

**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



28 **26-1-30**, as last amended by Chapter 284, Laws of Utah 2004
29 **32A-1-115**, as last amended by Chapter 307, Laws of Utah 2003
30 **39-6-93**, as enacted by Chapter 210, Laws of Utah 1988
31 **41-1a-202**, as last amended by Chapter 158, Laws of Utah 2003
32 **41-1a-203**, as last amended by Chapter 238, Laws of Utah 1998
33 **41-1a-205**, as last amended by Chapter 100, Laws of Utah 2002
34 **41-1a-217**, as last amended by Chapter 95, Laws of Utah 2004
35 **41-1a-407**, as last amended by Chapter 58, Laws of Utah 2003
36 **41-1a-1101**, as last amended by Chapter 202, Laws of Utah 2001
37 **41-1a-1206**, as last amended by Chapter 244, Laws of Utah 2000
38 **41-3-303**, as last amended by Chapter 234, Laws of Utah 1993
39 **41-12a-202**, as last amended by Chapter 335, Laws of Utah 2000
40 **41-12a-301**, as last amended by Chapter 165, Laws of Utah 2002
41 **41-12a-501**, as last amended by Chapter 282, Laws of Utah 1998
42 **41-12a-502**, as last amended by Chapter 20, Laws of Utah 1995
43 **41-22-2**, as last amended by Chapter 148, Laws of Utah 2002
44 **41-22-10.2**, as last amended by Chapter 138, Laws of Utah 1987
45 **41-22-10.6**, as enacted by Chapter 162, Laws of Utah 1987
46 **41-22-16**, as last amended by Chapter 282, Laws of Utah 1998
47 **41-22-32**, as last amended by Chapter 349, Laws of Utah 2004
48 **53-1-106**, as last amended by Chapter 131, Laws of Utah 2003
49 **53-1-108**, as last amended by Chapter 219, Laws of Utah 2002
50 **53-1-109**, as last amended by Chapters 282 and 285, Laws of Utah 1998
51 **53-3-104**, as last amended by Chapter 85, Laws of Utah 2001
52 **53-3-105**, as last amended by Chapter 85, Laws of Utah 2001
53 **53-3-106**, as last amended by Chapter 202, Laws of Utah 2001
54 **53-3-202**, as last amended by Chapter 51, Laws of Utah 1997
55 **53-3-214**, as renumbered and amended by Chapter 234, Laws of Utah 1993
56 **53-3-218**, as last amended by Chapters 131 and 156, Laws of Utah 2003
57 **53-3-220**, as last amended by Chapters 161 and 205, Laws of Utah 2004
58 **53-3-222**, as last amended by Chapter 155, Laws of Utah 1995

59 **53-3-223**, as last amended by Chapter 161, Laws of Utah 2004
60 **53-3-223.5**, as enacted by Chapter 298, Laws of Utah 2000
61 **53-3-226**, as last amended by Chapter 216, Laws of Utah 1999
62 **53-3-227**, as last amended by Chapter 205, Laws of Utah 2004
63 **53-3-231**, as last amended by Chapter 161, Laws of Utah 2004
64 **53-3-232**, as last amended by Chapter 161, Laws of Utah 2004
65 **53-3-414**, as last amended by Chapter 39, Laws of Utah 2001
66 **53-3-418**, as last amended by Chapter 161, Laws of Utah 2004
67 **53-8-105**, as last amended by Chapter 245, Laws of Utah 1995
68 **53-8-202**, as last amended by Chapter 242, Laws of Utah 1996
69 **53-8-213**, as last amended by Chapter 131, Laws of Utah 2003
70 **53A-3-402**, as last amended by Chapter 315, Laws of Utah 2003
71 **53B-3-106**, as enacted by Chapter 167, Laws of Utah 1987
72 **58-20a-305**, as last amended by Chapter 82, Laws of Utah 1997
73 **58-67-305**, as last amended by Chapter 85, Laws of Utah 2000
74 **58-68-305**, as last amended by Chapter 85, Laws of Utah 2000
75 **58-71-305**, as enacted by Chapter 282, Laws of Utah 1996
76 **62A-15-105**, as last amended by Chapter 228, Laws of Utah 2004
77 **62A-15-502**, as renumbered and amended by Chapter 8, Laws of Utah 2002, Fifth
78 Special Session
79 **63-2-304**, as last amended by Chapters 223, 299 and 358, Laws of Utah 2004
80 **63-30d-301**, as enacted by Chapter 267, Laws of Utah 2004
81 **63-55-241**, as last amended by Chapter 90, Laws of Utah 2004
82 **63-63a-1**, as last amended by Chapter 156, Laws of Utah 2003
83 **72-6-109**, as last amended by Chapter 259, Laws of Utah 2003
84 **72-6-114**, as renumbered and amended by Chapter 270, Laws of Utah 1998
85 **72-7-107**, as enacted by Chapter 88, Laws of Utah 1998
86 **72-7-401**, as last amended by Chapter 154, Laws of Utah 2002
87 **72-7-403**, as renumbered and amended by Chapter 270, Laws of Utah 1998
88 **72-7-407**, as renumbered and amended by Chapter 270, Laws of Utah 1998
89 **72-9-501**, as last amended by Chapter 185, Laws of Utah 2002

90 **72-9-601**, as last amended by Chapter 202, Laws of Utah 2001
91 **72-9-602**, as last amended by Chapter 202, Laws of Utah 2001
92 **72-9-603**, as last amended by Chapter 222, Laws of Utah 2003
93 **72-10-501**, as last amended by Chapter 106, Laws of Utah 2002
94 **72-10-502**, as last amended by Chapter 205, Laws of Utah 2004
95 **72-12-110**, as renumbered and amended by Chapter 270, Laws of Utah 1998
96 **73-18-13**, as last amended by Chapter 335, Laws of Utah 2000
97 **73-18-15.5**, as enacted by Chapter 200, Laws of Utah 2002
98 **73-18-20**, as last amended by Chapter 282, Laws of Utah 1998
99 **73-18-20.1**, as last amended by Chapter 202, Laws of Utah 2001
100 **73-18a-15**, as last amended by Chapter 99, Laws of Utah 1987
101 **76-2-101**, as last amended by Chapters 90 and 98, Laws of Utah 1983
102 **76-5-207**, as last amended by Chapter 228, Laws of Utah 2004
103 **76-10-504**, as last amended by Chapter 303, Laws of Utah 2000
104 **76-10-528**, as last amended by Chapter 205, Laws of Utah 2004
105 **76-10-1506**, as last amended by Chapter 268, Laws of Utah 2004
106 **77-2-4.2**, as enacted by Chapter 203, Laws of Utah 2004
107 **77-2a-3.1**, as enacted by Chapter 228, Laws of Utah 2004
108 **77-7-18**, as last amended by Chapter 270, Laws of Utah 1998
109 **77-18-12**, as last amended by Chapter 228, Laws of Utah 2004
110 **78-3a-104**, as last amended by Chapter 201, Laws of Utah 2004
111 **78-18-1**, as last amended by Chapter 164, Laws of Utah 2004
112 **78-57-102**, as last amended by Chapter 218, Laws of Utah 2004

ENACTS:

114 **41-6a-501**, Utah Code Annotated 1953
115 **41-6a-503**, Utah Code Annotated 1953
116 **41-6a-504**, Utah Code Annotated 1953
117 **41-6a-505**, Utah Code Annotated 1953
118 **41-6a-506**, Utah Code Annotated 1953
119 **41-6a-507**, Utah Code Annotated 1953
120 **41-6a-508**, Utah Code Annotated 1953

121 **41-6a-509**, Utah Code Annotated 1953
122 **41-6a-512**, Utah Code Annotated 1953
123 **41-6a-521**, Utah Code Annotated 1953
124 **41-6a-522**, Utah Code Annotated 1953
125 **41-6a-523**, Utah Code Annotated 1953
126 **41-6a-524**, Utah Code Annotated 1953
127 **41-6a-1116**, Utah Code Annotated 1953
128 RENUMBERS AND AMENDS:
129 **41-6a-101**, (Renumbered from 41-6-175, Utah Code Annotated 1953)
130 **41-6a-102**, (Renumbered from 41-6-1, as last amended by Chapters 34 and 165, Laws
131 of Utah 2002)
132 **41-6a-201**, (Renumbered from 41-6-11, as last amended by Chapter 138, Laws of Utah
133 1987)
134 **41-6a-202**, (Renumbered from 41-6-12, as last amended by Chapter 60, Laws of Utah
135 1993)
136 **41-6a-203**, (Renumbered from 41-6-164.5, as enacted by Chapter 242, Laws of Utah
137 1979)
138 **41-6a-204**, (Renumbered from 41-6-165, Utah Code Annotated 1953)
139 **41-6a-205**, (Renumbered from 41-6-165.5, as enacted by Chapter 242, Laws of Utah
140 1979)
141 **41-6a-206**, (Renumbered from 41-6-175.5, as enacted by Chapter 207, Laws of Utah
142 1975)
143 **41-6a-207**, (Renumbered from 41-6-16, as last amended by Chapter 138, Laws of Utah
144 1987)
145 **41-6a-208**, (Renumbered from 41-6-17, as last amended by Chapter 85, Laws of Utah
146 2001)
147 **41-6a-209**, (Renumbered from 41-6-13, as last amended by Chapter 317, Laws of Utah
148 1998)
149 **41-6a-210**, (Renumbered from 41-6-13.5, as last amended by Chapter 134, Laws of
150 Utah 2003)
151 **41-6a-211**, (Renumbered from 41-6-13.7, as last amended by Chapter 185, Laws of

152 Utah 2002)

153 **41-6a-212**, (Renumbered from 41-6-14, as last amended by Chapter 168, Laws of Utah

154 2004)

155 **41-6a-213**, (Renumbered from 41-6-15, as last amended by Chapter 138, Laws of Utah

156 1987)

157 **41-6a-214**, (Renumbered from 41-6-17.5, as last amended by Chapter 350, Laws of

158 Utah 1999)

159 **41-6a-215**, (Renumbered from 41-6-18, as last amended by Chapter 33, Laws of Utah

160 1988)

161 **41-6a-216**, (Renumbered from 41-6-19, as last amended by Chapter 138, Laws of Utah

162 1987)

163 **41-6a-217**, (Renumbered from 41-6-19.5, as last amended by Chapter 98, Laws of Utah

164 1999)

165 **41-6a-301**, (Renumbered from 41-6-20, as last amended by Chapter 174, Laws of Utah

166 2004)

167 **41-6a-302**, (Renumbered from 41-6-21, as last amended by Chapter 138, Laws of Utah

168 1987)

169 **41-6a-303**, (Renumbered from 41-6-20.1, as last amended by Chapters 66 and 120,

170 Laws of Utah 1994)

171 **41-6a-304**, (Renumbered from 41-6-23, as last amended by Chapter 138, Laws of Utah

172 1987)

173 **41-6a-305**, (Renumbered from 41-6-24, as last amended by Chapter 174, Laws of Utah

174 2004)

175 **41-6a-306**, (Renumbered from 41-6-25, as last amended by Chapter 174, Laws of Utah

176 2004)

177 **41-6a-307**, (Renumbered from 41-6-26, as last amended by Chapter 138, Laws of Utah

178 1987)

179 **41-6a-308**, (Renumbered from 41-6-26.5, as last amended by Chapter 138, Laws of

180 Utah 1987)

181 **41-6a-309**, (Renumbered from 41-6-27, as last amended by Chapter 138, Laws of Utah

182 1987)

183 **41-6a-310**, (Renumbered from 41-6-1.5, as last amended by Chapter 138, Laws of Utah
184 1987)
185 **41-6a-311**, (Renumbered from 41-6-28, as last amended by Chapter 57, Laws of Utah
186 2004)
187 **41-6a-401**, (Renumbered from 41-6-31, as last amended by Chapter 85, Laws of Utah
188 2001)
189 **41-6a-402**, (Renumbered from 41-6-35, as last amended by Chapter 85, Laws of Utah
190 2001)
191 **41-6a-403**, (Renumbered from 41-6-35.5, as last amended by Chapter 85, Laws of Utah
192 2001)
193 **41-6a-404**, (Renumbered from 41-6-40, as last amended by Chapters 19 and 244, Laws
194 of Utah 2003)
195 **41-6a-405**, (Renumbered from 41-6-39, as last amended by Chapter 85, Laws of Utah
196 2001)
197 **41-6a-406**, (Renumbered from 41-6-41, as last amended by Chapter 138, Laws of Utah
198 1987)
199 **41-6a-407**, (Renumbered from 41-6-38, as last amended by Chapter 138, Laws of Utah
200 1987)
201 **41-6a-408**, (Renumbered from 41-6-38.5, as last amended by Chapter 138, Laws of
202 Utah 1987)
203 **41-6a-502**, (Renumbered from 41-6-44, as last amended by Chapters 161, 205 and 228,
204 Laws of Utah 2004)
205 **41-6a-510**, (Renumbered from 41-6-43, as last amended by Chapter 138, Laws of Utah
206 1987)
207 **41-6a-511**, (Renumbered from 41-6-43.7, as last amended by Chapter 3, Laws of Utah
208 2002, Fifth Special Session)
209 **41-6a-513**, (Renumbered from 41-6-43.8, as last amended by Chapter 228, Laws of
210 Utah 2004)
211 **41-6a-514**, (Renumbered from 41-6-44.1, as enacted by Chapter 161, Laws of Utah
212 1987)
213 **41-6a-515**, (Renumbered from 41-6-44.3, as last amended by Chapter 205, Laws of

214 Utah 2004)
215 **41-6a-516**, (Renumbered from 41-6-44.5, as last amended by Chapter 106, Laws of
216 Utah 2002)
217 **41-6a-517**, (Renumbered from 41-6-44.6, as last amended by Chapter 8, Laws of Utah
218 2002)
219 **41-6a-518**, (Renumbered from 41-6-44.7, as last amended by Chapters 50 and 289,
220 Laws of Utah 2001)
221 **41-6a-519**, (Renumbered from 41-6-44.8, as last amended by Chapters 47 and 71, Laws
222 of Utah 1996)
223 **41-6a-520**, (Renumbered from 41-6-44.10, as last amended by Chapters 161 and 205,
224 Laws of Utah 2004)
225 **41-6a-525**, (Renumbered from 41-6-44.12, as last amended by Chapter 205, Laws of
226 Utah 2004)
227 **41-6a-526**, (Renumbered from 41-6-44.20, as last amended by Chapter 268, Laws of
228 Utah 2004)
229 **41-6a-527**, (Renumbered from 41-6-44.30, as last amended by Chapter 200, Laws of
230 Utah 2002)
231 **41-6a-528**, (Renumbered from 41-6-45, as last amended by Chapter 25, Laws of Utah
232 2000)
233 **41-6a-601**, (Renumbered from 41-6-46, as last amended by Chapter 49, Laws of Utah
234 1996)
235 **41-6a-602**, (Renumbered from 41-6-47, as last amended by Chapter 49, Laws of Utah
236 1996)
237 **41-6a-603**, (Renumbered from 41-6-48, as last amended by Chapter 270, Laws of Utah
238 1998)
239 **41-6a-604**, (Renumbered from 41-6-48.5, as last amended by Chapter 94, Laws of Utah
240 1998)
241 **41-6a-605**, (Renumbered from 41-6-49, as last amended by Chapter 138, Laws of Utah
242 1987)
243 **41-6a-606**, (Renumbered from 41-6-51, as last amended by Chapter 138, Laws of Utah
244 1987)

245 **41-6a-607**, (Renumbered from 41-6-52, as last amended by Chapter 138, Laws of Utah
246 1987)
247 **41-6a-608**, (Renumbered from 41-6-52.5, as last amended by Chapter 343, Laws of
248 Utah 1996)
249 **41-6a-609**, (Renumbered from 41-6-52.7, as enacted by Chapter 223, Laws of Utah
250 1998)
251 **41-6a-701**, (Renumbered from 41-6-53, as last amended by Chapter 138, Laws of Utah
252 1987)
253 **41-6a-702**, (Renumbered from 41-6-53.5, as last amended by Chapter 74, Laws of Utah
254 2002)
255 **41-6a-703**, (Renumbered from 41-6-54, as last amended by Chapter 138, Laws of Utah
256 1987)
257 **41-6a-704**, (Renumbered from 41-6-55, as last amended by Chapter 74, Laws of Utah
258 2002)
259 **41-6a-705**, (Renumbered from 41-6-56, as last amended by Chapter 138, Laws of Utah
260 1987)
261 **41-6a-706**, (Renumbered from 41-6-57, as last amended by Chapter 138, Laws of Utah
262 1987)
263 **41-6a-707**, (Renumbered from 41-6-58, as last amended by Chapter 138, Laws of Utah
264 1987)
265 **41-6a-708**, (Renumbered from 41-6-59, as last amended by Chapter 138, Laws of Utah
266 1987)
267 **41-6a-709**, (Renumbered from 41-6-60, as last amended by Chapter 138, Laws of Utah
268 1987)
269 **41-6a-710**, (Renumbered from 41-6-61, as last amended by Chapter 174, Laws of Utah
270 2004)
271 **41-6a-711**, (Renumbered from 41-6-62, as last amended by Chapter 16, Laws of Utah
272 2000)
273 **41-6a-712**, (Renumbered from 41-6-63.10, as last amended by Chapters 135 and 138,
274 Laws of Utah 1987)
275 **41-6a-713**, (Renumbered from 41-6-63.30, as last amended by Chapter 174, Laws of

276 Utah 2004)

277 **41-6a-714**, (Renumbered from 41-6-64, as last amended by Chapter 138, Laws of Utah

278 1987)

279 **41-6a-715**, (Renumbered from 41-6-65, as last amended by Chapter 138, Laws of Utah

280 1987)

281 **41-6a-801**, (Renumbered from 41-6-66, as last amended by Chapter 174, Laws of Utah

282 2004)

283 **41-6a-802**, (Renumbered from 41-6-67, as last amended by Chapter 174, Laws of Utah

284 2004)

285 **41-6a-803**, (Renumbered from 41-6-68, as last amended by Chapter 138, Laws of Utah

286 1987)

287 **41-6a-804**, (Renumbered from 41-6-69, as last amended by Chapter 138, Laws of Utah

288 1987)

289 **41-6a-901**, (Renumbered from 41-6-72, as last amended by Chapter 31, Laws of Utah

290 1990)

291 **41-6a-902**, (Renumbered from 41-6-72.10, as last amended by Chapter 138, Laws of

292 Utah 1987)

293 **41-6a-903**, (Renumbered from 41-6-73, as last amended by Chapter 138, Laws of Utah

294 1987)

295 **41-6a-904**, (Renumbered from 41-6-76, as last amended by Chapter 45, Laws of Utah

296 2002)

297 **41-6a-905**, (Renumbered from 41-6-76.10, as last amended by Chapter 138, Laws of

298 Utah 1987)

299 **41-6a-906**, (Renumbered from 41-6-99, as enacted by Chapter 242, Laws of Utah 1979)

300 **41-6a-1001**, (Renumbered from 41-6-77, as last amended by Chapter 138, Laws of

301 Utah 1987)

302 **41-6a-1002**, (Renumbered from 41-6-78, as last amended by Chapter 91, Laws of Utah

303 1992)

304 **41-6a-1003**, (Renumbered from 41-6-79, as last amended by Chapter 138, Laws of

305 Utah 1987)

306 **41-6a-1004**, (Renumbered from 41-6-79.10, as last amended by Chapter 138, Laws of

307 Utah 1987)
308 **41-6a-1005**, (Renumbered from 41-6-79.20, as last amended by Chapter 138, Laws of
309 Utah 1987)
310 **41-6a-1006**, (Renumbered from 41-6-80, as last amended by Chapter 138, Laws of
311 Utah 1987)
312 **41-6a-1007**, (Renumbered from 41-6-80.1, as last amended by Chapter 138, Laws of
313 Utah 1987)
314 **41-6a-1008**, (Renumbered from 41-6-80.5, as last amended by Chapter 138, Laws of
315 Utah 1987)
316 **41-6a-1009**, (Renumbered from 41-6-82, as last amended by Chapter 138, Laws of
317 Utah 1987)
318 **41-6a-1010**, (Renumbered from 41-6-82.10, as last amended by Chapter 138, Laws of
319 Utah 1987)
320 **41-6a-1011**, (Renumbered from 41-6-82.50, as enacted by Chapter 98, Laws of Utah
321 1987)
322 **41-6a-1101**, (Renumbered from 41-6-83, as last amended by Chapter 138, Laws of
323 Utah 1987)
324 **41-6a-1102**, (Renumbered from 41-6-84, as last amended by Chapter 59, Laws of Utah
325 1997)
326 **41-6a-1103**, (Renumbered from 41-6-85, as last amended by Chapter 138, Laws of
327 Utah 1987)
328 **41-6a-1104**, (Renumbered from 41-6-86, as last amended by Chapter 138, Laws of
329 Utah 1987)
330 **41-6a-1105**, (Renumbered from 41-6-87, as last amended by Chapter 44, Laws of Utah
331 2001)
332 **41-6a-1106**, (Renumbered from 41-6-87.3, as last amended by Chapter 44, Laws of
333 Utah 2001)
334 **41-6a-1107**, (Renumbered from 41-6-87.4, as last amended by Chapter 138, Laws of
335 Utah 1987)
336 **41-6a-1108**, (Renumbered from 41-6-87.5, as last amended by Chapter 138, Laws of
337 Utah 1987)

338 **41-6a-1109**, (Renumbered from 41-6-87.7, as last amended by Chapter 44, Laws of
339 Utah 2001)

340 **41-6a-1110**, (Renumbered from 41-6-87.8, as last amended by Chapter 138, Laws of
341 Utah 1987)

342 **41-6a-1111**, (Renumbered from 41-6-87.9, as last amended by Chapter 138, Laws of
343 Utah 1987)

344 **41-6a-1112**, (Renumbered from 41-6-88, as last amended by Chapter 138, Laws of
345 Utah 1987)

346 **41-6a-1113**, (Renumbered from 41-6-89, as last amended by Chapter 138, Laws of
347 Utah 1987)

348 **41-6a-1114**, (Renumbered from 41-6-90, as last amended by Chapter 44, Laws of Utah
349 2001)

350 **41-6a-1115**, (Renumbered from 41-6-90.5, as last amended by Chapter 165, Laws of
351 Utah 2002)

352 **41-6a-1201**, (Renumbered from 41-6-93, Utah Code Annotated 1953)

353 **41-6a-1202**, (Renumbered from 41-6-94, Utah Code Annotated 1953)

354 **41-6a-1203**, (Renumbered from 41-6-95, as last amended by Chapter 37, Laws of Utah
355 1997)

356 **41-6a-1204**, (Renumbered from 41-6-95.5, as enacted by Chapter 33, Laws of Utah
357 1978)

358 **41-6a-1205**, (Renumbered from 41-6-97, as last amended by Chapter 39, Laws of Utah
359 2001)

360 **41-6a-1206**, (Renumbered from 41-6-98, as last amended by Chapter 39, Laws of Utah
361 2001)

362 **41-6a-1301**, (Renumbered from 41-6-140.10, as enacted by Chapter 242, Laws of Utah
363 1979)

364 **41-6a-1302**, (Renumbered from 41-6-100.10, as last amended by Chapter 29, Laws of
365 Utah 2000)

366 **41-6a-1303**, (Renumbered from 41-6-100.15, as last amended by Chapter 85, Laws of
367 Utah 2001)

368 **41-6a-1304**, (Renumbered from 41-6-115, as enacted by Chapter 242, Laws of Utah

369 1979)

370 **41-6a-1305**, (Renumbered from 41-6-116, as last amended by Chapter 242, Laws of

371 Utah 1979)

372 **41-6a-1306**, (Renumbered from 41-6-116.1, as enacted by Chapter 334, Laws of Utah

373 1996)

374 **41-6a-1307**, (Renumbered from 41-6-103.5, as last amended by Chapter 41, Laws of

375 Utah 2003)

376 **41-6a-1401**, (Renumbered from 41-6-103, as last amended by Chapters 235 and 282,

377 Laws of Utah 1998)

378 **41-6a-1402**, (Renumbered from 41-6-104, as last amended by Chapter 33, Laws of

379 Utah 1978)

380 **41-6a-1403**, (Renumbered from 41-6-105, as last amended by Chapter 112, Laws of

381 Utah 1969)

382 **41-6a-1404**, (Renumbered from 41-6-101, as last amended by Chapter 33, Laws of

383 Utah 1978)

384 **41-6a-1405**, (Renumbered from 41-6-102, as last amended by Chapter 202, Laws of

385 Utah 2001)

386 **41-6a-1406**, (Renumbered from 41-6-102.5, as last amended by Chapter 91, Laws of

387 Utah 2003)

388 **41-6a-1407**, (Renumbered from 41-6-102.7, as enacted by Chapter 202, Laws of Utah

389 2001)

390 **41-6a-1408**, (Renumbered from 41-6-116.10, as last amended by Chapters 85 and 202,

391 Laws of Utah 2001)

392 **41-6a-1501**, (Renumbered from 41-6-107, as last amended by Chapter 113, Laws of

393 Utah 1969)

394 **41-6a-1502**, (Renumbered from 41-6-107.2, as last amended by Chapter 162, Laws of

395 Utah 1987)

396 **41-6a-1503**, (Renumbered from 41-6-107.4, as enacted by Chapter 113, Laws of Utah

397 1969)

398 **41-6a-1504**, (Renumbered from 41-6-107.6, as enacted by Chapter 113, Laws of Utah

399 1969)

400 **41-6a-1505**, (Renumbered from 41-6-107.8, as last amended by Chapter 165, Laws of
401 Utah 2002)

402 **41-6a-1506**, (Renumbered from 41-6-154.50, as enacted by Chapter 242, Laws of Utah
403 1979)

404 **41-6a-1507**, (Renumbered from 41-6-155.5, as enacted by Chapter 73, Laws of Utah
405 2000)

406 **41-6a-1508**, (Renumbered from 41-6-117.6, as enacted by Chapter 34, Laws of Utah
407 2002)

408 **41-6a-1601**, (Renumbered from 41-6-117, as last amended by Chapter 162, Laws of
409 Utah 1987)

410 **41-6a-1602**, (Renumbered from 41-6-117.5, as last amended by Chapter 282, Laws of
411 Utah 1998)

412 **41-6a-1603**, (Renumbered from 41-6-118, as last amended by Chapter 242, Laws of
413 Utah 1979)

414 **41-6a-1604**, (Renumbered from 41-6-119, as last amended by Chapter 242, Laws of
415 Utah 1979)

416 **41-6a-1605**, (Renumbered from 41-6-127, as enacted by Chapter 242, Laws of Utah
417 1979)

418 **41-6a-1606**, (Renumbered from 41-6-128, as enacted by Chapter 242, Laws of Utah
419 1979)

420 **41-6a-1607**, (Renumbered from 41-6-129, as enacted by Chapter 242, Laws of Utah
421 1979)

422 **41-6a-1608**, (Renumbered from 41-6-130, as enacted by Chapter 242, Laws of Utah
423 1979)

424 **41-6a-1609**, (Renumbered from 41-6-130.5, as enacted by Chapter 242, Laws of Utah
425 1979)

426 **41-6a-1610**, (Renumbered from 41-6-131, as enacted by Chapter 242, Laws of Utah
427 1979)

428 **41-6a-1611**, (Renumbered from 41-6-133, as enacted by Chapter 242, Laws of Utah
429 1979)

430 **41-6a-1612**, (Renumbered from 41-6-133.5, as enacted by Chapter 242, Laws of Utah

431 1979)
432 **41-6a-1613**, (Renumbered from 41-6-135, as last amended by Chapter 50, Laws of
433 Utah 1991)
434 **41-6a-1614**, (Renumbered from 41-6-135.5, as enacted by Chapter 242, Laws of Utah
435 1979)
436 **41-6a-1615**, (Renumbered from 41-6-138, as enacted by Chapter 242, Laws of Utah
437 1979)
438 **41-6a-1616**, (Renumbered from 41-6-140, as last amended by Chapter 44, Laws of
439 Utah 2001)
440 **41-6a-1617**, (Renumbered from 41-6-140.20, as enacted by Chapter 242, Laws of Utah
441 1979)
442 **41-6a-1618**, (Renumbered from 41-6-141, as enacted by Chapter 242, Laws of Utah
443 1979)
444 **41-6a-1619**, (Renumbered from 41-6-141.5, as enacted by Chapter 242, Laws of Utah
445 1979)
446 **41-6a-1620**, (Renumbered from 41-6-143, as enacted by Chapter 242, Laws of Utah
447 1979)
448 **41-6a-1621**, (Renumbered from 41-6-143.5, as enacted by Chapter 242, Laws of Utah
449 1979)
450 **41-6a-1622**, (Renumbered from 41-6-144, as enacted by Chapter 242, Laws of Utah
451 1979)
452 **41-6a-1623**, (Renumbered from 41-6-145, as enacted by Chapter 242, Laws of Utah
453 1979)
454 **41-6a-1624**, (Renumbered from 41-6-145.5, as last amended by Chapter 362, Laws of
455 Utah 2004)
456 **41-6a-1625**, (Renumbered from 41-6-146, as enacted by Chapter 242, Laws of Utah
457 1979)
458 **41-6a-1626**, (Renumbered from 41-6-147, as last amended by Chapter 94, Laws of
459 Utah 1992)
460 **41-6a-1627**, (Renumbered from 41-6-148, as enacted by Chapter 242, Laws of Utah
461 1979)

462 **41-6a-1628**, (Renumbered from 41-6-148.10, as enacted by Chapter 86, Laws of Utah
463 1961)

464 **41-6a-1629**, (Renumbered from 41-6-148.29, as last amended by Chapter 47, Laws of
465 Utah 2001)

466 **41-6a-1630**, (Renumbered from 41-6-148.31, as last amended by Chapter 47, Laws of
467 Utah 2001)

468 **41-6a-1631**, (Renumbered from 41-6-148.32, as last amended by Chapter 47, Laws of
469 Utah 2001)

470 **41-6a-1632**, (Renumbered from 41-6-148.33, as last amended by Chapter 47, Laws of
471 Utah 2001)

472 **41-6a-1633**, (Renumbered from 41-6-150.10, as last amended by Chapter 47, Laws of
473 Utah 2001)

474 **41-6a-1634**, (Renumbered from 41-6-148.40, as enacted by Chapter 86, Laws of Utah
475 1961)

476 **41-6a-1635**, (Renumbered from 41-6-149, as last amended by Chapter 25, Laws of
477 Utah 2002)

478 **41-6a-1636**, (Renumbered from 41-6-150, as last amended by Chapter 270, Laws of
479 Utah 1981)

480 **41-6a-1637**, (Renumbered from 41-6-152, as enacted by Chapter 242, Laws of Utah
481 1979)

482 **41-6a-1638**, (Renumbered from 41-6-153, as last amended by Chapter 282, Laws of
483 Utah 1998)

484 **41-6a-1639**, (Renumbered from 41-6-154, as enacted by Chapter 242, Laws of Utah
485 1979)

486 **41-6a-1640**, (Renumbered from 41-6-154.10, as enacted by Chapter 71, Laws of Utah
487 1955)

488 **41-6a-1641**, (Renumbered from 41-6-154.20, as last amended by Chapter 140, Laws of
489 Utah 1995)

490 **41-6a-1642**, (Renumbered from 41-6-163.6, as last amended by Chapter 143, Laws of
491 Utah 2002)

492 **41-6a-1643**, (Renumbered from 41-6-163.7, as last amended by Chapter 37, Laws of

493 Utah 1995)
494 **41-6a-1644**, (Renumbered from 41-6-163.8, as last amended by Chapter 20, Laws of
495 Utah 1995)
496 **41-6a-1701**, (Renumbered from 41-6-106, as last amended by Chapter 207, Laws of
497 Utah 1975)
498 **41-6a-1702**, (Renumbered from 41-6-106.10, as last amended by Chapter 44, Laws of
499 Utah 2001)
500 **41-6a-1703**, (Renumbered from 41-6-108, Utah Code Annotated 1953)
501 **41-6a-1704**, (Renumbered from 41-6-108.10, as enacted by Chapter 207, Laws of Utah
502 1975)
503 **41-6a-1705**, (Renumbered from 41-6-109, as last amended by Chapter 33, Laws of
504 Utah 1978)
505 **41-6a-1706**, (Renumbered from 41-6-109.5, as last amended by Chapter 53, Laws of
506 Utah 1996)
507 **41-6a-1707**, (Renumbered from 41-6-109.10, as enacted by Chapter 207, Laws of Utah
508 1975)
509 **41-6a-1708**, (Renumbered from 41-6-110, as last amended by Chapter 207, Laws of
510 Utah 1975)
511 **41-6a-1709**, (Renumbered from 41-6-111, as last amended by Chapter 207, Laws of
512 Utah 1975)
513 **41-6a-1710**, (Renumbered from 41-6-112, as last amended by Chapter 207, Laws of
514 Utah 1975)
515 **41-6a-1711**, (Renumbered from 41-6-113, as last amended by Chapter 33, Laws of
516 Utah 1978)
517 **41-6a-1712**, (Renumbered from 41-6-114, as last amended by Chapters 270 and 282,
518 Laws of Utah 1998)
519 **41-6a-1713**, (Renumbered from 41-6-114.1, as last amended by Chapters 33 and 241,
520 Laws of Utah 1991)
521 **41-6a-1714**, (Renumbered from 41-6-114.2, as last amended by Chapter 242, Laws of
522 Utah 1979)
523 **41-6a-1801**, (Renumbered from 41-6-181, as last amended by Chapter 5, Laws of Utah

524 1991)

525 **41-6a-1802**, (Renumbered from 41-6-181.5, as enacted by Chapter 153, Laws of Utah

526 2000)

527 **41-6a-1803**, (Renumbered from 41-6-182, as repealed and reenacted by Chapter 153,

528 Laws of Utah 2000)

529 **41-6a-1804**, (Renumbered from 41-6-183, as last amended by Chapter 153, Laws of

530 Utah 2000)

531 **41-6a-1805**, (Renumbered from 41-6-185, as last amended by Chapter 109, Laws of

532 Utah 2002)

533 **41-6a-1806**, (Renumbered from 41-6-186, as last amended by Chapter 153, Laws of

534 Utah 2000)

535 **77-7-24**, (Renumbered from 41-6-167, as last amended by Chapter 282, Laws of Utah

536 1998)

537 **77-7-25**, (Renumbered from 41-6-173, as last amended by Chapter 161, Laws of Utah

538 2004)

539 **77-7-26**, (Renumbered from 41-6-172, as last amended by Chapter 282, Laws of Utah

540 1998)

541 REPEALS:

542 **41-6-22**, as last amended by Chapter 174, Laws of Utah 2004

543 **41-6-29**, as last amended by Chapter 44, Laws of Utah 1999

544 **41-6-30**, as last amended by Chapter 44, Laws of Utah 1999

545 **41-6-32**, as last amended by Chapter 44, Laws of Utah 1999

546 **41-6-37**, as last amended by Chapter 85, Laws of Utah 2001

547 **41-6-42**, as last amended by Chapter 85, Laws of Utah 2001

548 **41-6-43.5**, as last amended by Chapter 200, Laws of Utah 2002

549 **41-6-50**, as last amended by Chapter 138, Laws of Utah 1987

550 **41-6-70**, as last amended by Chapter 138, Laws of Utah 1987

551 **41-6-71**, as last amended by Chapter 44, Laws of Utah 2001

552 **41-6-75**, as last amended by Chapter 138, Laws of Utah 1987

553 **41-6-75.5**, as last amended by Chapter 16, Laws of Utah 2000

554 **41-6-120**, as enacted by Chapter 242, Laws of Utah 1979

555 **41-6-121.10**, as last amended by Chapter 63, Laws of Utah 1986
556 **41-6-122**, as enacted by Chapter 242, Laws of Utah 1979
557 **41-6-132**, as enacted by Chapter 242, Laws of Utah 1979
558 **41-6-139**, as last amended by Chapter 242, Laws of Utah 1979
559 **41-6-142**, as enacted by Chapter 242, Laws of Utah 1979
560 **41-6-155**, as last amended by Chapters 30 and 111, Laws of Utah 1992
561 **41-6-166**, as last amended by Chapter 30, Laws of Utah 1992
562 **41-6-168**, as last amended by Chapters 183 and 187, Laws of Utah 1983
563 **41-6-169**, as last amended by Chapter 282, Laws of Utah 1998
564 **41-6-170**, Utah Code Annotated 1953
565 **41-6-171**, Utah Code Annotated 1953

566

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

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

569 **7-24-102. Definitions.**

570 As used in this chapter:

571 (1) "Rollover" means the extension or renewal of the term of a title loan.

572 (2) (a) "Title lender" means a person that extends a title loan.

573 (b) "Title lender" includes a person that:

574 (i) arranges a title loan on behalf of a title lender;

575 (ii) acts as an agent for a title lender; or

576 (iii) assists a title lender in the extension of a title loan.

577 (3) (a) "Title loan" means a loan secured by the title to a:

578 (i) motor vehicle, as defined in Section [~~41-6-1~~] 41-6a-102;

579 (ii) mobile home, as defined in Section [~~41-6-1~~] 41-6a-102; or

580 (iii) motorboat, as defined in Section 73-18-2.

581 (b) "Title loan" includes a title loan extended at the same premise on which any of the

582 following are sold:

583 (i) a motor vehicle, as defined in Section [~~41-6-1~~] 41-6a-102;

584 (ii) a mobile home, as defined in Section [~~41-6-1~~] 41-6a-102; or

585 (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

617 primarily for use or operation over unimproved terrain;

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

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

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

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

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

623 **13-35-102. Definitions.**

624 As used in this chapter:

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

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

628 (a) at which a franchisee conducts the business of a new powersport vehicle dealer; and

629 (b) that is identified as a new powersport vehicle dealer's principal place of business
630 for registration purposes under Section 13-35-105.

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

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

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

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

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

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

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

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

647 (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

741 shall consult and coordinate with local substance abuse authorities with regard to programs and
742 services.

743 (4) Each local substance abuse authority shall:

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

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

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

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

753 (c) establish and maintain, either directly or by contract, programs licensed under Title
754 62A, Chapter 2, Licensure of Programs and Facilities;

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

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

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

761 (g) establish mechanisms allowing for direct citizen input;

762 (h) annually contract with the division to provide substance abuse programs and
763 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and
764 Mental Health Act;

765 (i) comply with all applicable state and federal statutes, policies, audit requirements,
766 contract requirements, and any directives resulting from those audits and contract requirements;

767 (j) promote or establish programs for the prevention of substance abuse within the
768 community setting through community-based prevention programs;

769 (k) provide funding equal to at least 20% of the state funds that it receives to fund
770 services described in the plan;

771 (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.

896 (2) The ordinance shall provide that:

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

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

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

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

905 (4) The ordinance may specify:

906 (a) the time of day and seasons when spotlighting is permitted;

907 (b) areas closed or open to spotlighting within the unincorporated area of the county;

908 (c) safety zones within which spotlighting is prohibited;

909 (d) the weapons permitted; and

910 (e) penalties for violation of the ordinance.

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

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

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

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

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

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

925 (a) a person or his agent who is lawfully acting to protect his crops or domestic animals
926 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

958 protection of the public health and the control of disease or which may be necessary to
959 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the
960 programs shall not be established if adequate programs exist in the private sector;

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

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

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

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

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

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

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

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

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

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

985 (r) provide the commissioner of public safety with monthly statistics reflecting the
986 results of the examinations provided for in Subsection (2)(q) and provide safeguards so that
987 information derived from the examinations is not used for a purpose other than the compilation
988 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

- 1051 (E) illegal consumption of alcohol.
- 1052 (c) "Annual conviction time period" means the time period that:
- 1053 (i) begins on July 1 and ends on June 30; and
- 1054 (ii) immediately precedes the fiscal year for which an appropriation under this section
- 1055 is made.
- 1056 (d) "Coordinating council" means the Utah Substance Abuse and Anti-Violence
- 1057 Coordinating Council created in Section 63-25a-201.
- 1058 (e) "Municipality" means:
- 1059 (i) a city; or
- 1060 (ii) a town.
- 1061 (2) (a) There is created in the General Fund a restricted account called the "Alcoholic
- 1062 Beverage Enforcement and Treatment Restricted Account."
- 1063 (b) The account shall be funded from:
- 1064 (i) amounts deposited by the state treasurer in accordance with Section 59-15-109;
- 1065 (ii) any appropriations made to the account by the Legislature; and
- 1066 (iii) interest described in Subsection (2)(c).
- 1067 (c) Interest earned on the account shall be deposited into the account.
- 1068 (d) (i) The revenues in the account shall be used exclusively for programs or projects
- 1069 related to prevention, treatment, detection, prosecution, and control of violations of this title
- 1070 and other offenses in which alcohol is a contributing factor except as provided in Subsection
- 1071 (2)(d)(ii).
- 1072 (ii) The portion distributed under this section to counties may also be used for the
- 1073 confinement or treatment of persons arrested for or convicted of offenses in which alcohol is a
- 1074 contributing factor.
- 1075 (iii) Any municipality or county entitled to receive funds shall use the funds
- 1076 exclusively as required by this Subsection (2)(d).
- 1077 (iv) The appropriations provided for under Subsection (3) are:
- 1078 (A) intended to supplement the budget of the appropriate agencies of each municipality
- 1079 and county within the state to enable the municipalities and counties to more effectively fund
- 1080 the programs and projects described in this Subsection (2)(d); and
- 1081 (B) not intended to replace funds that would otherwise be allocated for the programs

1082 and projects in this Subsection (2)(d).

1083 (3) (a) The revenues deposited into the account shall be distributed to municipalities
1084 and counties:

1085 (i) to the extent appropriated by the Legislature except that the Legislature shall
1086 appropriate each fiscal year an amount equal to at least the amount deposited in the account in
1087 accordance with Section 59-15-109; and

1088 (ii) as provided in this Subsection (3).

1089 (b) The amount appropriated from the account shall be distributed as follows:

1090 (i) 25% to municipalities and counties based upon the percentage of the state
1091 population residing in each municipality and county;

1092 (ii) 30% to municipalities and counties based upon each municipality's and county's
1093 percentage of the statewide convictions for all alcohol-related offenses;

1094 (iii) 20% to municipalities and counties based upon the percentage of all state stores,
1095 package agencies, liquor licensees, and beer licensees in the state that are located in each
1096 municipality and county; and

1097 (iv) 25% to the counties for confinement and treatment purposes authorized by this
1098 section based upon the percentage of the state population located in each county.

1099 (c) (i) Except as provided in Subsection (3)(c)(iii), a municipality that does not have a
1100 law enforcement agency may not receive monies under this section.

1101 (ii) The State Tax Commission:

1102 (A) may not distribute the monies the municipality would receive but for the
1103 municipality not having a law enforcement agency to that municipality; and

1104 (B) shall distribute the monies that the municipality would have received but for it not
1105 having a law enforcement agency to the county in which the municipality is located for use by
1106 the county in accordance with this section.

1107 (iii) Notwithstanding Subsections (3)(c)(i) and (ii), if the coordinating council finds
1108 that a municipality described in Subsection (3)(c)(i) demonstrates that the municipality can use
1109 the monies that the municipality is otherwise eligible to receive in accordance with this section,
1110 the coordinating council may direct the State Tax Commission to distribute the money to the
1111 municipality.

1112 (4) To determine the distributions required by Subsection (3)(b)(ii), the State Tax

1113 Commission shall annually:

1114 (a) for an annual conviction time period:

1115 (i) multiply by two the total number of convictions in the state obtained during the

1116 annual conviction time period for violation of:

1117 (A) Section [~~41-6-44~~] 41-6a-502; or

1118 (B) an ordinance that complies with the requirements of Subsection [~~41-6-43~~]

1119 41-6a-510(1) or Section 76-5-207; and

1120 (ii) add to the number calculated under Subsection (4)(a)(i) the number of convictions

1121 obtained during the annual conviction time period for all alcohol-related offenses other than the

1122 alcohol-related offenses described in Subsection (4)(a)(i);

1123 (b) divide an amount equal to 30% of the appropriation for that fiscal year by the sum

1124 obtained in Subsection (4)(a); and

1125 (c) multiply the amount calculated under Subsection (4)(b), by the number of

1126 convictions obtained in each municipality and county during the annual conviction time period

1127 for alcohol-related offenses.

1128 (5) For purposes of this section:

1129 (a) the number of state stores, package agencies, and licensees located within the limits

1130 of each municipality and county:

1131 (i) is the number determined by the department to be so located;

1132 (ii) includes all:

1133 (A) private clubs;

1134 (B) restaurants;

1135 (C) airport lounges;

1136 (D) package agencies; and

1137 (E) state stores; and

1138 (iii) does not include on-premise beer retailer licensees;

1139 (b) the number of state stores, package agencies, and licensees in a county consists only

1140 of that number located within unincorporated areas of the county;

1141 (c) population figures shall be determined according to the most current population

1142 estimates prepared by the Utah Population Estimates Committee;

1143 (d) a county's population figure for the 25% distribution to municipalities and counties

1144 under Subsection (3)(b)(i) shall be determined only with reference to the population in the
1145 unincorporated areas of the county;

1146 (e) a county's population figure under Subsection (3)(b)(iv) for the 25% distribution to
1147 counties only shall be determined with reference to the total population in the county, including
1148 that of municipalities;

1149 (f) a conviction occurs in the municipality or county that actually prosecutes the
1150 offense to judgment; and

1151 (g) in the case of a conviction based upon a guilty plea, the conviction is considered to
1152 occur in the municipality or county that, except for the guilty plea, would have prosecuted the
1153 offense.

