in an accident, if he can do so without seriously endangering his own vessel, crew, or passengers, to render aid to those affected by the accident as may be practicable. The operator shall also give his name, address, and identification of his vessel in writing to any person injured or to the owner of any property damaged in the accident.

(3) (a) The board shall adopt rules governing the notification and reporting procedure for vessels involved in accidents.

(b) The rules shall be consistent with federal requirements.

(4) (a) Except as provided in Subsection (4)(b), all accident reports:

(i) are protected and shall be for the confidential use of the division or other state, local, or federal agencies having use for the records for official governmental statistical, investigative, and accident prevention purposes; and

(ii) may be disclosed only in a statistical form that protects the privacy of any person involved in the accident.

- (b) The division shall disclose a written accident report and its accompanying data to:
 - (i) a person involved in the accident, excluding a witness to the accident;
 - (ii) a person suffering loss or injury in the accident;
 - (iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i) and (ii);
 - (iv) a member of the press or broadcast news media;
 - (v) a state, local, or federal agency that uses the records for official governmental, investigative, or accident prevention purposes;
 - (vi) law enforcement personnel when acting in their official governmental capacity; and
 - (vii) a licensed private investigator.
- (c) Information provided to a member of the press or broadcast news media under Subsection (4)(b)(iv) may only include:
 - (i) the name, age, sex, and city of residence of each person involved in the accident;
 - (ii) the make and model year of each vehicle involved in the accident;
 - (iii) whether or not each person involved in the accident was covered by a vehicle insurance policy;
 - (iv) the location of the accident; and
 - (v) a description of the accident that excludes personal identifying information not listed in Subsection (4)(c)(i).
- (5) (a) Except as provided in Subsection (5)(b), an accident report may not be used as evidence in any civil or criminal trial, arising out of an accident.
 - (b) Upon demand of any person who has, or claims to have, made the report, or upon demand of any court, the division shall furnish a certificate showing that a specified accident report has or has not been made to the division solely to prove a compliance or a failure to comply with the requirement that a report be made to the division. Accident reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of Subsection (6).
- (6) Any person who gives false information, knowingly or having reason to believe it is

false, in an oral or written report as required in this chapter, is guilty of a class A misdemeanor.

Section 296. Section **73-18-15.5** is amended to read:

73-18-15.5. Authorizing or permitting driving a vessel in violation of law.

(1) A person may not authorize or knowingly permit a vessel owned by him or that is under his control to be driven by a person in violation of this chapter or Title 41, Chapter [6; Article] 6a, Part 5, Driving [While Intoxicated] Under the Influence and Reckless Driving.

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

Section 297. Section **73-18-20** is amended to read:

**73-18-20. Enforcement of chapter -- Authority to stop and board vessels --
Disregarding law enforcement signal to stop as misdemeanor -- Procedure for arrest.**

(1) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce the provisions of this chapter and the rules promulgated under this chapter.

(2) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, has the authority to stop and board any vessel subject to this chapter, whether the vessel is on water or land. If that officer determines the vessel is overloaded, unseaworthy, or the safety equipment required by this chapter or rules of the board is not on the vessel, that officer may prohibit the launching of the vessel or stop the vessel from operating.

(3) An operator who, having received a visual or audible signal from a law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to bring his vessel to a stop, operates his vessel in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vessel or endanger any person, or who attempts to flee or elude the officer whether by vessel or otherwise is guilty of a class A misdemeanor.

(4) Whenever any person is arrested for any violation of the provisions of this chapter or of the rules promulgated under this chapter, the procedure for arrest is the same as outlined in Sections [~~41-6-166~~] 77-7-22 through [~~41-6-169~~] 77-7-24.

Section 298. Section **73-18-20.1** is amended to read:

73-18-20.1. Seizure of a vessel.

- (1) A peace officer, without a warrant, may seize and take possession of a vessel:
 - (a) that is placed or being operated on the waters of this state with improper registration;
 - (b) that the peace officer has reason to believe has been stolen;
 - (c) on which any hull identification number or serial number for an engine or outboard motor has been defaced, altered, or obliterated;
 - (d) that has been abandoned on public land, highways, or waters of this state; or
 - (e) if the registration or title fees for the vessel or outboard motor have not been paid.
- (2) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.

(3) Any peace officer seizing or taking possession of a vessel under this section shall comply with the provisions of Section ~~[41-6-102.5]~~ 41-6a-1406.

Section 299. Section **73-18a-15** is amended to read:

73-18a-15. Arrest for violation -- Procedure.

Whenever any person is arrested for any violation of the provisions of this chapter or rule promulgated under this chapter, the procedure for arrest is the same as specified in Sections ~~[41-6-166]~~ 77-7-22 through ~~[41-6-169]~~ 77-7-24.

Section 300. Section **76-2-101** is amended to read:

76-2-101. Requirements of criminal conduct and criminal responsibility.

~~[No]~~ (1) (a) A person is not guilty of an offense unless ~~[his]~~ the person's conduct is prohibited by law; and ~~[-(1)-He]~~

(b) (i) the person acts intentionally, knowingly, recklessly, with criminal negligence, or with a mental state otherwise specified in the statute defining the offense, as the definition of the offense requires; or

~~[(2)-His]~~ (ii) the person's acts constitute an offense involving strict liability.

(2) These standards of criminal responsibility ~~[shall]~~ do not apply to the violations set forth in Title 41, Chapter ~~[6]~~ 6a, Traffic Code, unless specifically provided by law.

Section 301. Section **76-5-207** is amended to read:

76-5-207. Automobile homicide.

(1) As used in this section, "motor vehicle" means any self-propelled vehicle and includes any automobile, truck, van, motorcycle, train, engine, watercraft, or aircraft.

(2) (a) Criminal homicide is automobile homicide, a third degree felony, if the person operates a motor vehicle in a negligent manner causing the death of another and:

(i) has sufficient alcohol in his body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test;

(ii) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or

(iii) has a blood or breath alcohol concentration of .08 grams or greater at the time of operation.

(b) A conviction for a violation of this Subsection (2) is a second degree felony if it is subsequent to a conviction as defined in Subsection [~~41-6-44(1)~~] 41-6a-502(2).

(c) As used in this Subsection (2), "negligent" means simple negligence, the failure to exercise that degree of care that reasonable and prudent persons exercise under like or similar circumstances.

(3) (a) Criminal homicide is automobile homicide, a second degree felony, if the person operates a motor vehicle in a criminally negligent manner causing the death of another and:

(i) has sufficient alcohol in his body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test;

(ii) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or

(iii) has a blood or breath alcohol concentration of .08 grams or greater at the time of operation.

(b) As used in this Subsection (3), "criminally negligent" means criminal negligence as defined by Subsection 76-2-103(4).

(4) The standards for chemical breath analysis as provided by Section [~~41-6-44.3~~] 41-6a-515 and the provisions for the admissibility of chemical test results as provided by Section [~~41-6-44.5~~] 41-6a-516 apply to determination and proof of blood alcohol content under this

section.

(5) Calculations of blood or breath alcohol concentration under this section shall be made in accordance with Subsection [~~41-6-44(2)~~] 41-6a-502(1).

(6) The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense.

(7) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by Rules of Evidence or the constitution.

Section 302. Section **76-10-504** is amended to read:

76-10-504. Carrying concealed dangerous weapon -- Penalties.

(1) Except as provided in Section 76-10-503 and in Subsections (2) and (3):

(a) a person who carries a concealed dangerous weapon, as defined in Section 76-10-501, which is not a firearm on his person or one that is readily accessible for immediate use which is not securely encased, as defined in this part, in a place other than his residence, property, or business under his control is guilty of a class B misdemeanor; and

(b) a person without a valid concealed firearm permit who carries a concealed dangerous weapon which is a firearm and that contains no ammunition is guilty of a class B misdemeanor, but if the firearm contains ammunition the person is guilty of a class A misdemeanor.

(2) A person who carries concealed a sawed-off shotgun or a sawed-off rifle is guilty of a second degree felony.

(3) If the concealed firearm is used in the commission of a violent felony as defined in Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a second degree felony.

(4) Nothing in Subsection (1) shall prohibit a person engaged in the lawful taking of protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code, from carrying a concealed weapon or a concealed firearm with a barrel length of four inches or greater as long as the taking of wildlife does not occur:

(a) within the limits of a municipality in violation of that municipality's ordinances; or

(b) upon the highways of the state as defined in Section [~~41-6-1~~] 41-6a-102.