1154 (6) By not later than September 1 each year:

1155 (a) the state court administrator shall certify to the State Tax Commission the number
1156 of convictions obtained for alcohol-related offenses in each municipality or county in the state
1157 during the annual conviction time period; and

1158 (b) the coordinating council shall notify the State Tax Commission of any municipality
1159 that does not have a law enforcement agency.

1160 (7) By not later than December 1 of each year, the coordinating council shall notify the
1161 State Tax Commission for the fiscal year of appropriation of:

1162 (a) any municipality that may receive a distribution under Subsection (3)(c)(iii);

1163 (b) any county that may receive a distribution allocated to a municipality described in
1164 Subsection (3)(c)(ii);

1165 (c) any municipality or county that may not receive a distribution because the
1166 coordinating council has suspended the payment under Subsection (10)(a)(i); and

1167 (d) any municipality or county that receives a distribution because the suspension of
1168 payment has been cancelled under Subsection (10)(a)(ii).

1169 (8) (a) By not later than January 1 of the fiscal year of appropriation, the State Tax
1170 Commission shall annually distribute to each municipality and county the portion of the
1171 appropriation that the municipality or county is eligible to receive under this section, except for
1172 any municipality or county that the coordinating council notifies the State Tax Commission in
1173 accordance with Subsection (7) may not receive a distribution in that fiscal year.

1174 (b) (i) The State Tax Commission shall prepare forms for use by municipalities and

1175 counties in applying for distributions under this section.

1176 (ii) The forms described in this Subsection (8) may require the submission of
1177 information the State Tax Commission considers necessary to enable the State Tax
1178 Commission to comply with this section.

1179 (9) A municipality or county that receives any monies under this section during a fiscal
1180 year shall by no later than October 1 following the fiscal year:

1181 (a) report to the coordinating council:

1182 (i) the programs or projects of the municipality or county that receive monies under
1183 this section;

1184 (ii) if the monies for programs or projects were exclusively used as required by
1185 Subsection (2)(d);

1186 (iii) indicators of whether the programs or projects that receive monies under this
1187 section are effective; and

1188 (iv) if any monies received under this section were not expended by the municipality or
1189 county; and

1190 (b) provide the coordinating council a statement signed by the chief executive officer
1191 of the county or municipality attesting that the monies received under this section were used in
1192 addition to any monies appropriated or otherwise available for the county's or municipality's
1193 law enforcement and were not used to supplant those monies.

1194 (10) (a) The coordinating council may, by a majority vote:

1195 (i) suspend future payments under Subsection (8) to a municipality or county that:

1196 (A) does not file a report that meets the requirements of Subsection (9); or

1197 (B) the coordinating council finds does not use the monies as required by Subsection
1198 (2)(d) on the basis of the report filed by the municipality or county under Subsection (9); and

1199 (ii) cancel a suspension under Subsection (10)(a)(i).

1200 (b) The State Tax Commission shall:

1201 (i) retain monies that a municipality or county does not receive under Subsection
1202 (10)(a); and

1203 (ii) notify the coordinating council of the balance of retained monies under this
1204 Subsection (10)(b) after the annual distribution under Subsection (8).

1205 (11) (a) Subject to the requirements of this Subsection (11), the coordinating council

1206 shall award the balance of retained monies under Subsection (10)(b):

1207 (i) as prioritized by majority vote of the coordinating council; and

1208 (ii) as grants to:

1209 (A) a county;

1210 (B) a municipality; or

1211 (C) the Department of Public Safety.

1212 (b) By not later than May 30 of the fiscal year of the appropriation, the coordinating

1213 council shall notify the State Tax Commission of any grants awarded under this Subsection

1214 (11).

1215 (c) The State Tax Commission shall make payments of grants:

1216 (i) upon receiving notice as provided under Subsection (11)(b); and

1217 (ii) by not later than June 30 of the fiscal year of the appropriation.

1218 (d) An entity that receives a grant under this Subsection (11) shall use the grant monies

1219 exclusively for programs or projects described in Subsection (2)(d).

1220 Section 10. Section **39-6-93** is amended to read:

1221 **39-6-93. Intoxicated or reckless driving.**

1222 A person subject to this chapter who operates any vehicle in violation of Section

1223 [~~41-6-44~~] 41-6a-502, or in violation of Section [~~41-6-45~~] 41-6a-528, shall be punished as a

1224 military court directs.

1225 Section 11. Section **41-1a-202** is amended to read:

1226 **41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of**
1227 **vehicles after establishing residency.**

1228 (1) In this section:

1229 (a) "Domicile" means the place:

1230 (i) where an individual has a fixed permanent home and principal establishment;

1231 (ii) to which the individual if absent, intends to return; and

1232 (iii) in which the individual and his family voluntarily reside, not for a special or

1233 temporary purpose, but with the intention of making a permanent home.

1234 (b) (i) "Resident" means any of the following:

1235 (A) an individual who:

1236 (I) has established a domicile in this state;

1237 (II) regardless of domicile, remains in this state for an aggregate period of six months
1238 or more during any calendar year;

1239 (III) engages in a trade, profession, or occupation in this state or who accepts
1240 employment in other than seasonal work in this state and who does not commute into the state;

1241 (IV) declares himself to be a resident of this state for the purpose of obtaining a driver
1242 license or motor vehicle registration; or

1243 (V) declares himself a resident of Utah to obtain privileges not ordinarily extended to
1244 nonresidents, including going to school, or placing children in school without paying
1245 nonresident tuition or fees;

1246 (B) any individual, partnership, limited liability company, firm, corporation,
1247 association, or other entity that:

1248 (I) maintains a main office, branch office, or warehouse facility in this state and that
1249 bases and operates a motor vehicle in this state; or

1250 (II) operates a motor vehicle in intrastate transportation for other than seasonal work.

1251 (ii) "Resident" does not include any of the following:

1252 (A) a member of the military temporarily stationed in Utah;

1253 (B) an out-of-state student, as classified by the institution of higher education, enrolled
1254 with the equivalent of seven or more quarter hours, regardless of whether the student engages
1255 in a trade, profession, or occupation in this state or accepts employment in this state; and

1256 (C) an individual domiciled in another state or a foreign country that:

1257 (I) is engaged in public, charitable, educational, or religious services for a government
1258 agency or an organization that qualifies for tax-exempt status under Internal Revenue Code
1259 Section 501(c)(3);

1260 (II) is not compensated for services rendered other than expense reimbursements; and

1261 (III) is temporarily in Utah for a period not to exceed 24 months.

1262 (2) Registration under this chapter is not required for any:

1263 (a) vehicle registered in another state and owned by a nonresident of the state or
1264 operating under a temporary registration permit issued by the division or a dealer authorized by
1265 this chapter, driven or moved upon a highway in conformance with the provisions of this
1266 chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;

1267 (b) vehicle driven or moved upon a highway only for the purpose of crossing the

1268 highway from one property to another;

1269 (c) implement of husbandry, whether of a type otherwise subject to registration or not,

1270 that is only incidentally operated or moved upon a highway;

1271 (d) special mobile equipment;

1272 (e) vehicle owned or leased by the federal government;

1273 (f) motor vehicle not designed, used, or maintained for the transportation of passengers

1274 for hire or for the transportation of property if the motor vehicle is registered in another state

1275 and is owned and operated by a nonresident of this state;

1276 (g) vehicle or combination of vehicles designed, used, or maintained for the

1277 transportation of persons for hire or for the transportation of property if the vehicle or

1278 combination of vehicles is registered in another state and is owned and operated by a

1279 nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight

1280 of 26,000 pounds or less;

1281 (h) trailer of 750 pounds or less unladen weight and not designed, used, and maintained

1282 for hire for the transportation of property or person;

1283 (i) manufactured home or mobile home;

1284 (j) off-highway vehicle currently registered under Section 41-22-3 if the off-highway

1285 vehicle is:

1286 (i) being towed;

1287 (ii) operated on a street or highway designated as open to off-highway vehicle use; or

1288 (iii) operated in the manner prescribed in Section 41-22-10.3;

1289 (k) off-highway implement of husbandry operated in the manner prescribed in

1290 Subsections 41-22-5.5(3) through (5);

1291 (l) modular and prebuilt homes conforming to the uniform building code and presently

1292 regulated by the United States Department of Housing and Urban Development that are not

1293 constructed on a permanent chassis;

1294 (m) electric assisted bicycle defined under Section ~~[41-6-1]~~ 41-6a-102;

1295 (n) motor assisted scooter defined under Section ~~[41-6-1]~~ 41-6a-102; or

1296 (o) personal motorized mobility device defined under Section ~~[41-6-1]~~ 41-6a-102.

1297 (3) Unless otherwise exempted under Subsection (2), registration under this chapter is

1298 required for any motor vehicle, combination of vehicles, trailer, semitrailer, or vintage vehicle

1299 within 60 days of the owner establishing residency in this state.

1300 (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the
1301 registration requirements of this part for the time period that the registration under Section
1302 41-3-306 is valid.

1303 Section 12. Section **41-1a-203** is amended to read:

1304 **41-1a-203. Prerequisites for registration.**

1305 (1) Except as otherwise provided, prior to registration a vehicle must have:

1306 (a) an identification number inspection under Section 41-1a-204;

1307 (b) passed the safety inspection, if required in the current year, as provided under
1308 Sections 41-1a-205 and 53-8-205;

1309 (c) passed the emissions inspection, if required in the current year, as provided under
1310 Section ~~[41-6-163.6]~~ 41-6a-1642;

1311 (d) paid property taxes, the in lieu fee, or received a property tax clearance under
1312 Section 41-1a-206 or 41-1a-207;

1313 (e) paid the automobile driver education tax required by Section 41-1a-208;

1314 (f) paid the applicable registration fee under Part 12, Fee and Tax Requirements;

1315 (g) paid the uninsured motorist identification fee under Section 41-1a-1218, if
1316 applicable; and

1317 (h) paid the motor carrier fee under Section 41-1a-1219, if applicable.

1318 (2) In addition to the requirements in Subsection (1), an owner whose vehicle has not
1319 been previously registered or that is currently registered under a previous owner's name must
1320 also apply for a valid certificate of title in the owner's name prior to registration.

1321 (3) A new registration, transfer of ownership, or registration renewal under Section
1322 73-18-7 may not be issued for a vessel or outboard motor that is subject to the title provisions
1323 of this chapter unless a certificate of title has been or is in the process of being issued in the
1324 same owner's name.

1325 (4) A new registration, transfer of ownership, or registration renewal under Section
1326 41-22-3 may not be issued for an off-highway vehicle that is subject to the titling provisions of
1327 this chapter unless a certificate of title has been or is in the process of being issued in the same
1328 owner's name.

1329 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

1423 beehive logo, and the call number of the trooper to whom the vehicle is issued.

1424 (4) (a) The commission shall issue "EX" and "UHP" plates.

1425 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
1426 commission shall make rules establishing the procedure for application for and distribution of
1427 the plates.

1428 (5) For a vehicle that qualifies for "EX" or "UHP" license plates, the entity is not
1429 required to display an annual registration decal.

1430 (6) (a) Information shall be confidential for vehicles that are not required to display the
1431 "EX" license plate or the identification mark under Subsections (2)(a), (b), (d), and (e).

1432 (b) (i) If a law enforcement officer's identity must be kept secret, his agency head may
1433 request in writing that the division remove the license plate information of the officer's
1434 personal vehicles from all public access files and place it in a confidential file until the
1435 assignment is completed.

1436 (ii) The agency head shall notify the division when the assignment is completed.

1437 (7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be
1438 in a uniform clearly identifying the law enforcement agency the peace officer is representing
1439 during the operation.

1440 Section 16. Section **41-1a-1101** is amended to read:

1441 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

1442 (1) The division or any peace officer, without a warrant, may seize and take possession
1443 of any vehicle, vessel, or outboard motor:

1444 (a) that the division or the peace officer has reason to believe has been stolen;

1445 (b) on which any identification number has been defaced, altered, or obliterated;

1446 (c) that has been abandoned on the public highways;

1447 (d) for which the applicant has written a check for registration or title fees that has not
1448 been honored by the applicant's bank and that is not paid within 30 days;

1449 (e) that is placed on the water with improper registration; or

1450 (f) that is being operated on a highway:

1451 (i) with registration that has been expired for more than three months;

1452 (ii) having never been properly registered by the current owner; or

1453 (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:

- 1485 (i) \$11 for each trailer or semitrailer over 750 pounds gross unladen weight; or
1486 (ii) \$8.50 for each commercial trailer or commercial semitrailer of 750 pounds or less
1487 gross unladen weight;
- 1488 (d) (i) \$33 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds
1489 gross laden weight; plus
- 1490 (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight; and
- 1491 (e) (i) \$49.50 for each motor vehicle or combination of motor vehicles, excluding farm
1492 trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
- 1493 (ii) \$18.50 for each 2,000 pounds over 14,000 pounds gross laden weight.
- 1494 (2) The initial registration fee for a vintage vehicle is \$20.
- 1495 (3) If a motor vehicle is operated in combination with a semitrailer or trailer, each
1496 motor vehicle shall register for the total gross laden weight of all units of the combination if the
1497 total gross laden weight of the combination exceeds 12,000 pounds.
- 1498 (4) (a) Registration fee categories under this section are based on the gross laden
1499 weight declared in the licensee's application for registration.
- 1500 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part
1501 of 2,000 pounds is a full unit.
- 1502 (5) The owner of a commercial trailer or commercial semitrailer may, as an alternative
1503 to registering under Subsection (1)(c), apply for and obtain a special registration and license
1504 plate for a fee of \$110.
- 1505 (6) Except as provided in Section [~~41-6-163.6~~] 41-6a-1642, a truck may not be
1506 registered as a farm truck unless:
- 1507 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and
- 1508 (b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or
- 1509 (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner
1510 submits to the division a certificate of emissions inspection or a waiver in compliance with
1511 Section [~~41-6-163.6~~] 41-6a-1642.
- 1512 (7) A violation of Subsection (6) is a class B misdemeanor that shall be punished by a
1513 fine of not less than \$200.
- 1514 (8) Trucks used exclusively to pump cement, bore wells, or perform crane services
1515 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

1547 renumbered and amended to read:

1548 ~~[41-6-1].~~ **41-6a-102. Definitions.**

1549 As used in this chapter:

1550 (1) "Alley" means a street or highway intended to provide access to the rear or side of
1551 lots or buildings in urban districts and not intended for through vehicular traffic.

1552 (2) "All-terrain type I vehicle" ~~[is used]~~ has the same meaning as defined in Section
1553 41-22-2.

1554 (3) "Authorized emergency vehicle" ~~[means]~~ includes:

1555 (a) fire department vehicles[;];

1556 (b) police vehicles[;];

1557 (c) ambulances[;]; and

1558 (d) other publicly or privately owned vehicles as designated by the commissioner of the
1559 Department of Public Safety.

1560 (4) (a) "Bicycle" means every device;

1561 (i) propelled by human power;

1562 (ii) upon which [any] a person may ride[;]; and

1563 (iii) having two tandem wheels[, ~~except scooters and similar devices~~].

1564 (b) "Bicycle" does not include scooters and similar devices.

1565 (5) (a) "Bus" means [every] a motor vehicle;

1566 (i) designed for carrying more than 15 passengers and used for the transportation of
1567 persons; [~~and every motor vehicle, other than a taxicab,~~] or

1568 (ii) designed and used for the transportation of persons for compensation.

1569 (b) "Bus" does not include a taxicab.

1570 (6) (a) "Circular intersection" means an intersection that has an island, generally
1571 circular in design, located in the center of the intersection where traffic passes to the right of
1572 the island.

1573 (b) "Circular intersection" includes:

1574 (i) roundabouts;

1575 (ii) rotaries; and

1576 (iii) traffic circles.

1577 (7) "Commissioner" means the commissioner of the Department of Public Safety.

1578 ~~[(6)]~~ (8) "Controlled-access highway" means ~~every~~ a highway, street, or roadway:

1579 (a) designed primarily for through traffic; and

1580 (b) to or from which owners or occupants of abutting lands and other persons have no

1581 legal right of access, except at points as determined by the ~~[public]~~ highway authority having

1582 jurisdiction over the highway, street, or roadway.

1583 ~~[(7)]~~ (9) "Crosswalk" means:

1584 (a) that part of a roadway at an intersection included within the connections of the

1585 lateral lines of the sidewalks on opposite sides of the highway measured from:

1586 (i) (A) the curbs; or;

1587 (B) in the absence of curbs, from the edges of the traversable roadway; and

1588 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway

1589 included within the extension of the lateral lines of the existing sidewalk at right angles to the

1590 centerline; or

1591 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for

1592 pedestrian crossing by lines or other markings on the surface.

1593 ~~[(8)]~~ (10) "Department" means the Department of Public Safety.

1594 ~~[(9)]~~ (11) "Divided highway" means a highway divided into two or more roadways by:

1595 (a) an unpaved intervening space ~~[or by]~~;

1596 (b) a physical barrier; or ~~[by]~~

1597 (c) a clearly indicated dividing section constructed to impede vehicular traffic.

1598 ~~[(10)]~~ (12) "Electric assisted bicycle" means a moped:

1599 (a) with an electric motor with a power output of not more than 1,000 watts;~~;~~ and

1600 (b) which is not capable of:

1601 (i) propelling the device at a speed of more than 20 miles per hour on level ground;~~;~~

1602 and ~~[which is not capable of]~~

1603 (ii) increasing the speed of the device when human power is used to propel the device

1604 at more than 20 miles per hour.

1605 ~~[(11)]~~ (13) "Explosives" means any chemical compound or mechanical mixture

1606 commonly used or intended for the purpose of producing an explosion and which contains any

1607 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so

1608 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 ~~[tagliabue]~~ 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:

1640 (a) pavement markings, which may include an area designated by two solid yellow
1641 lines surrounding the perimeter of the area;
1642 (b) channelizing devices;
1643 (c) curbs;
1644 (d) pavements edges; or
1645 (e) other devices.
1646 (23) "Law enforcement agency" has the same meaning as defined in Section 53-1-102.
1647 (24) "Limited access highway" means a highway:
1648 (a) that is designated specifically for through traffic; and
1649 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
1650 persons have any right or easement, or have only a limited right or easement of access, light,
1651 air, or view.
1652 ~~[(17)]~~ (25) "Local [authorities] highway authority" means [every] the legislative,
1653 executive, or governing body of a county, municipal, [and] or other local board or body having
1654 authority to enact laws relating to traffic under the constitution and laws of the state.
1655 ~~[(18)]~~ (26) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:
1656 (i) is designed to be operated at speeds of not more than 25 miles per hour; and [that]
1657 (ii) has a capacity of not more than four passengers, including the driver.
1658 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
1659 ~~[(19)]~~ (27) "Metal tire" means a tire, the surface of which in contact with the highway
1660 is wholly or partly of metal or other hard nonresilient material.
1661 ~~[(20)]~~ (28) "Mobile home" means:
1662 (a) a trailer or semitrailer which is;
1663 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
1664 place either permanently or temporarily[;]; and [is]
1665 (ii) equipped for use as a conveyance on streets and highways; or
1666 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
1667 constructed for use as a mobile home, as defined in Subsection ~~[(20)]~~ (28)(a), but which is
1668 instead used permanently or temporarily for;
1669 (i) the advertising, [sales] sale, display, or promotion of merchandise or services[;]; or
1670 [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]~~

1702 (b) a motor which produces not more than five horsepower.

1703 ~~[(26) "Official traffic-control devices" means all signs, signals, markings, and devices~~
1704 ~~not inconsistent with this chapter placed or erected by authority of a public body or official~~
1705 ~~having jurisdiction, for the purpose of regulating, warning, or guiding traffic;]~~

1706 ~~[(27)]~~ (34) "Off-highway implement of husbandry" ~~[is used]~~ has the same meaning as
1707 defined under Section 41-22-2.

1708 ~~[(28)]~~ (35) "Off-highway vehicle" ~~[is used]~~ has the same meaning as defined under
1709 Section 41-22-2.

1710 ~~[(29)]~~ (36) "Operator" means ~~[any]~~ a person who is in actual physical control of a
1711 vehicle.

1712 ~~[(30)]~~ (37) (a) "Park" or "parking" means the standing of a vehicle, whether occupied
1713 or not~~[-, otherwise than]~~.

1714 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the
1715 purpose of and while actually engaged in loading or unloading property or passengers.

1716 ~~[(31)]~~ (38) "Peace officer" means ~~[any]~~ a peace officer authorized under Title 53,
1717 Chapter 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for
1718 violations of traffic laws.

1719 ~~[(32)]~~ (39) "Pedestrian" means ~~[any]~~ a person ~~[afoot;]~~ traveling:
1720 (a) on foot; or
1721 (b) in a wheelchair.

1722 (40) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
1723 pedestrians.

1724 ~~[(33)]~~ (41) "Person" means every natural person, firm, copartnership, association, or
1725 corporation.

1726 ~~[(34)]~~ (42) (a) "Personal motorized mobility device" means a self-propelled device
1727 with:
1728 (i) two nontandem wheels in contact with the ground~~[-];~~
1729 (ii) a system capable of steering and stopping the unit under typical operating
1730 conditions~~[-];~~
1731 (iii) a motor not exceeding one horse power or 750 watts~~[-];~~ and
1732 (iv) a deck design for a person to stand while operating the device. ~~[A "personal"]~~

1733 (b) "Personal motorized mobility device" does not include a wheelchair.

1734 ~~[(35)]~~ (43) "Pole trailer" means every vehicle without motive power;

1735 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
1736 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle~~[-];~~
1737 and

1738 (b) that is ordinarily used for transporting long or irregular shaped loads ~~[such as]~~
1739 including poles, pipes, or structural members generally capable of sustaining themselves as
1740 beams between the supporting connections.

1741 ~~[(36)]~~ (44) "Private road or driveway" means every way or place in private ownership
1742 and used for vehicular travel by the owner and those having express or implied permission
1743 from the owner, but not by other persons.

1744 ~~[(37)]~~ (45) "Railroad" means a carrier of persons or property upon cars operated ~~[upon]~~
1745 on stationary rails.

1746 ~~[(38)]~~ (46) "Railroad sign or signal" means a sign, signal, or device erected by
1747 authority of a public body or official or by a railroad and intended to give notice of the presence
1748 of railroad tracks or the approach of a railroad train.

1749 ~~[(39)]~~ (47) "Railroad train" means a locomotive propelled by any form of energy,
1750 coupled with or operated without cars, and operated upon rails.

1751 ~~[(40)]~~ (48) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
1752 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
1753 of direction, speed, and proximity which give rise to danger of collision unless one grants
1754 precedence to the other.

1755 ~~[(41)]~~ (49) (a) "Roadway" means that portion of highway improved, designed, or
1756 ordinarily used for vehicular travel~~[-, exclusive of].~~

1757 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
1758 them are used by persons riding bicycles or other human-powered vehicles.

1759 (c) ~~[If a highway includes two or more separate roadways, roadway]~~ "Roadway" refers
1760 to any roadway separately but not to all roadways collectively, if a highway includes two or
1761 more separate roadways.

1762 ~~[(42)]~~ (50) "Safety zone" means the area or space officially set apart within a roadway
1763 for the exclusive use of pedestrians and which is protected, marked, or indicated by adequate

1764 signs as to be plainly visible at all times while set apart as a safety zone.

1765 ~~[(43)]~~ (51) (a) "School bus" means ~~[every]~~ a motor vehicle that:

1766 (i) complies with the color and identification requirements of the most recent edition of
1767 "Minimum Standards for School Buses"; and

1768 (ii) is used to transport school children to or from school or school activities. ~~[This~~
1769 ~~definition]~~

1770 (b) "School bus" does not include ~~[vehicles]~~ a vehicle operated by a common ~~[carriers]~~
1771 carrier in transportation of school children to or from school or school activities.

1772 ~~[(44)]~~ (52) (a) "Semitrailer" means a vehicle with or without motive power~~[-other than~~
1773 ~~a pole trailer,];~~

1774 (i) designed for carrying persons or property and for being drawn by a motor vehicle~~[-];~~
1775 and

1776 (ii) constructed so that some part of its weight and that of its load rests ~~[upon]~~ on or is
1777 carried by another vehicle.

1778 (b) "Semitrailer" does not include a pole trailer.

1779 ~~[(45)]~~ (53) "Shoulder area" means:

1780 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
1781 edge line as established in the current approved "Manual on Uniform Traffic Control
1782 Devices~~[-]~~"; or

1783 (b) that portion of the road contiguous to the roadway for accommodation of stopped
1784 vehicles, for emergency use, and lateral support.

1785 ~~[(46)]~~ (54) "Sidewalk" means that portion of a street between the curb lines, or the
1786 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

1787 ~~[(47)]~~ (55) "Solid rubber tire" means ~~[every]~~ a tire of rubber or other resilient material
1788 which does not depend ~~[upon]~~ on compressed air for the support of the load.

1789 ~~[(48)]~~ (56) "Stand" or "standing" means the temporary halting of a vehicle, whether
1790 occupied or not, ~~[other than temporarily]~~ for the purpose of and while actually engaged in
1791 receiving or discharging passengers.

1792 ~~[(49)]~~ (57) "Stop" when required means complete cessation from movement.

1793 ~~[(50)]~~ (58) "Stop" or "stopping" when prohibited means any halting even momentarily
1794 of a vehicle, whether occupied or not, except when:

1795 (a) necessary to avoid conflict with other traffic; or ~~[when]~~

1796 (b) in compliance with the directions of a peace officer or ~~[official]~~ traffic-control
1797 device.

1798 ~~[(51)]~~ (59) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
1799 conveyances either singly or together while using any highway for the purpose of travel.

1800 (60) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
1801 with this chapter placed or erected by a highway authority for the purpose of regulating,
1802 warning, or guiding traffic.

1803 ~~[(52)]~~ (61) "Traffic-control signal" means ~~[any]~~ a device, whether manually,
1804 electrically, or mechanically operated, by which traffic is alternately directed to stop and
1805 permitted to proceed.

1806 (62) "Traffic signal preemption device" means an instrument or mechanism designed,
1807 intended, or used to interfere with the operation or cycle of a traffic-control signal.

1808 ~~[(53)]~~ (63) (a) "Trailer" means ~~[every]~~ a vehicle with or without motive power~~[-other~~
1809 ~~than a pole trailer,]~~ designed for carrying persons or property and for being drawn by a motor
1810 vehicle and constructed so that no part of its weight rests upon the towing vehicle.

1811 (b) "Trailer" does not include a pole trailer.

1812 ~~[(54)]~~ (64) "Truck" means ~~[every]~~ a motor vehicle designed, used, or maintained
1813 primarily for the transportation of property.

1814 ~~[(55)]~~ (65) "Truck tractor" means a motor vehicle;

1815 (a) designed and used primarily for drawing other vehicles; and

1816 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
1817 tractor.

1818 (66) "Two-way left turn lane" means a lane:

1819 (a) provided for vehicle operators making left turns in either direction;

1820 (b) that is not used for passing, overtaking, or through travel; and

1821 (c) that has been indicated by a lane traffic-control device which may include lane
1822 markings.

1823 ~~[(56)]~~ (67) "Urban district" means the territory contiguous to and including any street,
1824 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
1825 less than 100 feet, for a distance of a quarter of a mile or more.

1826 [(57)] (68) "Vehicle" means ~~[every]~~ a device in, ~~[upon]~~ on, or by which ~~[any]~~ a person
1827 or property is or may be transported or drawn ~~[upon]~~ on a highway, except devices used
1828 exclusively ~~[upon]~~ on stationary rails or tracks.

1829 Section 21. Section **41-6a-201**, which is renumbered from Section 41-6-11 is
1830 renumbered and amended to read:

1831 **Part 2. Applicability and Obedience to Traffic Laws**

1832 ~~[41-6-11].~~ **41-6a-201. Chapter relates to vehicles on highways -- Exceptions.**

1833 The provisions of this chapter relating to the operation of vehicles refer exclusively to
1834 the operation of vehicles upon highways, except:

1835 (1) ~~[where]~~ when a different place is specifically ~~[referred to in a given section]~~
1836 identified; or

1837 (2) under the provisions of Section ~~[41-6-13.5 and Sections 41-6-29 to 41-6-45~~
1838 ~~inclusive]~~ 41-6a-210, Part 4, Accident Responsibilities, and Part 5, Driving Under the
1839 Influence and Reckless Driving, which apply upon highways and elsewhere throughout the
1840 state.

1841 Section 22. Section **41-6a-202**, which is renumbered from Section 41-6-12 is
1842 renumbered and amended to read:

1843 ~~[41-6-12].~~ **41-6a-202. Violations of chapter -- Penalties.**

1844 (1) A violation of any provision of this chapter is a class C misdemeanor, unless
1845 otherwise provided.

1846 (2) A violation of any provision of ~~[Articles]~~ Parts 2, 11, ~~[15, and]~~ 17, and 18 of this
1847 chapter is an infraction, unless otherwise provided.

1848 Section 23. Section **41-6a-203**, which is renumbered from Section 41-6-164.5 is
1849 renumbered and amended to read:

1850 ~~[41-6-164.5].~~ **41-6a-203. Violation of chapter.**

1851 (1) ~~[Every]~~ A person who commits, attempts to commit, conspires to commit, or aids
1852 or abets in the commission of, ~~[any]~~ an act ~~[declared in]~~ that is a crime under this chapter ~~[to be~~
1853 ~~a crime]~~, whether individually or in connection with one or more other persons or as a
1854 principal, agent, or accessory, ~~[shall be]~~ is guilty of ~~[such]~~ the offense~~[- and every]~~.

1855 (2) A person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces,
1856 requires, permits, or directs another to violate ~~[any]~~ a provision of this chapter is ~~[likewise]~~

1857 guilty of ~~[such]~~ the offense.

1858 Section 24. Section **41-6a-204**, which is renumbered from Section 41-6-165 is
1859 renumbered and amended to read:

1860 ~~[41-6-165].~~ **41-6a-204. Requiring or knowingly permitting driver to unlawfully**
1861 **operate vehicle.**

1862 ~~[It is unlawful for the owner, or any other]~~ A person~~;~~ employing or otherwise directing
1863 the ~~[driver]~~ operator of ~~[any]~~ a vehicle ~~[to]~~ may not require or knowingly ~~[to]~~ permit the
1864 operation of ~~[such]~~ the vehicle ~~[upon]~~ on a highway in ~~[any]~~ a manner contrary to law.

1865 Section 25. Section **41-6a-205**, which is renumbered from Section 41-6-165.5 is
1866 renumbered and amended to read:

1867 ~~[41-6-165.5].~~ **41-6a-205. Government-owned vehicles subject to chapter.**

1868 ~~[The]~~ Except as specifically exempted, the provisions of this chapter applicable to
1869 ~~[drivers of vehicles upon]~~ an operator of a vehicle on the ~~[highways shall]~~ highway apply to
1870 ~~[the drivers of all vehicles]~~ an operator of a vehicle owned or operated by the United States,
1871 this state or any county, city, town, district or any other political subdivision of the state~~;~~
1872 subject to such specific exceptions as are set forth in this chapter.

1873 Section 26. Section **41-6a-206**, which is renumbered from Section 41-6-175.5 is
1874 renumbered and amended to read:

1875 ~~[41-6-175.5].~~ **41-6a-206. Conflict with Federal Motor Carrier Safety**
1876 **Regulations.**

1877 ~~[Whenever the rules]~~ Federal Motor Carrier Safety Regulations supercede any
1878 conflicting provisions of this chapter~~[, as they pertain]~~ pertaining to commercial motor carriers
1879 ~~[are found to be in conflict with the Federal Motor Carrier Safety Regulations, the Federal~~
1880 ~~Motor Carrier Safety Regulations will apply]~~.

1881 Section 27. Section **41-6a-207**, which is renumbered from Section 41-6-16 is
1882 renumbered and amended to read:

1883 ~~[41-6-16].~~ **41-6a-207. Uniform application of chapter -- Effect of local**
1884 **ordinances.**

1885 (1) The provisions of this chapter are applicable ~~[and uniform]~~ throughout this state
1886 and in all of its political subdivisions and municipalities.

1887 (2) A local highway authority may not enact or enforce any rule or ordinance in

1888 conflict with the provisions of this chapter. [~~Local authorities~~]

1889 (3) A local highway authority may~~[-however,]~~ adopt:

1890 (a) ordinances consistent with this chapter~~[-];~~ and

1891 (b) additional traffic ordinances [~~which are~~] not in conflict with this chapter.

1892 Section 28. Section ~~41-6a-208~~, which is renumbered from Section 41-6-17 is
1893 renumbered and amended to read:

1894 [~~41-6-17~~]. **41-6a-208. Regulatory powers of local highway authorities --**
1895 **Traffic-control device affecting state highway -- Necessity of erecting traffic-control**
1896 **devices.**

1897 (1) The provisions of this chapter do not prevent a local [~~authorities, with respect to~~
1898 ~~highways under their~~] highway authority for a highway under its jurisdiction and within the
1899 reasonable exercise of police power, from:

1900 (a) regulating or prohibiting stopping, standing, or parking;

1901 (b) regulating traffic by means of a peace [~~officers~~] officer or [~~official~~] a traffic-control
1902 [~~devices~~] device;

1903 (c) regulating or prohibiting processions or assemblages on [~~the highways~~] a highway;

1904 (d) designating particular highways or roadways for use by traffic moving in one
1905 direction under Section [~~41-6-60~~] 41-6a-709;

1906 (e) establishing speed limits for vehicles in public parks, which supersede Section
1907 [~~41-6-48~~] 41-6a-603 regarding speed limits;

1908 (f) designating any highway as a through highway or designating any intersection or
1909 junction of roadways as a stop or yield intersection or junction;

1910 (g) restricting the use of [~~highways~~] a highway under Section 72-7-408;

1911 (h) regulating the operation of [~~bicycles~~] a bicycle and requiring the registration and
1912 inspection of [~~them~~] bicycles, including requiring a registration fee;

1913 (i) regulating or prohibiting [~~the turning of vehicles or~~];

1914 (i) certain turn movements of a vehicle; or

1915 (ii) specified types of vehicles;

1916 (j) altering or establishing speed limits under Section [~~41-6-48~~] 41-6a-603;

1917 (k) requiring written accident reports under Section [~~41-6-42~~] 41-6a-403;

1918 (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;]~~

~~[(q)]~~ (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;

~~[(u)]~~ (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~~

2105 (3) otherwise regulating the use as preferred by the owner[, except as may be required
2106 under Section 41-6-17.5].

2107 Section 36. Section **41-6a-216**, which is renumbered from Section 41-6-19 is
2108 renumbered and amended to read:

2109 **[41-6-19]. 41-6a-216. Removal of plants or other obstructions impairing view**
2110 **-- Notice to owner -- Penalty.**

2111 (1) The owner of real property shall remove from his property any tree, plant, shrub, or
2112 other obstruction, or part of it[, which,] that constitutes a traffic hazard by obstructing the view
2113 of [any] an operator[, constitutes a traffic hazard] of a vehicle on a highway.

2114 (2) When [~~the Department of Transportation or any local~~] a highway authority
2115 determines [~~upon~~] on the basis of an engineering and traffic investigation that a traffic hazard
2116 exists, it shall notify the owner and order that the hazard be removed within ten days.

2117 (3) The failure of the owner to remove the traffic hazard within ten days is a class C
2118 misdemeanor.

2119 Section 37. Section **41-6a-217**, which is renumbered from Section 41-6-19.5 is
2120 renumbered and amended to read:

2121 **[41-6-19.5]. 41-6a-217. Volunteers may be authorized to enforce certain parking**
2122 **provisions.**

2123 (1) Any law enforcement agency authorized to enforce parking laws in this state may
2124 appoint volunteers to issue citations for violations of:

2125 (a) the provisions of Subsections 41-1a-414(3) and (4) related to parking for a person
2126 with a disability;

2127 (b) any municipal or county accessible parking privileges ordinance for a person with a
2128 disability; or

2129 (c) the provisions of Subsection [~~41-6-103.5~~] 41-6a-1307(4) related to parking in a
2130 school bus parking zone.

2131 (2) A volunteer appointed under this section must be at least 21 years of age.

2132 (3) The law enforcement agency appointing a volunteer may establish any other
2133 qualification for the volunteer that the agency finds desirable.

2134 (4) A volunteer may not issue citations until the volunteer has received training from
2135 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]~~

2167 (ii) a local traffic ordinance if the highway authority is a local highway authority; or
2168 **(b)** regulate, warn, or guide traffic.

2169 ~~[(2) A local authority may not place or maintain any traffic-control device upon any~~
2170 ~~highway under the jurisdiction of the Department of Transportation except by the latter's~~
2171 ~~permission.]~~

2172 Section 40. Section **41-6a-303**, which is renumbered from Section 41-6-20.1 is
2173 renumbered and amended to read:

2174 **~~[41-6-20.1]. 41-6a-303. Definition of reduced speed school zone -- Operation of~~**
2175 **warning lights -- School crossing guard requirements -- Responsibility provisions --**
2176 **Rulemaking authority.**

2177 (1) As used in this section "reduced speed school zone" means a designated length of a
2178 highway extending from a school zone speed limit sign ~~[while the]~~ with warning lights ~~[are]~~
2179 operating to an end school zone sign.

2180 (2) The Department of Transportation for state highways and local highway authorities
2181 for highways under their jurisdiction:

2182 (a) shall establish reduced speed school zones at elementary schools after written
2183 assurance by a local highway authority that the local highway authority complies with
2184 Subsections (3) and (4); and

2185 (b) may establish reduced speed school zones for secondary schools at the request of
2186 the local highway authority.

2187 (3) For all reduced speed school zones on highways, including state highways within
2188 the jurisdictional boundaries of a local highway authority, the local highway authority shall:

2189 (a) (i) provide shuttle service across highways for school children; or

2190 (ii) provide, train, and supervise school crossing guards in accordance with this
2191 section;

2192 (b) provide for the:

2193 (i) operation of reduced speed school zones, including providing power to warning
2194 lights and turning on and off the warning lights as required under Subsections (4) and (5); and

2195 (ii) maintenance of reduced speed school zones except on state highways as provided
2196 in Section ~~[41-6-21]~~ 41-6a-302; and

2197 (c) notify the Department of Transportation of reduced speed school zones on state

2198 highways that are in need of maintenance.

2199 (4) While children are going to or leaving school during opening and closing hours all
2200 reduced speed school zones shall have:

2201 (a) the warning lights operating on each school zone speed limit sign; and

2202 (b) a school crossing guard present if the reduced speed school zone is for an
2203 elementary school.

2204 (5) The warning lights on a school zone speed limit sign may not be operating except
2205 as provided under Subsection (4).

2206 (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
2207 Department of Transportation shall make rules establishing criteria and specifications for the:

2208 (a) establishment, location, and operation of school crosswalks, school zones, and
2209 reduced speed school zones;

2210 (b) training, use, and supervision of school crossing guards at elementary schools and
2211 secondary schools; and

2212 (c) content and implementation of child access routing plans under Section 53A-3-402.

2213 (7) Each local highway authority shall pay for providing, training, and supervising
2214 school crossing guards in accordance with this section.

2215 Section 41. Section **41-6a-304**, which is renumbered from Section 41-6-23 is
2216 renumbered and amended to read:

2217 **[41-6-23]. 41-6a-304. Obeying devices -- Effect of improper position,**
2218 **illegibility, or absence -- Presumption of lawful placement and compliance with chapter.**

2219 (1) [The] Except as otherwise directed by a peace officer or other authorized personnel
2220 under Section 41-6a-209 and except as provided under Section 41-6a-212 for authorized
2221 emergency vehicles, the operator of a vehicle shall obey the instructions of any [official]
2222 traffic-control device placed or held in accordance with this chapter [unless at the time
2223 otherwise directed by a peace officer, and subject to the exceptions granted the operator of an
2224 authorized emergency vehicle].

2225 (2) (a) Any provision of this chapter, for which [official] a traffic-control [devices are]
2226 device is required, may not be enforced [against an alleged violator] if at the time and place of
2227 the alleged violation [an official] the traffic-control device is not in proper position and
2228 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

2260 intersection or an adjacent crosswalk at the time the signal is exhibited; and

2261 (B) may not turn right or left if a sign at the intersection prohibits the turn.

2262 (b) The operator of a vehicle facing a green arrow signal shown alone or in
2263 combination with ~~[other]~~ another indication:

2264 (i) may cautiously enter the intersection only to make the movement indicated by the
2265 arrow or other indication shown at the same time; and

2266 (ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk
2267 and to other traffic lawfully using the intersection.

2268 (c) Unless otherwise directed by a ~~[pedestrian-control]~~ pedestrian traffic-control signal
2269 under Section ~~[41-6-25, pedestrians]~~ 41-6a-306, a pedestrian facing any green signal other than
2270 a green turn arrow may proceed across the roadway within any marked or unmarked crosswalk.

2271 (3) (a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal
2272 is warned that the allowable movement related to a green signal is being terminated.

2273 (b) Unless otherwise directed by a ~~[pedestrian-control]~~ pedestrian traffic-control signal
2274 under Section ~~[41-6-25]~~ 41-6a-306, a pedestrian facing a steady circular yellow or yellow
2275 arrow signal is advised that there is insufficient time to cross the roadway before a red
2276 indication is shown, and a pedestrian may not start to cross the roadway.

2277 (4) (a) Except as provided in Subsection (4)(c), the operator of a vehicle facing a
2278 steady circular red or red arrow signal:

2279 (i) may not enter the intersection unless entering the intersection to make a movement
2280 is permitted by another indication; and

2281 (ii) shall stop at a clearly marked stop line, but if none, before entering the marked or
2282 unmarked crosswalk on the near side of the intersection and shall remain stopped until an
2283 indication to proceed is shown.

2284 (b) Unless otherwise directed by a ~~[pedestrian-control]~~ pedestrian traffic-control signal
2285 under Section ~~[41-6-25]~~ 41-6a-306, a pedestrian facing a steady red signal alone may not enter
2286 the roadway.

2287 (c) (i) Except when facing a red arrow signal or when a sign is in place prohibiting a
2288 turn, the operator of a vehicle facing any steady circular red signal may cautiously enter the
2289 intersection to turn right, or may turn left from a one-way street into a one-way street, after
2290 stopping as required by Subsection (4)(a).

2291 (ii) The operator of a vehicle shall yield the right-of-way to:

2292 (A) ~~[other vehicles]~~ another vehicle moving through the intersection in accordance
2293 with an official traffic-control signal; and

2294 (B) ~~[pedestrians]~~ a pedestrian lawfully within an adjacent crosswalk.

2295 (5) (a) This section applies to a highway or rail line where ~~[an official]~~ a traffic-control
2296 signal is erected and maintained ~~[at an intersection or at a place other than an intersection]~~.

2297 (b) Any stop required shall be made at a sign or marking on the highway pavement
2298 indicating where the stop shall be made, but, in the absence of any sign or marking, the stop
2299 shall be made at the signal.

2300 (6) The operator of a vehicle approaching an intersection that has an ~~[official]~~
2301 inoperative traffic-control signal ~~[that is inoperative]~~ shall:

2302 (a) stop before entering the intersection; and ~~[shall]~~

2303 (b) yield the right-of-way to any vehicle as required under Section ~~[41-6-72]~~
2304 41-6a-901.

2305 Section 43. Section **41-6a-306**, which is renumbered from Section 41-6-25 is
2306 renumbered and amended to read:

2307 **~~[41-6-25]. 41-6a-306. Pedestrian traffic-control signals -- Rights and duties.~~**

2308 ~~[When special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk"~~
2309 ~~or symbols of "Walking Person" or "Upraised Hand" are in place, the signals indicate:]~~

2310 (1) A pedestrian facing a steady "Walk" or symbol of "Walking Person" ~~[means a~~
2311 ~~pedestrian facing the]~~ of a pedestrian traffic-control signal has the right-of-way and may
2312 proceed across the roadway in the direction of the signal.

2313 (2) A pedestrian facing a flashing "Don't Walk" or "Upraised Hand" ~~[means a~~
2314 ~~pedestrian]~~ of a pedestrian traffic-control signal may not start to cross the roadway in the
2315 direction of the signal, but a pedestrian who has partially completed ~~[his]~~ crossing on the walk
2316 signal shall proceed to a sidewalk or safety island ~~[while the "Don't Walk" or "Upraised Hand"~~
2317 ~~signal is showing]~~.

2318 (3) A pedestrian facing a steady "Don't Walk" or "Upraised Hand" ~~[means]~~ of a
2319 pedestrian traffic-control signal may not enter the roadway in the direction of the signal.