Section 303. Section **76-10-528** is amended to read:

76-10-528. Carrying a dangerous weapon while under influence of alcohol or drugs unlawful.

(1) Any person who carries a dangerous weapon while under the influence of alcohol or a controlled substance as defined in Section 58-37-2 is guilty of a class B misdemeanor. Under the influence means the same level of influence or blood or breath alcohol concentration as provided in Subsections [~~41-6-44(2)~~] 41-6a-502(1)(a)(i) through (iii).

(2) It is not a defense to prosecution under this section that the person:

- (a) is licensed in the pursuit of wildlife of any kind; or
- (b) has a valid permit to carry a concealed firearm.

Section 304. Section **76-10-1506** is amended to read:

76-10-1506. Threatening breach of peace -- Disorderly conduct -- Foul language -- Refusing requests -- Use of controlled substance, liquor, or tobacco -- Ejection of passenger.

(1) A person is guilty of a class C misdemeanor, if [~~he~~] the person:

(a) threatens a breach of the peace, is disorderly, or uses obscene, profane, or vulgar language on a bus;

(b) is in or upon any bus while unlawfully under the influence of a controlled substance as defined in Section 58-37-2;

(c) fails to obey a reasonable request or order of a bus driver, bus company representative, a nondrinking designee other than the driver as provided in Subsection 32A-12-213(3)(c)(ii), or other person in charge or control of a bus or terminal;

(d) ingests any controlled substance, unless prescribed by a physician or medical facility, in or upon any bus, or drinks intoxicating liquor in or upon any bus, except a chartered bus as defined and provided in Sections 32A-1-105 and [~~41-6-44.20~~] 41-6a-526; or

(e) smokes tobacco or other products in or upon any bus, except a chartered bus.

(2) If any person violates Subsection (1), the driver of the bus or person in charge thereof may stop at the place where the offense is committed or at the next regular or convenient stopping place and remove such person, using only such force as may be necessary to accomplish

the removal, and the driver or person in charge may request the assistance of passengers to assist in the removal.

(3) The driver or person in charge may cause the person so removed to be detained and delivered to the proper authorities.

Section 305. Section **77-2-4.2** is amended to read:

77-2-4.2. Compromise of traffic charges -- Limitations.

(1) As used in this section:

(a) "Compromise" means referral of a person charged with a traffic violation to traffic school or other school, class, or remedial or rehabilitative program.

(b) "Traffic violation" means any charge, by citation or information, of a violation of:

(i) Title 41, Chapter [6;] 6a, Traffic [~~Rules and Regulations~~] Code, amounting to:

(A) a class B misdemeanor;

(B) a class C misdemeanor; or

(C) an infraction; or

(ii) any local traffic ordinance.

(2) Any compromise of a traffic violation shall be done pursuant to a plea in abeyance agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:

(a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or

(b) when there is a plea by the defendant to and entry of a judgment by a court for the offense originally charged or for an amended charge.

(3) In all cases which are compromised pursuant to the provisions of Subsection (2):

(a) the court, taking into consideration the offense charged, shall collect a plea in abeyance fee which shall:

(i) be subject to the same surcharge as if imposed on a criminal fine; and

(ii) be allocated subject to the surcharge as if paid as a criminal fine under Section 78-3-14.5 and a surcharge under Title 63, Chapter 63a, Crime Victim Reparation Trust, Public Safety Support Funds, Substance Abuse Prevention Account, and Services for Victims of Domestic Violence Account; or

(b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the traffic school or other school, class, or rehabilitative program shall be collected, which surcharge shall:

(i) be computed, assessed, collected, and remitted in the same manner as if the traffic school fee and surcharge had been imposed as a criminal fine and surcharge; and

(ii) be subject to the financial requirements contained in Title 63, Chapter 63a, Crime Victim Reparation Trust, Public Safety Support Funds, Substance Abuse Prevention Account, and Services for Victims of Domestic Violence Account.

Section 306. Section **77-2a-3.1** is amended to read:

77-2a-3.1. Restrictions on pleas to driving under the influence violations.