2320 Section 44. Section **41-6a-307**, which is renumbered from Section 41-6-26 is
2321 renumbered and amended to read:

2322 **[41-6-26]. 41-6a-307. Flashing red or yellow signals -- Rights and duties of**
2323 **operators -- Railroad grade crossings excluded.**

2324 ~~[(1) When]~~ Except as provided under Section 41-6a-1203 regarding railroad grade
2325 crossing, the:

2326 (1) operator of a vehicle facing an illuminated flashing red [or yellow] stop signal [is]
2327 used in a [traffic] traffic-control signal or with a traffic sign[; vehicular traffic shall obey it as
2328 follows: (a) Flashing red stop signal: When a red signal is illuminated by rapid intermittent
2329 flashes, operators of vehicles] shall stop at a clearly marked stop line, but if none, before
2330 entering the crosswalk on the nearest side of the intersection, or if none, then at a point nearest
2331 the intersecting roadway where the operator has a view of approaching traffic on the
2332 intersecting roadway before entering[. The];

2333 (2) right to proceed is subject to the rules applicable after making a stop at a stop
2334 sign[;]; and

2335 ~~[(b) Flashing yellow caution signal: When a yellow signal is illuminated with rapid~~
2336 ~~intermittent flashes, operators of vehicles may]~~

2337 (3) operator of a vehicle facing an illuminated flashing yellow caution signal may
2338 cautiously proceed through the intersection or cautiously proceed past the signal [only with
2339 caution].

2340 ~~[(2) This section does not apply at railroad grade crossings. Provisions regarding~~
2341 ~~vehicles approaching railroad grade crossings are under Section 41-6-95:]~~

2342 Section 45. Section **41-6a-308**, which is renumbered from Section 41-6-26.5 is
2343 renumbered and amended to read:

2344 **[41-6-26.5]. 41-6a-308. Lane use control signals -- Colors.**

2345 ~~[When lane use control signals are placed over individual lanes, the signals indicate and~~
2346 ~~apply to operators of vehicles]~~ The operator of a vehicle facing a traffic-control signal placed to
2347 control individual lane use shall obey the signal as follows:

2348 (1) Green signal -- vehicular traffic may travel in any lane over which a green signal is
2349 shown.

2350 (2) Steady yellow signal -- vehicular traffic is warned that a lane control change is
2351 being made.

2352 (3) Steady red signal -- vehicular traffic may not enter or travel in any lane over which

2353 a red signal is shown.

2354 (4) Flashing yellow signal -- vehicular traffic may use the lane only for the purpose of
2355 approaching and making a left turn.

2356 Section 46. Section **41-6a-309**, which is renumbered from Section 41-6-27 is
2357 renumbered and amended to read:

2358 **[41-6-27]. 41-6a-309. Prohibition of unauthorized signs, signals, lights, or**
2359 **markings -- Commercial advertising -- Public nuisance -- Removal.**

2360 (1) ~~[A]~~ Except as provided in Section 41-6a-310, a person may not place, maintain, or
2361 display upon or in view of any highway any unauthorized sign, signal, light, marking, or device
2362 which:

2363 (a) purports to be [or is an imitation of] or which resembles [an official] a
2364 traffic-control device or railroad sign or signal, or authorized emergency vehicle flashing light[;
2365 or which];

2366 [~~(a)~~] (b) attempts to direct the movement of traffic;

2367 [~~(b)~~] (c) hides from view or interferes with the effectiveness of [any official] a
2368 traffic-control device or any railroad sign or signal; or

2369 [~~(c) which is of such brilliant illumination and so positioned as to blind or dazzle]~~

2370 (d) blinds or dazzles an operator on any adjacent highway.

2371 (2) ~~[A]~~ Except as provided under Section 72-7-504 regarding logo advertising, a
2372 person may not place or maintain [nor may any public authority permit upon any highway any
2373 traffic sign or signal bearing on it] any commercial advertising [except for business signs
2374 included as part of official motorist service panels approved by the Department of
2375 Transportation. This provision does] on any traffic-control device.

2376 (3) The provisions of Subsections (1) and (2) do not prohibit [the erection upon] a sign
2377 on private property adjacent to [highways of signs giving useful] a highway providing
2378 directional information [and of a type] in a manner that may not be mistaken for [official signs]
2379 a traffic-control device.

2380 ~~[(3)]~~ (4) Every prohibited sign, signal, or light, or marking is ~~[declared to be]~~ a public
2381 nuisance and the highway authority having jurisdiction over the ~~[highways]~~ highway may
2382 remove it or cause it to be removed without notice.

2383 Section 47. Section **41-6a-310**, which is renumbered from Section 41-6-1.5 is

2384 renumbered and amended to read:

2385 ~~[41-6-1.5].~~ **41-6a-310. Private vehicle as emergency vehicle -- Rules.**

2386 (1) The commissioner of the Department of Public Safety may make rules, consistent
2387 with this chapter, governing the use, in emergencies, of signal lights on ~~[privately-owned]~~
2388 privately owned vehicles.

2389 (2) The rules under Subsection (1) may ~~[include a rule allowing]~~ authorize a
2390 ~~[privately-owned vehicles]~~ privately owned vehicle to be designated for part-time emergency
2391 use.

2392 Section 48. Section **41-6a-311**, which is renumbered from Section 41-6-28 is
2393 renumbered and amended to read:

2394 ~~[41-6-28].~~ **41-6a-311. Interference with traffic-control devices prohibited --**
2395 **Traffic signal preemption device prohibited -- Exceptions -- Defense.**

2396 ~~[(1) As used in this section:]~~

2397 ~~[(a) "Highway authority" has the same meaning as provided in Section 72-1-102.]~~

2398 ~~[(b) "Traffic signal preemption device" means an instrument or mechanism designed,~~
2399 ~~intended, or used to interfere with the operation or cycle of a traffic-control signal.]~~

2400 ~~[(2)]~~ (1) Except as provided in Subsection ~~[(4)]~~ (3), a person may not alter, deface,
2401 damage, knock down, or remove any:

2402 (a) ~~[official]~~ traffic-control device;

2403 (b) ~~[official]~~ traffic-monitoring device; or

2404 (c) ~~[official]~~ railroad traffic-control device.

2405 ~~[(3)]~~ (2) Except as provided in Subsection ~~[(4)]~~ (3), a person may not:

2406 (a) knowingly use a traffic signal preemption device to interfere with the authorized
2407 operation or the authorized cycle of a traffic-control signal; or

2408 (b) operate a motor vehicle on a highway while in possession of a traffic signal
2409 preemption device.

2410 ~~[(4)]~~ (3) The provisions of Subsections ~~[(2)]~~ (1) and ~~[(3)]~~ (2) do not apply to a person
2411 authorized by the highway authority or railroad authority with jurisdiction over the device.

2412 ~~[(5)]~~ (4) It is an affirmative defense to a charge under Subsection ~~[(3)]~~ (2)(b) that the
2413 traffic signal preemption device was inoperative and could not be readily used at the time of the
2414 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

2446 to give notice of the accident to the nearest office of a law enforcement agency[~~-(3)-If~~] if the
2447 accident resulted in:

2448 (a) injury or death of any person; or

2449 (b) property damage to an apparent extent of \$1,000 or more.

2450 (4) The occupant of a vehicle involved in an accident who is not the operator of the
2451 vehicle shall give or cause to give the immediate notice required under Subsection (3) if:

2452 (a) the operator of a vehicle involved in an accident is physically incapable of giving
2453 [an immediate] the notice [of an accident as required in Subsections (1) and (2)]; and [there is
2454 another]

2455 (b) the occupant [in the vehicle at the time of the accident] is capable of giving an
2456 immediate notice[; the occupant shall give or cause to be given the notice required of the
2457 operator under this section].

2458 [~~(4) If the operator is physically incapable of making a report in a manner specified by~~
2459 ~~the division of an accident when required under Section 41-6-35 and he is not the owner of the~~
2460 ~~vehicle, then the owner of the vehicle involved in the accident shall within 15 days after~~
2461 ~~becoming aware of the accident make the report required of the operator under this section.]~~

2462 (5) If the vehicle or other property is unattended, the operator of the vehicle involved in
2463 the accident shall:

2464 (a) locate and notify the operator or owner of the vehicle or the owner of other property
2465 damaged in the accident of the operator's name, address, and the registration number of the
2466 vehicle causing the damage; or

2467 (b) attach securely in a conspicuous place on the vehicle or other property a written
2468 notice giving the operator's name, address, and the registration number of the vehicle causing
2469 the damage.

2470 (6) (a) A person who violates the provisions of Subsection (1) is guilty of a class A
2471 misdemeanor and shall be fined not less than \$750 if the accident results in injury or death of a
2472 person.

2473 (b) A person who violates the provisions of Subsection (1) is guilty of a class B
2474 misdemeanor if the accident results only in damage to a vehicle or other property.

2475 (c) A person who violates the provision of Subsection (5) is guilty of a class B
2476 misdemeanor.

2477 Section 50. Section **41-6a-402**, which is renumbered from Section 41-6-35 is
2478 renumbered and amended to read:

2479 **[41-6-35]. 41-6a-402. Accident reports -- Duty of operator and investigative**
2480 **officer to forward or render.**

2481 (1) The department may require any operator of a vehicle involved in an accident
2482 resulting in injury to or death of any person or total property damage to the apparent extent of
2483 \$1,000 or more to file within ten days after the request:

2484 (a) a report of the accident to the department in a manner specified by the department
2485 ~~[of the accident to the department]~~; and

2486 (b) a supplemental report when the original report is insufficient in the opinion of the
2487 department.

2488 (2) The department may require witnesses of accidents to ~~[render]~~ file reports to the
2489 department.

2490 (3) (a) An accident report is not required under this section from any person who is
2491 physically incapable of making a report, during ~~[his]~~ the period of incapacity.

2492 (b) If the operator is physically incapable of making an accident report under this
2493 section and the operator is not the owner of the vehicle, the owner of the vehicle involved in
2494 the accident shall within 15 days after becoming aware of the accident make the report required
2495 of the operator under this section.

2496 (4) (a) The department shall, upon request, supply to law enforcement agencies,
2497 justices of the peace, sheriffs, garages, and other appropriate agencies or individuals forms for
2498 accident reports required under this part.

2499 (b) A request for an accident report form under Subsection (4)(a) shall be made in a
2500 manner specified by the division.

2501 (c) The accident reports shall:

2502 (i) provide sufficient detail to disclose the cause, conditions then existing, and the
2503 persons and vehicles involved in the accident; and

2504 (ii) contain all of the information required that is available.

2505 (5) (a) A person shall file an accident report if required under this section.

2506 (b) The department shall suspend the license or permit to operate a motor vehicle and
2507 any nonresident operating privileges of any person failing to file an accident report in

2508 accordance with this section.

2509 (c) The suspension under Subsection (5)(b) shall be in effect until the report has been
2510 filed except that the department may extend the suspension not to exceed 30 days.

2511 ~~[(4)]~~ (6) (a) ~~[Every]~~ A peace officer who, in the regular course of duty, investigates a
2512 motor vehicle accident described under Subsection (1) shall file the original or an electronic
2513 copy of the report of the accident with the department within ten days after completing the
2514 investigation.

2515 (b) The accident report shall be made either at the time of and at the scene of the
2516 accident or later by interviewing participants or witnesses.

2517 ~~[(5)]~~ (7) The accident reports required to be filed with the department under this
2518 section and the information in them are protected and confidential and may be disclosed only
2519 as provided in Section ~~[41-6-40]~~ 41-6a-404.

2520 (8) (a) In addition to the reports required under this part, a local highway authority
2521 may, by ordinance, require that for each accident that occurs within its jurisdiction, the operator
2522 of a vehicle involved in an accident, or the owner of the vehicle involved in an accident, shall
2523 file with the local law enforcement agency a report of the accident or a copy of any report
2524 required to be filed with the department under this part.

2525 (b) All reports are for the confidential use of the municipal department and are subject
2526 to the provisions of Section 41-6a-404.

2527 Section 51. Section **41-6a-403**, which is renumbered from Section 41-6-35.5 is
2528 renumbered and amended to read:

2529 ~~[41-6-35.5].~~ **41-6a-403. Vehicle accidents -- Investigation and report of operator**
2530 **security -- Agency action if no security -- Surrender of plates -- Penalties.**

2531 (1) (a) Upon request of a peace officer investigating an accident involving a motor
2532 vehicle, the operator of the motor vehicle shall provide evidence of the owner's or operator's
2533 security required under Section 41-12a-301.

2534 (b) The evidence of owner's or operator's security includes information specified under
2535 Section 41-12a-303.2.

2536 (2) The peace officer shall record on a form approved by the department:

2537 (a) the information provided by the operator;

2538 (b) whether the operator provided insufficient or no information;

2539 (c) ~~[if]~~ whether the officer finds reasonable cause to believe that any information given
2540 is not correct; and

2541 (d) whether other information available to the peace officer indicates that owner's or
2542 operator's security is in effect.

2543 (3) The peace officer shall deposit all completed forms with ~~[his]~~ the peace officer's
2544 law enforcement agency, which shall forward the forms to the department no later than ten
2545 days after receipt.

2546 (4) (a) The department shall within ten days of receipt of the forms from the law
2547 enforcement agency take action as follows:

2548 ~~[(a)-(i)]~~ (i) if the operator provided no information under Subsection (1) and other
2549 information available to the peace officer does not indicate that owner's or operator's security is
2550 in effect, the department shall take direct action under Subsection 53-3-221(12)~~[-]; or~~

2551 ~~[(b)-(i)]~~ (ii) if the peace officer noted or the department determines that there is
2552 reasonable cause to believe that the information given under Subsection (1) is not correct, the
2553 department shall contact directly the insurance company or other provider of security as
2554 described in ~~[Subsection (7)]~~ Section 41-12a-303.2 and request verification of the accuracy of
2555 the information submitted as of the date of the ~~[traffic offense for which the citation was~~
2556 ~~issued]~~ accident.

2557 ~~[(ii)]~~ (b) The department may require the verification under Subsection (4)~~[(b)-(i)]~~(a)(ii)
2558 to be in a form specified by the department.

2559 ~~[(iii)]~~ (c) The insurance company or other provider of security shall return the
2560 verification to the department within 30 days of receipt of the request.

2561 ~~[(iv)]~~ (d) If the department does not receive verification within 35 days after sending
2562 the request, or within the 35 days receives notice that the information was not correct, the
2563 department shall take action under Subsection 53-3-221(12).

2564 (5) (a) The owner of a vehicle with unexpired license plates for which security is not
2565 provided as required under this chapter shall return the plates for the vehicle to the Motor
2566 Vehicle Division unless specifically permitted by statute to retain them.

2567 (b) If the owner fails to return the plates as required, ~~[they]~~ the plates shall be
2568 confiscated under Section 53-3-226.

2569 (6) ~~[The]~~ In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking

2570 Act, the department may make rules for the enforcement of this section.

2571 [~~(7) In this section, "evidence of owner's or operator's security" includes any one of the~~
2572 ~~following:~~]

2573 [~~(a) a copy of the operator's valid;~~]

2574 [~~(i) insurance policy;~~]

2575 [~~(ii) binder notice;~~]

2576 [~~(iii) renewal notice; or~~]

2577 [~~(iv) card issued by an insurance company as evidence of insurance;~~]

2578 [~~(b) a certificate of insurance issued under Section 41-12a-402;~~]

2579 [~~(c) a certified copy of a surety bond issued under Section 41-12a-405;~~]

2580 [~~(d) a certificate of the state treasurer issued under Section 41-12a-406;~~]

2581 [~~(e) a certificate of self-funded coverage issued under Section 41-12a-407; or~~]

2582 [~~(f) information that the vehicle or driver is insured from the Uninsured Motorist~~
2583 ~~Identification Database Program created under Title 41, Chapter 12a, Part 8.~~]

2584 [~~(8)~~] (7) A person is guilty of a class B misdemeanor, and shall be fined not less than
2585 \$100, who:

2586 (a) when requested to provide security information under Subsection (1), or Section
2587 41-12a-303.2, provides false information;

2588 (b) falsely represents to the department that security required under this chapter is in
2589 effect; or

2590 (c) sells a vehicle to avoid the penalties of this section as applicable either to himself or
2591 a third party.

2592 Section 52. Section **41-6a-404**, which is renumbered from Section 41-6-40 is
2593 renumbered and amended to read:

2594 [~~41-6-40~~]. **41-6a-404. Accident reports -- When confidential -- Insurance**
2595 **policy information -- Use as evidence -- Penalty for false information.**

2596 (1) As used in this section:

2597 (a) "Agent" means a person's:

2598 (i) attorney;

2599 (ii) insurer; or

2600 (iii) any other individual or entity with signed permission from the person to receive

2601 the person's accident report.

2602 (b) "Accompanying data" means all materials gathered by the investigating peace
2603 officer in an accident investigation including:

2604 (i) the identity of witnesses and, if known, contact information;

2605 (ii) witness statements;

2606 (iii) photographs and videotapes;

2607 (iv) diagrams; and

2608 (v) field notes.

2609 (2) Except as provided in Subsection (3), all accident reports required in this [article]
2610 part to be filed with the department:

2611 (a) are without prejudice to the reporting individual;

2612 (b) are protected and for the confidential use of the department or other state, local, or
2613 federal agencies having use for the records for official governmental statistical, investigative,
2614 and accident prevention purposes; and

2615 (c) may be disclosed only in a statistical form that protects the privacy of any person
2616 involved in the accident.

2617 (3) (a) Subject to the provisions of this section, the department or the responsible law
2618 enforcement agency employing the peace officer that investigated the accident shall disclose an
2619 accident report to:

2620 (i) a person involved in the accident, excluding a witness to the accident;

2621 (ii) a person suffering loss or injury in the accident;

2622 (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i)
2623 and (ii);

2624 (iv) subject to Subsection (3)(d), a member of the press or broadcast news media;

2625 (v) a state, local, or federal agency that uses the records for official governmental,
2626 investigative, or accident prevention purposes;

2627 (vi) law enforcement personnel when acting in their official governmental capacity;

2628 and

2629 (vii) a licensed private investigator.

2630 (b) The responsible law enforcement agency employing the peace officer that
2631 investigated the accident:

- 2632 (i) shall in compliance with Subsection (3)(a):
2633 (A) disclose an accident report; or
2634 (B) upon written request disclose an accident report and its accompanying data within
2635 ten business days from receipt of a written request for disclosure; or
2636 (ii) may withhold an accident report, and any of its accompanying data if disclosure
2637 would jeopardize an ongoing criminal investigation or criminal prosecution.
2638 (c) In accordance with Subsection (3)(a), the department or the responsible law
2639 enforcement agency employing the investigating peace officer shall disclose whether any
2640 person or vehicle involved in an accident reported under this section was covered by a vehicle
2641 insurance policy, and the name of the insurer.
2642 (d) Information provided to a member of the press or broadcast news media under
2643 Subsection (3)(a)(iv) may only include:
2644 (i) the name, age, sex, and city of residence of each person involved in the accident;
2645 (ii) the make and model year of each vehicle involved in the accident;
2646 (iii) whether or not each person involved in the accident was covered by a vehicle
2647 insurance policy;
2648 (iv) the location of the accident; and
2649 (v) a description of the accident that excludes personal identifying information not
2650 listed in Subsection (3)(d)(i).
2651 (e) The department shall disclose to any requesting person the following vehicle
2652 accident history information, excluding personal identifying information, in bulk electronic
2653 form:
2654 (i) any vehicle identifying information that is electronically available, including the
2655 make, model year, and vehicle identification number of each vehicle involved in an accident;
2656 (ii) the date of the accident; and
2657 (iii) any electronically available data which describes the accident, including a
2658 description of any physical damage to the vehicle.
2659 (f) The department may establish a fee under Section 63-38-3.2 based on the fair
2660 market value of the information for providing bulk vehicle accident history information under
2661 Subsection (3)(e).
2662 (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:

2694 (i) vehicle identification number[;];

2695 (ii) registration number[;]; and ~~[the]~~

2696 (iii) name and address of the owner or operator of the vehicle.

2697 (2) If a damaged vehicle sticker describing the damage is affixed to the vehicle by a

2698 peace officer, a report under ~~[this section]~~ Subsection (1) is not required.

2699 Section 54. Section **41-6a-406**, which is renumbered from Section 41-6-41 is

2700 renumbered and amended to read:

2701 ~~[41-6-41].~~ **41-6a-406. Statistical information regarding accidents -- Annual**

2702 **publication.**

2703 (1) The department ~~[shall tabulate and]~~ may analyze all accident reports ~~[and]~~.

2704 (2) (a) The department shall tabulate and publish ~~[annually, or at more frequent~~

2705 ~~intervals, related]~~ statistical information as to the number and circumstances of traffic

2706 accidents.

2707 (b) The publication under Subsection (2)(a) shall be at least annually.

2708 Section 55. Section **41-6a-407**, which is renumbered from Section 41-6-38 is

2709 renumbered and amended to read:

2710 ~~[41-6-38].~~ **41-6a-407. Livestock on highway -- Restrictions -- Collision, action**

2711 **for damages.**

2712 (1) (a) A person ~~[owning]~~ who owns or is in possession or control of any livestock may

2713 not willfully or negligently permit any of the livestock to stray or remain unaccompanied ~~[by a~~

2714 ~~person in charge or control of the livestock upon]~~ on a highway, if both sides of ~~[which]~~ the

2715 highway are ~~[adjoined by]~~ separated from adjoining property ~~[which is separated from the~~

2716 highway] by a fence, wall, hedge, sidewalk, curb, lawn, or building. ~~[This subsection]~~

2717 (b) Subsection (1)(a) does not apply to range stock drifting onto any highway ~~[in going~~

2718 ~~to or returning]~~ moving to or from their accustomed ranges.

2719 (2) (a) A person may not drive any livestock upon, over, or across any highway during

2720 the period from half an hour after sunset to half an hour before sunrise~~[, without keeping]~~.

2721 (b) Subsection (2)(a) does not apply if the person has a sufficient number of herders

2722 with warning lights on continual duty to open the road to permit the passage of vehicles.

2723 (3) In any civil action brought ~~[by the owner, operator, or occupant of a motor vehicle~~

2724 ~~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

2756 program that is approved by the Board of Substance Abuse and Mental Health in accordance
2757 with Section 62A-15-105.

2758 (c) "Negligence" means simple negligence, the failure to exercise that degree of care
2759 that an ordinarily reasonable and prudent person exercises under like or similar circumstances.

2760 (d) "Screening" means a preliminary appraisal of a person:

2761 (i) used to determine if the person is in need of:

2762 (A) an assessment; or

2763 (B) an educational series; and

2764 (ii) that is approved by the Board of Substance Abuse and Mental Health in accordance
2765 with Section 62A-15-105.

2766 (e) "Serious bodily injury" means bodily injury that creates or causes:

2767 (i) serious permanent disfigurement;

2768 (ii) protracted loss or impairment of the function of any bodily member or organ; or

2769 (iii) a substantial risk of death.

2770 (f) "Substance abuse treatment" means treatment obtained at a substance abuse
2771 program that is approved by the Board of Substance Abuse and Mental Health in accordance
2772 with Section 62A-15-105.

2773 (g) "Substance abuse treatment program" means a state licensed substance abuse
2774 program.

2775 (h) (i) "Vehicle" or "motor vehicle" means a vehicle or motor vehicle as defined in
2776 Section 41-6a-102; and

2777 (ii) "Vehicle" or "motor vehicle" includes:

2778 (A) an off-highway vehicle as defined under Section 41-22-2; and

2779 (B) a motorboat as defined in Section 73-18-2.

2780 (2) As used in Section 41-6a-503:

2781 (a) "Conviction" means any conviction for a violation of:

2782 (i) driving under the influence under Section 41-6a-502;

2783 (ii) alcohol, any drug, or a combination of both-related reckless driving under Sections
2784 41-6a-508 and 41-6a-512;

2785 (iii) driving with any measurable controlled substance that is taken illegally in the body
2786 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~~

2818 accordance with Section 62A-15-105;]

2819 ~~[(b) (i) "conviction" means any conviction for a violation of:]~~

2820 ~~[(A) this section;]~~

2821 ~~[(B) alcohol, any drug, or a combination of both-related reckless driving under~~

2822 ~~Subsections (9) and (10);]~~

2823 ~~[(C) Section 41-6-44.6, driving with any measurable controlled substance that is taken~~

2824 ~~illegally in the body;]~~

2825 ~~[(D) local ordinances similar to this section or alcohol, any drug, or a combination of~~

2826 ~~both-related reckless driving adopted in compliance with Section 41-6-43;]~~

2827 ~~[(E) automobile homicide under Section 76-5-207;]~~

2828 ~~[(F) Subsection 58-37-8(2)(g);]~~

2829 ~~[(G) a violation described in Subsections (1) (b)(i)(A) through (F), which judgment of~~

2830 ~~conviction is reduced under Section 76-3-402; or]~~

2831 ~~[(H) statutes or ordinances in effect in any other state, the United States, or any district,~~

2832 ~~possession, or territory of the United States which would constitute a violation of this section~~

2833 ~~or alcohol, any drug, or a combination of both-related reckless driving if committed in this~~

2834 ~~state, including punishments administered under 10 U.S.C. Sec. 815;]~~

2835 ~~[(ii) A plea of guilty or no contest to a violation described in Subsections (1)(b)(i)(A)~~

2836 ~~through (H) which plea is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is~~

2837 ~~the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed~~

2838 ~~in accordance with the plea in abeyance agreement, for purposes of:]~~

2839 ~~[(A) enhancement of penalties under:]~~

2840 ~~[(F) this Chapter 6, Article 5, Driving While Intoxicated and Reckless Driving; and]~~

2841 ~~[(H) automobile homicide under Section 76-5-207; and]~~

2842 ~~[(B) expungement under Section 77-18-12.]~~

2843 ~~[(c) "educational series" means an educational series obtained at a substance abuse~~

2844 ~~program that is approved by the Board of Substance Abuse and Mental Health in accordance~~

2845 ~~with Section 62A-15-105;]~~

2846 ~~[(d) "screening" means a preliminary appraisal of a person:]~~

2847 ~~[(i) used to determine if the person is in need of:]~~

2848 ~~[(A) an assessment; or]~~

2849 ~~[(B) an educational series; and]~~
2850 ~~[(ii) that is approved by the Board of Substance Abuse and Mental Health in~~
2851 ~~accordance with Section 62A-15-105;]~~
2852 ~~[(e) "serious bodily injury" means bodily injury that creates or causes serious~~
2853 ~~permanent disfigurement, protracted loss or impairment of the function of any bodily member~~
2854 ~~or organ, or creates a substantial risk of death;]~~
2855 ~~[(f) "substance abuse treatment" means treatment obtained at a substance abuse~~
2856 ~~program that is approved by the Board of Substance Abuse and Mental Health in accordance~~
2857 ~~with Section 62A-15-105;]~~
2858 ~~[(g) "substance abuse treatment program" means a state licensed substance abuse~~
2859 ~~program;]~~
2860 ~~[(h) a violation of this section includes a violation under a local ordinance similar to~~
2861 ~~this section adopted in compliance with Section 41-6-43; and]~~
2862 ~~[(i) the standard of negligence is that of simple negligence, the failure to exercise that~~
2863 ~~degree of care that an ordinarily reasonable and prudent person exercises under like or similar~~
2864 ~~circumstances;]~~
2865 ~~[(2)(a)]~~ (1) A person may not operate or be in actual physical control of a vehicle
2866 within this state if the person:
2867 ~~[(i)]~~ (a) has sufficient alcohol in the person's body that a subsequent chemical test
2868 shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the
2869 time of the test;
2870 ~~[(ii)]~~ (b) is under the influence of alcohol, any drug, or the combined influence of
2871 alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle;
2872 [or]
2873 ~~[(iii)]~~ (c) has a blood or breath alcohol concentration of .08 grams or greater at the time
2874 of operation or actual physical control; or
2875 ~~[(iv)(A)]~~ (d) (i) is 21 years of age or older;
2876 ~~[(B) has sufficient alcohol in the person's body that a subsequent chemical test shows~~
2877 ~~that the person has a blood or breath alcohol concentration of .05 grams or greater at the time~~
2878 ~~of the test;]~~
2879 ~~[(C)]~~ (ii) has a passenger under 16 years of age in the vehicle at the time of operation

2880 or actual physical control; ~~and~~
2881 ~~[(D) committed the offense]~~ (iii) has committed a violation of this Subsection (1)(d)
2882 within ten years of a prior conviction~~;~~ as defined in Subsection 41-6a-501(2); and
2883 ~~[(v) (A) is 21 years of age or older;]~~
2884 (iv) (A) has sufficient alcohol in the person's body that a subsequent chemical test
2885 shows that the person has a blood or breath alcohol concentration of .05 grams or greater at the
2886 time of the test; or
2887 (B) has a blood or breath alcohol concentration of .05 grams or greater at the time of
2888 operation or actual physical control~~;~~.
2889 ~~[(C) has a passenger under 16 years of age in the vehicle at the time of operation or~~
2890 ~~actual physical control; and]~~
2891 ~~[(D) committed the offense within ten years of a prior conviction:]~~
2892 ~~[(b) The fact that a person charged with violating this section is or has been legally~~
2893 ~~entitled to use alcohol or a drug is not a defense against any charge of violating this section.]~~
2894 ~~[(e)]~~ (2) Alcohol concentration in the blood shall be based upon grams of alcohol per
2895 100 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of
2896 alcohol per 210 liters of breath.
2897 ~~[(3)(a) A person convicted the first or second time of a violation of Subsections~~
2898 ~~(2)(a)(i) through (iii) is guilty of a:]~~
2899 ~~[(i) class B misdemeanor; or]~~
2900 ~~[(ii) class A misdemeanor if the person:]~~
2901 ~~[(A) has also inflicted bodily injury upon another as a proximate result of having~~
2902 ~~operated the vehicle in a negligent manner;]~~
2903 ~~[(B) had a passenger under 16 years of age in the vehicle at the time of the offense; or]~~
2904 ~~[(C) was 21 years of age or older and had a passenger under 18 years of age in the~~
2905 ~~vehicle at the time of the offense:]~~
2906 ~~[(b) A person convicted of a violation of Subsection (2) is guilty of a third degree~~
2907 ~~felony if the person has also inflicted serious bodily injury upon another as a proximate result~~
2908 ~~of having operated the vehicle in a negligent manner:]~~
2909 ~~[(c) A person convicted of a violation of Subsection (2)(a)(iv) or (v) is guilty of:]~~
2910 ~~[(i) a class B misdemeanor; or]~~

2911 ~~[(ii) a class A misdemeanor if the person has also inflicted bodily injury upon another~~
2912 ~~as a proximate result of having operated the vehicle in a negligent manner.]~~

2913 ~~[(4) (a) As part of any sentence imposed the court shall, upon a first conviction, impose~~
2914 ~~a mandatory jail sentence of not less than 48 consecutive hours.]~~

2915 ~~[(b) The court may, as an alternative to all or part of a jail sentence, require the person~~
2916 ~~to:]~~

2917 ~~[(i) work in a compensatory-service work program for not less than 48 hours; or]~~

2918 ~~[(ii) participate in home confinement through the use of electronic monitoring in~~
2919 ~~accordance with Subsection (13).]~~

2920 ~~[(c) In addition to the jail sentence, compensatory-service work program, or home~~
2921 ~~confinement, the court shall:]~~

2922 ~~[(i) order the person to participate in a screening;]~~

2923 ~~[(ii) order the person to participate in an assessment, if it is found appropriate by a~~
2924 ~~screening under Subsection (4)(c)(i);]~~

2925 ~~[(iii) order the person to participate in an educational series if the court does not order~~
2926 ~~substance abuse treatment as described under Subsection (4)(d); and]~~

2927 ~~[(iv) impose a fine of not less than \$700.]~~

2928 ~~[(d) The court may order the person to obtain substance abuse treatment if the substance~~
2929 ~~abuse treatment program determines that substance abuse treatment is appropriate.]~~

2930 ~~[(e) (i) Except as provided in Subsection (4)(e)(ii), the court may order probation for~~
2931 ~~the person in accordance with Subsection (14).]~~

2932 ~~[(ii) If there is admissible evidence that the person had a blood alcohol level of .16 or~~
2933 ~~higher, the court shall order probation for the person in accordance with Subsection (14).]~~

2934 ~~[(5) (a) If a person is convicted under Subsection (2) within ten years of a prior~~
2935 ~~conviction under this section, the court shall as part of any sentence impose a mandatory jail~~
2936 ~~sentence of not less than 240 consecutive hours.]~~

2937 ~~[(b) The court may, as an alternative to all or part of a jail sentence, require the person~~
2938 ~~to:]~~

2939 ~~[(i) work in a compensatory-service work program for not less than 240 hours; or]~~

2940 ~~[(ii) participate in home confinement through the use of electronic monitoring in~~
2941 ~~accordance with Subsection (13).]~~

2942 ~~[(c) In addition to the jail sentence, compensatory-service work program, or home~~
2943 ~~confinement, the court shall:]~~

2944 ~~[(i) order the person to participate in a screening;]~~

2945 ~~[(ii) order the person to participate in an assessment, if it is found appropriate by a~~
2946 ~~screening under Subsection (5)(c)(i);]~~

2947 ~~[(iii) order the person to participate in an educational series if the court does not order~~
2948 ~~substance abuse treatment as described under Subsection (5)(d); and]~~

2949 ~~[(iv) impose a fine of not less than \$800.]~~

2950 ~~[(d) The court may order the person to obtain substance abuse treatment if the~~
2951 ~~substance abuse treatment program determines that substance abuse treatment is appropriate.]~~

2952 ~~[(e) The court shall order probation for the person in accordance with Subsection (14).]~~

2953 ~~[(6) (a) A conviction for a violation of Subsection (2) is a third-degree felony if it is:]~~

2954 ~~[(i) a third or subsequent conviction under this section within ten years of two or more~~
2955 ~~prior convictions; or]~~

2956 ~~[(ii) at any time after a conviction of:]~~

2957 ~~[(A) automobile homicide under Section 76-5-207 that is committed after July 1, 2001;~~
2958 ~~or]~~

2959 ~~[(B) a felony violation under this section that is committed after July 1, 2001.]~~

2960 ~~[(b) Any conviction described in this Subsection (6) which judgment of conviction is~~
2961 ~~reduced under Section 76-3-402 is a conviction for purposes of this section:]~~

2962 ~~[(c) Under Subsection (3)(b) or (6)(a), if the court suspends the execution of a prison~~
2963 ~~sentence and places the defendant on probation the court shall impose:]~~

2964 ~~[(i) a fine of not less than \$1,500; and]~~

2965 ~~[(ii) a mandatory jail sentence of not less than 1,500 hours.]~~

2966 ~~[(d) For Subsection (6)(a) or (c), the court shall impose an order requiring the person~~
2967 ~~to obtain a screening and assessment and substance abuse treatment at a substance abuse~~
2968 ~~treatment program providing intensive care or inpatient treatment and long-term closely~~
2969 ~~supervised follow-through after treatment for not less than 240 hours.]~~

2970 ~~[(e) In addition to the penalties required under Subsection (6)(c), if the court orders~~
2971 ~~probation, the probation shall be supervised probation which may include requiring the person~~
2972 ~~to participate in home confinement through the use of electronic monitoring in accordance with~~

2973 Subsection (13):]

2974 [~~(7) The mandatory portion of any sentence required under this section may not be~~
2975 ~~suspended and the convicted person is not eligible for parole or probation until any sentence~~
2976 ~~imposed under this section has been served. Probation or parole resulting from a conviction for~~
2977 ~~a violation under this section may not be terminated.]~~

2978 [~~(8) (a) (i) The provisions in Subsections (4), (5), and (6) that require a sentencing~~
2979 ~~court to order a convicted person to: participate in a screening; an assessment, if appropriate;~~
2980 ~~and an educational series; obtain, in the discretion of the court, substance abuse treatment;~~
2981 ~~obtain, mandatorily, substance abuse treatment; or do a combination of those things, apply to a~~
2982 ~~conviction for a violation of Section 41-6-44.6 or 41-6-45 under Subsection (9).]~~

2983 [~~(ii) The court shall render the same order regarding screening, assessment, an~~
2984 ~~educational series, or substance abuse treatment in connection with a first, second, or~~
2985 ~~subsequent conviction under Section 41-6-44.6 or 41-6-45 under Subsection (9), as the court~~
2986 ~~would render in connection with applying respectively, the first, second, or subsequent~~
2987 ~~conviction requirements of Subsections (4), (5), and (6).]~~

2988 [~~(b) (i) The court shall notify the Driver License Division if a person fails to:]~~

2989 [~~(A) complete all court ordered:]~~

2990 [~~(I) screening;]~~

2991 [~~(H) assessment;]~~

2992 [~~(III) educational series;]~~

2993 [~~(IV) substance abuse treatment; and]~~

2994 [~~(V) hours of work in compensatory-service work program; or]~~

2995 [~~(B) pay all fines and fees, including fees for restitution and treatment costs.]~~

2996 [~~(ii) Upon receiving the notification described in Subsection (8)(b)(i), the division shall~~
2997 ~~suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).]~~

2998 [~~(9) (a) (i) When the prosecution agrees to a plea of guilty or no contest to a charge of a~~
2999 ~~violation of Section 41-6-45, of an ordinance enacted under Section 41-6-43, or of Section~~
3000 ~~41-6-44.6 in satisfaction of, or as a substitute for, an original charge of a violation of this~~
3001 ~~section, the prosecution shall state for the record a factual basis for the plea, including whether~~
3002 ~~or not there had been consumption of alcohol, drugs, or a combination of both, by the~~
3003 ~~defendant in connection with the violation.]~~

3004 ~~[(ii) The statement is an offer of proof of the facts that shows whether there was~~
3005 ~~consumption of alcohol, drugs, or a combination of both, by the defendant, in connection with~~
3006 ~~the violation.]~~

3007 ~~[(b) The court shall advise the defendant before accepting the plea offered under this~~
3008 ~~Subsection (9)(b) of the consequences of a violation of Section 41-6-44.6 or of Section~~
3009 ~~41-6-45.]~~

3010 ~~[(c) The court shall notify the Driver License Division of each conviction of Section~~
3011 ~~41-6-44.6 or 41-6-45 entered under this Subsection (9).]~~

3012 ~~[(10) A peace officer may, without a warrant, arrest a person for a violation of this~~
3013 ~~section when the peace officer has probable cause to believe the violation has occurred;~~
3014 ~~although not in the peace officer's presence, and if the peace officer has probable cause to~~
3015 ~~believe that the violation was committed by the person.]~~

3016 ~~[(11) (a) The Driver License Division shall:]~~

3017 ~~[(i) suspend for 90 days the operator's license of a person convicted for the first time~~
3018 ~~under Subsection (2);]~~

3019 ~~[(ii) revoke for one year the license of a person convicted of any subsequent offense~~
3020 ~~under Subsection (2) or if the person has a prior conviction as defined under Subsection (1) if~~
3021 ~~the violation is committed within a period of ten years from the date of the prior violation; and]~~

3022 ~~[(iii) suspend or revoke the license of a person as ordered by the court under~~
3023 ~~Subsection (12).]~~

3024 ~~[(b) The Driver License Division shall subtract from any suspension or revocation~~
3025 ~~period the number of days for which a license was previously suspended under Section~~
3026 ~~53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon~~
3027 ~~which the record of conviction is based.]~~

3028 ~~[(12) (a) (i) In addition to any other penalties provided in this section, a court may~~
3029 ~~order the operator's license of a person who is convicted of a violation of Subsection (2) to be~~
3030 ~~suspended or revoked for an additional period of 90 days, 180 days, one year, or two years to~~
3031 ~~remove from the highways those persons who have shown they are safety hazards.]~~

3032 ~~[(ii) The additional suspension or revocation period provided in this Subsection (12)~~
3033 ~~shall begin the date on which the individual would be eligible to reinstate the individual's~~
3034 ~~driving privilege for a violation of Subsection (2).]~~

3035 ~~[(b) If the court suspends or revokes the person's license under this Subsection (12)(b),~~
3036 ~~the court shall prepare and send to the Driver License Division an order to suspend or revoke~~
3037 ~~that person's driving privileges for a specified period of time.]~~

3038 ~~[(13) (a) If the court orders a person to participate in home confinement through the~~
3039 ~~use of electronic monitoring, the electronic monitoring shall alert the appropriate corrections,~~
3040 ~~probation monitoring agency, law enforcement units, or contract provider of the defendant's~~
3041 ~~whereabouts.]~~

3042 ~~[(b) The electronic monitoring device shall be used under conditions which require:]~~

3043 ~~[(i) the person to wear an electronic monitoring device at all times;]~~

3044 ~~[(ii) that a device be placed in the home or other specified location of the person, so~~
3045 ~~that the person's compliance with the court's order may be monitored; and]~~

3046 ~~[(iii) the person to pay the costs of the electronic monitoring.]~~

3047 ~~[(c) The court shall order the appropriate entity described in Subsection (13)(c) to place~~
3048 ~~an electronic monitoring device on the person and install electronic monitoring equipment in~~
3049 ~~the residence of the person or other specified location.]~~

3050 ~~[(d) The court may:]~~

3051 ~~[(i) require the person's electronic home monitoring device to include a substance~~
3052 ~~abuse testing instrument;]~~

3053 ~~[(ii) restrict the amount of alcohol the person may consume during the time the person~~
3054 ~~is subject to home confinement;]~~

3055 ~~[(iii) set specific time and location conditions that allow the person to attend school~~
3056 ~~educational classes, or employment and to travel directly between those activities and the~~
3057 ~~person's home; and]~~

3058 ~~[(iv) waive all or part of the costs associated with home confinement if the person is~~
3059 ~~determined to be indigent by the court.]~~

3060 ~~[(e) The electronic monitoring described in this section may either be administered~~
3061 ~~directly by the appropriate corrections agency, probation monitoring agency, or by contract~~
3062 ~~with a private provider.]~~

3063 ~~[(f) The electronic monitoring provider shall cover the costs of waivers by the court~~
3064 ~~under Subsection (13)(d)(iv).]~~

3065 ~~[(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:

3097 (i) has also inflicted bodily injury upon another as a proximate result of having
3098 operated the vehicle in a negligent manner;

3099 (ii) had a passenger under 16 years of age in the vehicle at the time of the offense; or

3100 (iii) was 21 years of age or older and had a passenger under 18 years of age in the
3101 vehicle at the time of the offense.

3102 (2) A person convicted of a violation of Section 41-6a-502 is guilty of a third degree
3103 felony if:

3104 (a) the person has also inflicted serious bodily injury upon another as a proximate
3105 result of having operated the vehicle in a negligent manner;

3106 (b) the conviction under Section 41-6a-502 is within ten years of two or more prior
3107 convictions as defined in Subsection 41-6a-501(2); or

3108 (c) the conviction under Section 41-6a-502 is at any time after a conviction of:

3109 (i) automobile homicide under Section 76-5-207 that is committed after July 1, 2001;

3110 (ii) a felony violation of Section 41-6a-502 or a statute previously in effect in this state
3111 that would constitute a violation of Section 41-6a-502 that is committed after July 1, 2001; or

3112 (iii) any conviction described in Subsection (2)(c)(i) or (ii) which judgment of
3113 conviction is reduced under Section 76-3-402.

3114 (3) A person convicted of a violation of Subsection 41-6a-502(1)(d) is guilty of:

3115 (a) a class B misdemeanor; or

3116 (b) a class A misdemeanor if the person has also inflicted bodily injury upon another as
3117 a proximate result of having operated the vehicle in a negligent manner.

3118 Section 60. Section **41-6a-504** is enacted to read:

3119 **41-6a-504. Defense not available for driving under the influence violation.**

3120 The fact that a person charged with violating Section 41-6a-502 is or has been legally
3121 entitled to use alcohol or a drug is not a defense against any charge of violating Section
3122 41-6a-502.

3123 Section 61. Section **41-6a-505** is enacted to read:

3124 **41-6a-505. Sentencing requirements for driving under the influence of alcohol,**
3125 **drugs, or a combination of both violations.**

3126 (1) As part of any sentence for a first conviction of Section 41-6a-502:

3127 (a) the court shall:

3128 (i) (A) impose a jail sentence of not less than 48 consecutive hours;
3129 (B) require the person to work in a compensatory-service work program for not less
3130 than 48 hours; or
3131 (C) require the person to participate in home confinement through the use of electronic
3132 monitoring in accordance with Section 41-6a-506;
3133 (ii) order the person to participate in a screening;
3134 (iii) order the person to participate in an assessment, if it is found appropriate by a
3135 screening under Subsection (1)(a)(ii);
3136 (iv) order the person to participate in an educational series if the court does not order
3137 substance abuse treatment as described under Subsection (1)(b);
3138 (v) impose a fine of not less than \$700; and
3139 (vi) order probation for the person in accordance with Section 41-6a-507, if there is
3140 admissible evidence that the person had a blood alcohol level of .16 or higher; and
3141 (b) the court may:
3142 (i) order the person to obtain substance abuse treatment if the substance abuse
3143 treatment program determines that substance abuse treatment is appropriate; or
3144 (ii) order probation for the person in accordance with Section 41-6a-507.
3145 (2) If a person is convicted under Section 41-6a-502 within ten years of a prior
3146 conviction as defined in Subsection 41-6a-501(2):
3147 (a) the court shall:
3148 (i) (A) impose a jail sentence of not less than 240 consecutive hours;
3149 (B) require the person to work in a compensatory-service work program for not less
3150 than 240 hours; or
3151 (C) require the person to participate in home confinement through the use of electronic
3152 monitoring in accordance with Section 41-6a-506;
3153 (ii) order the person to participate in a screening;
3154 (iii) order the person to participate in an assessment, if it is found appropriate by a
3155 screening under Subsection (2)(a)(ii);
3156 (iv) order the person to participate in an educational series if the court does not order
3157 substance abuse treatment as described under Subsection (2)(b);
3158 (v) impose a fine of not less than \$800; and

3159 (vi) order probation for the person in accordance with Section 41-6a-507; and
3160 (b) the court may order the person to obtain substance abuse treatment if the substance
3161 abuse treatment program determines that substance abuse treatment is appropriate.