(1) As used in this section, an "education or treatment incentive program" means a program that includes:

(a) a screening as defined in Section [~~41-6-44~~] 41-6a-501 that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A-15-105;

(b) an assessment as defined in Section [~~41-6-44~~] 41-6a-501 that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A-15-105, if found appropriate in a screening under Subsection (1)(a);

(c) (i) an educational series as defined in Section [~~41-6-44~~] 41-6a-501 that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A-15-105; or

(ii) a substance abuse treatment program as defined in Section [~~41-6-44~~] 41-6a-501 that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A-15-105, if found appropriate in an assessment under Subsection (1)(b);

(d) regular court reviews for compliance;

(e) random drug and alcohol testing; and

(f) if a substance abuse treatment program is found appropriate under Subsection (1)(c), at least monthly reports from the substance abuse treatment program to the court.

(2) (a) A plea may not be held in abeyance in any case involving a driving under the influence violation under Section [~~41-6-44~~] 41-6a-502 that is punishable as a felony or class A misdemeanor.

(b) A plea to a driving under the influence violation under Section [~~41-6-44~~] 41-6a-502 that is punishable as a class B misdemeanor may not be held in abeyance unless:

(i) (A) the plea is entered pursuant to an education or treatment incentive program; and

(B) the education or treatment incentive program is approved by the district attorney, county attorney, attorney general, or chief prosecutor of a municipality; or

(ii) evidentiary issues or other circumstances justify resolution of the case with a plea in abeyance.

(3) A plea to a driving under the influence violation under Section [~~41-6-44~~] 41-6a-502 may not be dismissed or entered as a conviction of a lesser offense pursuant to Subsection (2)(b)(i) if the defendant:

(a) has been convicted of any other violation which is defined as a conviction under Subsection [~~41-6-44(1)~~] 41-6a-501(2);

(b) has had a plea to any other violation of Section [~~41-6-44~~] 41-6a-502 held in abeyance; or

(c) in the current case:

(i) operated a vehicle in a negligent manner proximately resulting in bodily injury to another or property damage to an extent requiring reporting to a law enforcement agency under Section [~~41-6-31~~] 41-6a-401;

(ii) had a blood or breath alcohol level of .16 or higher; or

(iii) had a passenger under 18 years of age in the vehicle at the time of the offense.

(4) A decision by a prosecuting attorney not to establish an education or treatment incentive program is final.

Section 307. Section **77-7-18** is amended to read:

77-7-18. Citation on misdemeanor or infraction charge.

A peace officer, in lieu of taking a person into custody, any public official of any county or municipality charged with the enforcement of the law, a port-of-entry agent as defined in Section 72-1-102, and a volunteer authorized to issue a citation under Section [~~41-6-19.5~~] 41-6a-213 may issue and deliver a citation requiring any person subject to arrest or prosecution

on a misdemeanor or infraction charge to appear at the court of the magistrate before whom the person should be taken pursuant to law if the person had been arrested.

Section 308. Section **77-7-24**, which is renumbered from Section 41-6-167 is renumbered and amended to read:

[41-6-167]. 77-7-24. Notice to appear in court -- Contents -- Promise to comply -- Signing -- Release from custody -- Official misconduct.

(1) [~~Upon any violation of this act punishable as a misdemeanor, whenever~~] If a person who is arrested for a violation of Title 41, Chapter 6a, Traffic Code, that is punishable as a misdemeanor is immediately taken before a magistrate as [hereinbefore] provided under Section 77-7-23, the peace officer shall prepare, in triplicate or more copies, a written notice to appear in court containing:

- (a) the name and address of the person;
- (b) the number, if any, of the person's [operator's] driver license;
- (c) the [registration] license plate number of the person's vehicle;
- (d) the offense charged; and
- (e) the time and place the person shall appear in court.

(2) The time specified in the notice to appear must be at least five days after the arrest of the person unless the person demands an earlier hearing.

(3) The place specified in the notice to appear shall be made before a magistrate of competent jurisdiction in the county in which the alleged violation occurred.

(4) (a) In order to secure release as provided in this section, the arrested person shall promise to appear in court by signing at least one copy of the written notice prepared by the arresting officer.

- (b) The arresting peace officer shall immediately:
 - (i) deliver a copy of the notice to the person promising to appear; and
 - (ii) release the person arrested from custody.

(5) [~~Any~~] A peace officer violating any of the provisions of this section shall be:

- (a) guilty of misconduct in office; and

(b) subject to removal from office.

Section 309. Section **77-7-25**, which is renumbered from Section 41-6-173 is renumbered and amended to read:

[41-6-173]. 77-7-25. Keeping of records -- Making and forwarding of abstract upon conviction or forfeiture of bail -- Form and contents -- Official misconduct.

(1) A magistrate or judge of a court [~~not of record and every clerk of a court of record~~] shall keep a full record of each case in which a person is charged with:

- (a) a violation of this chapter; or
- (b) any other law regulating the operation of a motor vehicle on the highway.

(2) (a) Within ten days after the conviction or forfeiture of bail of a person [~~upon~~] on a charge of violating [~~any~~] a provision of this chapter or other law regulating the operation of a motor vehicle on the highway, the magistrate of the court or clerk of the court [~~of record~~] in which the conviction was made or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the court covering the case in which the person was convicted or forfeited bail.

(b) The abstract shall be certified by the person required to prepare the abstract to be true and correct.

(c) A report under this Subsection (2) is not required for a conviction involving the illegal parking or standing of a vehicle.

(3) The abstract must be made in a manner specified by the Driver License Division and shall include the:

- (a) name and address of the party charged;
- (b) number, if any, of the person's [~~operator's~~] driver license;
- (c) [~~registration~~] license plate number of the vehicle involved;
- (d) nature of the offense;
- (e) date of hearing;
- (f) plea;
- (g) judgment, or whether bail was forfeited; and

(h) amount of the fine or forfeiture.

(4) A court [~~of record~~] shall provide a copy of the report to the Driver License Division [~~upon~~] on the conviction of [~~any~~] a person of manslaughter or other felony in which a vehicle was used.

(5) The failure, refusal, or neglect of a judicial officer to comply with the requirements of this section constitutes misconduct in office and is grounds for removal.

(6) The Driver License Division shall classify and disclose all abstracts received in accordance with Section 53-3-109.

Section 310. Section **77-7-26**, which is renumbered from Section 41-6-172 is renumbered and amended to read:

~~[41-6-172].~~ 77-7-26. Improper disposition or cancellation of notice to appear or traffic citation -- Official misconduct -- Misdemeanor.

(1) (a) It [~~shall be~~] is unlawful and official misconduct for any peace officer or other officer or public employee to dispose of:

(i) a notice to appear; or [~~of any~~]

(ii) traffic citation [~~without the consent of the magistrate before whom the person was to appear~~].

(b) The provisions of Subsection (1)(a) do not apply if the disposal is done with the consent of the magistrate before whom the arrested person was to appear.

(2) [~~Any~~] A person who cancels or solicits the cancellation of [~~any~~] a notice to appear or [~~any~~] a traffic citation, in any manner other than as provided by law, [~~shall be~~] is guilty of a class B misdemeanor.

Section 311. Section **77-18-12** is amended to read:

77-18-12. Grounds for denial of certificate of eligibility -- Effect of prior convictions.

(1) The division shall issue a certificate of eligibility to a petitioner seeking to obtain expungement for a criminal record unless prior to issuing a certificate of eligibility the division finds, through records of a governmental agency, including national criminal data bases that:

- (a) the conviction for which expungement is sought is:
 - (i) a capital felony;
 - (ii) a first degree felony;
 - (iii) a second degree forcible felony;
 - (iv) automobile homicide;
 - (v) a felony violation of Section [~~41-6-44~~] 41-6a-502;
 - (vi) a conviction involving a sexual act against a minor;
 - (vii) any registerable sex offense as defined in Subsection 77-27-21.5(1)(d); or
 - (viii) an attempt, solicitation, or conspiracy to commit any offense listed in Subsection 77-27-21.5(1)(d);
- (b) the petitioner's record includes two or more convictions for any type of offense which would be classified as a felony under Utah law, not arising out of a single criminal episode, regardless of the jurisdiction in which the convictions occurred;
- (c) the petitioner has previously obtained expungement in any jurisdiction of a crime which would be classified as a felony in Utah;
- (d) the petitioner has previously obtained expungement in any jurisdiction of two or more convictions which would be classified as misdemeanors in Utah unless the convictions would be classified as class B or class C misdemeanors in Utah and 15 years have passed since these misdemeanor convictions;
- (e) the petitioner was convicted in any jurisdiction, subsequent to the conviction for which expungement is sought and within the time periods as provided in Subsection (2), of a crime which would be classified in Utah as a felony, misdemeanor, or infraction;
- (f) the person has a combination of three or more convictions not arising out of a single criminal episode including any conviction for an offense which would be classified under Utah law as a class B or class A misdemeanor or as a felony, including any misdemeanor and felony convictions previously expunged, regardless of the jurisdiction in which the conviction or expungement occurred; or
- (g) a proceeding involving a crime is pending or being instituted in any jurisdiction

against the petitioner.