3162 (3) Under Subsection 41-6a-503(2), if the court suspends the execution of a prison
3163 sentence and places the defendant on probation:

3164 (a) the court shall impose:

3165 (i) a fine of not less than \$1,500;

3166 (ii) a jail sentence of not less than 1,500 hours;

3167 (iii) supervised probation; and

3168 (iv) an order requiring the person to obtain a screening and assessment and substance
3169 abuse treatment at a substance abuse treatment program providing intensive care or inpatient
3170 treatment and long-term closely supervised follow-through after treatment for not less than 240
3171 hours; and

3172 (b) the court may require the person to participate in home confinement through the use
3173 of electronic monitoring in accordance with Section 41-6a-506.

3174 (4) (a) The requirements of Subsections (1)(a), (2)(a), and (3)(a) may not be suspended.

3175 (b) Probation or parole resulting from a conviction for a violation under this section
3176 may not be terminated.

3177 (5) If a person is convicted of a violation of Section 41-6a-502 and there is admissible
3178 evidence that the person had a blood alcohol level of .16 or higher, the court shall order the
3179 following, or describe on record why the order or orders are not appropriate:

3180 (a) treatment as described under Subsection (1)(b), (2)(b), or (3)(a)(iv); and

3181 (b) one or both of the following:

3182 (i) the installation of an ignition interlock system as a condition of probation for the
3183 person in accordance with Section 41-6a-518; or

3184 (ii) the imposition of home confinement through the use of electronic monitoring in
3185 accordance with Section 41-6a-506.

3186 Section 62. Section **41-6a-506** is enacted to read:

3187 **41-6a-506. Electronic monitoring requirements for certain driving under the**
3188 **influence violations.**

3189 (1) If the court orders a person to participate in home confinement through the use of

3190 electronic monitoring, the electronic monitoring shall alert the appropriate corrections,
3191 probation monitoring agency, law enforcement units, or contract provider of the defendant's
3192 whereabouts.

3193 (2) The electronic monitoring device shall be used under conditions which require:

3194 (a) the person to wear an electronic monitoring device at all times;

3195 (b) that a device be placed in the home or other specified location of the person, so that
3196 the person's compliance with the court's order may be monitored; and

3197 (c) the person to pay the costs of the electronic monitoring.

3198 (3) The court shall order the appropriate entity described in Subsection (5) to place an
3199 electronic monitoring device on the person and install electronic monitoring equipment in the
3200 residence of the person or other specified location.

3201 (4) The court may:

3202 (a) require the person's electronic home monitoring device to include a substance abuse
3203 testing instrument;

3204 (b) restrict the amount of alcohol the person may consume during the time the person is
3205 subject to home confinement;

3206 (c) set specific time and location conditions that allow the person to attend school
3207 educational classes, or employment and to travel directly between those activities and the
3208 person's home; and

3209 (d) waive all or part of the costs associated with home confinement if the person is
3210 determined to be indigent by the court.

3211 (5) The electronic monitoring described in this section may either be administered
3212 directly by the appropriate corrections agency, probation monitoring agency, or by contract
3213 with a private provider.

3214 (6) The electronic monitoring provider shall cover the costs of waivers by the court
3215 under Subsection (4)(d).

3216 Section 63. Section **41-6a-507** is enacted to read:

3217 **41-6a-507. Supervised probation for certain driving under the influence**
3218 **violations.**

3219 (1) If supervised probation is ordered under Section 41-6a-505 or 41-6a-517:

3220 (a) the court shall specify the period of the probation;

3221 (b) the person shall pay all of the costs of the probation; and

3222 (c) the court may order any other conditions of the probation.

3223 (2) The court shall provide the probation described in this section by contract with a
3224 probation monitoring agency or a private probation provider.

3225 (3) The probation provider described in Subsection (2) shall monitor the person's
3226 compliance with all conditions of the person's sentence, conditions of probation, and court
3227 orders received under this part and shall notify the court of any failure to comply with or
3228 complete that sentence or those conditions or orders.

3229 (4) (a) The court may waive all or part of the costs associated with probation if the
3230 person is determined to be indigent by the court.

3231 (b) The probation provider described in Subsection (2) shall cover the costs of waivers
3232 by the court under Subsection (4)(a).

3233 Section 64. Section **41-6a-508** is enacted to read:

3234 **41-6a-508. Arrest without a warrant for a driving under the influence violation.**

3235 A peace officer may, without a warrant, arrest a person for a violation of Section
3236 41-6a-502 when the peace officer has probable cause to believe the violation has occurred,
3237 although not in the peace officer's presence, and if the peace officer has probable cause to
3238 believe that the violation was committed by the person.

3239 Section 65. Section **41-6a-509** is enacted to read:

3240 **41-6a-509. Driver license suspension or revocation for a driving under the**
3241 **influence violation.**

3242 (1) (a) The Driver License Division shall:

3243 (i) suspend for 90 days the operator's license of a person convicted for the first time
3244 under Section 41-6a-502;

3245 (ii) revoke for one year the license of a person convicted of any subsequent offense
3246 under Section 41-6a-502 or if the person has a prior conviction as defined under Subsection
3247 41-6a-501(2) if the violation is committed within a period of ten years from the date of the
3248 prior violation; and

3249 (iii) suspend or revoke the license of a person as ordered by the court under Subsection
3250 (2).

3251 (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

3283 combined influence of alcohol and any drug~~[, or that governs,]; or~~
3284 (b) in relation to any of ~~[those]~~ the matters described in Subsection (1)(a), the use of:
3285 (i) a chemical test or chemical tests~~[-or];~~
3286 (ii) evidentiary presumptions~~[-or];~~
3287 (iii) penalties~~[-]; or [that governs]~~
3288 (iv) any combination of ~~[those]~~ the matters~~[-, shall be consistent with the provisions in~~
3289 ~~this code which govern those matters]~~ described in Subsections (1)(a) and (b).

3290 (2) An ordinance adopted by a local authority that governs reckless driving, or
3291 operating a vehicle in willful or wanton disregard for the safety of persons or property shall be
3292 consistent with the provisions of this code which govern those matters.

3293 Section 67. Section ~~41-6a-511~~, which is renumbered from Section 41-6-43.7 is
3294 renumbered and amended to read:

3295 ~~[41-6-43.7].~~ **41-6a-511. Courts to collect and maintain data.**

3296 (1) The state courts shall collect and maintain data necessary to allow sentencing and
3297 enhancement decisions to be made in accordance with this ~~[article]~~ part.

3298 (2) (a) Each justice court shall transmit dispositions electronically to the Department of
3299 Public Safety in accordance with the requirement for recertification established by the Judicial
3300 Council.

3301 (b) Immediately upon filling the requirements under Subsection (2)(a), a justice court
3302 shall collect and report the same DUI related data elements collected and maintained by the
3303 state courts under Subsection (1).

3304 (3) The ~~[Department of Public Safety]~~ department shall maintain an electronic data
3305 base for DUI related records and data including the data elements received or collected from
3306 the courts under this section.

3307 (4) (a) The Commission on Criminal and Juvenile Justice shall prepare an annual
3308 report of DUI related data including the following:

3309 (i) the data collected by the courts under Subsections (1) and (2); and
3310 (ii) any measures for which data are available to evaluate the profile and impacts of
3311 DUI recidivism and to evaluate the DUI related processes of:

3312 (A) law enforcement;

3313 (B) adjudication;

3314 (C) sanctions;
3315 (D) drivers' license control; and
3316 (E) alcohol education, assessment, and treatment.
3317 (b) The report shall be provided to the Judiciary and Transportation Interim
3318 Committees no later than the last day of October following the end of the fiscal year for which
3319 the report is prepared.

3320 Section 68. Section **41-6a-512** is enacted to read:

3321 **41-6a-512. Factual basis for alcohol or drug-related reckless driving plea.**

3322 (1) (a) The prosecution shall state for the record a factual basis for a plea, including
3323 whether or not there had been consumption of alcohol, drugs, or a combination of both, by the
3324 defendant in connection with the violation when the prosecution agrees to a plea of guilty or no
3325 contest to a charge of a violation of the following in satisfaction of, or as a substitute for, an
3326 original charge of a violation of Section 41-6a-502:

3327 (i) reckless driving under Section 41-6a-528; or
3328 (ii) an ordinance enacted under Section 41-6a-510.

3329 (b) The statement under Subsection (1)(a) is an offer of proof of the facts that shows
3330 whether there was consumption of alcohol, drugs, or a combination of both, by the defendant,
3331 in connection with the violation.

3332 (2) The court shall advise the defendant before accepting the plea offered under this
3333 section of the consequences of a violation of Section 41-6a-528.

3334 (3) The court shall notify the Driver License Division of each conviction of Section
3335 41-6a-528 entered under this section.

3336 (4) (a) The provisions in Subsections 41-6a-505(1), (2), and (3) that require a
3337 sentencing court to order a convicted person to participate in a screening, an assessment, or an
3338 educational series or obtain substance abuse treatment or do a combination of those things,
3339 apply to a conviction for a violation of Section 41-6a-528 under Subsection (1).

3340 (b) The court shall render the same order regarding screening, assessment, an
3341 educational series, or substance abuse treatment in connection with a first, second, or
3342 subsequent conviction under Section 41-6a-528 under Subsection (1), as the court would
3343 render in connection with applying respectively, the first, second, or subsequent conviction
3344 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;

3376 (B) a deputy district attorney;
3377 (C) a county attorney;
3378 (D) a deputy county attorney;
3379 (E) the attorney general; or
3380 (F) an assistant attorney general; and
3381 (ii) the attorney giving approval under Subsection (3)(b)(i) has felony jurisdiction over
3382 the case.

3383 (4) A plea of guilty or no contest is not made invalid by the failure of the court,
3384 prosecutor, or law enforcement agency to comply with this section.

3385 Section 70. Section **41-6a-514**, which is renumbered from Section 41-6-44.1 is
3386 renumbered and amended to read:

3387 **~~[41-6-44.1].~~ 41-6a-514. Procedures -- Adjudicative proceedings.**

3388 The ~~[Department of Public Safety]~~ department shall comply with the procedures and
3389 requirements of Title 63, Chapter 46b, Administrative Procedures Act, in its adjudicative
3390 proceedings.

3391 Section 71. Section **41-6a-515**, which is renumbered from Section 41-6-44.3 is
3392 renumbered and amended to read:

3393 **~~[41-6-44.3].~~ 41-6a-515. Standards for chemical breath or oral fluids analysis --**
3394 **Evidence.**

3395 (1) The Commissioner of the ~~[Department of Public Safety]~~ department shall establish
3396 standards for the administration and interpretation of chemical analysis of a person's breath or
3397 oral fluids, including standards of training.

3398 (2) In any action or proceeding in which it is material to prove that a person was
3399 operating or in actual physical control of a vehicle while under the influence of alcohol or any
3400 drug or operating with a blood or breath alcohol content statutorily prohibited, documents
3401 offered as memoranda or records of acts, conditions, or events to prove that the analysis was
3402 made and the instrument used was accurate, according to standards established in Subsection
3403 (1), are admissible if:

3404 (a) the judge finds that they were made in the regular course of the investigation at or
3405 about the time of the act, condition, or event; and

3406 (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

3438 any measurable controlled substance or metabolite of a controlled substance in the person's
3439 body.

3440 (3) It is an affirmative defense to prosecution under this section that the controlled
3441 substance was involuntarily ingested by the accused or prescribed by a practitioner for use by
3442 the accused.

3443 (4) A person convicted of a violation of Subsection (2) is guilty of a class B
3444 misdemeanor.

3445 (5) A peace officer may, without a warrant, arrest a person for a violation of this
3446 section when the officer has probable cause to believe the violation has occurred, although not
3447 in the officer's presence, and if the officer has probable cause to believe that the violation was
3448 committed by the person.

3449 (6) The Driver License Division shall:

3450 (a) suspend, for 90 days, the driver license of a person convicted under Subsection (2);

3451 (b) revoke, for one year, the driver license of a person convicted of a second or
3452 subsequent offense under Subsection (2) or if the person has a prior conviction as defined
3453 under Subsection ~~[41-6-44(1)]~~ 41-6a-501(2), if the violation is committed within a period of
3454 ten years after the date of the prior violation; and

3455 (c) subtract from any suspension or revocation period the number of days for which a
3456 license was previously suspended under Section 53-3-223 or 53-3-231, if the previous
3457 suspension was based on the same occurrence upon which the record of conviction is based.

3458 (7) ~~[If]~~ (a) The court shall notify the Driver License Division if a person fails to:

3459 (i) complete all court ordered screening and assessment, educational series, and
3460 substance abuse treatment~~[-]; or [fails to]~~

3461 (ii) pay all fines and fees, including fees for restitution and treatment costs~~[-; the court~~
3462 ~~shall notify the Driver License Division of a failure to comply]~~.

3463 (b) Upon receiving the notification, the division shall suspend the person's driving
3464 privilege in accordance with Subsections 53-3-221(2) and (3).

3465 (8) The court shall order supervised probation in accordance with ~~[Subsection~~
3466 ~~41-6-44(14)]~~ Section 41-6a-507 for a person convicted under Subsection (2).

3467 Section 74. Section **41-6a-518**, which is renumbered from Section 41-6-44.7 is
3468 renumbered and amended to read:

3469 ~~[41-6-44.7].~~ **41-6a-518.** Ignition interlock devices -- Use -- Probationer to pay
3470 cost -- Impeduniosity -- Fee.

3471 (1) As used in this section:

3472 (a) "Commissioner" means the commissioner of the Department of Public Safety.

3473 (b) "Ignition interlock system" or "system" means a constant monitoring device or any
3474 similar device certified by the commissioner that prevents a motor vehicle from being started
3475 without first determining the driver's breath alcohol concentration.

3476 (c) "Probation provider" means the supervisor and monitor of the ignition interlock
3477 system required as a condition of probation ~~[or as otherwise ordered by the court]~~ who
3478 contracts with the court in accordance with Subsections ~~[41-6-44(14)(b) and (c)]~~ 41-6a-507(2)
3479 and (3).

3480 (2) (a) In addition to any other penalties imposed under ~~[Section 41-6-44]~~ Sections
3481 41-6a-503 and 41-6a-505, and in addition to any requirements imposed as a condition of
3482 probation, the court may require that any person who is convicted of violating Section
3483 ~~[41-6-44]~~ 41-6a-502 and who is granted probation may not operate a motor vehicle during the
3484 period of probation unless that motor vehicle is equipped with a functioning, certified ignition
3485 interlock system installed and calibrated so that the motor vehicle will not start if the operator's
3486 blood alcohol concentration exceeds a level ordered by the court.

3487 (b) If a person convicted of violating Section ~~[41-6-44]~~ 41-6a-502 was under the age of
3488 21 when the violation occurred, the court shall order the installation of the ignition interlock
3489 system as a condition of probation.

3490 (c) (i) If a person is convicted of a violation of Section ~~[41-6-44]~~ 41-6a-502 within ten
3491 years of a prior conviction ~~[of that section]~~ as defined in Subsection 41-6a-501(2), the court
3492 shall order the installation of the ignition interlock system, at the person's expense, for all
3493 motor vehicles registered to that person and all motor vehicles operated by that person for
3494 ~~[three years from the date of conviction]~~ the period of probation.

3495 (ii) The division shall post the ignition interlock restriction on the electronic record
3496 available to law enforcement.

3497 (d) This section does not apply to a person convicted of a violation of Section
3498 ~~[41-6-44]~~ 41-6a-502 whose violation involves drugs other than alcohol.

3499 (3) Except as provided in Subsection (2)(c), if the court imposes the use of an ignition

3500 interlock system as a condition of probation, the court shall:

3501 (a) stipulate on the record the requirement for and the period of the use of an ignition
3502 interlock system;

3503 (b) order that an ignition interlock system be installed on each motor vehicle owned or
3504 operated by the probationer, at the probationer's expense;

3505 (c) order the probationer to submit his driver license to the Driver License Division in
3506 accordance with Subsection (5);

3507 (d) immediately notify the Driver License Division and the person's probation provider
3508 of the order; and

3509 (e) require the probationer to provide proof of compliance with the court's order to the
3510 probation provider within 30 days of the order.

3511 (4) (a) The probationer shall provide timely proof of installation within 30 days of an
3512 order imposing the use of a system or show cause why the order was not complied with to the
3513 court or to the probationer's probation provider.

3514 (b) The probation provider shall notify the court of failure to comply under Subsection
3515 (4)(a).

3516 (c) For failure to comply under Subsection (4)(a) or upon receiving the notification
3517 under Subsection (4)(b), the court shall order the Driver License Division to suspend the
3518 probationer's driving privileges for the remaining period during which the compliance was
3519 imposed.

3520 (d) Cause for failure to comply means any reason the court finds sufficiently justifiable
3521 to excuse the probationer's failure to comply with the court's order.

3522 (5) (a) If use of an ignition interlock system is required under this section, the division
3523 may not issue, reinstate, or renew the driver license of that person unless that requirement is
3524 coded on the person's driver license.

3525 (b) (i) If the division receives a notice that a person with a valid driver license that does
3526 not require a driver license withdrawal is required to use an ignition interlock system, the
3527 division shall notify the person that he has ten calendar days to apply to the division for an
3528 ignition interlock system requirement coded on the license.

3529 (ii) The division shall suspend the driver license of the person after the ten-day period
3530 until the person applies to the division for an ignition interlock system requirement coded on

3531 the license.

3532 (6) (a) Any probationer required to install an ignition interlock system shall have the
3533 system monitored by the manufacturer or dealer of the system for proper use and accuracy at
3534 least semiannually and more frequently as the court may order.

3535 (b) (i) A report of the monitoring shall be issued by the manufacturer or dealer to the
3536 court or the person's probation provider.

3537 (ii) The report shall be issued within 14 days following each monitoring.

3538 (7) (a) If an ignition interlock system is ordered installed, the probationer shall pay the
3539 reasonable costs of leasing or buying and installing and maintaining the system.

3540 (b) A probationer may not be excluded from this section for inability to pay the costs,
3541 unless:

3542 (i) the probationer files an affidavit of impecuniosity; and

3543 (ii) the court enters a finding that the probationer is impecunious.

3544 (c) In lieu of waiver of the entire amount of the cost, the court may direct the
3545 probationer to make partial or installment payments of costs when appropriate.

3546 (d) The ignition interlock provider shall cover the costs of waivers by the court under
3547 this Subsection (7).

3548 (8) (a) If a probationer is required in the course and scope of employment to operate a
3549 motor vehicle owned by the probationer's employer, the probationer may operate that motor
3550 vehicle [~~in the course and scope of employment~~] without installation of an ignition interlock
3551 system only if:

3552 (i) the motor vehicle is used in the course and scope of employment;

3553 (ii) the employer has been notified that the employee is restricted; and

3554 (iii) the employee has proof of the notification in his possession while operating the
3555 employer's motor vehicle.

3556 (b) (i) To the extent that an employer-owned motor vehicle is made available to a
3557 probationer subject to this section for personal use, no exemption under this section shall apply.

3558 (ii) A probationer intending to operate an employer-owned motor vehicle for personal
3559 use and who is restricted to the operation of a motor vehicle equipped with an ignition interlock
3560 system shall notify the employer and obtain consent in writing from the employer to install a
3561 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.

3593 (b) The standards shall require that the system:
3594 (i) not impede the safe operation of the motor vehicle;
3595 (ii) have features that make circumventing difficult and that do not interfere with the
3596 normal use of the motor vehicle;
3597 (iii) require a deep lung breath sample as a measure of breath alcohol concentration;
3598 (iv) prevent the motor vehicle from being started if the driver's breath alcohol
3599 concentration exceeds an ordered level;
3600 (v) work accurately and reliably in an unsupervised environment;
3601 (vi) resist tampering and give evidence if tampering is attempted;
3602 (vii) operate reliably over the range of motor vehicle environments; and
3603 (viii) be manufactured by a party who will provide liability insurance.
3604 (c) The commissioner may adopt in whole or in part, the guidelines, rules, studies, or
3605 independent laboratory tests relied upon in certification of ignition interlock systems by other
3606 states.
3607 (d) A list of certified systems shall be published by the commissioner and the cost of
3608 certification shall be borne by the manufacturers or dealers of ignition interlock systems
3609 seeking to sell, offer for sale, or lease the systems.
3610 (e) (i) In accordance with Section 63-38-3.2, the commissioner may establish an annual
3611 dollar assessment against the manufacturers of ignition interlock systems distributed in the
3612 state for the costs incurred in certifying.
3613 (ii) The assessment under Subsection (11)(e)(i) shall be apportioned among the
3614 manufacturers on a fair and reasonable basis.
3615 (12) There shall be no liability on the part of, and no cause of action of any nature shall
3616 arise against, the state or its employees in connection with the installation, use, operation,
3617 maintenance, or supervision of an interlock ignition system as required under this section.
3618 Section 75. Section **41-6a-519**, which is renumbered from Section 41-6-44.8 is
3619 renumbered and amended to read:
3620 **[41-6-44.8]. 41-6a-519. Municipal attorneys for specified offenses may prosecute**
3621 **for certain DUI offenses and driving while license is suspended or revoked.**
3622 The following class A misdemeanors may be prosecuted by attorneys of cities and
3623 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~~

3655 ~~the person's body in violation of Section 41-6-44.6]~~ in violation of any provision under
3656 Subsections (1)(a)(i) through (iii).

3657 ~~[(b)]~~ (c) (i) The peace officer determines which of the tests are administered and how
3658 many of them are administered.

3659 (ii) If a peace officer requests more than one test, refusal by a person to take one or
3660 more requested tests, even though the person does submit to any other requested test or tests, is
3661 a refusal under this section.

3662 ~~[(c)]~~ (d) (i) A person who has been requested under this section to submit to a chemical
3663 test or tests of the person's breath, blood, or urine, or oral fluids may not select the test or tests
3664 to be administered.

3665 (ii) The failure or inability of a peace officer to arrange for any specific chemical test is
3666 not a defense to taking a test requested by a peace officer, and it is not a defense in any
3667 criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the
3668 requested test or tests.

3669 (2) (a) ~~[If the person has been placed under arrest,]~~ A peace officer requesting a test or
3670 tests shall warn a person that refusal to submit to the test or tests may result in revocation of the
3671 person's license to operate a motor vehicle if the person:

3672 (i) has been placed under arrest;

3673 (ii) has then been requested by a peace officer to submit to any one or more of the
3674 chemical tests under Subsection (1)[;]; and

3675 (iii) refuses to submit to any chemical test requested~~[, the person shall be warned by~~
3676 ~~the peace officer requesting the test or tests that a refusal to submit to the test or tests can result~~
3677 ~~in revocation of the person's license to operate a motor vehicle].~~

3678 (b) (i) Following the warning under Subsection (2)(a), if the person does not
3679 immediately request that the chemical test or tests as offered by a peace officer be
3680 administered, a peace officer shall, on behalf of the Driver License Division and within 24
3681 hours of the arrest, give notice of the Driver License Division's intention to revoke the person's
3682 privilege or license to operate a motor vehicle.

3683 (ii) When a peace officer gives the notice on behalf of the Driver License Division, the
3684 peace officer shall:

3685 ~~[(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.]~~

3717 ~~[(ii) A request for the hearing shall be made in writing within ten calendar days after~~
3718 ~~the day on which notice is provided.]~~

3719 ~~[(iii) Upon request in a manner specified by the Driver License Division, the Driver~~
3720 ~~License Division shall grant to the person an opportunity to be heard within 29 days after the~~
3721 ~~date of arrest.]~~

3722 ~~[(iv) If the person does not make a request for a hearing before the Driver License~~
3723 ~~Division under this Subsection (2)(c), the person's privilege to operate a motor vehicle in the~~
3724 ~~state is revoked beginning on the 30th day after the date of arrest for a period of:]~~

3725 ~~[(A) 18 months unless Subsection (2)(c)(iv)(B) applies; or]~~

3726 ~~[(B) 24 months if the person has had a previous:]~~

3727 ~~[(I) license sanction for an offense that occurred within the previous ten years from the~~
3728 ~~date of arrest under this section, Section 41-6-44.6, 53-3-223, 53-3-231, or 53-3-232; or]~~

3729 ~~[(H) conviction for an offense that occurred within the previous ten years from the date~~
3730 ~~of arrest under Section 41-6-44.]~~

3731 ~~[(f) (i) Except as provided in Subsection (2)(f)(ii), if a hearing is requested by the~~
3732 ~~person, the hearing shall be conducted by the Driver License Division in the county in which~~
3733 ~~the offense occurred.]~~

3734 ~~[(ii) The Driver License Division may hold a hearing in some other county if the Driver~~
3735 ~~License Division and the person both agree:]~~

3736 ~~[(g) The hearing shall be documented and shall cover the issues of:]~~

3737 ~~[(i) whether a peace officer had reasonable grounds to believe that a person was~~
3738 ~~operating a motor vehicle in violation of Section 41-6-44, 41-6-44.6, or 53-3-231; and]~~

3739 ~~[(ii) whether the person refused to submit to the test:]~~

3740 ~~[(h) (i) In connection with the hearing, the division or its authorized agent:]~~

3741 ~~[(A) may administer oaths and may issue subpoenas for the attendance of witnesses~~
3742 ~~and the production of relevant books and papers; and]~~

3743 ~~[(B) shall issue subpoenas for the attendance of necessary peace officers.]~~

3744 ~~[(ii) The Driver License Division shall pay witness fees and mileage from the~~
3745 ~~Transportation Fund in accordance with the rates established in Section 78-46-28:]~~

3746 ~~[(i) If after a hearing, the Driver License Division determines that the person was~~
3747 ~~requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the~~

3748 ~~person fails to appear before the Driver License Division as required in the notice, the Driver~~
3749 ~~License Division shall revoke the person's license or permit to operate a motor vehicle in Utah~~
3750 ~~beginning on the date the hearing is held for a period of:]~~

3751 ~~[(i) (A) 18 months unless Subsection (2)(i)(B) applies; or]~~

3752 ~~[(B) 24 months if the person has had a previous:]~~

3753 ~~[(F) license sanction for an offense that occurred within the previous ten years from the~~
3754 ~~date of arrest under this section, Section 41-6-44.6, 53-3-223, 53-3-231, or 53-3-232; or]~~

3755 ~~[(H) conviction for an offense that occurred within the previous ten years from the date~~
3756 ~~of arrest under Section 41-6-44:]~~

3757 ~~[(ii) The Driver License Division shall also assess against the person, in addition to any~~
3758 ~~fee imposed under Subsection 53-3-205(13), a fee under Section 53-3-105, which shall be paid~~
3759 ~~before the person's driving privilege is reinstated, to cover administrative costs:]~~

3760 ~~[(iii) The fee shall be cancelled if the person obtains an unappealed court decision~~
3761 ~~following a proceeding allowed under this Subsection (2) that the revocation was improper:]~~

3762 ~~[(j) (i) Any person whose license has been revoked by the Driver License Division~~
3763 ~~under this section may seek judicial review:]~~

3764 ~~[(ii) Judicial review of an informal adjudicative proceeding is a trial. Venue is in the~~
3765 ~~district court in the county in which the offense occurred:]~~

3766 ~~[(3) Any person who is dead, unconscious, or in any other condition rendering the~~
3767 ~~person incapable of refusal to submit to any chemical test or tests is considered to not have~~
3768 ~~withdrawn the consent provided for in Subsection (1), and the test or tests may be administered~~
3769 ~~whether the person has been arrested or not:]~~

3770 ~~[(4) Upon the request of the person who was tested, the results of the test or tests shall~~
3771 ~~be made available to the person:]~~

3772 ~~[(5) (a) Only a physician, registered nurse, practical nurse, or person authorized under~~
3773 ~~Section 26-1-30, acting at the request of a peace officer, may withdraw blood to determine the~~
3774 ~~alcoholic or drug content. This limitation does not apply to taking a urine, breath, or oral fluid~~
3775 ~~specimen:]~~

3776 ~~[(b) Any physician, registered nurse, practical nurse, or person authorized under~~
3777 ~~Section 26-1-30 who, at the direction of a peace officer, draws a sample of blood from any~~
3778 ~~person whom a peace officer has reason to believe is driving in violation of this chapter, or~~

3779 hospital or medical facility at which the sample is drawn, is immune from any civil or criminal
3780 liability arising from drawing the sample, if the test is administered according to standard
3781 medical practice.]

3782 ~~[(6) (a) The person to be tested may, at the person's own expense, have a physician of~~
3783 ~~the person's own choice administer a chemical test in addition to the test or tests administered~~
3784 ~~at the direction of a peace officer.]~~

3785 ~~[(b) The failure or inability to obtain the additional test does not affect admissibility of~~
3786 ~~the results of the test or tests taken at the direction of a peace officer, or preclude or delay the~~
3787 ~~test or tests to be taken at the direction of a peace officer.]~~

3788 ~~[(c) The additional test shall be subsequent to the test or tests administered at the~~
3789 ~~direction of a peace officer.]~~

3790 ~~[(7) For the purpose of determining whether to submit to a chemical test or tests, the~~
3791 ~~person to be tested does not have the right to consult an attorney or have an attorney, physician,~~
3792 ~~or other person present as a condition for the taking of any test.]~~

3793 ~~[(8) If a person under arrest refuses to submit to a chemical test or tests or any~~
3794 ~~additional test under this section, evidence of any refusal is admissible in any civil or criminal~~
3795 ~~action or proceeding arising out of acts alleged to have been committed while the person was~~
3796 ~~operating or in actual physical control of a motor vehicle while under the influence of alcohol,~~
3797 ~~any drug, combination of alcohol and any drug, or while having any measurable controlled~~
3798 ~~substance or metabolite of a controlled substance in the person's body.]~~

3799 Section 77. Section **41-6a-521** is enacted to read:

3800 **41-6a-521. Revocation hearing for refusal -- Appeal.**

3801 (1) (a) A person who has been notified of the Driver License Division's intention to
3802 revoke the person's license under Section 41-6a-520 is entitled to a hearing.

3803 (b) A request for the hearing shall be made in writing within ten calendar days after the
3804 day on which notice is provided.

3805 (c) Upon request in a manner specified by the Driver License Division, the Driver
3806 License Division shall grant to the person an opportunity to be heard within 29 days after the
3807 date of arrest.

3808 (d) If the person does not make a request for a hearing before the Driver License
3809 Division under this Subsection (1), the person's privilege to operate a motor vehicle in the state

3810 is revoked beginning on the 30th day after the date of arrest for a period of:

3811 (i) 18 months unless Subsection (1)(d)(ii) applies; or

3812 (ii) 24 months if the person has had a previous:

3813 (A) license sanction for an offense that occurred within the previous ten years from the

3814 date of arrest under Section 41-6a-517, 41-6a-520, 53-3-223, 53-3-231, 53-3-232, or

3815 Subsection 53-3-227(4); or

3816 (B) conviction for an offense that occurred within the previous ten years from the date

3817 of arrest under Section 41-6a-502 or a statute previously in effect in this state that would

3818 constitute a violation of Section 41-6a-502.

3819 (2) (a) Except as provided in Subsection (2)(b), if a hearing is requested by the person,

3820 the hearing shall be conducted by the Driver License Division in the county in which the

3821 offense occurred.

3822 (b) The Driver License Division may hold a hearing in some other county if the Driver

3823 License Division and the person both agree.

3824 (3) The hearing shall be documented and shall cover the issues of:

3825 (a) whether a peace officer had reasonable grounds to believe that a person was

3826 operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 53-3-231, or

3827 Subsection 53-3-227(4); and

3828 (b) whether the person refused to submit to the test or tests under Section 41-6a-520.

3829 (4) (a) In connection with the hearing, the division or its authorized agent:

3830 (i) may administer oaths and may issue subpoenas for the attendance of witnesses and

3831 the production of relevant books and papers; and

3832 (ii) shall issue subpoenas for the attendance of necessary peace officers.

3833 (b) The Driver License Division shall pay witness fees and mileage from the

3834 Transportation Fund in accordance with the rates established in Section 78-46-28.

3835 (5) If after a hearing, the Driver License Division determines that the person was

3836 requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the

3837 person fails to appear before the Driver License Division as required in the notice, the Driver

3838 License Division shall revoke the person's license or permit to operate a motor vehicle in Utah

3839 beginning on the date the hearing is held for a period of:

3840 (a) (i) 18 months unless Subsection (5)(a)(ii) applies; or

3841 (ii) 24 months if the person has had a previous:

3842 (A) license sanction for an offense that occurred within the previous ten years from the
3843 date of arrest under Section 41-6a-517, 41-6a-520, 53-3-223, 53-3-231, 53-3-232, or
3844 Subsection 53-3-227(4); or

3845 (B) conviction for an offense that occurred within the previous ten years from the date
3846 of arrest under Section 41-6a-502 or a statute previously in effect in this state that would
3847 constitute a violation of Section 41-6a-502.

3848 (b) The Driver License Division shall also assess against the person, in addition to any
3849 fee imposed under Subsection 53-3-205(13), a fee under Section 53-3-105, which shall be paid
3850 before the person's driving privilege is reinstated, to cover administrative costs.

3851 (c) The fee shall be cancelled if the person obtains an unappealed court decision
3852 following a proceeding allowed under this Subsection (2) that the revocation was improper.

3853 (6) (a) Any person whose license has been revoked by the Driver License Division
3854 under this section may seek judicial review.

3855 (b) Judicial review of an informal adjudicative proceeding is a trial.

3856 (c) Venue is in the district court in the county in which the offense occurred.

3857 Section 78. Section **41-6a-522** is enacted to read:

3858 **41-6a-522. Person incapable of refusal.**

3859 Any person who is dead, unconscious, or in any other condition rendering the person
3860 incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn
3861 the consent provided for in Subsection 41-6a-520(1), and the test or tests may be administered
3862 whether the person has been arrested or not.

3863 Section 79. Section **41-6a-523** is enacted to read:

3864 **41-6a-523. Persons authorized to withdraw blood -- Immunity from liability.**

3865 (1) (a) Only a physician, registered nurse, practical nurse, or person authorized under
3866 Section 26-1-30, acting at the request of a peace officer, may withdraw blood to determine the
3867 alcoholic or drug content.

3868 (b) The limitation in Subsection (1)(a) does not apply to taking a urine, breath, or oral
3869 fluid specimen.

3870 (2) Any physician, registered nurse, practical nurse, or person authorized under Section
3871 26-1-30 who, at the direction of a peace officer, draws a sample of blood from any person

3872 whom a peace officer has reason to believe is driving in violation of this chapter, or hospital or
3873 medical facility at which the sample is drawn, is immune from any civil or criminal liability
3874 arising from drawing the sample, if the test is administered according to standard medical
3875 practice.

3876 Section 80. Section **41-6a-524** is enacted to read:

3877 **41-6a-524. Refusal as evidence.**

3878 If a person under arrest refuses to submit to a chemical test or tests or any additional
3879 test under Section 41-6a-520, evidence of any refusal is admissible in any civil or criminal
3880 action or proceeding arising out of acts alleged to have been committed while the person was
3881 operating or in actual physical control of a motor vehicle while:

3882 (1) under the influence of:

3883 (a) alcohol;

3884 (b) any drug; or

3885 (c) a combination of alcohol and any drug; or

3886 (2) having any measurable controlled substance or metabolite of a controlled substance
3887 in the person's body.

3888 Section 81. Section **41-6a-525**, which is renumbered from Section 41-6-44.12 is
3889 renumbered and amended to read:

3890 **[41-6-44.12]. 41-6a-525. Reporting test results -- Immunity from liability.**

3891 (1) As used in this section, "health care provider" means a person licensed under:

3892 (a) Title 58, Chapter 31b, Nurse Practice Act[;];

3893 (b) Title 58, Chapter 67, Utah Medical Practice Act[;]; or

3894 (c) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

3895 (2) A health care provider who is providing medical care to any person involved in a
3896 motor vehicle crash may notify, as soon as reasonably possible, the nearest peace officer or law
3897 enforcement agency if the health care provider has reason to believe, as a result of any test
3898 performed in the course of medical treatment, that the:

3899 (a) person's blood alcohol concentration meets or exceeds the limits under Subsection

3900 [41-6-44(2)] 41-6a-502(1)(a);

3901 (b) person is younger than 21 years of age and has any measurable blood, breath, or
3902 urine alcohol concentration in the person's body; or

3903 (c) person has any measurable controlled substance or metabolite of a controlled
3904 substance in the person's body which could be a violation of Subsection [~~41-6-44(2)(a)(ii)~~]
3905 41-6a-502(1)(b) or Section [~~41-6-44.6~~] 41-6a-517.

3906 (3) The report under Subsection (2) shall consist of the:

3907 (a) name of the person being treated;

3908 (b) date and time of the administration of the test; and

3909 (c) results disclosed by the test.

3910 (4) A health care provider participating in good faith in making a report or assisting an
3911 investigator from a law enforcement agency pursuant to this section is immune from any
3912 liability, civil or criminal, that otherwise might result by reason of those actions.

3913 (5) A report under Subsection (2) may not be used to support a finding of probable
3914 cause that a person who is not a driver of a vehicle has committed an offense.

3915 Section 82. Section **41-6a-526**, which is renumbered from Section 41-6-44.20 is
3916 renumbered and amended to read:

3917 **[~~41-6-44.20~~]. 41-6a-526. Drinking alcoholic beverage and open containers**
3918 **in motor vehicle prohibited -- Definitions -- Exceptions.**

3919 (1) As used in this section:

3920 (a) "Alcoholic beverage" has the same meaning as defined in Section 32A-1-105.

3921 (b) "Chartered bus" has the same meaning as defined in Section 32A-1-105.

3922 (c) "Limousine" has the same meaning as defined in Section 32A-1-105.

3923 (d) (i) "Passenger compartment" means the area of the vehicle normally occupied by
3924 the operator and passengers.

3925 (ii) "Passenger compartment" includes areas accessible to the operator and passengers
3926 while traveling, including a utility or glove compartment.

3927 (iii) "Passenger compartment" does not include a separate front or rear trunk
3928 compartment or other area of the vehicle not accessible to the operator or passengers while
3929 inside the vehicle.

3930 ~~[(+)]~~ (2) A person may not drink any alcoholic beverage while operating a motor
3931 vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or
3932 parked on any highway.

3933 ~~[(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]~~

3965 41-6a-510(1), or 53-3-227(4), the peace officer shall seize and impound the vehicle in
3966 accordance with Section [~~41-6-102.5~~] 41-6a-1406, except as provided under Subsection (2).

3967 (2) If a registered owner of the vehicle, other than the operator, is present at the time of
3968 arrest, the peace officer may release the vehicle to that registered owner, but only if:

3969 (a) the registered owner:

3970 (i) requests to remove the vehicle from the scene; and

3971 (ii) presents to the peace officer sufficient identification to prove ownership of the
3972 vehicle or motorboat;

3973 (b) the registered owner identifies a driver with a valid operator's license who:

3974 (i) complies with all restrictions of his operator's license; and

3975 (ii) would not, in the judgment of the officer, be in violation of Section [~~41-6-44,~~
3976 ~~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
3977 Section [~~41-6-44~~] 41-6a-502 which complies with Subsection [~~41-6-43~~] 41-6a-510(1)[:] or
3978 53-3-227(4) if permitted to operate the vehicle; and

3979 (c) the vehicle itself is legally operable.

3980 (3) If necessary for transportation of a motorboat for impoundment under this section,
3981 the motorboat's trailer may be used to transport the motorboat.

3982 Section 84. Section **41-6a-528**, which is renumbered from Section 41-6-45 is
3983 renumbered and amended to read:

3984 [~~41-6-45~~]. **41-6a-528. Reckless driving -- Penalty.**

3985 (1) A person is guilty of reckless driving who operates a vehicle:

3986 (a) in willful or wanton disregard for the safety of persons or property; or

3987 (b) while committing three or more moving traffic violations under Title 41, Chapter
3988 [6] 6a, Traffic [~~Rules and Regulations~~] Code, in a series of acts within a single continuous
3989 period of driving.

3990 (2) A person who violates Subsection (1) is guilty of a class B misdemeanor.

3991 Section 85. Section **41-6a-601**, which is renumbered from Section 41-6-46 is
3992 renumbered and amended to read:

3993 **Part 6. Speed Restrictions**

3994 [~~41-6-46~~]. **41-6a-601. Speed regulations -- Safe and appropriate speeds at**
3995 **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;

4027 ~~[(b)]~~ (ii) prevailing vehicle speeds;

4028 ~~[(c)]~~ (iii) accident history;

4029 ~~[(d)]~~ (iv) highway, traffic, and roadside conditions; and

4030 ~~[(e)]~~ (v) other highway safety factors.

4031 (2) In addition to the provisions of Subsection (1), the Department of Transportation
4032 may establish different speed limits on a highway or section of highway based on:

4033 (a) time of day~~;~~;

4034 (b) highway construction~~;~~;

4035 (c) type of vehicle~~;~~;

4036 (d) weather conditions~~;~~; and

4037 (e) other highway safety factors.

4038 (3) (a) ~~[(A)]~~ Except as provided in Subsection (3)(b), a posted speed limit may not
4039 exceed 65 miles per hour ~~[except on]~~.

4040 (b) A posted speed limit on a freeway or other limited access highways ~~[which]~~ may
4041 not exceed 75 miles per hour.

4042 ~~[(b)]~~ (c) This ~~[subsection]~~ Subsection (3) is an exception to the provisions of
4043 Subsections (1) and (2).

4044 (4) When establishing or changing a speed limit, the Department of Transportation
4045 shall consult with the following entities prior to erecting or changing a speed limit sign:

4046 (a) the county ~~[or]~~ for state highways in an unincorporated area of the county;

4047 (b) the municipality ~~[prior to erecting or changing any signs]~~ for state highways within
4048 the ~~[county or]~~ municipality's ~~[political boundaries]~~ incorporated area; ~~[and]~~

4049 ~~[(b)]~~ (c) the Department of Public Safety; and

4050 (d) the Transportation Commission.

4051 (5) The speed limit is effective when appropriate signs giving notice are erected along
4052 the highway or section of the highway.

4053 Section 87. Section ~~41-6a-603~~, which is renumbered from Section 41-6-48 is
4054 renumbered and amended to read:

4055 ~~[41-6-48].~~ **41-6a-603. Speed limits established by counties and municipalities.**

4056 (1) A county or municipality may determine the reasonable and safe speed limit for
4057 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

4089 forfeiture.

4090 (iii) The court may waive the compensatory service required under Subsection

4091 (2)(b)(ii) if the court makes the reasons for the waiver part of the record.

4092 (3) The Driver License Division shall develop and implement a record system to
4093 distinguish:

4094 (a) a conviction or bail forfeiture under this section from other convictions; and

4095 (b) between a first and subsequent conviction or bail forfeiture under this section.

4096 (4) The provisions of this section take precedence over the provisions of Sections

4097 ~~[41-6-46, 41-6-47, 41-6-48,]~~ 41-6a-601, 41-6a-602, 41-6a-603 and 76-3-301.

4098 Section 89. Section **41-6a-605**, which is renumbered from Section 41-6-49 is
4099 renumbered and amended to read:

4100 ~~[41-6-49].~~ **41-6a-605. Minimum speed regulations.**

4101 (1) A person may not operate a motor vehicle at a speed so slow as to impede or block
4102 the normal and reasonable movement of traffic except when:

4103 (a) a reduced speed is necessary for safe operation;

4104 (b) upon a grade; or

4105 (c) in compliance with ~~[official traffic control devices]~~ a traffic-control device.

4106 (2) Operating a motor vehicle on a ~~[controlled]~~ limited access highway at less than the
4107 ~~[lawful maximum]~~ speed limit side by side with and at the same speed as a vehicle operated in
4108 the adjacent right lane ~~[constitutes]~~ is evidence of ~~[impeding or blocking normal movement of~~
4109 ~~traffic]~~ a violation of Subsection (1).

4110 (3) ~~(a) [When the Department of Transportation or local authorities within their~~
4111 ~~respective jurisdictions determine on the basis of]~~ If, based on an engineering and traffic
4112 investigation, a highway authority determines that slow speeds on any part of a highway under
4113 its jurisdiction consistently impede the normal and reasonable movement of traffic, the
4114 ~~[Department of Transportation or local authority may determine and shall]~~ highway authority
4115 may post a minimum speed limit ~~[below which no]~~.

4116 (b) If a minimum speed limit is posted under this Subsection (3), a person may not
4117 operate a vehicle at a speed below the posted minimum speed limit except:

4118 (i) when necessary for safe operation[-]; or

4119 (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.