(2) A conviction may not be included for purposes of Subsection (1)(e), and a conviction may not be considered for expungement until, after the petitioner's release from incarceration, parole, or probation, whichever occurs last and all fines ordered by the court have been satisfied, at least the following period of time has elapsed:

- (a) seven years in the case of a felony;
- (b) ten years in the case of:
 - (i) a misdemeanor conviction or the equivalent of a misdemeanor conviction as defined in Subsection [~~41-6-44(1)~~] 41-6a-501(2); or
 - (ii) a felony violation of Subsection 58-37-8(2)(g);
- (c) five years in the case of a class A misdemeanor;
- (d) three years in the case of any other misdemeanor or infraction under Title 76, Utah Criminal Code; or
- (e) 15 years in the case of multiple class B or class C misdemeanors.

(3) A petitioner who would not be eligible to receive a certificate of eligibility under Subsection (1)(d) or (f) may receive a certificate of eligibility for one additional expungement if at least 15 years have elapsed since the last of any of the following:

- (a) release from incarceration, parole, or probation relating to the most recent conviction; and
- (b) any other conviction which would have prevented issuance of a certificate of eligibility under Subsection (1)(e).

(4) If, after reasonable research, a disposition for an arrest on the criminal history file is unobtainable, the division may issue a special certificate giving discretion of eligibility to the court.

Section 312. Section **78-3a-104** is amended to read:

78-3a-104. Jurisdiction of juvenile court -- Original -- Exclusive.

(1) Except as otherwise provided by law, the juvenile court has exclusive original jurisdiction in proceedings concerning:

(a) a minor who has violated any federal, state, or local law or municipal ordinance or a person younger than 21 years of age who has violated any law or ordinance before becoming 18 years of age, regardless of where the violation occurred, excluding traffic laws and boating and ordinances;

(b) a person 21 years of age or older who has failed or refused to comply with an order of the juvenile court to pay a fine or restitution, if the order was imposed prior to the person's 21st birthday; however, the continuing jurisdiction is limited to causing compliance with existing orders;

(c) a minor who is an abused child, neglected child, or dependent child, as those terms are defined in Section 78-3a-103;

(d) a protective order for a minor pursuant to the provisions of Title 78, Chapter 3h, Child Protective Orders, which the juvenile court may transfer to the district court if the juvenile court has entered an ex parte protective order and finds that:

(i) the petitioner and the respondent are the natural parent, adoptive parent, or step parent of the child who is the object of the petition;

(ii) the district court has a petition pending or an order related to custody or parent-time entered under Title 30, Chapter 3, Divorce, Title 30, Chapter 6, Cohabitant Abuse Act, or Title 78, Chapter 45a, Uniform Act on Paternity, in which the petitioner and the respondent are parties; and

(iii) the best interests of the child will be better served in the district court;

(e) appointment of a guardian of the person or other guardian of a minor who comes within the court's jurisdiction under other provisions of this section;

(f) the termination of the legal parent-child relationship in accordance with Part 4, Termination of Parental Rights Act, including termination of residual parental rights and duties;

(g) the treatment or commitment of a mentally retarded minor;

(h) a minor who is a habitual truant from school;

(i) the judicial consent to the marriage of a minor under age 16 upon a determination of voluntariness or where otherwise required by law, employment, or enlistment of a minor when

consent is required by law;

(j) any parent or parents of a minor committed to a secure youth corrections facility, to order, at the discretion of the court and on the recommendation of a secure youth corrections facility, the parent or parents of a minor committed to a secure youth corrections facility for a custodial term, to undergo group rehabilitation therapy under the direction of a secure youth corrections facility therapist, who has supervision of that parent's or parents' minor, or any other therapist the court may direct, for a period directed by the court as recommended by a secure youth corrections facility;

(k) a minor under Title 55, Chapter 12, Interstate Compact on Juveniles;

(l) the treatment or commitment of a mentally ill child. The court may commit a child to the physical custody of a local mental health authority in accordance with the procedures and requirements of Title 62A, Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health. The court may not commit a child directly to the Utah State Hospital;

(m) the commitment of a minor in accordance with Section 62A-15-301;

(n) de novo review of final agency actions resulting from an informal adjudicative proceeding as provided in Section 63-46b-15; and

(o) adoptions conducted in accordance with the procedures described in Title 78, Chapter 30, Adoption, when the juvenile court has previously entered an order terminating the rights of a parent and finds that adoption is in the best interest of the minor.

(2) In addition to the provisions of Subsection (1)(a) the juvenile court has exclusive jurisdiction over any traffic or boating offense committed by a minor under 16 years of age and concurrent jurisdiction over all other traffic or boating offenses committed by a minor 16 years of age or older, except that the court shall have exclusive jurisdiction over the following offenses committed by a minor under 18 years of age:

(a) Section 76-5-207, automobile homicide;

(b) Section ~~[41-6-44]~~ 41-6a-502, operating a vehicle while under the influence of alcohol or drugs;

(c) Section [~~41-6-45~~] 41-6a-528, reckless driving or Section 73-18-12, reckless operation;

(d) Section 41-1a-1314, unauthorized control over a motor vehicle, trailer, or semitrailer for an extended period of time; and

(e) Section [~~41-6-13.5~~] 41-6a-206 or 73-18-20, fleeing a peace officer.

(3) The court also has jurisdiction over traffic and boating offenses that are part of a single criminal episode filed in a petition that contains an offense over which the court has jurisdiction.

(4) The juvenile court has jurisdiction over an ungovernable or runaway minor who is referred to it by the Division of Child and Family Services or by public or private agencies that contract with the division to provide services to that minor where, despite earnest and persistent efforts by the division or agency, the minor has demonstrated that he:

(a) is beyond the control of his parent, guardian, lawful custodian, or school authorities to the extent that his behavior or condition endangers his own welfare or the welfare of others; or

(b) has run away from home.

(5) This section does not restrict the right of access to the juvenile court by private agencies or other persons.

(6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising under Section 78-3a-602.

(7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated, or without merit, in accordance with Section 78-3a-320.

Section 313. Section **78-18-1** is amended to read:

78-18-1. Basis for punitive damages awards -- Section inapplicable to DUI cases -- Division of award with state.

(1) (a) Except as otherwise provided by statute, punitive damages may be awarded only if compensatory or general damages are awarded and it is established by clear and convincing evidence that the acts or omissions of the tortfeasor are the result of willful and malicious or intentionally fraudulent conduct, or conduct that manifests a knowing and reckless indifference

toward, and a disregard of, the rights of others.

(b) The limitations, standards of evidence, and standards of conduct of Subsection (1)(a) do not apply to any claim for punitive damages arising out of the tortfeasor's operation of a motor vehicle or motorboat while voluntarily intoxicated or under the influence of any drug or combination of alcohol and drugs as prohibited by Section ~~[41-6-44]~~ 41-6a-502.

(c) The award of a penalty under Section 78-11-15 or 78-11-16 regarding shoplifting is not subject to the prior award of compensatory or general damages under Subsection (1)(a) whether or not restitution has been paid to the merchant prior to or as a part of a civil action under Section 78-11-15 or 78-11-16.

(2) Evidence of a party's wealth or financial condition shall be admissible only after a finding of liability for punitive damages has been made.

(3) (a) In any case where punitive damages are awarded, the judgment shall provide that 50% of the amount of the punitive damages in excess of \$20,000 shall, after an allowable deduction for the payment of attorneys' fees and costs, be remitted by the judgment debtor to the state treasurer for deposit into the General Fund.

(b) For the purposes of this Subsection (3), an "allowable deduction for the payment of attorneys' fees and costs" shall equal the amount of actual and reasonable attorneys' fees and costs incurred by the judgment creditor minus the amount of any separate judgment awarding attorneys' fees and costs to the judgment creditor.