- 4213 ~~[(2) On all roadways a vehicle proceeding]~~
4214 (2) A person operating a vehicle shall yield the right-of-way to a vehicle:
4215 (a) traveling in the proper direction on a roadway; and
4216 (b) that is within a distance constituting an immediate hazard.
4217 (3) A person operating a vehicle on a roadway at less than the normal speed of traffic
4218 ~~[under the existing conditions]~~ shall ~~[be operated]~~ operate the vehicle in the right-hand lane
4219 then available for traffic, or as close as practicable to the right-hand curb or edge of the
4220 roadway, except when:
4221 (a) overtaking and passing another vehicle proceeding in the same direction [or when];
4222 (b) preparing [for a] to turn left [turn at an intersection or into a private road or
4223 driveway.]; or
4224 (c) taking a different highway or an exit on the left.
4225 Section 95. Section **41-6a-702**, which is renumbered from Section 41-6-53.5 is
4226 renumbered and amended to read:
4227 **[41-6-53.5]. 41-6a-702. Left lane restrictions -- Exceptions -- Other lane**
4228 **restrictions -- Penalties.**
4229 (1) As used in this section and Section ~~[41-6-55]~~ 41-6a-704, "general purpose lane"
4230 means a highway lane open to vehicular traffic but does not include ~~[an officially]~~ a designated:
4231 (a) high occupancy vehicle (HOV) lane; or
4232 (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway
4233 off-ramp.
4234 (2) On a ~~[highway]~~ freeway or section of a ~~[highway that is part of the interstate system~~
4235 ~~as defined in Section 72-1-102 and]~~ freeway which has three or more general purpose lanes in
4236 the same direction, a person may not operate a vehicle in the left most general purpose lane if
4237 the person's:
4238 (a) vehicle is drawing a trailer or semitrailer regardless of size; or
4239 (b) vehicle or combination of ~~[vehicle]~~ vehicles has a gross vehicle weight of 12,001 or
4240 more pounds.
4241 (3) Subsection (2) does not apply to a person operating a vehicle who is:
4242 (a) preparing to turn left or taking a different highway split or an exit on the left;
4243 (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:

4275 (a) the operator of a vehicle overtaking another vehicle proceeding in the same
4276 direction:

4277 (i) shall, except as provided under Section ~~[41-6-56]~~ 41-6a-705, pass ~~[to]~~ the overtaken
4278 vehicle on the left at a safe distance; and

4279 (ii) may not drive to the right side of the roadway until safely clear of the overtaken
4280 vehicle;

4281 (b) the operator of an overtaken vehicle:

4282 (i) shall give way to the right in favor of the overtaking vehicle; and

4283 (ii) may not increase the speed of the vehicle until completely passed by the overtaking
4284 vehicle.

4285 (2) On a highway having more than one lane in the same direction, the operator of a
4286 vehicle traveling in ~~[a]~~ the left general purpose lane:

4287 (a) shall, upon being overtaken by another vehicle in the same lane, yield to the
4288 overtaking vehicle by moving safely to a lane to the right; and

4289 (b) may not impede the movement or free flow of traffic in ~~[a]~~ the left general purpose
4290 lane ~~[or except:]~~.

4291 (3) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling
4292 in the left general purpose lane when:

4293 ~~[(i) when]~~ (a) overtaking and passing another vehicle proceeding in the same direction
4294 in accordance with Subsection (1)(a);

4295 ~~[(ii) when]~~ (b) preparing to turn left or taking a different highway ~~[split]~~ or an exit on
4296 the left;

4297 ~~[(iii) when]~~ (c) responding to emergency conditions;

4298 ~~[(iv) to avoid]~~ (d) avoiding actual or potential traffic moving onto the highway from
4299 an acceleration or merging lane; or

4300 ~~[(v) when]~~ (e) following the direction ~~[signs]~~ of a traffic-control device that ~~[direct]~~
4301 directs the use of a designated lane.

4302 Section 98. Section ~~41-6a-705~~, which is renumbered from Section 41-6-56 is
4303 renumbered and amended to read:

4304 ~~[41-6-56].~~ **41-6a-705. Passing upon right -- When permissible.**

4305 (1) The operator of a vehicle may overtake and pass ~~[upon]~~ on the right of another

4306 vehicle only:

4307 (a) when the vehicle overtaken is making or preparing to make a left turn; or

4308 (b) ~~[upon]~~ on a roadway with unobstructed pavement of sufficient width for two or
4309 more lines of vehicles moving lawfully in the direction being traveled by the overtaking
4310 vehicle~~[-or]~~.

4311 ~~[(c) upon a one-way highway, or upon any roadway on which traffic is restricted to one~~
4312 ~~direction of movement, where the roadway is free from obstructions and of sufficient width for~~
4313 ~~two or more lines of moving vehicles.]~~

4314 (2) The operator of a vehicle may overtake and pass another vehicle ~~[upon]~~ on the right
4315 only under conditions permitting the movement with safety. ~~[The]~~

4316 (3) The operator of a vehicle may not overtake and pass another vehicle if the
4317 movement [may not be] is made by driving off the roadway.

4318 Section 99. Section **41-6a-706**, which is renumbered from Section 41-6-57 is
4319 renumbered and amended to read:

4320 ~~[41-6-57].~~ **41-6a-706. Limitation on passing -- Prohibitions.**

4321 (1) ~~[A vehicle may not be operated]~~ Subject to the provisions of Section 41-6a-707, on
4322 a two-way highway, a person may not operate a vehicle to the left side of the center of the
4323 roadway ~~[in overtaking and passing]~~ to pass another vehicle proceeding in the same direction
4324 unless the left side is:

4325 (a) clearly visible; and ~~[is]~~

4326 (b) free of oncoming traffic for a sufficient distance ~~[ahead]~~ to permit ~~[overtaking and]~~
4327 the passing movement to be completed without interfering with the operation of any vehicle
4328 approaching from the opposite direction ~~[of any vehicle overtaken]~~ in accordance with
4329 Subsection (2).

4330 ~~[(2) Overtaking and passing under this section may not be made where prohibited by~~
4331 ~~Section 41-6-58.]~~

4332 ~~[(3)]~~ (2) The person operating the overtaking vehicle shall return the vehicle to an
4333 authorized lane of travel:

4334 (a) as soon as practical~~[-];~~ and

4335 (b) if the passing movement involves the use of a lane authorized for vehicles
4336 approaching in the opposite direction, before coming within 200 feet of any vehicle

4337 approaching from the opposite direction.

4338 Section 100. Section **41-6a-707**, which is renumbered from Section 41-6-58 is
4339 renumbered and amended to read:

4340 **[41-6-58]. 41-6a-707. Limitations on driving on left side of road -- Exceptions.**

4341 (1) A ~~[vehicle may not be operated]~~ person may not operate a vehicle on the left side of
4342 the roadway:

4343 (a) when approaching or on a crest of a grade or a curve on the highway where the
4344 ~~[operator's]~~ person's view is obstructed within a distance which creates a hazard if another
4345 vehicle ~~[may approach]~~ approached from the opposite direction;

4346 (b) when approaching within 100 feet of or traversing any intersection or railroad grade
4347 crossing unless otherwise indicated by ~~[official]~~ a traffic-control ~~[devices]~~ device or a peace
4348 officer; or

4349 (c) when the view is obstructed ~~[upon]~~ while approaching within 100 feet of any
4350 bridge, viaduct, or tunnel.

4351 (2) ~~[This section]~~ Subsection (1) does not apply:

4352 (a) on a one-way roadway~~[-, nor]~~;

4353 (b) under the conditions described in Subsection ~~[41-6-53]~~ 41-6a-701(1)(b) ~~[nor to the~~
4354 ~~operator of]~~ ; or

4355 (c) to a person operating a vehicle turning left onto or from an alley, private road, or
4356 driveway.

4357 Section 101. Section **41-6a-708**, which is renumbered from Section 41-6-59 is
4358 renumbered and amended to read:

4359 **[41-6-59]. 41-6a-708. Signs and markings on roadway -- No passing zones --**
4360 **Exceptions.**

4361 ~~[(1)(a) The Department of Transportation and local authorities may determine those~~
4362 ~~portions of any highway under their respective jurisdictions where overtaking and passing or~~
4363 ~~driving on the left of the roadway is especially hazardous and may by appropriate signs or~~
4364 ~~markings on the highway indicate the beginning and end of those zones.]~~

4365 ~~[(b) When the signs or markings are in place and clearly visible to a reasonably~~
4366 ~~observant person, every operator of a vehicle shall obey the directions.]~~

4367 (1) (a) A highway authority may designate no-passing zones on any portion of a

4368 highway under its jurisdiction if the highway authority determines passing is especially
4369 hazardous.

4370 (b) A highway authority shall designate a no-passing zone under Subsection (1)(a) by
4371 placing appropriate traffic-control devices on the highway.

4372 (2) ~~[Where signs or markings are in place to define a no-passing zone under Subsection~~
4373 ~~(1), an operator]~~ A person operating a vehicle may not drive on the left side of:

4374 (a) the roadway within the no-passing zone; or [on the left side of]

4375 (b) any pavement striping designed to mark the no-passing zone [throughout its
4376 lengths].

4377 (3) ~~[This section]~~ Subsection (2) does not apply ~~[to]~~:

4378 (a) under the conditions described under Subsection [41-6-53] 41-6a-701(1)(b) [nor to
4379 the operator of a]; or

4380 (b) to a person operating a vehicle turning left onto or from an alley, private road, or
4381 driveway.

4382 Section 102. Section **41-6a-709**, which is renumbered from Section 41-6-60 is
4383 renumbered and amended to read:

4384 **~~[41-6-60]. 41-6a-709. One-way traffic.~~**

4385 (1) ~~[The Department of Transportation and local authorities]~~ A highway authority may
4386 designate any highway, roadway, part of a roadway, or specific lanes under [their respective
4387 jurisdictions upon which vehicular traffic shall proceed in] the highway authority's jurisdiction
4388 for one direction [at all times or as otherwise] of vehicle travel at all times as indicated by
4389 [official] traffic-control devices.

4390 (2) On a roadway designated for one-way traffic, a person operating a vehicle shall ~~[be~~
4391 ~~operated only]~~ operate the vehicle in the direction indicated by ~~[official]~~ traffic-control
4392 devices.

4393 (3) A ~~[vehicle passing around a rotary traffic island shall be operated]~~ person operating
4394 a vehicle in a roundabout shall operate the vehicle only to the right of the roundabout island.

4395 Section 103. Section **41-6a-710**, which is renumbered from Section 41-6-61 is
4396 renumbered and amended to read:

4397 **~~[41-6-61]. 41-6a-710. Roadway divided into marked lanes -- Provisions --~~**
4398 **Traffic-control devices.**

4399 On a roadway divided into two or more clearly marked lanes for traffic the following
4400 provisions apply:

4401 (1) A person operating a vehicle:

4402 (a) shall keep the vehicle as nearly as practical entirely within a single lane; and

4403 (b) may not move the vehicle from the lane until the operator has determined the
4404 movement can be made safely.

4405 (2) On a roadway divided into three or more lanes and providing for two-way
4406 movement of traffic, a person operating a vehicle may not drive in the center lane except:

4407 (a) when overtaking and passing another vehicle traveling in the same direction, and
4408 when the center lane is:

4409 (i) clear of traffic within a safe distance; and

4410 (ii) not a two-way left turn lane;

4411 (b) in preparation of making or completing a left turn in compliance with Section
4412 ~~[41-6-66]~~ 41-6a-801; or

4413 (c) where the center lane is allocated exclusively to traffic moving in the same
4414 direction that the vehicle is proceeding ~~[and the allocation is designated by official]~~ as
4415 indicated by traffic-control devices.

4416 (3) (a) ~~[Official]~~ A highway authority may erect traffic-control devices ~~[may be~~
4417 ~~erected]~~ directing specified traffic to use a designated lane or designating those lanes to be used
4418 by traffic moving in a particular direction regardless of the center of the roadway.

4419 (b) An operator of a vehicle shall obey the directions of ~~[official]~~ a traffic-control
4420 ~~[devices]~~ device erected under Subsection (3)(a).

4421 Section 104. Section **41-6a-711**, which is renumbered from Section 41-6-62 is
4422 renumbered and amended to read:

4423 **~~[41-6-62].~~ 41-6a-711. Following another vehicle -- Safe distance -- Exceptions.**

4424 (1) The operator of a vehicle:

4425 (a) may not follow another vehicle more closely than is reasonable and prudent, having
4426 regard for the:

4427 (i) speed of the vehicles;

4428 (ii) traffic upon the highway; and

4429 (iii) condition of the highway; and

4430 (b) shall allow sufficient space in front of the vehicle to enable any other vehicle to
4431 enter and occupy the space.

4432 (2) Subsection (1)(b) does not apply to funeral processions or to congested traffic
4433 conditions resulting in prevailing vehicle speeds of less than 35 miles per hour.

4434 Section 105. Section **41-6a-712**, which is renumbered from Section 41-6-63.10 is
4435 renumbered and amended to read:

4436 **~~[41-6-63.10].~~ 41-6a-712. Divided highway -- Use of right-hand side --**
4437 **Crossing only where permitted.**

4438 (1) A person operating a vehicle ~~[operated]~~ on a divided highway shall use the
4439 right-hand roadway unless directed or permitted to use another roadway by ~~[official]~~ a
4440 traffic-control ~~[devices]~~ device or a peace officer.

4441 (2) A person operating a vehicle may not ~~[be operated]~~ operate the vehicle over, across,
4442 or within any dividing space, median, or barrier of a divided highway, except where authorized
4443 by ~~[an official]~~ a traffic-control device or a peace officer.

4444 Section 106. Section **41-6a-713**, which is renumbered from Section 41-6-63.30 is
4445 renumbered and amended to read:

4446 **~~[41-6-63.30].~~ 41-6a-713. Definitions -- Gore area -- Island -- Driving over**
4447 **gore or island prohibited -- Exceptions -- Penalties.**

4448 ~~[(1) As used in this section: (a) "Gore area" means the area delineated by two solid~~
4449 ~~white lines that is between a continuing lane of a through roadway and a lane used to enter or~~
4450 ~~exit the continuing lane including similar areas between merging or splitting highways.]~~

4451 ~~[(b) "Island" means an area between traffic lanes for control of vehicle movements or~~
4452 ~~for pedestrian refuge designated by:]~~

4453 ~~[(i) pavement markings, which may include an area designated by two solid yellow~~
4454 ~~lines surrounding the perimeter of the area;]~~

4455 ~~[(ii) channelizing devices;]~~

4456 ~~[(iii) curbs;]~~

4457 ~~[(iv) pavement edges; or]~~

4458 ~~[(v) other devices.]~~

4459 ~~[(2)]~~ (1) (a) A person may not operate a vehicle over, across, or within any part of a
4460 gore area or an island.

4461 (b) Subsection [(2)] (1)(a) does not apply to:
4462 (i) a person operating a vehicle that is disabled; or
4463 (ii) an operator of an authorized emergency vehicle under conditions described under
4464 Section [41-6-14] 41-6a-208.

4465 [(3)] (2) A person who violates Subsection [(2)] (1) is guilty of class C misdemeanor.
4466 Section 107. Section **41-6a-714**, which is renumbered from Section 41-6-64 is
4467 renumbered and amended to read:

4468 **[41-6-64]. 41-6a-714. Freeway and controlled-access highways -- Driving onto**
4469 **and from highways where permitted.**

4470 A person may not operate a vehicle onto or from any freeway or other controlled-access
4471 highway except at entrances and exits established by [public] the highway authority having
4472 jurisdiction over the highway.

4473 Section 108. Section **41-6a-715**, which is renumbered from Section 41-6-65 is
4474 renumbered and amended to read:

4475 **[41-6-65]. 41-6a-715. Controlled-access highways -- Prohibiting use by class or**
4476 **kind of traffic -- Traffic-control devices.**

4477 (1) [~~The Department of Transportation, and local authorities~~] A highway authority may
4478 regulate or prohibit the use of any controlled-access [roadway] highway within [their] its
4479 respective [jurisdictions] jurisdiction by any class or kind of traffic which is found to be
4480 incompatible with the normal and safe movement of traffic.

4481 (2) The [~~Department of Transportation or the local authority~~] highway authority shall
4482 erect and maintain [official] traffic-control devices on the controlled-access highway on which
4483 the regulations or prohibitions are applicable.

4484 Section 109. Section **41-6a-801**, which is renumbered from Section 41-6-66 is
4485 renumbered and amended to read:

4486 **Part 8. Turning and Signaling for Turns**

4487 **[41-6-66]. 41-6a-801. Turning -- Manner -- Traffic-control devices.**

4488 The operator of a vehicle shall make turns as follows:

4489 (1) Right turns: both a right turn and an approach for a right turn shall be made as close
4490 as practical to the right-hand curb or edge of the roadway.

4491 (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.

4523 (b) The operator of a vehicle may not turn a vehicle [~~other than as directed by official~~]
4524 in violation of a traffic-control [devices] device erected under Subsection (4)(a).

4525 Section 110. Section **41-6a-802**, which is renumbered from Section 41-6-67 is
4526 renumbered and amended to read:

4527 **[41-6-67]. 41-6a-802. Turning around -- Where prohibited -- Visibility.**

4528 The operator of a vehicle may not make a U-turn or turn the vehicle to proceed in the
4529 opposite direction:

4530 (1) unless the movement can be made safely and without interfering with other traffic;

4531 or

4532 (2) on any curve, or upon the approach to, or near the crest of a grade, if the vehicle is
4533 not visible at a distance of 500 feet by the operator of any other vehicle approaching from
4534 either direction.

4535 Section 111. Section **41-6a-803**, which is renumbered from Section 41-6-68 is
4536 renumbered and amended to read:

4537 **[41-6-68]. 41-6a-803. Moving a vehicle -- Safety.**

4538 A person may not move a vehicle which is stopped, standing, or parked until the
4539 movement may be made with reasonable safety.

4540 Section 112. Section **41-6a-804**, which is renumbered from Section 41-6-69 is
4541 renumbered and amended to read:

4542 **[41-6-69]. 41-6a-804. Turning or changing lanes -- Safety -- Signals --**

4543 **Stopping or sudden decrease in speed -- Signal flashing -- Where prohibited.**

4544 (1) (a) A person may not turn a vehicle or move right or left [~~upon~~] on a roadway or
4545 change lanes until:

4546 (i) the movement can be made with reasonable safety; and

4547 (ii) an appropriate signal has been given as provided under this section.

4548 (b) A signal of intention to turn right or left or to change lanes shall be given
4549 continuously for at least the last three seconds preceding the beginning of the [~~turn or change~~]
4550 movement.

4551 (2) A person may not stop or suddenly decrease the speed of a vehicle without first
4552 giving an appropriate signal to the operator of any vehicle immediately to the rear when there is
4553 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

4585 (b) the intersection:

4586 ~~[(a)]~~ (i) is not regulated by ~~[an official]~~ a traffic-control device;

4587 ~~[(b)]~~ (ii) is not regulated because the traffic-control signal is inoperative; or

4588 ~~[(c)]~~ (iii) is regulated from all directions by stop signs~~[-, the operator of the vehicle on~~
4589 ~~the left shall yield the right-of-way to the vehicle on the right unless otherwise directed by a~~
4590 ~~peace officer]~~.

4591 (3) The operator of a vehicle approaching an intersection not regulated by ~~[an official]~~
4592 ~~a traffic-control device[-];~~

4593 (a) from a highway that does not continue beyond the intersection, shall yield the
4594 right-of-way to the operator of any vehicle on the intersecting highway~~[- (4) The operator of a~~
4595 ~~vehicle approaching an intersection not regulated by an official traffic-control device;-]; and~~

4596 (b) from a highway that is not paved, shall yield the right-of-way to the operator of any
4597 vehicle on a paved intersecting highway.

4598 Section 114. Section **41-6a-902**, which is renumbered from Section 41-6-72.10 is
4599 renumbered and amended to read:

4600 ~~[41-6-72.10].~~ **41-6a-902. Right-of-way -- Stop or yield signals -- Yield --**
4601 **Collisions at intersections or junctions of roadways -- Evidence.**

4602 (1) Preferential right-of-way may be indicated by stop signs or yield signs under
4603 Section ~~[41-6-99]~~ 41-6a-906.

4604 (2) (a) Except when directed to proceed by a peace officer, every operator of a vehicle
4605 approaching a stop sign shall stop:

4606 (i) at a clearly marked stop line~~[-, but if none,];~~

4607 (ii) before entering the crosswalk on the near side of the intersection~~[-, but if none, then]~~
4608 if there is not a clearly marked stop line; or

4609 (iii) at a point nearest the intersecting roadway where the operator has a view of
4610 approaching traffic on the intersecting roadway before entering it if there is not a clearly
4611 marked stop line or a crosswalk.

4612 (b) After having stopped at a stop sign, the operator of a vehicle shall yield the
4613 right-of-way to any vehicle in the intersection or approaching on another roadway so closely as
4614 to constitute an immediate hazard ~~[during the time when the operator is moving across or~~
4615 ~~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. ~~[If]~~

(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

4647 right-of-way to all vehicles traveling in the continuing lane and which are so close as to be an
4648 immediate hazard.

4649 Section 116. Section **41-6a-904**, which is renumbered from Section 41-6-76 is
4650 renumbered and amended to read:

4651 **[41-6-76]. 41-6a-904. Approaching emergency vehicle -- Necessary signals --**
4652 **Stationary emergency vehicle -- Duties of respective operators.**

4653 (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon
4654 the immediate approach of an authorized emergency vehicle using audible or visual signals
4655 under Section [~~41-6-14, 41-6-132, or 41-6-146~~ or of a peace officer vehicle lawfully using an
4656 ~~audible or visual signal~~] 41-6a-212 or 41-6a-1625, shall:

4657 (a) yield the right-of-way and immediately move to a position parallel to, and as close
4658 as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

4659 (b) then stop and remain [~~there~~] stopped until the authorized emergency vehicle has
4660 passed.

4661 (2) The operator of a vehicle, upon approaching a stationary authorized emergency
4662 vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

4663 (a) reduce the speed of the vehicle;

4664 (b) provide as much space as practical to the stationary authorized emergency vehicle;
4665 and

4666 (c) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if
4667 practical, with due regard to safety and traffic conditions, make a lane change into a lane not
4668 adjacent to the authorized emergency vehicle.

4669 (3) The operator of a vehicle, upon approaching a stationary tow truck or highway
4670 maintenance vehicle that is displaying flashing amber lights, shall:

4671 (a) reduce the speed of the vehicle; and

4672 (b) provide as much space as practical to the stationary tow truck or highway
4673 maintenance vehicle.

4674 (4) This section does not relieve the operator of an authorized emergency vehicle, tow
4675 truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all
4676 persons using the highway.

4677 Section 117. Section **41-6a-905**, which is renumbered from Section 41-6-76.10 is

4678 renumbered and amended to read:

4679 ~~[41-6-76.10].~~ **41-6a-905. Vehicle or pedestrian working upon highway --**

4680 **Right-of-way.**

4681 The operator of a vehicle shall yield the right-of-way to ~~[any]~~ an:

4682 (1) authorized vehicle or pedestrian actually engaged in work ~~[upon]~~ on a highway
4683 within ~~[any]~~ a highway construction or maintenance area indicated by ~~[official]~~ a traffic-control
4684 ~~[devices]~~ device; or

4685 (2) authorized vehicle obviously and actually engaged in work ~~[upon]~~ on a highway
4686 when the vehicle displays lights ~~[meeting the requirements of]~~ in accordance with Section
4687 ~~[41-6-140.20]~~ 41-6a-1617.

4688 Section 118. Section **41-6a-906**, which is renumbered from Section 41-6-99 is
4689 renumbered and amended to read:

4690 ~~[41-6-99].~~ **41-6a-906. Designation of through highways -- Stop signs, yield**
4691 **signs, and traffic-control devices -- Designation of intersections as locations for**
4692 **preferential right-of-way treatment.**

4693 ~~[The Department of Transportation with reference to state highways and local~~
4694 ~~authorities with reference to highways under their]~~ A highway authority, with reference to
4695 highways under its jurisdiction, may erect and maintain stop signs, yield signs, or other
4696 ~~[official]~~ traffic-control devices to designate:

4697 (1) through highways~~;~~ or ~~[to designate]~~

4698 (2) intersections or other roadway junctions at which vehicular traffic on one or more
4699 of the roadways should yield or stop and yield before entering the intersection or junction.

4700 Section 119. Section **41-6a-1001**, which is renumbered from Section 41-6-77 is
4701 renumbered and amended to read:

4702 **Part 10. Pedestrians' Rights and Duties**

4703 ~~[41-6-77].~~ **41-6a-1001. Pedestrians subject to traffic-control devices -- Other**
4704 **controls.**

4705 (1) A pedestrian shall obey the instructions of ~~[any official]~~ a traffic-control device
4706 specifically applicable to ~~[him]~~ the pedestrian unless otherwise directed by a peace officer.

4707 (2) ~~[Pedestrians are]~~ A pedestrian is subject to traffic and pedestrian-control signals
4708 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,

4740 ~~[pedestrians]~~ a pedestrian may not cross at any place except in a marked crosswalk.

4741 (4) (a) A pedestrian may not cross a roadway intersection diagonally unless authorized
4742 by ~~[official]~~ a traffic-control ~~[devices, and if]~~ device.

4743 (b) If a pedestrian is authorized to cross diagonally~~;~~ under Subsection (4)(a), the
4744 pedestrian shall cross only as directed by the appropriate ~~[official]~~ traffic-control ~~[devices]~~
4745 device.

4746 Section 122. Section **41-6a-1004**, which is renumbered from Section 41-6-79.10 is
4747 renumbered and amended to read:

4748 ~~[41-6-79.10].~~ **41-6a-1004. Emergency vehicle -- Necessary signals -- Duties**
4749 **of operator -- Pedestrian to yield.**

4750 (1) ~~[Upon]~~ A pedestrian shall yield the right-of-way to an authorized emergency
4751 vehicle upon the immediate approach of an authorized emergency vehicle using audible or
4752 visual signals ~~[meeting the requirements of Section 41-6-14, 41-6-132, or 41-6-146, or of a~~
4753 ~~peace officer vehicle properly and lawfully making use of an audible or visual signal, every~~
4754 ~~pedestrian shall yield the right-of-way to the authorized emergency vehicle]~~ in accordance with
4755 Section 41-6a-212 or 41-6a-1625.

4756 (2) This section does not relieve the operator of an authorized emergency vehicle from:

4757 (a) the duty to drive with regard for the safety of all persons using the highway~~;~~; nor

4758 (b) from the duty to exercise care to avoid colliding with ~~[any]~~ a pedestrian.

4759 Section 123. Section **41-6a-1005**, which is renumbered from Section 41-6-79.20 is
4760 renumbered and amended to read:

4761 ~~[41-6-79.20].~~ **41-6a-1005. Passing closed railroad or bridge gate or barrier**
4762 **prohibited.**

4763 A pedestrian may not pass through, around, over, under, or remain ~~[upon any]~~ on a
4764 crossing gate or barrier at a railroad crossing or bridge while the gate or barrier is closed or is
4765 being opened or closed.

4766 Section 124. Section **41-6a-1006**, which is renumbered from Section 41-6-80 is
4767 renumbered and amended to read:

4768 ~~[41-6-80].~~ **41-6a-1006. Vehicles to exercise due care to avoid pedestrians --**
4769 **Audible signals and caution.**

4770 (1) The operator of a vehicle shall:

4771 (a) exercise care to avoid colliding with ~~[any]~~ a pedestrian ~~[and shall]~~;
 4772 (b) give an audible signal when necessary; and
 4773 (c) exercise appropriate precaution ~~[upon observing any]~~ if the operator of the vehicle
 4774 observes a child or ~~[any]~~ an obviously confused, incapacitated, or intoxicated person.

4775 (2) This section supersedes any conflicting provision of:

4776 (a) this chapter; or ~~[of]~~

4777 (b) a local ordinance in accordance with Section 41-6a-208.

4778 Section 125. Section **41-6a-1007**, which is renumbered from Section 41-6-80.1 is
 4779 renumbered and amended to read:

4780 ~~[41-6-80.1].~~ **41-6a-1007. Operators to yield right-of-way to blind pedestrian --**

4781 **Duties of blind pedestrian -- Use of cane -- Failure to yield -- Liability.**

4782 (1) (a) The operator of a vehicle shall yield the right-of-way to ~~[any]~~ a blind or visually
 4783 impaired pedestrian;

4784 (i) carrying a clearly visible white cane; or

4785 (ii) accompanied by a guide dog specially trained for that purpose and equipped with a
 4786 harness.

4787 (b) ~~[A]~~ (i) Except as provided in Subsection (1)(b)(ii), a person who fails to yield the
 4788 right-of-way is liable for any loss or damage which results as a proximate cause of the failure to
 4789 yield the right-of-way to blind or visually impaired persons~~[, except that blind]~~.

4790 (ii) Blind or visually impaired persons shall:

4791 (A) exercise due care in approaching and crossing roadways; and ~~[shall]~~

4792 (B) yield the right-of-way to authorized emergency vehicles giving an audible warning
 4793 signal.

4794 (2) A pedestrian other than a blind or visually impaired person may not carry a cane as
 4795 described in Subsection (1).

4796 Section 126. Section **41-6a-1008**, which is renumbered from Section 41-6-80.5 is
 4797 renumbered and amended to read:

4798 ~~[41-6-80.5].~~ **41-6a-1008. Vehicle crossing sidewalk -- Operator to yield.**

4799 The operator of a vehicle crossing a sidewalk shall yield the right-of-way to any
 4800 pedestrian and all other traffic on the sidewalk.

4801 Section 127. Section **41-6a-1009**, which is renumbered from Section 41-6-82 is

4802 renumbered and amended to read:

4803 **[~~41-6-82~~]. 41-6a-1009. Use of roadway by pedestrians -- Prohibited activities.**

4804 (1) Where there is a sidewalk provided and its use is practicable, a pedestrian may not
4805 walk along [~~and upon~~] or on an adjacent roadway.

4806 (2) Where a sidewalk is not provided, a pedestrian walking along [~~and upon~~] or on a
4807 highway shall walk only on [~~a~~] the shoulder, as far as practicable from the edge of the roadway.

4808 (3) Where [~~neither~~] a sidewalk or a shoulder is not available, a pedestrian walking
4809 along or [~~upon~~] on a highway shall:

4810 (a) walk as near as practicable to [~~an~~] the outside edge of the roadway[;]; and

4811 (b) if on a two-way roadway, [~~shall~~] walk only on the left side of the roadway facing
4812 traffic.

4813 (4) A person may not sit, stand, or loiter [~~in~~] on or near a roadway for the purpose of
4814 soliciting from the occupant of [~~any~~] a vehicle;

4815 (a) a ride[;];

4816 (b) contributions[;];

4817 (c) employment[;];

4818 (d) the parking, watching, or guarding of a vehicle[;]; or

4819 (e) other business.

4820 (5) A pedestrian who is under the influence of alcohol or any drug to a degree which
4821 renders [~~him~~] the pedestrian a hazard may not walk or be [~~upon~~] on a highway except on a
4822 sidewalk or sidewalk area.

4823 (6) Except as otherwise provided in this chapter, a pedestrian [~~upon~~] on a roadway
4824 shall yield the right-of-way to all vehicles [~~upon~~] on the roadway.

4825 Section 128. Section **41-6a-1010**, which is renumbered from Section 41-6-82.10 is
4826 renumbered and amended to read:

4827 **[~~41-6-82.10~~]. 41-6a-1010. Unmarked crosswalk locations -- Restrictions on**
4828 **pedestrian.**

4829 [~~The Department of Transportation and local authorities in their respective~~
4830 ~~jurisdictions~~]

4831 (1) A highway authority in its respective jurisdiction may, after an engineering and
4832 traffic investigation, designate unmarked crosswalk locations where;

4833 (a) pedestrian crossing is prohibited; or ~~[where]~~

4834 (b) pedestrians shall yield the right-of-way to vehicles.

4835 (2) The restrictions in Subsection (1) are effective only when ~~[official]~~ traffic-control
4836 devices indicating the restrictions are in place.

4837 Section 129. Section **41-6a-1011**, which is renumbered from Section 41-6-82.50 is
4838 renumbered and amended to read:

4839 ~~[41-6-82.50].~~ **41-6a-1011. Pedestrian vehicles.**

4840 (1) As used in this section:

4841 (a) (i) "Pedestrian vehicle" means ~~[any]~~ a self-propelled conveyance designed,
4842 manufactured, and intended for the exclusive use of ~~[persons]~~ a person with a physical
4843 disability~~[, but the]~~.

4844 (ii) A "pedestrian vehicle" may not:

4845 ~~[(i)]~~ (A) exceed 48 inches in width;

4846 ~~[(ii)]~~ (B) have an engine or motor with more than 300 cubic centimeters displacement
4847 or with more than 12 brake horsepower; and

4848 ~~[(iii)]~~ (C) be capable of developing a speed in excess of 30 miles per hour.

4849 (b) "Physical disability" means any bodily impairment which precludes a person from
4850 walking or otherwise moving about as a pedestrian.

4851 (2) (a) A pedestrian vehicle operated by a physically disabled person is exempt from
4852 vehicle registration, inspection, and operator license requirements.

4853 (b) Authority to operate a pedestrian vehicle on public highways or sidewalks shall be
4854 granted according to rules promulgated by the commissioner of public safety.

4855 (3) (a) A physically disabled person may operate a pedestrian vehicle with a motor of
4856 not more than .5 brake horsepower capable of developing a speed of not more than eight miles
4857 per hour ~~[upon]~~:

4858 (i) on the sidewalk; and

4859 (ii) in all places where pedestrians are allowed. ~~[No]~~

4860 (b) A permit, license, registration, authority, application, or restriction may not be
4861 required or imposed ~~[upon]~~ on a physically disabled person operating a pedestrian vehicle
4862 under this Subsection (3).

4863 (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.

4895 (1) A person riding a bicycle, moped, coaster, skate board, roller skates, sled, or toy
4896 vehicle may not attach it or ~~[himself]~~ a person to any moving vehicle ~~[upon]~~ on a highway.

4897 (2) This section does not prohibit attaching a trailer or semitrailer to a bicycle or
4898 moped if that trailer or semitrailer has been designed for attachment.

4899 Section 134. Section **41-6a-1105**, which is renumbered from Section 41-6-87 is
4900 renumbered and amended to read:

4901 **~~[41-6-87]. 41-6a-1105. Operation of bicycle or moped on and use of roadway --~~**
4902 **Duties, prohibitions.**

4903 (1) A person operating a bicycle or a moped ~~[upon]~~ on a roadway at less than the
4904 normal speed of traffic at the time and place and under the conditions then existing shall ride as
4905 near as practicable to the right-hand edge of the roadway except when:

4906 (a) overtaking and passing another bicycle or vehicle proceeding in the same direction;

4907 (b) preparing to make a left turn at an intersection or into a private road or driveway;

4908 (c) traveling straight through an intersection that has a right-turn only lane that is in
4909 conflict with the straight through movement; or

4910 (d) reasonably necessary to avoid conditions that make it unsafe to continue along the
4911 right-hand edge of the roadway including:

4912 (i) fixed or moving objects[;];

4913 (ii) parked or moving vehicles[;];

4914 (iii) bicycles[;];

4915 (iv) pedestrians[;];

4916 (v) animals[;];

4917 (vi) surface hazards[;]; or

4918 (vii) a lane that is too narrow for a bicycle and a vehicle to travel safely side by side
4919 within the lane.

4920 (2) A person operating a bicycle or moped on a highway shall operate in the designated
4921 direction of traffic.

4922 (3) ~~[Persons]~~ (a) A person riding ~~[bicycles]~~ a bicycle or ~~[mopeds-upon]~~ moped on a
4923 roadway may not ride more than two abreast with another person except on paths or parts of
4924 roadways set aside for the exclusive use of bicycles. ~~[Persons]~~

4925 (b) If allowed under Subsection (3)(a), a person riding two abreast with another person

4926 may not impede the normal and reasonable movement of traffic and shall ride within a single
4927 lane.

4928 (4) If a usable path for bicycles has been provided adjacent to a roadway, a bicycle
4929 ~~[riders]~~ rider may be directed by ~~[official]~~ a traffic-control ~~[devices]~~ device to use the path and
4930 not the roadway.

4931 Section 135. Section **41-6a-1106**, which is renumbered from Section 41-6-87.3 is
4932 renumbered and amended to read:

4933 ~~[41-6-87.3].~~ **41-6a-1106. Bicycles and human powered vehicle or device to yield**
4934 **right-of-way to pedestrians on sidewalks, paths, or trails -- Uses prohibited -- Negligent**
4935 **collision prohibited -- Speed restrictions -- Rights and duties same as pedestrians.**

4936 (1) A person operating a bicycle or ~~[any]~~ a vehicle or device propelled by human power
4937 shall:

4938 (a) yield the right-of-way to any pedestrian; and ~~[shall]~~

4939 (b) give an audible signal before overtaking and passing a pedestrian.

4940 (2) A person may not operate a bicycle or a vehicle or device propelled by human
4941 power on a sidewalk, path, or trail, or across a roadway in a crosswalk, where prohibited by
4942 ~~[official]~~ a traffic-control ~~[devices]~~ device or ordinance.

4943 (3) A person may not operate a bicycle or ~~[any]~~ a vehicle or device propelled by human
4944 power in a negligent manner so as to collide with ~~[any]~~ a:

4945 (a) pedestrian ~~[or other]~~; or

4946 (b) person operating a:

4947 (i) bicycle; or ~~[any]~~

4948 (ii) vehicle or device propelled by human power.

4949 (4) A person operating a bicycle or a vehicle or device propelled by human power on a
4950 sidewalk, path, or trail, or across a driveway, or across a roadway on a crosswalk may not
4951 operate at a speed greater than is reasonable and prudent under the existing conditions, giving
4952 regard to the actual and potential hazards then existing.

4953 (5) Except as provided under Subsections (1) and (4), a person operating a bicycle or a
4954 vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway
4955 on a crosswalk, has all the rights and duties applicable to a pedestrian under the same
4956 circumstances.

4957 Section 136. Section **41-6a-1107**, which is renumbered from Section 41-6-87.4 is
4958 renumbered and amended to read:

4959 **[41-6-87.4]. 41-6a-1107. Bicycles -- Parking on sidewalk, roadway --**
4960 **Prohibitions.**

4961 (1) A person may park a bicycle on a sidewalk unless prohibited or restricted by [an
4962 official] a traffic-control device.

4963 (2) A bicycle parked on a sidewalk may not impede the normal and reasonable
4964 movement of pedestrian or other traffic.

4965 (3) A bicycle may be parked on the roadway at any location where parking is allowed:

4966 (a) at any angle to the curb or edge of the roadway [~~at any location where parking is~~
4967 ~~allowed.]; and~~

4968 [~~(4)~~] (b) [~~A bicycle may be parked on the roadway~~] abreast of another bicycle or
4969 bicycles near the side of the roadway [~~at any location where parking is allowed~~].

4970 [~~(5)~~] (4) A bicycle may not be parked on a roadway in a manner as to obstruct the
4971 movement of a legally parked motor vehicle.

4972 [~~(6)~~] (5) In all other respects, bicycles parked anywhere on a highway shall conform
4973 with the provisions of [~~Article~~] Part 14 [of this chapter], Stopping, Standing, and Parking,
4974 regarding the parking of vehicles.

4975 Section 137. Section **41-6a-1108**, which is renumbered from Section 41-6-87.5 is
4976 renumbered and amended to read:

4977 **[41-6-87.5]. 41-6a-1108. Bicycles and mopeds -- Turns -- Designated lanes.**

4978 (1) A person riding a bicycle or moped and intending to turn left shall comply with
4979 Section [~~41-6-66~~] 41-6a-801 or Subsection (2).

4980 (2) (a) A person riding a bicycle or moped intending to turn left shall approach the turn
4981 as close as practicable to the right curb or edge of the roadway.

4982 (b) After proceeding across the intersecting roadway, to the far corner of the curb or
4983 intersection of the roadway edges, the bicyclist or moped operator shall stop, as far out of the
4984 way of traffic as practical.

4985 (c) After stopping [~~he~~], the bicyclist or moped operator shall yield to any traffic
4986 proceeding in either direction along the roadway he had been using.

4987 (d) After yielding and complying with any [~~official~~] traffic-control device or peace

4988 officer regulating traffic, ~~[he]~~ the bicyclist or moped operator may proceed in the new
4989 direction.

4990 (3) ~~(a)~~ Notwithstanding Subsections (1) and (2), ~~[the Department of Transportation and~~
4991 ~~local authorities]~~ a highway authority in ~~[their]~~ its respective ~~[jurisdictions]~~ jurisdiction may
4992 ~~[cause official]~~ place traffic-control devices ~~[to be placed and]~~ that require and direct ~~[that]~~
4993 turning bicyclists and moped operators to travel a specific course ~~[be traveled by turning~~
4994 ~~bicycles and mopeds]~~.

4995 (b) When the devices are placed under Subsection (3)(a), a person may not turn a
4996 bicycle other than as directed by the devices.

4997 Section 138. Section **41-6a-1109**, which is renumbered from Section 41-6-87.7 is
4998 renumbered and amended to read:

4999 **~~[41-6-87.7]. 41-6a-1109. Bicycles and mopeds -- Turn signals -- Exceptions.~~**

5000 (1) Except as provided in this section, a person riding a bicycle or moped shall comply
5001 with Section ~~[41-6-69]~~ 41-6a-804 regarding turn signals and turning.

5002 (2) A person is not required to signal by hand and arm continuously if the hand is
5003 needed in the control or operation of the bicycle or moped.

5004 (3) A person operating a bicycle or moped ~~[and]~~ who is stopped in a lane designated
5005 for turning traffic only is not required to signal prior to making the turning movement.

5006 Section 139. Section **41-6a-1110**, which is renumbered from Section 41-6-87.8 is
5007 renumbered and amended to read:

5008 **~~[41-6-87.8]. 41-6a-1110. Bicycle and moped inspections -- At request of officer.~~**

5009 A peace officer may at any time ~~[upon]~~ require a person riding a bicycle or moped to
5010 stop and submit the bicycle or moped to an inspection and a test as appropriate if the officer
5011 has reasonable cause to believe that ~~[a]~~:

5012 (1) the bicycle or moped is unsafe or not equipped as required by law~~[-];~~ or ~~[that its]~~

5013 (2) the bicycle or moped's equipment is not in proper adjustment or repair~~[-, require the~~
5014 ~~person riding the bicycle or moped to stop and submit the bicycle or moped to an inspection~~
5015 ~~and a test as appropriate]~~.

5016 Section 140. Section **41-6a-1111**, which is renumbered from Section 41-6-87.9 is
5017 renumbered and amended to read:

5018 **~~[41-6-87.9]. 41-6a-1111. Bicycle racing -- When approved -- Prohibitions --~~**

5019 **Exceptions -- Authorized exemptions from traffic laws.**

5020 (1) Bicycle racing on highways is prohibited under Section ~~[41-6-51]~~ 41-6a-606,
5021 except as authorized in this section.

5022 (2) (a) Bicycle racing on a highway is permitted when a racing event is approved by
5023 ~~[state or local authorities]~~ a highway authority on ~~[any]~~ a highway under ~~[their respective~~
5024 ~~jurisdictions]~~ its jurisdiction.

5025 (b) Approval of bicycle highway racing events may be granted only under conditions:

5026 (i) which assure reasonable safety for all race participants, spectators, and other
5027 highway users~~;~~; and

5028 (ii) which prevent unreasonable interference with traffic flow which would seriously
5029 inconvenience other highway users.

5030 (3) ~~[By agreement with the approving authority, participants]~~ Participants in an
5031 approved bicycle highway racing event may be exempted from compliance with any traffic
5032 laws otherwise applicable~~;~~:

5033 (a) by agreement with the approving highway authority; and

5034 (b) if traffic control is adequate to assure the safety of all highway users.

5035 Section 141. Section **41-6a-1112**, which is renumbered from Section 41-6-88 is
5036 renumbered and amended to read:

5037 ~~[41-6-88].~~ **41-6a-1112. Bicycles and mopeds -- Carrying bundle -- One hand**
5038 **on handlebars.**

5039 (1) A person operating a bicycle or moped may not carry any package, bundle, or
5040 article which prevents the use of both hands in the control and operation of the bicycle or
5041 moped.

5042 (2) A person operating a bicycle or moped shall keep at least one hand on the
5043 handlebars at all times.

5044 Section 142. Section **41-6a-1113**, which is renumbered from Section 41-6-89 is
5045 renumbered and amended to read:

5046 ~~[41-6-89].~~ **41-6a-1113. Bicycle -- Prohibited equipment -- Brakes required.**

5047 (1) A bicycle may not be equipped with, and a person may not use ~~[upon]~~ on a bicycle,
5048 ~~[any]~~ a siren or whistle.

5049 (2) Every bicycle shall be equipped with a brake or brakes which enable its driver to

5050 stop the bicycle within 25 feet from a speed of ~~[10]~~ ten miles per hour on dry, level, clean
5051 pavement.