(c) The state shall have all rights due a judgment creditor until the judgment is satisfied, and stand on equal footing with the judgment creditor of the original case in securing a recovery.

(d) Unless all affected parties, including the state, expressly agree otherwise or the application is contrary to the terms of the judgment, any payment on the judgment by or on behalf of any judgment debtor, whether voluntary or by execution or otherwise, shall be applied in the following order:

- (i) compensatory damages, and any applicable attorneys fees and costs;
- (ii) the initial \$20,000 punitive damages; and ~~[finally]~~
- (iii) the balance of the punitive damages.

Section 314. Section **78-57-102** is amended to read:

78-57-102. Definitions.

(1) "Adult" means a person 18 years of age or older.

(2) "Gang activity" means any criminal activity that is conducted as part of an organized youth gang. It includes any criminal activity that is done in concert with other gang members, or done alone if it is to fulfill gang purposes. "Gang activity" does not include graffiti.

(3) "Minor offense" means any unlawful act that is a status offense or would be a class B or C misdemeanor, infraction, or violation of a municipal or county ordinance if the youth were an adult. "Minor offense" does not include:

(a) class A misdemeanors;

(b) felonies of any degree;

(c) any offenses that are committed as part of gang activity;

(d) any of the following offenses which would carry mandatory dispositions if referred to the juvenile court under Section 78-3a-506:

(i) a second violation of Section 32A-12-209, Unlawful Purchase, Possession or Consumption by Minors -- Measurable Amounts in Body;

(ii) a violation of Section ~~[41-6-44]~~ 41-6a-502, Driving Under the Influence;

(iii) a violation of Section 58-37-8, Controlled Substances Act;

(iv) a violation of Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

(v) a violation of Title 58, Chapter 37b, Imitation Controlled Substances Act; or

(vi) a violation of Section 76-9-701, Intoxication; or

(e) any offense where a dangerous weapon, as defined in Subsection 76-1-601(5), is used in the commission of the offense.

(4) "Sponsoring entity" means any political subdivision of the state, including a school or school district, juvenile court, law enforcement agency, prosecutor's office, county, city, or town.

(5) "Status offense" means a violation of the law that would not be a violation but for the age of the offender.

(6) "Youth" means a person under the age of 18 years or who is 18 but still attending

high school.

Section 315. **Repealer.**

This bill repeals:

Section **41-6-22, Traffic control devices -- Placing and maintenance upon local highways by local authorities.**

Section **41-6-29, Operator's duty at accident -- Stop at accident -- Penalty.**

Section **41-6-30, Accidents involving damage to vehicle or property -- Stop at accident -- Penalty.**

Section **41-6-32, Collision with unattended vehicle or other property -- Duties of operator -- Penalty.**

Section **41-6-37, Accident reports -- Forms -- Contents -- Penalties for failure to make report.**

Section **41-6-42, Local powers to require report.**

Section **41-6-43.5, Definitions.**

Section **41-6-50, Special speed limit on bridges -- Prima facie evidence.**

Section **41-6-70, Signals -- Methods.**

Section **41-6-71, Signals -- How made -- Exceptions for right hand signals.**

Section **41-6-75, Entering or crossing highway other than from another roadway -- Yield right-of-way.**

Section **41-6-75.5, Merging lanes -- Yielding.**

Section **41-6-120, Tail lamps -- Illumination of rear registration plate -- Reflectors.**

Section **41-6-121.10, Stop lamps required -- Supplemental stop lamps -- Turn signals.**

Section **41-6-122, Additional lamps and reflectors.**

Section **41-6-132, Emergency vehicles -- Flashing lights -- Rotating lights.**

Section **41-6-139, Number of front lamps required and permitted.**

Section **41-6-142, Department to adopt standards for lights and other equipment -- Compliance with federal standards -- Trademark or brand name.**

Section **41-6-155, Vehicles and equipment must be in safe mechanical condition.**

Section **41-6-166, Appearance upon arrest for misdemeanor -- Setting bond.**

Section **41-6-168, Violation of promise to appear as misdemeanor -- Appearance by counsel.**

Section **41-6-169, Arrests without warrants.**

Section **41-6-170, Record of violation not admissible in civil action.**

Section **41-6-171, Conviction shall not affect credibility as a witness.**

Section 316. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.