5052 Section 143. Section **41-6a-1114**, which is renumbered from Section 41-6-90 is
5053 renumbered and amended to read:

5054 **~~[41-6-90]. 41-6a-1114. Bicycles -- Lamps and reflective material required.~~**

5055 (1) Every bicycle in use at the times described in Section ~~[41-6-118]~~ 41-6a-1603 shall
5056 be equipped with a:

5057 (a) lamp of a type approved by the department which is on the front emitting a white
5058 light visible from a distance of at least 500 feet to the front; and

5059 (b) (i) red reflector of a type approved by the department which is visible for 500 feet
5060 to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle; or

5061 (ii) red taillight designed for use on a bicycle and emitting flashing or nonflashing light
5062 visible from a distance of 500 feet to the rear.

5063 (2) Every bicycle when in use at the times described in Section ~~[41-6-118]~~ 41-6a-1603
5064 shall be equipped with:

5065 (a) reflective material of sufficient size and reflectivity to be visible from both sides for
5066 500 feet when directly in front of lawful lower beams of head lamps on a motor vehicle~~;~~; or

5067 (b) in lieu of reflective material, ~~[with]~~ a lighted lamp visible from both sides from a
5068 distance of at least 500 feet.

5069 (3) A bicycle or its rider may be equipped with lights or reflectors in addition to those
5070 required by Subsections (1) and (2).

5071 Section 144. Section **41-6a-1115**, which is renumbered from Section 41-6-90.5 is
5072 renumbered and amended to read:

5073 **~~[41-6-90.5]. 41-6a-1115. Motor assisted scooters -- Conflicting provisions --~~**
5074 **Restrictions -- Penalties.**

5075 (1) (a) Except as otherwise provided in this section, a motor assisted scooter ~~[and a~~
5076 ~~personal motorized mobility device]~~ is subject to the provisions under this chapter for a
5077 bicycle, moped, or a motor-driven cycle.

5078 (b) For a person operating a motor assisted scooter ~~[or a personal motorized mobility~~
5079 ~~device]~~, the following provisions do not apply:

5080 (i) seating positions under Section ~~[41-6-107]~~ 41-6a-1501;

5081 (ii) required lights, horns, and mirrors under Section ~~[41-6-154.50]~~ 41-6a-1506;
5082 (iii) entitlement to full use of a lane under Subsection ~~[41-6-107.2(1)]~~ 41-6a-1502(1);
5083 and

5084 (iv) driver licensing requirements under Section 53-3-202.

5085 (2) A person under 16 years of age may not operate a ~~[personal motorized mobility~~
5086 ~~device or a]~~ motor assisted scooter using the motor unless the person is under the direct
5087 supervision of the person's parent or guardian.

5088 (3) A person may not operate a motor assisted scooter:

5089 (a) in a public parking structure;

5090 (b) on public property posted as an area prohibiting skateboards;

5091 (c) on a highway consisting of a total of four or more lanes designated for regular
5092 vehicular traffic;

5093 (d) on a highway with a posted speed limit greater than 25 miles per hour; or

5094 (e) that has been structurally altered from the original manufacturer's design.

5095 ~~[(4) A person may not operate a personal motorized mobility device:]~~

5096 ~~[(a) on a highway consisting of a total of four or more lanes designated for regular~~
5097 ~~vehicular traffic;]~~

5098 ~~[(b) on a highway with a posted speed limit greater than 35 miles per hour; or]~~

5099 ~~[(c) that has been structurally altered from the original manufacturer's design.]~~

5100 ~~[(5)]~~ (4) Except where posted or prohibited by rule or local ordinance, a motor assisted
5101 scooter is considered a nonmotorized vehicle if it is being used with the motor turned off.

5102 ~~[(6)]~~ (5) A person who violates this section is guilty of a class C misdemeanor.

5103 Section 145. Section **41-6a-1116** is enacted to read:

5104 **41-6a-1116. Personal motorized mobility devices -- Conflicting provisions --**
5105 **Restrictions -- Penalties.**

5106 (1) (a) Except as otherwise provided in this section, a personal motorized mobility
5107 device is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven
5108 cycle.

5109 (b) For a person operating a personal motorized mobility device, the following
5110 provisions do not apply:

5111 (i) seating positions under Section 41-6a-1501;

5112 (ii) required lights, horns, and mirrors under Section 41-6a-1506;
5113 (iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and
5114 (iv) driver licensing requirements under Section 53-3-202.
5115 (2) A person under 16 years of age may not operate a personal motorized mobility
5116 device using the motor unless the person is under the direct supervision of the person's parent
5117 or guardian.

5118 (3) A person may not operate a personal motorized mobility device:
5119 (a) on a highway consisting of a total of four or more lanes designated for regular
5120 vehicular traffic;

5121 (b) on a highway with a posted speed limit greater than 35 miles per hour; or

5122 (c) that has been structurally altered from the original manufacturer's design.

5123 (4) A person who violates this section is guilty of a class C misdemeanor.

5124 Section 146. Section **41-6a-1201**, which is renumbered from Section 41-6-93 is
5125 renumbered and amended to read:

5126 **Part 12. Railroad Trains, Railroad Grade Crossings, and Safety Zones**
5127 **[41-6-93]. 41-6a-1201. Driving on tracks.**

5128 ~~[(a)] (1) [It is unlawful for the driver of any]~~ The operator of a vehicle proceeding
5129 ~~[upon] on~~ any track in front of a railroad train [upon] on a [street to fail to] highway shall
5130 ~~remove [such] the~~ vehicle from the track as soon as practicable after signal from the operator of
5131 ~~[such] the~~ train.

5132 ~~[(b)] (2)~~ When a railroad train has started to cross an intersection [no driver], an
5133 operator of a vehicle [shall] may not drive [upon or cross]:

5134 (a) on or across the tracks; or

5135 (b) in the path of [such] the train within the intersection in front of [such] the train.

5136 Section 147. Section **41-6a-1202**, which is renumbered from Section 41-6-94 is
5137 renumbered and amended to read:

5138 **[41-6-94]. 41-6a-1202. Driving through safety zone.**

5139 ~~[No vehicle shall at any time be driven]~~ The operator of a vehicle may not drive through
5140 or within a safety zone.

5141 Section 148. Section **41-6a-1203**, which is renumbered from Section 41-6-95 is
5142 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:

5174 ~~[41-6-95.5].~~ **41-6a-1204. Trains -- Interference with vehicles limited.**

5175 ~~[No]~~ A person or government agency ~~[shall]~~ may not operate ~~[any]~~ a train in a manner
5176 to prevent vehicular use of ~~[any]~~ a roadway for a period of time in excess of five consecutive
5177 minutes except:

5178 (1) when necessary to comply with signals affecting the safety of the movement of
5179 trains;

5180 (2) when necessary to avoid striking any object or person on the track;

5181 (3) when the train is disabled;

5182 (4) when the train is in motion or while engaged in switching operations ~~[or as~~
5183 ~~determined by local authority]~~;

5184 (5) when there is no vehicular traffic waiting to use the crossing; ~~[or]~~

5185 (6) when necessary to comply with a governmental safety regulation~~[-];~~ or

5186 (7) as determined by a highway authority.

5187 Section 150. Section **41-6a-1205**, which is renumbered from Section 41-6-97 is
5188 renumbered and amended to read:

5189 ~~[41-6-97].~~ **41-6a-1205. Railroad grade crossings -- Certain vehicles must stop**
5190 **-- Exceptions -- Rules.**

5191 (1) ~~[A driver]~~ An operator of a commercial motor vehicle, as defined under Section
5192 53-3-102, shall upon approaching a railroad grade crossing:

5193 (a) unless Subsection (2) applies, slow down and check that the tracks are clear of an
5194 approaching train;

5195 (b) stop within 50 feet, but not closer than 15 feet, from the nearest rail of the railroad
5196 track before reaching the crossing if the tracks are not clear;

5197 (c) obey all traffic control devices or the directions of a peace officer, or other crossing
5198 official at the crossing; and

5199 (d) before proceeding over a railroad grade crossing:

5200 (i) ensure that the vehicle has sufficient space to drive completely through a railroad
5201 grade crossing without stopping; and

5202 (ii) ensure that the vehicle has sufficient undercarriage clearance to safely and
5203 completely pass through the crossing.

5204 (2) (a) Except as provided in Subsection (3), the ~~[driver]~~ operator of ~~[any]~~ a vehicle

5205 described in 49 CFR 392.10 shall stop within 50 feet, but not closer than 15 feet, from the
5206 nearest rail of the railroad track before crossing, at grade, any track of a railroad.

5207 (b) While stopped, the ~~[driver]~~ operator shall look in both directions along the track for
5208 any sign of an approaching train and look and listen for signals indicating the approach of any
5209 train.

5210 (c) The ~~[driver]~~ the operator may proceed across the railroad track only when the
5211 movement may be made with reasonable safety.

5212 (d) After stopping as required and upon safely proceeding, the ~~[driver]~~ operator shall
5213 only cross the railroad track in a gear that ensures no necessity for manually changing gears
5214 while traversing the crossing.

5215 (e) The ~~[driver]~~ operator may not manually shift gears while crossing the railroad track.

5216 (3) This section does not apply at a:

5217 (a) railroad grade crossing where traffic is controlled by a peace officer or other
5218 crossing official;

5219 (b) railroad grade crossing where traffic is regulated by a traffic-control signal;

5220 (c) railroad grade crossing where ~~[an official]~~ a traffic-control device gives notice that
5221 the stopping requirements of this section are not applicable; or

5222 (d) other railroad grade crossings excluded under 49 CFR 392.10.

5223 Section 151. Section **41-6a-1206**, which is renumbered from Section 41-6-98 is
5224 renumbered and amended to read:

5225 **[41-6-98]. 41-6a-1206. Railroad crossing duties respecting crawler type**
5226 **tractor, power shovel, derrick, or other equipment or structure.**

5227 (1) A person may not operate or move ~~[any]~~ the following on or across any tracks at a
5228 railroad grade crossing without first complying with this section:

5229 (a) a crawler type tractor[;];

5230 (b) a power shovel[;];

5231 (c) a derrick[;];

5232 (d) a roller; or

5233 (e) any equipment or structure having:

5234 (i) normal operating speed of ten or less miles per hour; or

5235 (ii) a vertical body or load clearance of less than;

5236 (A) 1/2 inch per foot of the distance between any two adjacent axles; or
5237 (B) in any event ~~[of less than]~~, nine inches measured above the level surface of a
5238 roadway ~~[upon or across any tracks at a railroad grade crossing without first complying with~~
5239 ~~this section]~~.

5240 (2) Notice of an intended crossing under this section shall be given to the railroad and a
5241 reasonable time shall be given to the railroad to provide proper protection at the crossing.

5242 (3) (a) Before making a crossing under this section the person operating or moving the
5243 vehicle or equipment shall first stop within 50 feet but not closer than 15 feet from the nearest
5244 rail of the railway.

5245 (b) While stopped, the ~~[driver]~~ operator of the vehicle shall listen and look in both
5246 directions along the track for any approaching train and for signals indicating the approach of a
5247 railroad train.

5248 (c) The ~~[driver]~~ operator may proceed across the track only when the crossing can be
5249 made safely.

5250 (4) The ~~[driver]~~ operator of a vehicle shall obey all traffic control devices or the
5251 directions of a peace officer or other crossing official at the crossing.

5252 Section 152. Section **41-6a-1301**, which is renumbered from Section 41-6-140.10 is
5253 renumbered and amended to read:

5254 **Part 13. School Buses and School Bus Parking Zones**

5255 ~~[41-6-140.10].~~ **41-6a-1301. Standards and specifications for lighting and**
5256 **special warning devices on school buses.**

5257 ~~[(a) Every]~~ (1) (a) A school bus shall~~[- in addition to any other equipment and~~
5258 ~~distinctive markings required by this chapter,]~~ be equipped with red signal lamps mounted as
5259 high and as widely spaced laterally as practicable~~[- which shall display to the front]~~.

5260 (b) The red signal lamps shall display two alternately flashing red lights, located at the
5261 same level, to the front and ~~[to the]~~ rear ~~[two alternately flashing red lights located at the same~~
5262 ~~level, and these lights]~~ of the school bus.

5263 (c) The red signal lamps shall be visible at 500 feet in normal sunlight.

5264 ~~[(b) Any]~~ (2) (a) A school bus shall~~[- in addition to the lights required by Subsection~~
5265 ~~(a),]~~ be equipped with yellow signal lamps mounted near each of the four red signal lamps and
5266 at the same level but closer to the vertical centerline of the bus~~[- which]~~.

5267 (b) The yellow signal lamps shall display two alternately flashing yellow lights to the
5268 front and [~~two alternately flashing yellow lights to the~~] rear[~~, and these lights~~] of the school
5269 bus.

5270 (c) The yellow signal lamps shall be visible at 500 feet in normal sunlight. [~~These~~
5271 ~~lights shall be displayed by the~~]

5272 (3) A school bus driver shall activate the yellow signal lamps at least 100 feet, but not
5273 more than 500 feet, before every stop at which the alternately flashing red lights [~~required by~~
5274 ~~Subsection (a) will be actuated~~] are activated.

5275 [~~(c) The department is authorized to adopt standards and specifications applicable to~~
5276 ~~lighting equipment on and special warning devices to be carried by school buses consistent~~
5277 ~~with the provisions of this chapter, but supplemental thereto. Such standards and specifications~~
5278 ~~shall correlate with and so far as possible conform to the specifications then current as~~
5279 ~~approved by the Society of Automotive Engineers.]~~

5280 Section 153. Section **41-6a-1302**, which is renumbered from Section 41-6-100.10 is
5281 renumbered and amended to read:

5282 [~~41-6-100.10~~]. **41-6a-1302. School bus -- Signs and light signals -- Flashing**
5283 **amber lights -- Flashing red lights -- Passing school bus -- Duty to stop -- Travel in**
5284 **opposite direction -- Penalties.**

5285 (1) [~~Every~~] A school bus, when operated for the transportation of school children,
5286 shall:

5287 (a) bear [~~upon~~] on the front and rear of the bus a plainly visible sign containing the
5288 words "school bus" in letters not less than eight inches in height, which shall be removed or
5289 covered when the vehicle is not in use for the transportation of school children; and

5290 (b) be equipped with alternating flashing amber and red light signals visible from the
5291 front and rear, of a type approved and mounted as required under Section 41-6a-1301 and
5292 prescribed by the department under Section 41-6a-1601.

5293 (2) The operator of [~~any~~] a vehicle [~~upon~~] on a highway, upon meeting or overtaking
5294 [~~any~~] a school bus equipped with signals required under this section which is displaying
5295 alternating flashing:

5296 (a) amber warning light signals, shall slow [~~his~~] the vehicle, but may proceed past the
5297 school bus using due care and caution at a speed not greater than specified in Subsection

5298 [41-6-46] 41-6a-601(2) for school zones for the safety of the school children that may be in the
5299 vicinity; or

5300 (b) red light signals visible from the front or rear, shall stop immediately before
5301 reaching the bus and may not proceed until the flashing red light signals cease operation.

5302 (3) The operator of a vehicle need not stop upon meeting or passing a school bus
5303 displaying alternating flashing red light signals if the school bus is traveling in the opposite
5304 direction when:

5305 (a) traveling ~~upon~~ on a divided highway;

5306 (b) the bus is stopped at an intersection or other place controlled by a traffic-control
5307 signal or by a peace officer; or

5308 (c) ~~upon~~ on a highway of five or more lanes, which may include a left-turn lane or
5309 two-way left turn lane.

5310 (4) (a) The operator of a school bus shall operate alternating flashing red light signals
5311 at all times when:

5312 (i) children are unloading from a school bus to cross a highway~~[-or when];~~

5313 (ii) a school bus is stopped for the purpose of loading children who must cross a
5314 highway to board the bus~~[-or at any other time when]; or~~

5315 (iii) it would be hazardous for vehicles to proceed past the stopped school bus.

5316 (b) The alternating flashing red light signals may not be operated except:

5317 (i) when the school bus is stopped for loading or unloading school children; or

5318 (ii) for ~~any~~ an emergency purpose.

5319 (5) The operator of a school bus being operated on a highway shall have the headlights
5320 of the school bus lighted.

5321 (6) (a) A violation of Subsection (2) or (3) is a class C misdemeanor and the minimum
5322 fine ~~[shall be]~~ is:

5323 (i) \$100 for a first offense;

5324 (ii) \$200 for a second offense within three years of a previous conviction or bail
5325 forfeiture; and

5326 (iii) \$500 for a third ~~[and]~~ or subsequent offense within three years of a previous
5327 conviction or bail forfeiture.

5328 (b) A violation of Subsection (5) is a class C misdemeanor and the fine ~~[shall be]~~ is

5329 \$50.

5330 (c) The court may order the person to perform compensatory service in lieu of the fine
5331 or any portion of the fine if the court makes the reasons for the waiver part of the record.

5332 (7) The Driver License Division shall develop and implement a record system to
5333 distinguish:

5334 (a) a conviction or bail forfeiture under this section from other convictions; and

5335 (b) between a first and subsequent conviction or bail forfeiture under this section.

5336 Section 154. Section **41-6a-1303**, which is renumbered from Section 41-6-100.15 is
5337 renumbered and amended to read:

5338 ~~[41-6-100.15].~~ **41-6a-1303. Passing a school bus complaint procedure.**

5339 (1) (a) An operator of a school bus who observes a violation of Subsection
5340 ~~[41-6-100.10]~~ 41-6a-1302(2) or (3) may prepare a report, in a manner specified by the school
5341 district, to the school district transportation coordinator no more than two working days after
5342 the alleged violation occurred.

5343 (b) The report under Subsection (1)(a) shall contain:

5344 ~~[(a)]~~ (i) the date, time, and location of the violation;

5345 ~~[(b)]~~ (ii) the license plate number and state and description of the offending vehicle;

5346 ~~[(c)]~~ (iii) as much as practical, a description of the operator of the offending vehicle;

5347 ~~[(d)]~~ (iv) a description of the incident involving the violation;

5348 ~~[(e)]~~ (v) information on how to contact the school bus operator who witnessed the
5349 offense; and

5350 ~~[(f)]~~ (vi) the signature of the operator of the school bus who witnessed the offense
5351 attesting to the accuracy of the report.

5352 (2) (a) Upon receipt of a report in accordance with Subsection (1), the school district
5353 transportation coordinator shall promptly send a notification letter to the last-known registered
5354 owner of the vehicle.

5355 (b) The notification letter shall include:

5356 (i) the applicable information on the school bus operator's report stating that the vehicle
5357 was observed passing a school bus displaying alternating flashing red lights in violation of state
5358 law;

5359 (ii) a complete explanation of the applicable provisions of Section ~~[41-6-100.10]~~

5360 41-6a-1302; and

5361 (iii) an explanation that the notification letter is not a peace officer citation but is an
5362 effort to call attention to the seriousness of the incident.

5363 (c) The school district transportation coordinator may file the report with the local law
5364 enforcement agency that has jurisdiction for the alleged violation.

5365 (3) A law enforcement agency that receives a report in accordance with Subsection (2)
5366 may have a peace officer initiate an investigation of the reported violation.

5367 Section 155. Section **41-6a-1304**, which is renumbered from Section 41-6-115 is
5368 renumbered and amended to read:

5369 **[41-6-115]. 41-6a-1304. School buses -- Rules regarding design and operation.**

5370 [The] (1) (a) In accordance with Title 63, Chapter 46a, Utah Administrative
5371 Rulemaking Act, the Department of Transportation by and with the advice of the State Board
5372 of Education and the Department of Public Safety shall adopt and enforce [regulations] rules,
5373 not inconsistent with this chapter, to govern the design and operation of all school buses in this
5374 state when:

5375 (i) owned and operated by any school district; [or]

5376 (ii) privately owned and operated under contract with [any] a school district~~;~~; or

5377 (iii) privately owned for use by a private school~~[-in this state, and such regulations].~~

5378 (b) The rules under this Subsection (1) shall by reference be made a part of any [such]
5379 contract with a school district or private school to operate a school bus.

5380 (2) Every school district or private school, its officers and employees, and every person
5381 employed under contract by a school district or private school shall be subject to [said
5382 regulations] the rules under Subsection (1).

5383 Section 156. Section **41-6a-1305**, which is renumbered from Section 41-6-116 is
5384 renumbered and amended to read:

5385 **[41-6-116]. 41-6a-1305. Violation of rules -- Penalty.**

5386 [Any] (1) An officer or employee of [any] a school district who violates any of the
5387 [regulations] rules provided [for in] under Section [41-6-115] 41-6a-1304 or fails to include the
5388 obligation to comply with [said regulations] the rules in [any] a contract executed by that
5389 person on behalf of a school district [shall be] is guilty of misconduct and subject to removal
5390 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

5422 markings to clearly identify school bus parking zones.

5423 (4) A person may not stop, stand, or park a vehicle other than a school bus, whether
5424 occupied or not, in a clearly identified school bus parking zone.

5425 (5) A person who violates Subsection (4) shall pay a minimum fine of \$75.

5426 Section 159. Section **41-6a-1401**, which is renumbered from Section 41-6-103 is
5427 renumbered and amended to read:

5428 **Part 14. Stopping, Standing, and Parking**

5429 **[~~41-6-103~~]. 41-6a-1401. Standing or parking vehicles -- Restrictions and**
5430 **exceptions.**

5431 (1) Except when necessary to avoid conflict with other traffic, or in compliance with
5432 law, the directions of a peace officer, or [~~an official~~] a traffic-control device, a person may not:

5433 (a) stop, stand, or park a vehicle:

5434 (i) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

5435 (ii) on a sidewalk;

5436 (iii) within an intersection;

5437 (iv) on a crosswalk;

5438 (v) between a safety zone and the adjacent curb or within 30 feet of points on the curb
5439 immediately opposite the ends of a safety zone, unless a different length is indicated by signs or
5440 markings;

5441 (vi) alongside or opposite any street excavation or obstruction when stopping, standing,
5442 or parking would obstruct traffic;

5443 (vii) [~~upon~~] on any bridge or other elevated structure, [~~upon~~] on a highway, or within a
5444 highway tunnel;

5445 (viii) on any railroad tracks;

5446 (ix) on any controlled-access highway;

5447 (x) in the area between roadways of a divided highway, including crossovers; or

5448 (xi) any place where [~~official~~] a traffic-control [~~devices prohibit~~] device prohibits
5449 stopping, standing, or parking; or

5450 (b) stand or park a vehicle, whether occupied or not, except momentarily to pick up or
5451 discharge a passenger or passengers:

5452 (i) in front of a public or private driveway;

5453 (ii) within 15 feet of a fire hydrant;
5454 (iii) within 20 feet of a crosswalk;
5455 (iv) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or
5456 traffic-control signal located at the side of a roadway;
5457 (v) within 20 feet of the driveway entrance to any fire station and on the side of a street
5458 opposite the entrance to any fire station within 75 feet of the entrance when properly
5459 signposted; or

5460 (vi) at any place where ~~[official]~~ a traffic-control ~~[devices prohibit]~~ device prohibits
5461 standing; or

5462 (c) park a vehicle, whether occupied or not, except temporarily for the purpose of and
5463 while actually engaged in loading or unloading property or passengers:

5464 (i) within 50 feet of the nearest rail of a railroad crossing; or

5465 (ii) at any place where ~~[official]~~ traffic-control devices prohibit parking.

5466 (2) A person may not move a vehicle that is not lawfully under the person's control into
5467 any prohibited area or into an unlawful distance from the curb.

5468 Section 160. Section **41-6a-1402**, which is renumbered from Section 41-6-104 is
5469 renumbered and amended to read:

5470 ~~[41-6-104].~~ **41-6a-1402. Stopping or parking on roadways -- Angle parking --**
5471 **Traffic-control devices prohibiting or restricting.**

5472 (1) Except as otherwise provided in this section, ~~[every]~~ a vehicle stopped or parked
5473 ~~[upon]~~ on a two-way roadway shall be stopped or parked with the right-hand wheels;

5474 (a) parallel to and within twelve inches of the right-hand curb; or

5475 (b) as close as practicable to the right edge of the right-hand shoulder.

5476 (2) Except when otherwise provided by local ordinance, ~~[every]~~ a vehicle stopped or
5477 parked ~~[upon]~~ on a one-way roadway shall be stopped or parked parallel to the curb or edge of
5478 the roadway in the direction of authorized traffic movement with its;

5479 (a) right-hand wheels;

5480 (i) within twelve inches of the right-hand curb; or

5481 (ii) as close as practicable to the right edge of the right-hand shoulder; or ~~[with its]~~

5482 (b) left-hand wheels;

5483 (i) within twelve inches of the left-hand curb; or

5484 (ii) as close as practicable to the left edge of the left-hand shoulder.

5485 (3) ~~[Local]~~ (a) Except as provided in Subsection (3)(b), local highway authorities may
5486 by ordinance permit angle parking on any roadway~~[-except that angle].~~

5487 (b) Angle parking ~~[shall]~~ is not ~~[be]~~ permitted on any federal-aid or state highway
5488 unless the Department of Transportation has determined that the roadway is of sufficient width
5489 to permit angle parking without interfering with the free movement of traffic.

5490 (4) (a) The Department of Transportation, with respect to highways under its
5491 jurisdiction, may place traffic-control devices prohibiting or restricting the stopping, standing,
5492 or parking of vehicles on ~~[any]~~ a highway where ~~[in its opinion such]:~~

5493 (i) the stopping, standing, or parking is dangerous to those using the highway; or
5494 ~~[where]~~

5495 (ii) the stopping, standing, or parking of vehicles would unduly interfere with the free
5496 movement of traffic. ~~[No]~~

5497 (b) A person ~~[shall]~~ may not stop, stand, or park ~~[any]~~ a vehicle in violation of the
5498 restriction indicated by ~~[such]~~ the devices under Subsection (4)(a).

5499 Section 161. Section **41-6a-1403**, which is renumbered from Section 41-6-105 is
5500 renumbered and amended to read:

5501 ~~[41-6-105].~~ **41-6a-1403. Motor vehicle left unattended -- Requirements.**

5502 ~~[No]~~ (1) A person ~~[driving]~~ operating or in charge of a motor vehicle ~~[shall]~~ may not
5503 permit ~~[it]~~ the vehicle to stand unattended without ~~[first]:~~

5504 (a) stopping the engine~~[-];~~

5505 (b) locking the ignition and removing the key~~[-];~~

5506 (c) placing the transmission in "park" or the gears in "low" or "reverse" if the vehicle
5507 has a manual shift~~[-];~~ or

5508 (d) effectively setting the brakes thereon~~[-and, when standing upon any perceptible~~
5509 ~~grade, turning].~~

5510 (2) A person shall turn the front wheels to the curb or side of the highway when
5511 standing a vehicle on any perceptible grade.

5512 Section 162. Section **41-6a-1404**, which is renumbered from Section 41-6-101 is
5513 renumbered and amended to read:

5514 ~~[41-6-101].~~ **41-6a-1404. Stopping or parking on roadway outside business or**

5515 **residential district.**

5516 (1) Outside a business or residence district ~~[no]~~, a person ~~[shall]~~ may not stop, park, or
5517 leave standing ~~[any]~~ a vehicle, whether attended or unattended, ~~[upon]~~ on the roadway when it
5518 is practical to stop, park, or ~~[so]~~ leave ~~[such]~~ the vehicle off the roadway~~[-but in every event].~~

5519 (2) A person who stops, parks, or leaves a vehicle standing on a roadway shall:

5520 (a) leave an unobstructed width of the highway opposite ~~[a standing]~~ the vehicle ~~[shall~~
5521 ~~be left]~~ for the free passage of other vehicles; and

5522 (b) leave the vehicle so that other vehicle operators have a clear view of ~~[such]~~ the
5523 stopped vehicle ~~[shall be available]~~ from a distance of 200 feet in each direction ~~[upon such]~~
5524 on the roadway.

5525 (3) This section and Sections ~~[41-6-103]~~ 41-6a-1401 and ~~[41-6-104 shall]~~ 41-6a-1402
5526 do not apply to the [driver] operator of [any] a vehicle [which is] if the vehicle becomes
5527 disabled while on the paved or main traveled portion of a roadway in ~~[such]~~ a manner and to
5528 ~~[such]~~ the extent that it is impossible to avoid stopping and temporarily leaving ~~[such]~~ the
5529 disabled vehicle ~~[in such position]~~ on the paved or main traveled portion of the roadway.

5530 Section 163. Section **41-6a-1405**, which is renumbered from Section 41-6-102 is
5531 renumbered and amended to read:

5532 ~~[41-6-102].~~ **41-6a-1405. Peace officer authorized to move vehicle.**

5533 (1) If a peace officer finds a vehicle in violation of Section ~~[41-6-101]~~ 41-6a-1404, the
5534 officer may move the vehicle, cause the vehicle to be moved, or require the ~~[driver]~~ operator or
5535 other person responsible for the vehicle to move the vehicle to a safe position off the highway.

5536 (2) A peace officer may remove or cause to be removed to a place of safety ~~[any]~~ an
5537 unattended vehicle left standing ~~[upon any]~~ on a highway in:

5538 (a) violation of this ~~[article]~~ part; or ~~[in]~~

5539 (b) a position or under circumstances that the vehicle obstructs the normal movement
5540 of traffic.

5541 (3) In accordance with Section ~~[41-6-102.5]~~ 41-6a-1406, a peace officer may remove or
5542 cause to be removed to the nearest garage or other place of safety ~~[any]~~ a vehicle found ~~[upon]~~
5543 on a highway when:

5544 (a) the vehicle has been reported stolen or taken without the consent of its owner;

5545 (b) the person responsible for the vehicle is unable to provide for its custody or

5546 removal; or

5547 (c) the person operating the vehicle is arrested for an alleged offense for which the
5548 peace officer is required by law to take the person arrested before a proper magistrate without
5549 unnecessary delay.

5550 Section 164. Section **41-6a-1406**, which is renumbered from Section 41-6-102.5 is
5551 renumbered and amended to read:

5552 **[41-6-102.5]. 41-6a-1406. Removal and impoundment of vehicles --**
5553 **Reporting and notification requirements -- Administrative impound fee -- Refunds --**
5554 **Possessory lien -- Rulemaking.**

5555 (1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under
5556 Sections 41-1a-1101, ~~[41-6-44.30, 41-6-102, 41-6-116.10]~~ 41-6a-527, 41-6a-1405, 41-6a-1408,
5557 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
5558 enforcement agency or highway authority ~~[as defined in Section 72-1-102]~~, the removal or
5559 impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner[;
5560 to].

5561 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be removed or
5562 impounded to:

5563 (a) a state impound yard[;]; or

5564 (b) if none, ~~[to]~~ a garage, docking area, or other place of safety.

5565 ~~[(2)]~~ (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to
5566 be removed by a tow truck motor carrier that meets standards established:

5567 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and

5568 (b) by the department under Subsection ~~[(9)]~~ (10).

5569 ~~[(3)]~~ (4) (a) Immediately after the removal of the vehicle, vessel, or outboard motor, a
5570 report of the removal shall be sent to the Motor Vehicle Division by:

5571 (i) the peace officer or agency by whom the peace officer is employed; and

5572 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
5573 operator is employed.

5574 (b) The report shall be in a form specified by the Motor Vehicle Division and shall
5575 include:

5576 (i) the operator's name, if known;

5577 (ii) a description of the vehicle, vessel, or outboard motor;
5578 (iii) the vehicle identification number or vessel or outboard motor identification
5579 number;
5580 (iv) the license number or other identification number issued by a state agency;
5581 (v) the date, time, and place of impoundment;
5582 (vi) the reason for removal or impoundment;
5583 (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, or
5584 outboard motor; and
5585 (viii) the place where the vehicle, vessel, or outboard motor is stored.
5586 (c) Until the tow truck operator or tow truck motor carrier reports the removal as
5587 required under this Subsection [~~(3)~~] (4), a tow truck motor carrier or impound yard may not:
5588 (i) collect any fee associated with the removal; and
5589 (ii) begin charging storage fees.
5590 [~~(4)~~] (5) (a) Upon receipt of the report, the Motor Vehicle Division shall give notice to
5591 the registered owner of the vehicle, vessel, or outboard motor and any lien holder in the manner
5592 prescribed by Section 41-1a-114.
5593 (b) The notice shall:
5594 (i) state the date, time, and place of removal, the name, if applicable, of the person
5595 operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal,
5596 and the place where the vehicle, vessel, or outboard motor is stored;
5597 (ii) state that the registered owner is responsible for payment of towing, impound, and
5598 storage fees charged against the vehicle, vessel, or outboard motor; and
5599 (iii) inform the registered owner of the vehicle, vessel, or outboard motor of the
5600 conditions that must be satisfied before the vehicle, vessel, or outboard motor is released.
5601 (c) If the vehicle, vessel, or outboard motor is not registered in this state, the Motor
5602 Vehicle Division shall make a reasonable effort to notify the registered owner and any lien
5603 holder of the removal and the place where the vehicle, vessel, or outboard motor is stored.
5604 (d) The Motor Vehicle Division shall forward a copy of the notice to the place where
5605 the vehicle, vessel, or outboard motor is stored.
5606 [~~(5)~~] (6) (a) The vehicle, vessel, or outboard motor shall be released after the registered
5607 owner, lien holder, or the owner's agent:

5608 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of
5609 the State Tax Commission;

5610 (ii) presents identification sufficient to prove ownership of the impounded vehicle,
5611 vessel, or outboard motor;

5612 (iii) completes the registration, if needed, and pays the appropriate fees;

5613 (iv) if the impoundment was made under Section ~~[41-6-44.30]~~ 41-6a-527, pays an
5614 administrative impound fee of \$230; and

5615 (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard
5616 motor is stored.

5617 (b) (i) Twenty-nine dollars of the administrative impound fee assessed under
5618 Subsection ~~[(5)]~~ (6)(a)(iv) shall be dedicated credits to the Motor Vehicle Division;

5619 (ii) \$97 of the administrative impound fee assessed under Subsection ~~[(5)]~~ (6)(a)(iv)
5620 shall be deposited in the Department of Public Safety Restricted Account created in Section
5621 53-3-106; and

5622 (iii) the remainder of the administrative impound fee assessed under Subsection ~~[(5)]~~
5623 (6)(a)(iv) shall be deposited in the General Fund.

5624 (c) The administrative impound fee assessed under Subsection ~~[(5)]~~ (6)(a)(iv) shall be
5625 waived or refunded by the State Tax Commission if the registered owner, lien holder, or
5626 owner's agent presents written evidence to the State Tax Commission that:

5627 (i) the Driver License Division determined that the arrested person's driver license
5628 should not be suspended or revoked under Section 53-3-223 or Section ~~[41-6-44.10]~~ 41-6a-521
5629 as shown by a letter or other report from the Driver License Division presented within 30 days
5630 of the final notification from the Driver License Division; or

5631 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the
5632 stolen vehicle report presented within 30 days of the impoundment.

5633 ~~[(6)]~~ (7) (a) An impounded vehicle, vessel, or outboard motor not claimed by the
5634 registered owner or the owner's agent within the time prescribed by Section 41-1a-1103 shall
5635 be sold in accordance with that section and the proceeds, if any, shall be disposed of as
5636 provided ~~[in]~~ under Section 41-1a-1104.

5637 (b) The date of impoundment is considered the date of seizure for computing the time
5638 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.

5670 (b) The removal of the unattended vehicle shall comply with requirements of Section
5671 ~~[41-6-102.5]~~ 41-6a-1406.

5672 (3) The removal of the unattended vehicle authorized under Subsection (1)(d) shall
5673 comply with requirements of Section 72-9-603.

5674 (4) A person who violates Subsections (1) or (3) is guilty of a class C misdemeanor.
5675 Section 166. Section **41-6a-1408**, which is renumbered from Section 41-6-116.10 is
5676 renumbered and amended to read:

5677 ~~[41-6-116.10]~~. **41-6a-1408. Abandoned vehicles -- Removal by peace officer**
5678 **-- Report -- Vehicle identification.**

5679 (1) As used in this section, "abandoned vehicle" means a vehicle that is left unattended:

5680 (a) on a highway for a period in excess of 48 hours; or

5681 (b) on ~~[any]~~ public or private property for a period in excess of seven days without
5682 express or implied consent of the owner or person in lawful possession or control of the
5683 property.

5684 (2) A person may not abandon a vehicle ~~[upon any]~~ on a highway.

5685 (3) A person may not abandon a vehicle ~~[upon any]~~ on public or private property
5686 without the express or implied consent of the owner or person in lawful possession or control
5687 of the property.

5688 (4) A peace officer who has reasonable grounds to believe that a vehicle has been
5689 abandoned may remove the vehicle or cause it to be removed in accordance with Section
5690 ~~[41-6-102.5]~~ 41-6a-1406.

5691 (5) If the motor number, manufacturer's number or identification mark of the
5692 abandoned vehicle has been defaced, altered or obliterated, the vehicle may not be released or
5693 sold until:

5694 (a) the original motor number, manufacturer's number or identification mark has been
5695 replaced~~[-]~~; or ~~[until]~~

5696 (b) a new number assigned by the Motor Vehicle Division has been stamped on the
5697 vehicle.

5698 Section 167. Section **41-6a-1501**, which is renumbered from Section 41-6-107 is
5699 renumbered and amended to read:

5700 **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

5732 entitled to full use of a lane [~~and no~~].

5733 (b) A person may not operate a motor vehicle [~~may be driven~~] in a manner [~~so as to~~
5734 ~~deprive any~~] that deprives a motorcycle or motor-driven cycle of the full use of a lane.

5735 (c) This Subsection (1) does not apply to motorcycles or motor-driven cycles operated
5736 two abreast in a single lane.

5737 (2) The operator of a motorcycle or motor-driven cycle may not overtake and pass in
5738 the same lane occupied by the vehicle being overtaken.

5739 (3) [~~No~~] A person may not operate a motorcycle or motor-driven cycle between:

5740 (a) lanes of traffic[~~or between~~]; or

5741 (b) adjacent lines or rows of vehicles.

5742 (4) Motorcycles or motor-driven cycles may not be operated more than two abreast in a
5743 single lane.

5744 (5) Subsections (2) and (3) do not apply to [~~police officers in the performance of their~~
5745 ~~official duties~~] peace officers acting in the peace officers' official capacities.

5746 (6) The provisions of this section also apply to all-terrain type I vehicles.

5747 Section 169. Section **41-6a-1503**, which is renumbered from Section 41-6-107.4 is
5748 renumbered and amended to read:

5749 **[~~41-6-107.4~~]. 41-6a-1503. Motorcycle or motor-driven cycle -- Attaching to**
5750 **another vehicle prohibited.**

5751 [~~No~~] A person riding [~~upon~~] on a motorcycle or motor-driven cycle [~~shall~~] may not
5752 attach himself to any other vehicle on a roadway.

5753 Section 170. Section **41-6a-1504**, which is renumbered from Section 41-6-107.6 is
5754 renumbered and amended to read:

5755 **[~~41-6-107.6~~]. 41-6a-1504. Motorcycle or motor-driven cycle -- Footrests**
5756 **for passenger -- Height of handlebars limited.**

5757 [~~(a) Any~~] (1) A motorcycle or motor-driven vehicle carrying a passenger on a public
5758 highway, other than in a sidecar or enclosed cab, shall be equipped with footrests for [~~such~~] the
5759 passenger.

5760 [~~(b) No~~] (2) A person [~~shall~~] may not operate [~~any~~] a motorcycle or motor-driven
5761 cycle with handlebars above shoulder height.

5762 Section 171. Section **41-6a-1505**, which is renumbered from Section 41-6-107.8 is

5763 renumbered and amended to read:

5764 ~~[41-6-107.8].~~ **41-6a-1505. Motorcycle or motor-driven cycle -- Protective**
 5765 **headgear -- Closed cab excepted -- Electric assisted bicycles, motor assisted scooters,**
 5766 **personal motorized mobility devices.**

5767 (1) A person under the age of 18 may not operate or ride on a motorcycle or
 5768 motor-driven cycle on a highway unless the person is wearing protective headgear which
 5769 complies with ~~[rules made]~~ specifications adopted under Subsection (3).

5770 (2) This section does not apply to persons riding within an enclosed cab.

5771 ~~[(3) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking~~
 5772 ~~Act, the commissioner of the Department of Public Safety shall make rules establishing~~
 5773 ~~specifications and standards for the use of protective headgear required under this section.]~~

5774 ~~[(b) The rules shall require that protective headgear for an operator of an electric~~
 5775 ~~assisted bicycle, a motor assisted scooter, personal motorized mobility device meet the~~
 5776 ~~standards of the American National Standards Institute or the Snell Memorial Foundation's~~
 5777 ~~Standards for Protective Headgear for use in bicycling.]~~

5778 (3) The following standards and specifications for protective headgear are adopted:

5779 (a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and

5780 (b) 49 C.F.R. 1203 related to protective headgear for bicycles, motor assisted scooters,
 5781 and personal motorized mobility devices.

5782 Section 172. Section **41-6a-1506**, which is renumbered from Section 41-6-154.50 is
 5783 renumbered and amended to read:

5784 ~~[41-6-154.50].~~ **41-6a-1506. Motorcycles -- Required equipment -- Brakes.**

5785 ~~[(a) Every]~~ (1) A motorcycle and ~~[every]~~ a motor-driven cycle shall be equipped with
 5786 the following items~~[, which shall comply with the regulations of the department]:~~

5787 ~~[(1)]~~ (a) one head lamp which, when factory equipped with an automatic lighting
 5788 ignition system, ~~[shall]~~ may not be disconnected;

5789 ~~[(2)]~~ (b) one tail lamp;

5790 ~~[(3)]~~ (c) either a tail lamp or a separate lamp ~~[shall be so constructed and placed as to~~
 5791 ~~illuminate with a white light]~~ which illuminates the rear [registration plate] license plate with a
 5792 white light;

5793 ~~[(4)]~~ (d) one red reflector on the rear, either separate or as part of the tail lamp ~~[or~~

5794 separately];

5795 ~~[(5)]~~ (e) one stop lamp;

5796 ~~[(6)]~~ (f) a braking system, other than parking brake, ~~[as provided]~~ in accordance with

5797 Section ~~[41-6-145]~~ 41-6a-1623;

5798 ~~[(7)]~~ (g) a horn or warning device in accordance with Section ~~[41-6-146]~~ 41-6a-1625;

5799 ~~[(8)]~~ (h) a muffler and emission control system in accordance with Section ~~[41-6-147]~~

5800 41-6a-1626;

5801 ~~[(9)]~~ (i) a mirror in accordance with Section ~~[41-6-148]~~ 41-6a-1627; and

5802 ~~[(10)]~~ (j) tires in accordance with Section ~~[41-6-150]~~ 41-6a-1636.

5803 ~~[(b) The commissioner is authorized to]~~ (2) The department may require an inspection

5804 of the braking system on ~~[any]~~ a motor-driven cycle and ~~[to]~~ disapprove ~~[any such braking~~

5805 ~~system on a vehicle which in his opinion is equipped with]~~ a braking system that is not

5806 designed or constructed as to insure reasonable and reliable performance in actual use in

5807 accordance with Section 41-6a-1623.

5808 ~~[(c) The commissioner may refuse to register or may suspend or revoke the registration~~

5809 ~~of any vehicle referred to in this section when he determines that the braking system thereon~~

5810 ~~does not comply with the provisions of this section.]~~

5811 ~~[(d) No]~~ (3) A person ~~[shall operate on any highway any vehicle referred to in this~~

5812 ~~section in the event the commissioner]~~ may not operate a motor-driven cycle on a highway if

5813 the department has disapproved the braking system ~~[upon such vehicle]~~ on the motor-driven

5814 cycle.

5815 (4) (a) Upon notice to the party to whom the motor-driven cycle is registered, the

5816 department may suspend the registration of a motor-driven cycle if the department has

5817 disapproved the braking system under this section.

5818 (b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse

5819 to register a motor-driven cycle if it has reason to believe the motor-driven cycle has a braking

5820 system disapproved under this section.

5821 Section 173. Section **41-6a-1507**, which is renumbered from Section 41-6-155.5 is

5822 renumbered and amended to read:

5823 ~~[41-6-155.5].~~ **41-6a-1507. Replica vehicles -- Defined -- Compliance with**

5824 **all laws and standards -- Exceptions -- Revocation -- Signed statement required.**

- 5825 (1) (a) As used in this section, "replica vehicle" means a motor vehicle;
5826 (i) with a body that is or resembles the body of a motor vehicle with a model year prior
5827 to 1975; and
5828 (ii) that may have a significant drive train or equipment upgrade.
5829 (b) A replica vehicle is for occasional pleasure rides and is not used for general daily
5830 transportation.
5831 (c) A replica vehicle does not include a vintage vehicle as defined in Section 41-21-1,
5832 nor a special interest vehicle as defined in Section 41-1a-102.
5833 (2) Except as specified under this section, a replica vehicle shall meet all safety,
5834 emissions, registration, insurance, fees, and taxes required under this title.
5835 (3) (a) Except as provided in Subsection (3)(b), all safety equipment of a replica
5836 vehicle shall at least meet the safety standards applicable to the model year of the vehicle being
5837 replicated. Any replacement equipment shall comply with the design standards of the
5838 replacement equipment's manufacture.
5839 (b) A replica vehicle shall comply with current vehicle brake and stopping standards.
5840 (c) A replica vehicle shall comply with emissions standards applicable to the model
5841 year of the engine of the replica vehicle.
5842 (4) The tax commission may revoke the registration of a replica vehicle for failure to
5843 comply with this section.
5844 (5) The owner of a replica vehicle shall provide a signed statement certifying that the
5845 replica vehicle is owned and operated for the purposes enumerated in this section to the safety
5846 inspection and emissions inspection station in order to qualify for the exceptions provided
5847 under this section.

5848 Section 174. Section **41-6a-1508**, which is renumbered from Section 41-6-117.6 is
5849 renumbered and amended to read:

5850 **[41-6-117.6]. 41-6a-1508. Low-speed vehicle.**

- 5851 (1) Except as otherwise provided in this section, a low-speed vehicle is considered a
5852 motor vehicle for purposes of the Utah Code including requirements for:
5853 (a) traffic rules under Title 41, Chapter ~~[6, Traffic Rules and Regulations]~~ 6a, Traffic
5854 Code;
5855 (b) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

5856 (c) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
5857 Motor Vehicle Owners and Operators Act;

5858 (d) vehicle registration, titling, odometer statements, vehicle identification numbers,
5859 license plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

5860 (e) vehicle taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, and
5861 fee in lieu of property taxes or in lieu fees under Section 59-2-405;

5862 (f) motor vehicle dealer licensing under Title 41, Chapter 3, Motor Vehicle Business
5863 Regulation Act;

5864 (g) motor vehicle safety inspection requirements under Section 53-8-205; and

5865 (h) safety belt requirements under Title 41, Chapter ~~[6, Article 17]~~ 6a, Part 18, Motor
5866 Vehicle ~~[Seat]~~ Safety Belt Usage Act.

5867 (2) (a) A low-speed vehicle shall comply with federal safety standards established in 49
5868 C.F.R. 571.500 and shall be equipped with:

5869 (i) headlamps;

5870 (ii) front and rear turn signals, tail lamps, and stop lamps;

5871 (iii) turn signal lamps;

5872 (iv) reflex reflectors one on the rear of the vehicle and one on the left and right side and
5873 as far to the rear of the vehicle as practical;

5874 (v) a parking brake;

5875 (vi) a windshield that meets the standards under Section ~~[41-6-149]~~ 41-6a-1635,
5876 including a device for cleaning rain, snow, or other moisture from the windshield;

5877 (vii) an exterior rearview mirror on the driver's side and either an interior rearview
5878 mirror or an exterior rearview mirror on the passenger side;

5879 (viii) a speedometer and odometer; and

5880 (ix) braking for each wheel.

5881 (b) A low-speed vehicle that complies with ~~[Subsections]~~ this Subsection (2) and
5882 Subsection (3) and that is not altered from the manufacturer is considered to comply with
5883 equipment requirements ~~[in Title 41, Chapter 6, Article 16, Equipment]~~ under Part 16, Vehicle
5884 Equipment.

5885 (3) A person may not operate a low-speed vehicle that has been structurally altered
5886 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~~

5918 (iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality
5919 Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local
5920 health departments.

5921 (b) A person may not do any act forbidden or fail to perform any act required under this
5922 chapter ~~[or those rules]~~.

5923 (2) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
5924 and in coordination with the rules made under Section 53-8-204, the department shall make
5925 rules setting minimum standards covering the design, construction, condition, and operation of
5926 vehicle equipment for safely operating a motor vehicle on the highway as required under this
5927 part.

5928 (b) The rules under Subsection (2)(a):

5929 (i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and
5930 Regulations;

5931 (ii) may incorporate by reference, in whole or in part, the federal standards under
5932 Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on
5933 motor vehicle safety;

5934 (iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;

5935 (iv) shall include standards for the emergency lights of authorized emergency vehicles;

5936 (v) may provide standards and specifications applicable to lighting equipment on
5937 school buses consistent with:

5938 (A) this part;

5939 (B) federal motor vehicle safety standards; and

5940 (C) current specifications of the Society of Automotive Engineers;

5941 (vi) shall provide procedures for the submission, review, approval, disapproval,
5942 issuance of an approval certificate, and expiration or renewal of approval of any part as
5943 required under Section 41-6a-1620;

5944 (vii) shall establish specifications for the display or etching of a vehicle identification
5945 number on a vehicle;

5946 (viii) shall establish specifications in compliance with this part for a flare, fusee,
5947 electric lantern, warning flag, or portable reflector used in compliance with this part;

5948 (ix) shall establish approved safety and law enforcement purposes when video display

5949 is visible to the motor vehicle operator; and

5950 (x) shall include standards and specifications for both original equipment and parts
5951 included when a vehicle is manufactured and aftermarket equipment and parts included after
5952 the original manufacture of a vehicle.

5953 (c) The following standards and specifications for vehicle equipment are adopted:

5954 (i) 49 CFR 571.209 related to safety belts;

5955 (ii) 49 CFR 571.213 related to child restraint devices;

5956 (iii) 49 CFR 393, 396, and 396 Appendix G related to commercial motor vehicles and
5957 trailers operated in interstate commerce;

5958 (iv) 49 CFR 571 Standard 108 related to lights and illuminating devices; and

5959 (v) 40 CFR 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related to
5960 air conditioning equipment.

5961 ~~[(2)]~~ (3) Nothing in this chapter or the rules ~~[of]~~ made by the department prohibit:

5962 (a) equipment required by the United States Department of Transportation ~~[nor]; or~~

5963 (b) the use of additional parts and accessories on ~~[any]~~ a vehicle not inconsistent with
5964 the provisions of this chapter or ~~[those]~~ the rules made by the department.

5965 ~~[(3) The provisions of this chapter and rules of the department, with respect to~~
5966 ~~equipment required on vehicles, do not apply to implements of husbandry, road machinery,~~
5967 ~~road rollers, or farm tractors, except as specifically made applicable.]~~

5968 ~~[(4) The provisions of this chapter and rules of the department with respect to~~
5969 ~~equipment required on vehicles do not apply to motorcycles or motor-driven cycles, except as~~
5970 ~~specifically made applicable.]~~

5971 ~~[(5) The provisions of this chapter and rules of the department do not apply to vehicles~~
5972 ~~moved solely by human power, except as specifically made applicable.]~~

5973 ~~[(6) The]~~ (4) Except as specifically made applicable, the provisions of this chapter and
5974 rules of the department with respect to equipment required on vehicles do not apply to:

5975 (a) implements of husbandry;

5976 (b) road machinery;

5977 (c) road rollers;

5978 (d) farm tractors;

5979 (e) motorcycles;

5980 (f) motor-driven cycles;
5981 (g) vehicles moved solely by human power;
5982 ~~[(a)]~~ (h) off-highway vehicles registered under Section 41-22-3 either:
5983 (i) on a highway designated as open for off-highway vehicle use; or
5984 (ii) in the manner prescribed by Section 41-22-10.3; or
5985 ~~[(b)]~~ (i) off-highway implements of husbandry when operated in the manner prescribed
5986 by Subsections 41-22-5.5 (3) through (5).

5987 ~~[(7)]~~ (5) The vehicles referred to in [Subsection (6)] Subsections (4)(h) and (i) are
5988 subject to the equipment requirements of Title 41, Chapter 22, Off-highway Vehicles, and the
5989 rules [promulgated thereunder] made under that chapter.

5990 ~~[(8)]~~ (6) (a) A federal motor vehicle safety standard [which conflicts with a] supersedes
5991 any conflicting provision of this chapter [supersedes that provision as to any vehicle in
5992 compliance with the federal standard].

5993 (b) The department:
5994 (i) shall report any [such] conflict found under Subsection (6)(a) to the appropriate
5995 committees or officials of the Legislature; and
5996 (ii) may adopt a rule to replace the superseded provision.

5997 Section 176. Section **41-6a-1602**, which is renumbered from Section 41-6-117.5 is
5998 renumbered and amended to read:

5999 ~~[41-6-117.5].~~ **41-6a-1602. Permit to operate vehicle in violation of**
6000 **equipment regulations.**

6001 (1) The department may issue a permit which will allow temporary operation of a
6002 vehicle in violation of the provisions of this chapter or in violation of ~~[departmental~~
6003 ~~regulations]~~ rules made by the department.

6004 (2) The permit shall be carried ~~[by the driver or]~~ in the vehicle and shall be displayed
6005 upon demand of a magistrate or peace officer.

6006 (3) (a) ~~[In issuing the permits in Subsection (1), the]~~ The department may limit the
6007 time, manner, or duration of operation and may otherwise prescribe conditions of operation that
6008 are necessary to protect the safety of highway users or efficient movement of traffic.

6009 (b) Any conditions shall be stated on the permit and a person ~~[shall]~~ may not violate
6010 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

6042 being drawn at the end of a combination of vehicles, shall be equipped with at least two tail
6043 lamps and two or more red reflectors mounted on the rear.

6044 (b) (i) Except as provided under Subsections (2)(b)(ii), (2)(c), and Section 41-6a-1612,
6045 all stop lamps or other lamps and reflectors mounted on the rear of a vehicle shall display or
6046 reflect a red color.

6047 (ii) A turn signal or hazard warning light may be red or yellow.

6048 (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to
6049 illuminate with a white light the rear registration plate.

6050 (3) (a) A motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two
6051 or more stop lamps and flashing turn signals.

6052 (b) A supplemental stop lamp may be mounted on the rear of a vehicle, if the
6053 supplemental stop lamp:

6054 (i) emits a red light;

6055 (ii) is mounted:

6056 (A) and constructed so that no light emitted from the device, either direct or reflected,
6057 is visible to the driver;

6058 (B) not lower than 15 inches above the roadway; and

6059 (C) on the vertical center line of the vehicle; and

6060 (iii) is the size, design, and candle power that conforms to federal standards regulating
6061 stop lamps.

6062 (4) (a) Each head lamp, tail lamp, supplemental stop lamp, flashing turn lamp, other
6063 lamp, or reflector required under this part shall comply with the requirements and limitations
6064 [set forth in the regulations promulgated by the department.] established under Section
6065 41-6a-1601.

6066 (b) The department, by rules made under Section 41-6a-1601, may require trucks,
6067 buses, motor homes, motor vehicles with truck-campers, trailers, semitrailers, and pole trailers
6068 to have additional lamps and reflectors.

6069 (5) The department, by rules made under Section 41-6a-1601, may allow:

6070 (a) one tail lamp on any vehicle equipped with only one when it was made;

6071 (b) one stop lamp on any vehicle equipped with only one when it was made; and

6072 (c) passenger cars and trucks with a width less than 80 inches and manufactured or

6073 assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.

6074 Section 179. Section **41-6a-1605**, which is renumbered from Section 41-6-127 is
6075 renumbered and amended to read:

6076 **[41-6-127]. 41-6a-1605. Vehicles operated in combination.**

6077 [Whenever] If a motor vehicle and other vehicles are operated in combination during
6078 the time that lights are required[, any lamp need not be lighted which, by reason of its location
6079 on a vehicle of the combination, would be] under Section 41-6a-1603, a lamp that is obscured
6080 by another vehicle of the combination is not required to be lighted.

6081 Section 180. Section **41-6a-1606**, which is renumbered from Section 41-6-128 is
6082 renumbered and amended to read:

6083 **[41-6-128]. 41-6a-1606. Load extending beyond rear of vehicle -- Duty to**
6084 **display lamps and reflectors or flag.**

6085 [Whenever the load upon any] (1) If a load on a vehicle extends to the rear four feet or
6086 more beyond the bed or body of [such] the vehicle [there shall be displayed], the operator shall
6087 display lamps, reflectors, or flags at the extreme rear end of the load[, at the times] in
6088 accordance with this section.

6089 (2) During hours of darkness as specified in Section [41-6-118, two red lamps],
6090 41-6a-1603, the following shall be displayed:

6091 (a) two red reflectors located so as to indicate maximum width[;]; and

6092 (b) two red lamps, one on each side with one red lamp located so as to indicate
6093 maximum overhang. [There shall be displayed at all other times on any]

6094 (3) (a) At a time other than the time indicated under Subsection (2), on a vehicle
6095 having a load which extends beyond its sides or more than four feet beyond its rear, red flags[;
6096 not less than 12 inches square,] shall be displayed marking the extremities of [such] the load, at
6097 each point where a lamp [would otherwise be] or reflector is required [by this section. Lamps
6098 and reflectors required in this section shall comply with requirements of the department.] under
6099 Subsection (2).

6100 (b) The red flags shall be at least 12 inches square.

6101 Section 181. Section **41-6a-1607**, which is renumbered from Section 41-6-129 is
6102 renumbered and amended to read:

6103 **[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~~

6135 ~~motor vehicle shall at all times mentioned in Section 41-6-118,]~~ be equipped with lamps and
6136 reflectors as ~~[follows:]~~ required under this section.

6137 (b) A farm tractor and a self-propelled implement of husbandry manufactured or
6138 assembled prior to January 1, 1970 shall be equipped with lamps and reflectors as required in
6139 this section if operated on a highway under the conditions specified under Subsection
6140 41-6a-1603(1)(a).

6141 (3) Subject to the provisions of Subsection (2), a farm tractor and an implement of
6142 husbandry shall be equipped with:

6143 ~~[(1) At]~~ (a) at least two head lamps ~~[meeting the requirements of the department:]~~;

6144 ~~[(2) At]~~ (b) at least one red lamp visible when lighted from a distance of not less than
6145 1,000 feet to the rear mounted as far to the left of the center of the vehicle as practicable~~[-]; and~~

6146 ~~[(3) At]~~ (c) at least two red reflectors visible from all distances within 600 feet to 100
6147 feet to the rear when directly in front of lawful lower beams of head lamps.

6148 ~~[(c) On every combination of farm tractor and towed farm equipment or towed~~
6149 ~~implement of husbandry, the farm tractor shall be equipped as required in Subsections (a) and~~
6150 ~~(b), and the towed unit shall at all times mentioned in Section 41-6-118]~~

6151 (4) Towed farm equipment or a towed implement of husbandry shall be equipped with
6152 lamps and reflectors as [follows:] provided under this Subsection (4), if operated on a highway
6153 under the conditions specified under Subsection 41-6a-1603(1)(a).

6154 ~~[(1)]~~ (a) If the towed unit or its load extends more than four feet to the rear of the
6155 tractor or obscures any light ~~[thereon, said]~~ on a tractor, the towed unit shall be equipped on the
6156 rear with at least two red reflectors visible from all distances within 600 feet to 100 feet to the
6157 rear when directly in front of lawful lower beams of head lamps.

6158 ~~[(2)]~~ (b) (i) If the towed unit ~~[of such combination]~~ extends more than four feet to the
6159 left of the center line of the tractor, ~~[said]~~ the towed unit shall be equipped on the front with an
6160 amber reflector visible from all distances within 600 feet to 100 feet to the front when directly
6161 in front of lawful lower beams of head lamps. ~~[This]~~

6162 (ii) The reflector under Subsection (4)(b)(i) shall be [so] positioned to indicate, as
6163 nearly as practicable, the extreme left projection of the towed unit.

6164 ~~[(3)]~~ (c) If the towed unit or its load obscures either of the vehicle hazard warning
6165 lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights

6166 described in Subsection ~~[(a)]~~ (1).

6167 ~~[(d)]~~ (5) (a) The two red reflectors required ~~[in the foregoing subsections]~~ under
6168 Subsections (3) and (4) shall be ~~[so]~~ positioned ~~[as]~~ to show ~~[from the rear]~~, as nearly as
6169 practicable, the extreme width of the vehicle or combination ~~[carrying them. Provided that all~~
6170 ~~other requirements are met, reflective]~~ of vehicles as viewed from the rear of the vehicle or
6171 combination of vehicles.

6172 (b) Reflective tape or paint may be used in lieu of the reflectors required ~~[by~~
6173 ~~Subsection (c)]~~ under this section.

6174 ~~[(e) After July 1, 1979, every]~~

6175 (6) (a) A slow-moving vehicle emblem mounted on the rear is required on:

6176 (i) a farm tractor and [every] a self-propelled implement of husbandry designed for
6177 operation at speeds not in excess of 25 miles per hour ~~[shall at all times be equipped with a~~
6178 ~~slow moving vehicle emblem mounted on the rear except as provided in Subsection (f).]; or~~
6179 ~~[(f) After July 1, 1979, every combination of farm tractor described in Subsection (e)~~
6180 ~~and]~~

6181 (ii) towed farm equipment or a towed implement of husbandry ~~[shall at all times be~~
6182 ~~equipped with a slow moving vehicle emblem as follows: (1) Where]~~ if the towed unit or any
6183 load ~~[thereon] on it~~ obscures the slow-moving vehicle emblem on the farm tractor~~[, the towed~~
6184 unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle
6185 ~~need not display the emblem]~~ or self-propelled implement of husbandry.

6186 ~~[(2) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by~~
6187 ~~the towed unit or its load, then either or both may be equipped with the required emblem but it~~
6188 ~~shall be sufficient if either has it.]~~

6189 ~~[(g) The emblem required by Subsections (e) and (f), and its mounting and position on~~
6190 ~~the vehicle, shall]~~

6191 (b) The slow-moving vehicle emblem's design, size, mounting, and position on the
6192 vehicle required under this Subsection (6), shall:

6193 (i) comply with current standards and specifications of the American Society of
6194 Agricultural Engineers [as]; and

6195 (ii) be approved by the [commissioner] department.

6196 ~~[(h) No person shall use the]~~

6197 (c) A slow-moving vehicle identification emblem [~~except as required in this section~~
6198 ~~and in Section 41-6-130.5 nor display the emblem~~] may not be:

6199 (i) used except as required under this section and Sections 41-6a-1508 and 41-6a-1609;
6200 or

6201 (ii) displayed on a vehicle traveling at a speed in excess of 25 miles per hour.

6202 Section 183. Section **41-6a-1609**, which is renumbered from Section 41-6-130.5 is
6203 renumbered and amended to read:

6204 ~~[41-6-130.5].~~ **41-6a-1609. Lamps and reflectors on vehicles not otherwise**
6205 **specified -- Slow-moving vehicle identification emblems on animal-drawn vehicles.**

6206 [~~(a) Every vehicle, including animal-drawn vehicles and vehicles referred to in Section~~
6207 ~~41-6-117,~~]

6208 (1) An animal-drawn vehicle, a vehicle under Section 41-6a-1604, and a vehicle not
6209 specifically required by the provisions of other sections in this chapter to be equipped with
6210 lamps or other lighting devices, shall [at all times specified in Section 41-6-118] be equipped
6211 with lamps or other lighting devices if operated on a highway under the conditions specified
6212 under Subsection 41-6a-1603(1)(a) as follows:

6213 (a) at least one lamp displaying a white light visible from a distance of not less than
6214 1,000 feet to the front of [said] the vehicle[~~-, and shall also be equipped with~~]; and

6215 (b) (i) two lamps displaying red light visible from a distance of not less than 1,000 feet
6216 to the rear of [said] the vehicle[~~;~~]; or [as an alternative,]

6217 (ii) one lamp displaying a red light visible from a distance of not less than 1,000 feet to
6218 the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when
6219 illuminated by the lawful lower beams of head lamps.

6220 [~~(b) After July 1, 1979, every~~]

6221 (2) An animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle
6222 identification emblem [complying with] as provided under Section [41-6-130] 41-6a-1608.

6223 Section 184. Section **41-6a-1610**, which is renumbered from Section 41-6-131 is
6224 renumbered and amended to read:

6225 ~~[41-6-131].~~ **41-6a-1610. Spot lamps.**

6226 [~~Any~~] (1) A motor vehicle may not be equipped with [not to exceed] more than two
6227 spot lamps [and every].

6228 (2) A lighted spot lamp ~~[shall be so]~~ may not be aimed ~~[and]~~ or used ~~[that no]~~ so that
6229 any part of the high intensity portion of the beam ~~[will strike]~~ strikes the windshield, or any
6230 windows, mirror, or occupant of another vehicle in use.

6231 (3) This section does not apply to spot lamps on an authorized emergency ~~[vehicles]~~
6232 vehicle.

6233 Section 185. Section **41-6a-1611**, which is renumbered from Section 41-6-133 is
6234 renumbered and amended to read:

6235 ~~[41-6-133].~~ **41-6a-1611. Hazard warning lamps.**

6236 ~~[(a) Any]~~ (1) A vehicle ~~[may]~~ manufactured with hazard warning lights, shall be
6237 equipped with ~~[lamps]~~ hazard warning lights for the purpose of warning the operators of other
6238 vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in
6239 approaching, overtaking, or passing.

6240 ~~[(b) After July 1, 1979, every]~~

6241 (2) In addition to the requirements of Subsection (1), a bus, truck, truck-tractor, trailer,
6242 semitrailer, or pole trailer shall be equipped with hazard warning lights if the bus, truck,
6243 truck-tractor, trailer, semitrailer, or pole trailer is 80 inches or more in overall width or 30 feet
6244 or more in overall length ~~[shall be equipped with lamps meeting the requirements of this~~
6245 section].

6246 ~~[(c) Lamps allowed by]~~

6247 (3) The hazard warning lights required under this section shall comply with
6248 ~~[regulations issued]~~ rules made by the department under Section 41-6a-1601.

6249 Section 186. Section **41-6a-1612**, which is renumbered from Section 41-6-133.5 is
6250 renumbered and amended to read:

6251 ~~[41-6-133.5].~~ **41-6a-1612. Back-up lamps -- Side marker lamps.**

6252 ~~[(a) Any]~~ (1) (a) A motor vehicle may be equipped with one or more back-up lamps
6253 either separately or in combination with other lamps~~[- but any such]~~.

6254 (b) A back-up lamp or lamps ~~[shall]~~ may not be lighted when the motor vehicle is in
6255 forward motion.

6256 (c) A lighted back-up lamp shall emit a white light.

6257 ~~[(b) Any]~~ (2) A vehicle may be equipped with one or more side marker lamps ~~[and any~~
6258 such lamp] that may be flashed in conjunction with turn or vehicular hazard warning signals.

6259 ~~[(c) Lamps allowed by this section shall comply with regulations issued by the~~
6260 ~~department.]~~

6261 (3) A back-up lamp and side marker lamp under this section shall comply with rules
6262 made by the department under Section 41-6a-1601.

6263 Section 187. Section **41-6a-1613**, which is renumbered from Section 41-6-135 is
6264 renumbered and amended to read:

6265 ~~[41-6-135].~~ **41-6a-1613. Lamp required for operation of vehicle on highway or**
6266 **adjacent shoulder -- Dimming of lights.**

6267 (1) (a) If a vehicle is operated on a highway or shoulder adjacent to the highway
6268 [during the times specified in Section 41-6-118, the driver] under the conditions specified
6269 under Subsection 41-6a-1603(1)(a), the operator of a vehicle shall use a high or low beam
6270 distribution of light or composite beam except as provided under Subsection (1)(c).

6271 (b) Except as provided under Subsection (1)(c), the distribution of light or composite
6272 beam shall be directed high enough and of sufficient intensity to reveal persons and vehicles at
6273 a safe distance in advance of the vehicle~~[, except that a driver]~~.

6274 (c) The operator of a vehicle shall use a low beam distribution of light or composite
6275 beam if the [driver of a] vehicle approaches:

6276 ~~[(a)]~~ (i) an oncoming vehicle within 500 feet; or

6277 ~~[(b)]~~ (ii) another vehicle from the rear within 300 feet.

6278 (2) (a) The low beam distribution of light or composite beam shall be aimed to avoid
6279 projecting glaring rays into the:

6280 (i) eyes of an oncoming [driver] operator; or [onto the]

6281 (ii) rearview mirror of a vehicle approached from the rear.

6282 (b) A vehicle ~~[does not violate]~~ is not in violation of Subsection (2)(a) if:

6283 (i) the vehicle has not been significantly altered from the original vehicle
6284 manufacturer's specifications; or

6285 (ii) the glaring rays result from road contour or a temporary load on the vehicle.

6286 Section 188. Section **41-6a-1614**, which is renumbered from Section 41-6-135.5 is
6287 renumbered and amended to read:

6288 ~~[41-6-135.5].~~ **41-6a-1614. Head lamps on farm tractors -- Motor vehicles**
6289 **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.

6321 (c) A motor vehicle on a highway may not have more than a total of four lamps lighted
6322 on the front of the vehicle including head lamps, auxiliary lamps, spot lamps, or any other lamp
6323 if the lamp projects a beam of an intensity greater than 300 candlepower.

6324 (2) Except ~~[as required in Sections 41-6-132 and 41-6-140.10]~~ for an authorized
6325 emergency vehicle and a school bus, a person may not ~~[drive]~~ operate or move any vehicle or
6326 equipment ~~[upon any]~~ on a highway with ~~[any]~~ a lamp or device capable of displaying a red or
6327 blue light that is visible from directly in front of the center of the vehicle.

6328 ~~[(3) Flashing lights are prohibited except as authorized or required in Sections 41-6-90,~~
6329 ~~41-6-121.10, 41-6-130, 41-6-132, 41-6-133, 41-6-140.10, and 41-6-140.20.]~~

6330 ~~[(4) The alternately flashing lights described in Sections 41-6-132 and 41-6-140.10~~
6331 ~~may not be used on any vehicle other than a school bus or an authorized emergency vehicle.~~
6332 ~~The rotating light described in Section 41-6-132 may not be used]~~

6333 (3) A person may not use flashing lights on a vehicle except for:

6334 (a) taillights of bicycles under Section 41-6a-1114;

6335 (b) authorized emergency vehicles under rules made by the department under Section
6336 41-6a-1601;

6337 (c) turn signals under Section 41-6a-1604;

6338 (d) hazard warning lights under Sections 41-6a-1608 and 41-6a-1611;

6339 (e) school bus flashing lights under Section 41-6a-1302; and

6340 (f) vehicles engaged in highway construction or maintenance under Section
6341 41-6a-1617.

6342 (4) A person may not use a rotating light on any vehicle other than an authorized
6343 emergency vehicle.

6344 ~~[(5) All lighting devices and reflectors mounted on the rear of any vehicle shall display~~
6345 ~~or reflect a red color, except the stop light or other signal device, which may be red or yellow,~~
6346 ~~and except that the light illuminating the license plate shall be white and the light emitted by a~~
6347 ~~back-up lamp shall be white.]~~

6348 Section 191. Section **41-6a-1617**, which is renumbered from Section 41-6-140.20 is
6349 renumbered and amended to read:

6350 **~~[41-6-140.20]. 41-6a-1617. Highway construction and maintenance vehicles~~**
6351 **-- 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

6383 lamps ~~[mentioned in]~~ under this section unless ~~[said]~~ the lamps are mounted, adjusted, and
6384 aimed in accordance with ~~[instructions of the commissioner]~~ this part.

6385 Section 193. Section **41-6a-1619**, which is renumbered from Section 41-6-141.5 is
6386 renumbered and amended to read:

6387 **~~[41-6-141.5].~~ 41-6a-1619. Sale of unapproved equipment prohibited --**
6388 **Trademark or brand name.**

6389 ~~[(a)]~~ (1) A person shall not sell or offer for sale any equipment or parts that do not
6390 comply with the standards adopted under Section 41-6a-1601 including any lamp, reflector,
6391 hydraulic brake fluid, seat belt, safety glass, emergency disablement warning device, studded
6392 tire, motorcycle helmet, eye protection device for motorists, or red rear bicycle ~~[reflector unless~~
6393 ~~and until it has been approved by the department]~~.

6394 ~~[(b)]~~ ~~A person shall not sell or offer for sale any item of equipment for which a standard~~
6395 ~~has been adopted under Section 41-6-142 unless and until it has been approved by the~~
6396 ~~department.]~~

6397 (2) Any equipment described under Subsection (1) or Section 41-6a-1618 or any
6398 package containing the equipment shall bear the manufacturer's trademark or brand name
6399 unless it complies with identification requirements of the United States Department of
6400 Transportation or other federal agencies.

6401 Section 194. Section **41-6a-1620**, which is renumbered from Section 41-6-143 is
6402 renumbered and amended to read:

6403 **~~[41-6-143].~~ 41-6a-1620. Departmental approval of lighting devices or safety**
6404 **equipment.**

6405 ~~[(a)]~~ (1) (a) The department ~~[is hereby required to]~~ shall approve or disapprove any
6406 lighting device or other safety equipment, component or assembly of a type for which approval
6407 is specifically required ~~[in]~~ under this ~~[article]~~ part.

6408 (b) The department shall consider the part for approval within a reasonable time after
6409 ~~[such]~~ approval has been requested.

6410 ~~[(b)]~~ (2) (a) The department shall establish ~~[the procedure to be followed when request~~
6411 ~~for approval of any lighting device or other safety equipment, component or assembly is~~
6412 ~~submitted under this section.]~~ a procedure for the submission, review, approval, disapproval,
6413 issuance of an approval certificate, and the expiration or renewal of approval for any part under

6414 Subsection (1).

6415 (b) (i) The procedure may provide for submission of [~~such device, component or~~
6416 ~~assembly~~] the part to the American Association of Motor Vehicle Administrators as the agent
6417 of the [~~commissioner and for the issuance of an approval certificate by the association in the~~
6418 ~~name of the commissioner in lieu of submission of the device, component or assembly to the~~
6419 ~~commissioner~~] department.

6420 (ii) Approval issued by the association under Subsection (1)(b)(i) shall have the same
6421 force and effect as if it has been issued by the [~~commissioner~~] department.

6422 (c) The [~~commissioner~~] department shall maintain and publish lists of all parts,
6423 devices, components, or assemblies which have been approved by [~~him~~] the department.

6424 (d) [~~Approvals shall remain~~] A part approved under this section is valid unless
6425 revoked under Section [~~41-6-143.5~~] 41-6a-1621 or unless the [~~commissioner~~] department
6426 requires [~~them~~] it to be renewed under [~~regulations issued by him~~] rules made under Section
6427 41-6a-1601.

6428 Section 195. Section **41-6a-1621**, which is renumbered from Section 41-6-143.5 is
6429 renumbered and amended to read:

6430 **[~~41-6-143.5~~]. 41-6a-1621. Departmental hearings -- Compliance of**
6431 **approved devices -- Revocation of approval -- Reapproval.**

6432 [~~(a) Whenever the commissioner~~]

6433 (1) If the department has reason to believe that a [~~device~~] part approved under Section
6434 [~~41-6-143 does not comply with his standards, he~~] 41-6a-1620 should no longer be approved,
6435 the department shall, upon 30 days' notice to the [~~one~~] applicant to whom approval was issued,
6436 conduct a hearing [~~upon~~] on the question of [~~the continued compliance of the approved device~~]
6437 whether the part should remain approved.

6438 (2) (a) After the hearing, the [~~commissioner~~] department shall determine whether the
6439 device meets the requirements of the applicable standard.

6440 (b) If the device does not meet those requirements, the [~~commissioner~~] department
6441 shall give notice to the [~~one~~] applicant to whom the approval [~~has been~~] was issued of [~~his~~] the
6442 department's intention to revoke the approval.

6443 (c) If the [~~holder of~~] applicant to whom the approval was issued fails to satisfy the
6444 [~~commissioner~~] department that the device being sold or offered for sale meets the applicable

6445 standard within 90 days of the notice~~[, the commissioner]~~ of the department's intention to
6446 revoke the approval, the department shall revoke the approval [and].

6447 (3) When an approval has been revoked under this section:

6448 (a) the department:

6449 (i) shall require the withdrawal of all [such devices] the parts from the market; and

6450 (ii) may require that all devices sold since the notification of the department's intention
6451 to revoke the approval be replaced by [devices that do comply] parts that are approved.

6452 ~~[(b) When an approval has been revoked pursuant to this section, the device shall not~~
6453 ~~be again approved unless and until it has been submitted to reapproval and it has been~~
6454 ~~demonstrated, in the same manner as in an application for an original approval, that the device~~
6455 ~~fully meets the requirements of the applicable standard. The commissioner]~~

6456 (b) A part that has been revoked under this section may not be approved again unless a
6457 new application and approval is received.

6458 (c) The department may require that as a condition for a new approval of the same or
6459 similar part all previously [approved items are being] revoked parts are effectively recalled and
6460 removed from the market [as a condition for reapproval].

6461 Section 196. Section **41-6a-1622**, which is renumbered from Section 41-6-144 is
6462 renumbered and amended to read:

6463 **[41-6-144]. 41-6a-1622. Purchase and testing of equipment by department --**
6464 **Prohibition against sale of substandard devices -- Injunction -- Review -- Appeal.**

6465 ~~[(a)]~~ (1) The department may purchase and test equipment described in Section
6466 [41-6-141.5] 41-6a-1619 to determine whether it complies with [its] the standards under this
6467 part.

6468 ~~[(b)]~~ (2) Upon identification of unapproved or substandard devices being sold or
6469 offered for sale, the [commissioner] department shall give notice to the person selling them that
6470 [he] the person is in violation of Section [41-6-141.5] 41-6a-1619 and that selling or offering
6471 them for sale is prohibited.

6472 ~~[(c)]~~ (3) (a) In order to enforce the prohibition against the sale or offer for sale of
6473 unapproved or substandard devices, the [commissioner] department may file a petition in the
6474 district court of the county in which the person maintains a place of business to enjoin any
6475 further sale or offer of sale of [such] the unapproved or substandard [devices. Upon] part.

6476 (b) An injunction under Subsection (3)(a) shall be issued upon a prima facie showing
6477 that: ~~(1) such device~~

6478 (i) the part is of a type required to be approved by the ~~[commissioner; (2) it]~~
6479 department under this part:

6480 (ii) the part has not been approved; and ~~[(3) it]~~

6481 (iii) the part is being sold or offered for sale~~[-the injunction shall be issued].~~

6482 ~~[(d)]~~ (4) (a) Any person ~~[so]~~ enjoined under Subsection (3) may file a petition for a
6483 review of the court's order in the county in which the injunction was issued.

6484 (b) A copy of ~~[such]~~ the petition shall be served ~~[upon]~~ on the ~~[commissioner]~~
6485 department and the ~~[commissioner]~~ department shall have 30 days after ~~[such]~~ the service to
6486 file an answer, but ~~[such]~~ the petition shall not act as a stay of the injunction.

6487 (c) At the hearing ~~[upon]~~ on the petition, the judge shall sit without intervention of a
6488 jury and shall only receive evidence as to whether the ~~[devices]~~ parts in question: ~~[(1)]~~

6489 (i) are of a type for which approval by the ~~[commissioner]~~ department is required; ~~[(2)~~
6490 ~~have or]~~

6491 (ii) have not been ~~[so]~~ approved; and ~~[(3)]~~

6492 (iii) are ~~[in fact]~~ being sold or offered for sale in violation of Section ~~[41-6-141.5-~~

6493 ~~Upon a finding by the court that such device: (1) is of a type required to be approved by the~~
6494 ~~commissioner; (2) that it has not in fact been approved; and (3) that it is being sold or offered~~
6495 ~~for sale, the injunction shall be continued:] 41-6a-1619.~~

6496 (d) Following a hearing under Subsection (4)(c), the injunction shall be continued if
6497 the court finds that each condition under Subsection (4)(c) has been met.

6498 ~~[(e)]~~ (5) Either party may appeal the decision of the court in the same manner as in
6499 other civil appeals from the district court.

6500 Section 197. Section **41-6a-1623**, which is renumbered from Section 41-6-145 is
6501 renumbered and amended to read:

6502 ~~[41-6-145].~~ **41-6a-1623. Braking systems required -- Adoption of performance**
6503 **requirements by department.**

6504 ~~[(a) Every]~~ (1) A motor vehicle and ~~[every]~~ a combination of vehicles shall have a
6505 service braking system which will stop the motor vehicle or combination of vehicles within:

6506 (a) 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard

6507 surface; or ~~[within such]~~

6508 (b) a shorter distance as may be specified by the department in accordance with federal
6509 standards.

6510 ~~[(b) Every]~~ (2) A motor vehicle and a combination of vehicles shall have a parking
6511 brake system;

6512 (a) adequate to hold the motor vehicle or combination of vehicles on any grade on
6513 which it is operated under all conditions of loading on a surface free from snow, ice or loose
6514 material; or

6515 (b) which ~~[shall comply]~~ complies with performance standards issued by the
6516 department in accordance with federal standards.

6517 ~~[(c) When]~~ (3) In addition to the requirements of Subsections (1) and (2), if necessary
6518 for safe operation, the department may by [regulation] rule require additional braking systems
6519 in accordance with federal standards.

6520 ~~[(d) The department may adopt performance requirements for braking systems under~~
6521 ~~this section. In formulating these requirements, the department shall consider standards of the~~
6522 ~~United States Department of Transportation, recommendations of other agencies and~~
6523 ~~organizations, different classes of vehicles, deceleration rates, speeds, weather, loads, terrain~~
6524 ~~and all other factors bearing on safe highway operations.]~~

6525 Section 198. Section **41-6a-1624**, which is renumbered from Section 41-6-145.5 is
6526 renumbered and amended to read:

6527 **~~[41-6-145.5]. 41-6a-1624. Failure to repair a damaged or deployed airbag~~**
6528 **-- Penalty.**

6529 (1) As used in this section, "person" includes the owner or lessee of a motor vehicle, a
6530 body shop, dealer, remanufacturer, salvage rebuilder, vehicle service maintenance facility, or
6531 any entity or individual engaged in the repair or replacement of motor vehicles or airbag
6532 passive restraint systems.

6533 (2) Except as provided under Subsection (3), if a repair to a vehicle to be used on a
6534 highway is initiated, a person who has actual knowledge that a motor vehicle's airbag passive
6535 restraint system is damaged or has been deployed may not fail or cause another person to fail to
6536 fully restore, arm, and return to original operating condition, the motor vehicle's airbag passive
6537 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~~

6569 (ii) not use a siren.

6570 ~~[(d) Every]~~ (4) (a) An authorized emergency vehicle shall be equipped with a siren,
 6571 whistle, or bell; capable of emitting sound audible under normal conditions from a distance of
 6572 not less than 500 feet ~~[and of a type].~~

6573 (b) The type of sound shall be approved by the department~~[, but such siren shall]~~ based
 6574 on standards adopted by rules under Section 41-6a-1601.

6575 (c) The siren on an authorized emergency vehicle may not be used except:

6576 (i) when ~~[such]~~ the vehicle is operated in response to an emergency call; or

6577 (ii) in the immediate pursuit of an actual or suspected violator of the law~~[, in which~~
 6578 ~~said latter events the driver of such].~~

6579 (d) The operator of an authorized emergency vehicle shall sound ~~[said]~~ the siren in
 6580 accordance with this section when reasonably necessary to warn pedestrians and other ~~[drivers]~~
 6581 vehicle operators of the approach ~~[thereof]~~ of the authorized emergency vehicle.

6582 Section 200. Section **41-6a-1626**, which is renumbered from Section 41-6-147 is
 6583 renumbered and amended to read:

6584 **~~[41-6-147]. 41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air~~**
 6585 **pollution control devices.**

6586 (1) (a) ~~[Every]~~ A vehicle shall be equipped, maintained, and operated to prevent
 6587 excessive or unusual noise.

6588 (b) ~~[Every]~~ A motor vehicle shall ~~[at all times]~~ be equipped with a muffler or other
 6589 effective noise suppressing system in good working order and in constant operation.

6590 (c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.

6591 (2) (a) ~~[The]~~ Except while the engine is being warmed to the recommended operating
 6592 temperature, the engine and power mechanism of ~~[every]~~ a:

6593 (i) gasoline-powered motor vehicle may not emit visible contaminants during operation
 6594 ~~[except while the engine is being brought up to the recommended operating temperature.];~~

6595 ~~[(b) Diesel engines]~~ (ii) diesel engine manufactured on or after January 1, 1973, may
 6596 not emit visible contaminants of a shade or density darker than 20% opacity~~[, except while the~~
 6597 ~~engine is being brought up to the recommended operating temperature.]; and~~

6598 ~~[(c) Diesel engines]~~ (iii) diesel engine manufactured before January 1, 1973, may not
 6599 emit visible contaminants of a shade or density darker than 40% opacity~~[, except while the~~

6600 engine is being brought up to the recommended operating temperature].

6601 ~~[(d) Violation of this subsection is]~~

6602 (b) A person who violates the provisions of Subsection (2)(a) is guilty of a class C
6603 misdemeanor.

6604 (3) (a) ~~[Every]~~ A motor vehicle equipped by a manufacturer with air pollution control
6605 devices ~~[must have]~~ shall maintain the devices in good working order and in constant
6606 operation.

6607 (b) ~~[An]~~ For purposes of the first sale of a vehicle at retail, an air pollution control
6608 device may be substituted for the manufacturer's original device if the substituted device is at
6609 least as effective in the reduction of emissions from the vehicle motor as the air pollution
6610 control ~~[devices]~~ device furnished by the manufacturer of the vehicle as standard equipment for
6611 ~~[purposes of the first sale at retail of vehicles of]~~ the same vehicle class.

6612 (c) ~~[It is a class B misdemeanor to render]~~ A person who renders inoperable ~~[on any~~
6613 ~~motor vehicle]~~ an air pollution control ~~[devices]~~ device on a motor vehicle is guilty of a class B
6614 misdemeanor.

6615 (4) Subsection (3) does not apply to a motor ~~[vehicles]~~ vehicle altered and modified to
6616 use clean fuel, as defined under Section 59-13-102, when the emissions from the modified or
6617 altered motor vehicle are at levels that comply with existing state or federal standards for the
6618 emission of pollutants from a motor ~~[vehicles]~~ vehicle of the same class.

6619 ~~[(5) As used in this section, "clean fuel" means:]~~

6620 ~~[(a) propane, compressed natural gas, or electricity;]~~

6621 ~~[(b) other fuel the Air Quality Board determines to be at least as effective as fuels~~
6622 ~~under Subsection (a) in reducing air pollution; or]~~

6623 ~~[(c) other fuel that meets the clean fuel vehicle standards in the federal Clean Air Act~~
6624 ~~Amendments of 1990, Title II.]~~

6625 Section 201. Section **41-6a-1627**, which is renumbered from Section 41-6-148 is
6626 renumbered and amended to read:

6627 **~~[41-6-148]. 41-6a-1627. Mirrors.~~**

6628 ~~[(a) Every]~~ (1) (a) A motor vehicle shall be equipped with a mirror mounted on the left
6629 side of the vehicle ~~[and so].~~

6630 (b) A mirror under Subsection (1)(a) shall be located [as] to reflect to the driver a view

6631 of the highway to the rear of the vehicle.

6632 ~~[(b) Every motor vehicle except]~~

6633 (2) (a) Except for a motorcycle, in addition to the mirror required under Subsection (1),

6634 a motor vehicle shall be equipped with ~~[an additional]~~ a mirror mounted either inside the

6635 vehicle approximately in the center or outside the vehicle on the right side ~~[and so]~~.

6636 (b) The mirror under Subsection (2)(a) shall be located ~~[as]~~ to reflect to the driver a

6637 view of the highway to the rear of the vehicle.

6638 Section 202. Section **41-6a-1628**, which is renumbered from Section 41-6-148.10 is

6639 renumbered and amended to read:

6640 ~~[41-6-148.10].~~ **41-6a-1628. Seat belts -- Design and installation --**

6641 **Specifications or requirements.**

6642 ~~[Seat belts. -- (a) Any]~~

6643 (1) A safety belt ~~[or safety harness]~~ installed in a vehicle ~~[and large enough]~~ to

6644 accommodate an adult person shall be designed and installed ~~[in such manner as]~~ to prevent or

6645 materially reduce the movement of the person using the ~~[same]~~ safety belt in the event of

6646 collision or upset of the vehicle.

6647 ~~[(b) The department shall establish specifications or requirements for approved-type~~

6648 ~~safety belts and safety harnesses, attachments and installation, and the specifications or~~

6649 ~~requirements shall not be lower in standard than those specifications or requirements for safety~~

6650 ~~belts or safety harnesses established by the Society of Automotive Engineers or American~~

6651 ~~Standards Association.]~~

6652 ~~[(c) No]~~ (2) A person ~~[shall]~~ may not sell, offer, or keep for sale ~~[any]~~ a safety belt[;

6653 safety harness,] or attachments ~~[thereto]~~ for use in a vehicle ~~[unless of a type which has been~~

6654 ~~approved by the department]~~ that does not comply with the specifications under Section

6655 41-6a-1601.

6656 Section 203. Section **41-6a-1629**, which is renumbered from Section 41-6-148.29 is

6657 renumbered and amended to read:

6658 ~~[41-6-148.29].~~ **41-6a-1629. Vehicles subject to Sections 41-6a-1629 through**

6659 **41-6a-1633 -- Definitions.**

6660 ~~[(1) Sections 41-6-148.29 through 41-6-148.33 apply to all motor vehicles with an~~

6661 ~~original manufacturer's gross vehicle weight rating of 15,000 pounds or less operated or parked~~

6662 on a highway within the state.]

6663 [(2)] (1) As used in Sections [~~41-6-148.29~~] 41-6a-1629 through [~~41-6-148.33~~]

6664 41-6a-1633:

6665 [~~(a)~~] "~~Commissioner~~" means the commissioner of the Department of Public Safety.]

6666 [~~(b)~~] (a) "Frame" means the main longitudinal structural members of the chassis of the
6667 vehicle or, for vehicles with unitized body construction, the lowest longitudinal structural
6668 member of the body of the vehicle.

6669 [~~(c)~~] (b) "Frame height" means the vertical distance between the ground and the lowest
6670 point on the frame. The distance is measured when the vehicle is unladen and on a level
6671 surface.

6672 [~~(d)~~] (c) "Gross vehicle weight rating (GVWR)" means the original manufacturer's
6673 gross vehicle weight rating, whether or not the vehicle is modified by use of parts not originally
6674 installed by the original manufacturer.

6675 [~~(e)~~] (d) "Manufacturer" means any person engaged in manufacturing or assembling
6676 new motor vehicles utilizing new parts or components, or a person defined as a manufacturer in
6677 current applicable Federal Motor Vehicle Safety Standards [~~FMVSS~~] and Regulations.

6678 [~~(f)~~] (e) "Mechanical alteration" or "mechanical lift" means modification or alteration
6679 of the axles, chassis, suspension, or body by any means, including tires and wheels, and
6680 excluding any load, which affects the frame height of the motor vehicle.

6681 [~~(g)~~] (f) "O.E.M." means original equipment manufacturer.

6682 [~~(h)~~] (g) "Original equipment" means an item of motor vehicle equipment, including
6683 tires, which were installed in or on a motor vehicle or available as an option for the particular
6684 vehicle from the original manufacturer at the time of its delivery to the first purchaser.

6685 [~~(i)~~] (h) "Wheel track" means the shortest distance between the center of the tire treads
6686 on the same axle. On vehicles having dissimilar axle widths, the axle with the widest distance
6687 is used for all calculations.

6688 (2) (a) Except as provided in Subsection (2)(b), the provisions of Sections 41-6a-1629
6689 through 41-6a-1633 apply to all motor vehicles with an original manufacturer's gross vehicle
6690 weight rating of 15,000 pounds or less operated or parked on a highway.

6691 [(3)] (b) The provisions of Sections [~~41-6-148.29~~] 41-6a-1629 through [~~41-6-148.33~~]
6692 41-6a-1633 do not apply to the following vehicles:

6693 ~~[(a)]~~ (i) implements of husbandry;
6694 ~~[(b)]~~ (ii) farm tractors;
6695 ~~[(c)]~~ (iii) road machinery;
6696 ~~[(d)]~~ (iv) road rollers; and
6697 ~~[(e)]~~ (v) historical vehicles or horseless carriages that have been restored as near to
6698 original condition as is reasonably possible.

6699 Section 204. Section **41-6a-1630**, which is renumbered from Section 41-6-148.31 is
6700 renumbered and amended to read:

6701 ~~[41-6-148.31].~~ **41-6a-1630. Standards applicable to vehicles.**

6702 (1) The following standards apply to vehicles under Sections ~~[41-6-148.29]~~ 41-6a-1629
6703 through ~~[41-6-148.33]~~ 41-6a-1633:

6704 (a) ~~[A]~~ A replacement ~~[parts]~~ part and equipment used in a mechanical alteration
6705 shall be;

6706 (i) designed and capable of performing the function for which they are intended; and
6707 ~~[shall be]~~

6708 (ii) equal to or greater in strength and durability than the original parts provided by the
6709 original manufacturer.

6710 (b) Except for original equipment, ~~[the]~~ a person may not use ~~[of]~~ spacers to increase
6711 wheel track width of ~~[any]~~ a vehicle ~~[is prohibited]~~.

6712 (c) ~~[The]~~ A person may not use ~~[of]~~ axle blocks to alter the suspension on the front
6713 axle of ~~[any]~~ a vehicle ~~[is prohibited]~~.

6714 (d) ~~[The stacking of]~~ A person may not stack two or more axle blocks of ~~[any]~~ a
6715 vehicle ~~[is prohibited]~~.

6716 (2) (a) In doubtful or unusual cases, or to meet specific industrial requirements,
6717 personnel of the Utah Highway Patrol shall inspect the vehicle to determine;

6718 (i) the road worthiness and safe condition of the vehicle; and

6719 (ii) whether it complies with Sections ~~[41-6-148.29]~~ 41-6a-1629 through ~~[41-6-148.33]~~
6720 41-6a-1633.

6721 (b) If the vehicle complies, the Utah Highway Patrol shall issue a permit of approval
6722 that shall be carried in the vehicle.

6723 (3) (a) Upon notice to the party to whom the motor vehicle is registered, the

6724 [~~Department of Public Safety~~] department shall suspend the registration of any motor vehicle
6725 equipped, altered, or modified in violation of Sections [~~41-6-148.29~~] 41-6a-1629 through
6726 [~~41-6-148.33~~] 41-6a-1633.

6727 (b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse
6728 to register any motor vehicle it has reason to believe is equipped, altered, or modified in
6729 violation of Sections [~~41-6-148.29~~] 41-6a-1629 through [~~41-6-148.33~~] 41-6a-1633.

6730 Section 205. Section **41-6a-1631**, which is renumbered from Section 41-6-148.32 is
6731 renumbered and amended to read:

6732 [~~41-6-148.32~~]. **41-6a-1631. Prohibitions.**

6733 (1) A person may not operate on [~~any~~] a highway [~~within the state~~] a motor vehicle that
6734 is mechanically altered or changed:

6735 (a) in any way that may under normal operation:

6736 (i) cause the motor vehicle body or chassis to come in contact with the roadway[;];

6737 (ii) expose the fuel tank to damage from collision[;]; or

6738 (iii) cause the wheels to come in contact with the body [~~under normal operation~~];

6739 (b) in any manner that may impair the safe operation of the vehicle;

6740 (c) so that any part of the vehicle other than tires, rims, and mudguards are less than
6741 three inches above the ground;

6742 (d) to a frame height of more than 24 inches for a motor vehicle with a gross vehicle
6743 weight rating of less than 4,500 pounds;

6744 (e) to a frame height of more than 26 inches for a motor vehicle with a gross vehicle
6745 weight rating of at least 4,500 pounds and less than 7,500 pounds;

6746 (f) to a frame height of more than 28 inches for a motor vehicle with a gross vehicle
6747 weight rating of at least 7,500 pounds;

6748 (g) by stacking or attaching vehicle frames (one from on top of or beneath another
6749 frame); or

6750 (h) so that the lowest portion of the body floor is raised more than three inches above
6751 the top of the frame.

6752 (2) If the wheel track is increased beyond the O.E.M. specification, the top 50% of the
6753 tires shall be covered by the original fenders, by rubber, or other flexible fender extenders
6754 under any loading condition.

6755 ~~[(3) A person who violates the provisions of this section is guilty of a class C~~
6756 ~~misdemeanor.]~~

6757 Section 206. Section **41-6a-1632**, which is renumbered from Section 41-6-148.33 is
6758 renumbered and amended to read:

6759 ~~[41-6-148.33].~~ **41-6a-1632. Bumpers.**

6760 (1) ~~[Every]~~ A motor vehicle shall be equipped with a bumper on both front and rear of
6761 the motor vehicle, except ~~[those that were]~~ a motor vehicle that was not originally designed or
6762 manufactured with a bumper or bumpers.

6763 (2) (a) On ~~[all]~~ a motor ~~[vehicles]~~ vehicle under 15,000 GVWR, ~~[bumpers]~~ a bumper
6764 shall be:

- 6765 (i) at least 4.5 inches in vertical height;
6766 (ii) centered on the vehicle's center line; and
6767 (iii) extend no less than the width of the respective wheel track distance.

6768 (b) ~~[Bumpers]~~ A bumper shall be securely mounted, horizontal load bearing, and
6769 attached to the motor vehicle's frame to effectively transfer impact when engaged.

6770 (3) ~~[When any]~~ If a motor vehicle is originally or later equipped with ~~[bumpers]~~ a
6771 bumper, the ~~[bumpers]~~ bumper shall:

- 6772 (a) be maintained in operational condition; and ~~[shall]~~
6773 (b) comply with this section.

6774 Section 207. Section **41-6a-1633**, which is renumbered from Section 41-6-150.10 is
6775 renumbered and amended to read:

6776 ~~[41-6-150.10].~~ **41-6a-1633. Mudguards or flaps at rear wheels of trucks,**
6777 **trailers, truck tractors, or altered motor vehicles -- Exemptions.**

6778 ~~[(1) The definitions in Section 41-6-148.29 apply to this section.]~~

6779 ~~[(2)]~~ (1) (a) Except as provided in ~~[Subsections (3) and (4)]~~ Subsection (2), when
6780 operated on a highway, the following vehicles shall be equipped with wheel covers,
6781 mudguards, flaps, or splash aprons behind the rearmost wheels to prevent, as far as practicable,
6782 the wheels from throwing dirt, water, or other materials on other vehicles:

- 6783 (i) a vehicle that has been altered:
6784 (A) from the original manufacturer's frame height; or
6785 (B) in any other manner so that the motor vehicle's wheels may throw dirt, water, or

6786 other materials on other vehicles;

6787 (ii) any truck with a gross vehicle weight rating of 10,500 pounds or more;

6788 (iii) any truck tractor; and

6789 (iv) any trailer or semitrailer with an unladen weight of 750 pounds or more.

6790 (b) The wheel covers, mudguards, flaps, or splash aprons shall:

6791 (i) be at least as wide as the tires they are protecting;

6792 (ii) be directly in line with the tires; and

6793 (iii) have a ground clearance of not more than 50% of the diameter of a rear-axle

6794 wheel, under any conditions of loading of the motor vehicle.

6795 ~~[(3)]~~ (2) Wheel covers, mudguards, flaps, or splash aprons are not required;

6796 (a) if the motor vehicle, trailer, or semitrailer is designed and constructed so that the
6797 requirements of Subsection (1) are accomplished by means of fenders, body construction, or
6798 other means of enclosure[-]; or

6799 ~~[(4) Wheel covers, mudguards, flaps, or splash aprons are not required]~~

6800 (b) on a vehicle operated or driven during fair weather on well-maintained,

6801 hard-surfaced roads if the motor vehicle:

6802 ~~[(a)]~~ (i) was made in America prior to 1935;

6803 ~~[(b)]~~ (ii) is registered as a vintage vehicle; or

6804 ~~[(c)]~~ (iii) is a replica vehicle as defined under Section ~~[41-6-155.5]~~ 41-6a-1507.

6805 ~~[(5)]~~ (3) Except as provided in Subsection ~~[(4)]~~ (2)(b), rear wheels not covered at the
6806 top by fenders, bodies, or other parts of the vehicle shall be covered at the top by protective
6807 means extending rearward at least to the center line of the rearmost axle.

6808 Section 208. Section **41-6a-1634**, which is renumbered from Section 41-6-148.40 is
6809 renumbered and amended to read:

6810 ~~[41-6-148.40].~~ **41-6a-1634. Safety chains on towed vehicles required --**

6811 **Exceptions.**

6812 ~~[Safety chains on trailers. -- Every]~~

6813 (1) A towed vehicle shall be coupled by means of a safety chain, cable or equivalent
6814 device, in addition to the regular trailer hitch or coupling.

6815 ~~[(a) Such]~~ (2) Except as provide under Subsection (3), a safety chain, cable or
6816 equivalent device shall be;

6817 (a) securely connected with the chassis of the towing vehicle, the towed vehicle, and
6818 the drawbar[-];

6819 (b) ~~[It shall be]~~ of sufficient material and strength to prevent the two vehicles from
6820 becoming separated~~[-, and shall]~~; and

6821 (c) attached to:

6822 (i) have no more slack than is necessary for proper turning[-];

6823 ~~[(c) Such safety chain, cable or equivalent device shall be attached to]~~

6824 (ii) the trailer drawbar ~~[so as]~~ to prevent it from dropping to the ground[-]; and ~~[to]~~

6825 (iii) assure the towed vehicle follows substantially in the course of the towing vehicle
6826 in case the vehicles become separated.

6827 ~~[(d) This requirement does]~~

6828 (3) The provisions of Subsection (2) do not apply to a:

6829 (a) semitrailer having a connecting device composed of a fifth wheel and king pin
6830 assembly~~[-, nor to a]~~; or

6831 (b) pole trailer.

6832 Section 209. Section **41-6a-1635**, which is renumbered from Section 41-6-149 is
6833 renumbered and amended to read:

6834 ~~[41-6-149].~~ **41-6a-1635. Windshields and windows -- Tinting -- Obstructions**
6835 **reducing visibility -- Wipers -- Prohibitions.**

6836 (1) Except as provided in Subsections (2) and (3), a person may not operate a motor
6837 vehicle with:

6838 (a) a windshield that allows less than 70% light transmittance;

6839 (b) a front side window that allows less than 43% light transmittance;

6840 (c) any windshield or window that is composed of, covered by, or treated with any
6841 material or component that presents a metallic or mirrored appearance; or

6842 (d) any sign, poster, or other nontransparent material on the windshield~~[-, sidewings,]~~ or
6843 side windows of the motor vehicle except:

6844 (i) a certificate or other paper required to be so displayed by law; or

6845 (ii) the vehicle's identification number displayed or etched in accordance with rules
6846 made by the department under Section 41-6a-1601.

6847 (2) Nontransparent materials may be used:

6848 (a) along the top edge of the windshield if the materials do not extend downward more
6849 than four inches from the top edge of the windshield or beyond the AS-1 line whichever is
6850 lowest;

6851 (b) in the lower left-hand corner of the windshield provided they do not extend more
6852 than three inches to the right of the left edge or more than four inches above the bottom edge of
6853 the windshield; or

6854 (c) on the rear windows.

6855 (3) A windshield or other window is considered to comply with the requirements of
6856 Subsection (1) if the windshield or other window meets the federal statutes and regulations for
6857 motor vehicle window composition, covering, light transmittance, and treatment.

6858 (4) Except for material used on the windshield in compliance with Subsections (2)(a)
6859 and (b), a motor vehicle with tinting or nontransparent material on any window shall be
6860 equipped with rear-view mirrors mounted on the left side and on the right side of the motor
6861 vehicle to reflect to the driver a view of the highway to the rear of the motor vehicle.

6862 (5) (a) (i) The windshield on ~~[every]~~ a motor vehicle shall be equipped with a device
6863 for cleaning rain, snow, or other moisture from the windshield.

6864 (ii) The device shall be constructed to be operated by the ~~[driver]~~ operator of the motor
6865 vehicle.

6866 (b) ~~[Every]~~ A windshield wiper on a motor vehicle shall be maintained in good
6867 working order.

6868 (6) ~~[(a)]~~ A person may not have for sale, sell, offer for sale, install, cover, or treat a
6869 windshield or window in violation of this section.

6870 ~~[(b) A person who violates this section is guilty of a class C misdemeanor.]~~

6871 (7) Notwithstanding this section, any person subject to the federal Motor Vehicle
6872 Safety Standards, including motor vehicle manufacturers, distributors, dealers, importers, and
6873 repair businesses, shall comply with the federal standards on motor vehicle window tinting.

6874 Section 210. Section **41-6a-1636**, which is renumbered from Section 41-6-150 is
6875 renumbered and amended to read:

6876 **~~[41-6-150]. 41-6a-1636. Tires which are prohibited -- Regulatory powers of~~**
6877 **~~state transportation department -- Winter use of studs -- Special permits -- Tread depth.~~**

6878 ~~[(a) Every]~~ (1) A solid rubber tire on a vehicle shall have rubber on its entire traction

6879 surface at least one inch thick above the edge of the flange of the entire periphery.

6880 ~~[(b) No]~~ (2) A person shall may not operate or move on ~~[any]~~ a highway ~~[any]~~ a
6881 motor vehicle, trailer, or semitrailer having ~~[any]~~ a metal tire in contact with the roadway.

6882 ~~[(c) No]~~ (3) Except as otherwise provided in this section, a person may not have a tire
6883 on a vehicle that is moved on a highway shall have on its that has on the tire's periphery any
6884 a block, stud, flange, cleat, or spike or any other protuberances of any material other than
6885 rubber which project projects beyond the tread of the traction surface of the tire~~[-except as~~
6886 ~~otherwise provided in this section. The state department of transportation may by regulation].~~

6887 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
6888 Department of Transportation may make rules to permit the use of tires on a vehicle having
6889 protuberances other than rubber ~~[when it]~~, if the department concludes that ~~[they will]~~
6890 protuberances do not:

6891 (a) damage the highway significantly~~[-];~~ or

6892 (b) constitute a hazard to life, health or property. ~~[Notwithstanding anything to the~~
6893 ~~contrary contained in this section or in any such regulation, it is permissible to use on a vehicle~~
6894 ~~tires]~~

6895 (5) Notwithstanding any other provision of this section, a person may use:

6896 (a) a tire with protuberances consisting of tungsten carbide studs on a vehicle if the
6897 studs:

6898 (i) are only used during the winter periods of October fifteenth through December
6899 thirty-first and January first through March thirty-first of each year ~~[if the tungsten carbide~~
6900 ~~studs shall];~~

6901 (ii) do not project beyond the tread of the traction surface of the tire more than .050
6902 inches; ~~[but tires bearing these tungsten carbide studs shall not be used at any time on]~~ and

6903 (iii) are not used on a vehicle with a maximum gross weight in excess of 9,000 pounds
6904 unless the vehicle is an emergency vehicle or school bus~~[-an emergency vehicle or school bus~~
6905 ~~being allowed to use tires bearing these studs during these periods. It shall be permissible to~~
6906 ~~use].~~

6907 (b) farm machinery with tires having protuberances which will not injure the highway~~[-~~
6908 ~~and also it shall be permissible to use]; and~~

6909 (c) tire chains of reasonable proportions ~~[upon any]~~ on a vehicle when required for

6910 safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

6911 ~~[(d) The Department of Transportation and local authorities in their respective~~
6912 ~~jurisdictions may, in their discretion,]~~

6913 (6) Notwithstanding any other provision of this chapter, a highway authority, for a
6914 highway under its jurisdiction, may issue special permits authorizing the operation [upon] on a
6915 highway of:

6916 (a) farm tractors;

6917 (b) other farm machinery; or

6918 (c) traction engines or tractors having movable tracks with transverse corrugations
6919 [upon] on the periphery of [such] the movable tracks [or farm tractors or other farm machinery,
6920 the operation of which upon a highway would otherwise be prohibited under this chapter].

6921 ~~[(e)]~~ (7) (a) A person ~~[shall]~~ may not operate ~~[any]~~ a vehicle ~~[when]~~ if one or more of
6922 the tires in use on ~~[that]~~ the vehicle;

6923 (i) is in an unsafe operating condition; or

6924 (ii) has a tread depth less than 2/32 inch measured in any two adjacent tread grooves at
6925 three equally spaced intervals around the circumference of the tire [but such measurements
6926 shall].

6927 (b) The measurement under Subsection (7)(a) may not be made at the location of any
6928 tread wear indicator, tie bar, hump or fillet.

6929 ~~[(f)]~~ (8) A person in the business of selling tires ~~[shall]~~ may not sell or offer for sale for
6930 highway use any tire ~~[which is in unsafe condition or which has a tread depth of less than 2/32~~
6931 ~~inch measured as specified in Subsection (e)]~~ prohibited for use under Subsection (7).

6932 Section 211. Section **41-6a-1637**, which is renumbered from Section 41-6-152 is
6933 renumbered and amended to read:

6934 **[41-6-152]. 41-6a-1637. Flares, fusees or electric lanterns and flags --**

6935 **Alternative reflector units -- Duty to carry in trucks and buses -- Requirements.**

6936 ~~[(a) No]~~ (1) Except as provided under Subsection (2) and unless the vehicle is carrying
6937 the equipment required under this section, a person [shall] may not operate [any] a truck, bus or
6938 truck-tractor, or [any] a motor vehicle towing a house trailer[, upon any];

6939 (a) on a highway outside an urban district; or [upon any]

6940 (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 Subsection 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;

6972 (i) three red electric lanterns; or

6973 (ii) three portable red emergency reflectors [~~meeting the requirements of Subsection~~

6974 (a), and there shall not be carried in any said vehicle, or in any].

6975 (b) A person operating a vehicle specified under Subsection (4)(a) or a vehicle using
6976 compressed gas as a motor fuel[, any flares, fusees] may not carry in the vehicle a flare, fusee,
6977 or signal produced by flame.

6978 [~~(c) No~~] (5) A person [shall] may not operate [any] a vehicle described [in Subsection
6979 (a) or (b) upon any] under this section on a highway outside of an urban district or [upon] on a
6980 divided highway [at any time when lighted lamps are not required by Section 41-6-118 unless
6981 there shall be carried in such vehicle] during daylight hours unless at least two red flags, not
6982 less than 12 inches square, with standards to support [such] the flags are carried in the vehicle.

6983 Section 212. Section **41-6a-1638**, which is renumbered from Section 41-6-153 is
6984 renumbered and amended to read:

6985 **[41-6-153]. 41-6a-1638. Warning signal around disabled vehicle -- Time and**
6986 **place.**

6987 (1) (a) [~~Whenever any~~] When a truck, bus, truck-tractor, trailer, semitrailer, or pole
6988 trailer 80 inches or more in over-all width or 30 feet or more in over-all length is stopped
6989 [upon] on a roadway or adjacent shoulder, the [driver] operator shall immediately actuate
6990 vehicular hazard warning signal lamps meeting the requirements of Section [41-6-133]
6991 41-6a-1611.

6992 (b) The signal lights need not be displayed by a vehicle:

6993 (i) parked lawfully in an urban district;

6994 (ii) stopped lawfully to receive or discharge passengers;

6995 (iii) stopped to avoid conflict with other traffic or to comply with the directions of a
6996 peace officer or an official traffic-control device; or

6997 (iv) while the devices specified in Subsections (2) through [~~(7)~~] (6) are in place.

6998 (2) (a) Except as provided in Subsection (3), [~~whenever any~~] if a vehicle of a type
6999 [referred to in] specified under Subsection (1) is disabled[;] or stopped for more than ten
7000 minutes[, upon] on a roadway outside of an urban district [at any time when lighted lamps are
7001 required, the driver] under the conditions specified under Subsection 41-6a-1603(1), the
7002 operator of the vehicle shall display the following warning devices:

7003 ~~[(a)]~~ (i) a lighted fusee, a lighted red electric lantern, or a portable red emergency
7004 reflector shall immediately be placed at the traffic side of the vehicle in the direction of the
7005 nearest approaching traffic; and

7006 ~~[(b)]~~ (ii) as soon ~~[thereafter as possible but in any event]~~ as possible after placing the
7007 warning devices under Subsection (2)(a)(i) but within the burning period of the fusee (15
7008 minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red
7009 electric lanterns, or three portable red emergency reflectors on the roadway in the following
7010 order:

7011 ~~[(i)]~~ (A) one approximately 100 feet from the disabled vehicle in the center of the lane
7012 occupied by ~~[such]~~ the vehicle and toward traffic approaching in that lane;

7013 ~~[(ii)]~~ (B) one approximately 100 feet in the opposite direction from the disabled vehicle
7014 and in the center of the traffic lane occupied by the vehicle; and

7015 ~~[(iii)]~~ (C) one at the traffic side of the disabled vehicle not less than ten feet rearward
7016 or forward of the disabled vehicle in the direction of the nearest approaching traffic.

7017 (b) If a lighted red electric lantern or a red portable emergency reflector has been
7018 placed at the traffic side of the vehicle in accordance with Subsection (2)~~[(b)(i)]~~(a)(ii)(A), ~~[it~~
7019 ~~may be placed for this purpose]~~ a rearward lantern or reflector under Subsection (2)(a)(ii)(C) is
7020 not required.

7021 (3) ~~[Whenever any]~~ If a vehicle ~~[referred to in]~~ specified under this section is disabled,
7022 or stopped for more than ten minutes:

7023 (a) within 500 feet of a curve, hillcrest, or other obstruction to view, the warning
7024 device in that direction shall be ~~[so]~~ placed ~~[as]~~ to afford ample warning to other users of the
7025 highway, but in no case less than 100 feet ~~[nor]~~ or more than 500 feet from the disabled
7026 vehicle;

7027 (b) ~~[upon any]~~ on a roadway of a divided highway ~~[during the time lighted lamps are~~
7028 ~~required]~~ under the conditions specified under Subsection 41-6a-1603(1), the appropriate
7029 warning devices ~~[prescribed in]~~ required under Subsections (2) and (4) shall be placed as
7030 follows:

7031 (i) one at a distance of approximately 200 feet from the vehicle in the center of the lane
7032 occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

7033 (ii) one at a distance of approximately 100 feet from the vehicle, in the center of the

7034 lane occupied by the vehicle and in the direction of traffic approaching in that lane; and
7035 (iii) one at the traffic side of the vehicle and approximately ten feet from the vehicle in
7036 the direction of the nearest approaching traffic; or

7037 (c) ~~[upon]~~ on a roadway outside of an urban district or ~~[upon]~~ on the roadway of a
7038 divided highway ~~[at any time when lighted lamps are not required by Section 41-6-118]~~ not
7039 under the conditions specified under Subsection 41-6a-1603(1), the driver of the vehicle shall
7040 display two red flags as follows:

7041 (i) if traffic on the roadway moves in two directions, one flag shall be placed
7042 approximately 100 feet to the rear and one flag approximately 100 feet in advance of the
7043 vehicle in the center of the lane occupied by ~~[such]~~ the vehicle; or

7044 (ii) ~~[upon]~~ on a one-way roadway, one flag shall be placed approximately 100 feet and
7045 one flag approximately 200 feet to the rear of the vehicle in the center of the lane occupied by
7046 ~~[such]~~ the vehicle.

7047 (4) ~~[(a) Whenever any]~~ When a motor vehicle used in the transportation of explosives
7048 or any cargo tank truck used for the transportation of any flammable liquid or compressed gas
7049 is disabled, or stopped for more than ten minutes, at any time and place ~~[mentioned in]~~
7050 specified under Subsection (2) or (3), the ~~[driver]~~ operator of the vehicle shall immediately
7051 display red electric lanterns or portable red emergency reflectors in the same number and
7052 manner as specified in ~~[Subsections]~~ Subsection (2) or (3).

7053 ~~[(b) Flares, fusees, or signals produced by flame may not be used as warning devices~~
7054 ~~for vehicles of the type mentioned in this Subsection (4) nor for vehicles using compressed gas~~
7055 ~~as a fuel.]~~

7056 (5) The warning devices ~~[described in]~~ specified under Subsections (2) through (4)
7057 ~~[need not]~~ are not required to be displayed where there is sufficient light to reveal persons and
7058 vehicles within a distance of 1,000 feet.

7059 (6) ~~[At any time and place that any]~~ If a vehicle described ~~[in]~~ under this section is
7060 stopped entirely off the roadway and on an adjacent shoulder, the warning devices shall be
7061 placed, as nearly as practicable, on the shoulder near the edge of the roadway.

7062 ~~[(7) The flares, fusees, red electric lanterns, portable red emergency reflectors, and~~
7063 ~~flags to be displayed as required in this section shall conform with the applicable requirements~~
7064 ~~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~~

7096 referred to in this section shall mean] means mechanical vapor compression refrigeration
7097 equipment [~~which is~~] used to cool the [~~driver's~~] operator or passenger compartment of [~~any~~] a
7098 motor vehicle.

7099 [~~(b) Such~~] (2) Air conditioning equipment shall:

7100 (a) be manufactured, installed, and maintained with due regard for the safety of the
7101 occupants of the vehicle and the public; and [~~shall~~]

7102 (b) not contain any refrigerant which is toxic to persons or which is flammable.

7103 [~~(c) The department may adopt and enforce safety requirements, regulations and~~
7104 ~~specifications consistent with the requirements of this section applicable to such equipment~~
7105 ~~which shall correlate with and, so far as possible, conform to the current recommended practice~~
7106 ~~or standard applicable to such equipment approved by the Society of Automotive Engineers.]~~

7107 [~~(d) No~~] (3) A person [~~shall~~] may not have for sale, offer for sale, sell, or equip any
7108 motor vehicle with [~~any such~~] air conditioning equipment unless it complies with the
7109 [~~requirements of~~] specifications adopted under Section 41-6a-1601 and this section.

7110 [~~(e) No~~] (4) A person [~~shall~~] may not operate [~~on any highway any~~] a motor vehicle on
7111 a highway if the motor vehicle is equipped with [~~any air conditioning~~] air conditioning
7112 equipment unless [~~said~~] the air conditioning equipment complies with the [~~requirements of~~]
7113 specifications adopted under Section 41-6a-1601 and this section.

7114 Section 215. Section **41-6a-1641**, which is renumbered from Section 41-6-154.20 is
7115 renumbered and amended to read:

7116 [~~41-6-154.20~~]. **41-6a-1641. Video display in motor vehicles prohibited if**
7117 **visible to driver -- Exceptions.**

7118 (1) A motor vehicle may not be operated on a highway if the motor vehicle is equipped
7119 with [~~television-type receiving equipment so~~] a video display located so that the [~~viewer or~~
7120 ~~screen~~] display is visible [~~from the driver's seat~~] to the operator of the vehicle.

7121 (2) This section does not prohibit the use of [~~television-type receiving equipment~~] a
7122 video display used exclusively for:

7123 (a) safety or law enforcement purposes if the use is approved by rule of the department
7124 under Section 41-6a-1601; [or]

7125 (b) motor vehicle navigation[~~;~~]; or

7126 (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

7158 (v) certificates of emissions inspections [which are determined necessary by the county
7159 legislative body in consultation with the Air Quality Board created in Section 19-1-106].

7160 (b) The regulations or ordinances shall:

7161 (i) be made to attain or maintain ambient air quality standards in the county, consistent
7162 with the state implementation plan and federal requirements[-]; and

7163 (ii) may allow for a phase-in of the program by geographical area.

7164 (c) The county legislative body and the [board] Air Quality Board shall give preference
7165 to an inspection and maintenance program that is:

7166 [(a)] (i) decentralized, to the extent the decentralized program will attain and maintain
7167 ambient air quality standards and meet federal requirements;

7168 [(b)] (ii) the most cost effective means to achieve and maintain the maximum benefit
7169 with regard to ambient air quality standards and to meet federal air quality requirements as
7170 related to vehicle emissions; and

7171 [(c)] (iii) providing a reasonable phase-out period for replacement of air pollution
7172 emission testing equipment made obsolete by the program[-; but].

7173 (d) The provisions of Subsection (2)(c)(iii) apply only to the extent the phase-out;

7174 (i) may be accomplished in accordance with applicable federal requirements; and [the
7175 phase-out]

7176 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
7177 quality standards. [The rules may allow for a phase-in of the program by geographical area.]

7178 (3) [Agricultural implements] The following vehicles are exempt from the provisions
7179 of this section:

7180 (a) an implement of husbandry; and [any]

7181 (b) a motor vehicle that:

7182 (i) meets the definition of a farm truck under Section 41-1a-102; and

7183 (ii) has a gross vehicle weight rating of 12,001 pounds or more [are exempt from this
7184 section].

7185 (4) (a) The legislative body of a county identified in Subsection (1) shall exempt [any]
7186 a pickup truck, as defined in Section 41-1a-102, [having] with a gross vehicle weight of 12,000
7187 pounds or less from the emission inspection requirements of this section, if the registered
7188 owner of the pickup truck provides a signed statement to the legislative body stating the truck

7189 is used:

7190 (i) by the owner or operator of a farm located on property that qualifies as land in
7191 agricultural use under Sections 59-2-502 and 59-2-503; and

7192 (ii) exclusively for the following purposes in operating the farm:

7193 (A) for the transportation of farm products, including livestock and its products,
7194 poultry and its products, floricultural and horticultural products; and

7195 (B) in the transportation of farm supplies, including tile, fence, and every other thing or
7196 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production
7197 and maintenance.

7198 (b) The county shall provide to the registered owner who signs and submits a signed
7199 statement under this section a certificate of exemption from emission inspection requirements
7200 for purposes of registering the exempt vehicle.

7201 (5) (a) Each college or university located in a county subject to this section shall
7202 require its students and employees who park ~~[any] a motor vehicle [on its campus or property~~
7203 ~~that is not registered in a county subject to this section]~~ not registered in a county subject to this
7204 section to provide proof of compliance with an emissions inspection accepted by the county
7205 legislative body if the motor vehicle is parked on the college or university campus or property.

7206 (b) College or university parking areas that are metered or for which payment is
7207 required per use are not subject to the requirements of this Subsection (5).

7208 (6) (a) An emissions inspection station shall issue a certificate of emissions inspection
7209 for each motor vehicle that meets the inspection and maintenance program requirements
7210 established in rules made under Subsection (2).

7211 (b) The frequency of the emissions inspection shall be determined based on the age of
7212 the vehicle as determined by model year and shall be required annually subject to the
7213 provisions of Subsection (6)(c).

7214 (c) (i) To the extent allowed under the current federally approved state implementation
7215 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative
7216 body of a county identified in Subsection (1) shall only require the emissions inspection every
7217 two years for each vehicle.

7218 (ii) The provisions of Subsection (6)(c)(i) apply only to a vehicle that is less than six
7219 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

7251 Subsection (1) to meet the National Ambient Air Quality Standards.

7252 (3) Each county legislative body entering into an agreement under Subsection (1) shall
7253 make regulations or ordinances to implement the emissions inspection and maintenance
7254 program developed under Subsection (1).

7255 Section 218. Section **41-6a-1644**, which is renumbered from Section 41-6-163.8 is
7256 renumbered and amended to read:

7257 **~~[41-6-163.8].~~ 41-6a-1644. Diesel emissions program -- Implementation --**
7258 **Monitoring.**

7259 The legislative body of each county required by the comprehensive plan for air
7260 pollution control developed by the Air Quality Board under Subsection 19-2-104(3)(e) to use
7261 an emissions opacity inspection and maintenance program for diesel-powered motor vehicles
7262 shall:

7263 (1) make regulations or ordinances to implement and enforce the requirement
7264 established by the Air Quality Board;

7265 (2) collect information about and monitor the program; and

7266 (3) by August 1 of each year supply written information to the Department of
7267 Environmental Quality to identify program status.

7268 Section 219. Section **41-6a-1701**, which is renumbered from Section 41-6-106 is
7269 renumbered and amended to read:

7270 **Part 17. Miscellaneous Rules**

7271 **~~[41-6-106].~~ 41-6a-1701. Backing -- When permissible.**

7272 ~~[(a) The driver]~~ (1) The operator of a vehicle ~~[shall]~~ may not back the ~~[same]~~ vehicle
7273 unless ~~[such]~~ the movement can be made with safety and without interfering with other traffic.

7274 ~~[(b) The driver]~~ (2) The operator of a vehicle ~~[shall]~~ may not back the ~~[same upon~~
7275 ~~any]~~ vehicle on a shoulder or roadway of ~~[any]~~ a limited-access roadway.

7276 Section 220. Section **41-6a-1702**, which is renumbered from Section 41-6-106.10 is
7277 renumbered and amended to read:

7278 **~~[41-6-106.10].~~ 41-6a-1702. Sidewalk -- Driving prohibited -- Exception.**

7279 (1) Except for a bicycle or device propelled by human power, a person may not operate
7280 a vehicle ~~[upon]~~ on a sidewalk or sidewalk area ~~[except upon a driveway]~~.

7281 (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.

(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.

(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

7313 vehicle.

7314 (2) ~~[No]~~ A passenger in a vehicle ~~[shall]~~ may not ride in ~~[such position as to interfere~~
7315 ~~with the driver's]~~ a position that interferes with the operator's:

7316 (a) view ahead or to the sides~~[-or to interfere with his]; or~~

7317 (b) control over the driving mechanism of the vehicle.

7318 Section 224. Section **41-6a-1706**, which is renumbered from Section 41-6-109.5 is
7319 renumbered and amended to read:

7320 ~~[41-6-109.5].~~ **41-6a-1706. Occupancy of a trailer or semitrailer while being**
7321 **moved on highway prohibited.**

7322 (1) A person may not occupy a trailer or semitrailer while it is being drawn by a motor
7323 vehicle ~~[upon]~~ on a public highway.

7324 (2) This section does not apply to a:

7325 (a) livestock trailer or livestock semitrailer;

7326 (b) trailer or semitrailer being used for participation in a parade; or

7327 (c) trailer or semitrailer being used in an agricultural operation.

7328 Section 225. Section **41-6a-1707**, which is renumbered from Section 41-6-109.10 is
7329 renumbered and amended to read:

7330 ~~[41-6-109.10].~~ **41-6a-1707. Entering intersection, crosswalk, or railroad**
7331 **grade -- Sufficient space required.**

7332 ~~[No driver shall]~~ The operator of a vehicle may not enter an intersection or a marked
7333 crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other
7334 side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle ~~[he is~~
7335 ~~operating]~~ without obstructing the passage of other vehicles, pedestrians, or railroad trains
7336 notwithstanding any traffic-control signal indication to proceed.

7337 Section 226. Section **41-6a-1708**, which is renumbered from Section 41-6-110 is
7338 renumbered and amended to read:

7339 ~~[41-6-110].~~ **41-6a-1708. Driving in canyons and on mountain highways.**

7340 The ~~[driver]~~ operator of a motor vehicle traveling through defiles or canyons or on
7341 mountain highways shall:

7342 (1) hold ~~[such]~~ the motor vehicle under control and as near the right-hand edge of the
7343 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.~~

7375 (1) ~~[It shall be unlawful for any person to]~~ A person may not throw, deposit, or discard,
7376 or to permit to be dropped, thrown, deposited, or discarded ~~[upon]~~ on any public road,
7377 highway, park, recreation area, or other public or private land, or waterway, any glass bottle,
7378 glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or
7379 any other substance which would or could mar or impair the scenic aspect or beauty of the land
7380 in the state whether under private, state, county, municipal, or federal ownership without the
7381 permission of the owner or person having control or custody of the land.

7382 (2) ~~[Any]~~ A person who drops, throws, deposits, or discards, or permits to be dropped,
7383 thrown, deposited, or discarded, ~~[upon]~~ on any public road, highway, park, recreation area, or
7384 other public or private land or waterway any destructive, injurious, or unsightly material shall:

7385 (a) immediately remove the material or cause it to be removed; and

7386 (b) deposit the material in a receptacle designed to receive the material.

7387 (3) ~~[Any]~~ A person distributing commercial handbills, leaflets, or other advertising
7388 shall take whatever measures are reasonably necessary to keep the material from littering
7389 public or private property or public roadways.

7390 (4) ~~[Any]~~ A person removing a wrecked or damaged vehicle from a public road,
7391 highway, park, recreation area, or other public or private land shall remove any glass or other
7392 injurious substance dropped from the vehicle ~~[upon]~~ on the road or highway or in the park,
7393 recreation area, or other public or private land.

7394 (5) ~~[It shall be unlawful to]~~ A person may not throw any lighted material from a
7395 moving vehicle.

7396 (6) Except as provided in Section 72-7-409, any person transporting loose cargo by
7397 truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent
7398 the cargo from littering or spilling on both public and private property or public roadways.

7399 (7) ~~[Any]~~ A person in charge of a construction or demolition site shall take reasonable
7400 steps to prevent the accumulation of litter at the construction or demolition site.

7401 (8) (a) ~~[Officers of the Division of Wildlife Resources and Parks and Recreation, peace~~
7402 ~~officers of incorporated cities and towns, sheriffs and their deputies, deputy state fire wardens,~~
7403 ~~state capitol security officers, and other officers of the state, within their]~~ A law enforcement
7404 officer as defined in Section 53-13-103, within the law enforcement officer's jurisdiction, shall
7405 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

7437 **[~~41-6-181~~]. 41-6a-1801. Short title.**

7438 This ~~[article]~~ part is known as the "Motor Vehicle ~~[Seat]~~ Safety Belt Usage Act."

7439 Section 234. Section **41-6a-1802**, which is renumbered from Section 41-6-181.5 is
7440 renumbered and amended to read:

7441 **[~~41-6-181.5~~]. 41-6a-1802. Definitions.**

7442 As used in this ~~[article]~~ part:

7443 (1) "Child restraint device" means a child restraint device ~~[approved by the~~
7444 ~~commissioner of the Department of Public Safety]~~ that meets standards adopted under Section
7445 41-6a-1601.

7446 (2) "Motor vehicle" means a vehicle defined in Section 41-1a-102, except vehicles that
7447 are not equipped with safety belts by the manufacturer.

7448 (3) "Safety belt" means a safety belt or seat belt system that meets standards ~~[set by the~~
7449 ~~commissioner of the Department of Public Safety]~~ adopted under Section 41-6a-1601.

7450 (4) "Seating position" means any area within the passenger compartment of a motor
7451 vehicle in which the manufacturer has installed a safety belt.

7452 Section 235. Section **41-6a-1803**, which is renumbered from Section 41-6-182 is
7453 renumbered and amended to read:

7454 **[~~41-6-182~~]. 41-6a-1803. Driver and passengers -- Seat belt or child restraint**
7455 **device required.**

7456 (1) The ~~[driver]~~ operator of a motor vehicle operated on a highway shall:

7457 (a) wear a properly adjusted and fastened safety belt;

7458 (b) provide for the protection of each person younger than five years of age by using a
7459 child restraint device to restrain each person in the manner prescribed by the manufacturer of
7460 the device; and

7461 (c) provide for the protection of each person five years of age up to 16 years of age by:

7462 (i) using an appropriate child restraint device to restrain each person in the manner
7463 prescribed by the manufacturer of the device; or ~~[by]~~

7464 (ii) securing, or causing to be secured, a properly adjusted and fastened safety belt on
7465 each person.

7466 (2) A passenger who is 16 years of age or older of a motor vehicle operated on a
7467 highway shall wear a properly adjusted and fastened safety belt.

7468 ~~[(3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,~~
7469 ~~the commissioner of the Department of Public Safety shall set standards for approved safety~~
7470 ~~belts and child restraint devices.]~~

7471 ~~[(4)]~~ (3) If more than one person is not using a child restraint device or wearing a
7472 safety belt in violation of Subsection (1), it is only one offense and the driver may receive only
7473 one citation.

7474 ~~[(5)]~~ (4) For a person 19 years of age or older who violates Subsection (1)(a) or (2),
7475 enforcement by a state or local law enforcement officer shall be only as a secondary action
7476 when the person has been detained for a suspected violation of Title 41, Motor Vehicles, other
7477 than Subsection (1)(a) or (2), or for another offense.

7478 Section 236. Section **41-6a-1804**, which is renumbered from Section 41-6-183 is
7479 renumbered and amended to read:

7480 ~~[41-6-183].~~ **41-6a-1804. Exceptions.**

7481 (1) This ~~[article]~~ part does not apply to ~~[a driver]~~ an operator or passenger of:

7482 (a) a motor vehicle manufactured before July 1, 1966;

7483 (b) a motor vehicle in which the ~~[driver]~~ operator or passengers possess a written
7484 verification from a licensed physician that the ~~[driver or passenger]~~ person is unable to wear a
7485 safety belt for physical or medical reasons; or

7486 (c) a motor vehicle or seating position which is not required to be equipped with a
7487 safety belt system under federal law.

7488 (2) This ~~[article]~~ part does not apply to a passenger if all seating positions are occupied
7489 by other passengers.

7490 Section 237. Section **41-6a-1805**, which is renumbered from Section 41-6-185 is
7491 renumbered and amended to read:

7492 ~~[41-6-185].~~ **41-6a-1805. Penalty for violation.**

7493 (1) (a) A person who violates Section ~~[41-6-182]~~ 41-6a-1803 is guilty of an infraction
7494 and shall be fined a maximum of \$45.

7495 (b) The court shall waive all but \$15 of the fine for a violation of Section ~~[41-6-182]~~
7496 41-6a-1803 if a person:

7497 (i) shows evidence of completion of a two-hour course approved by the commissioner
7498 of the Department of Public Safety that includes education on the benefits of using a safety belt

7499 and child restraint device; and

7500 (ii) if the violation is for an offense under Subsection [~~41-6-182~~] 41-6a-1803(1)(b),
7501 submits proof of acquisition, rental, or purchase of a child restraint device.

7502 (2) Points for a motor vehicle reportable violation, as defined under Section 53-3-102,
7503 may not be assessed against ~~any~~ a person for a violation of Section [~~41-6-182~~] 41-6a-1803.

7504 Section 238. Section **41-6a-1806**, which is renumbered from Section 41-6-186 is
7505 renumbered and amended to read:

7506 **[~~41-6-186~~]. 41-6a-1806. Compliance -- Civil litigation.**

7507 The failure to use a child restraint device or to wear a safety belt;

7508 (1) does not constitute contributory or comparative negligence on the part of a person
7509 seeking recovery for injuries~~[-];~~ and

7510 (2) may not be introduced as evidence in any civil litigation on the issue of negligence,
7511 injuries, or the mitigation of damages.

7512 Section 239. Section **41-12a-202** is amended to read:

7513 **41-12a-202. Access to accident reports.**

7514 (1) Accident reports and supplemental information as required under this chapter are
7515 protected and are for the confidential use of the department and other state, local, or federal
7516 government agencies and may be disclosed only as provided in Section 41-6-40.

7517 (2) (a) Any person entitled to the disclosure of an accident report, as provided in
7518 Section [~~41-6-40~~] 41-6a-404, may obtain a photocopy by paying the department a fee
7519 established under Section 63-38-3.2.

7520 (b) These fees shall be deposited in the General Fund.

7521 Section 240. Section **41-12a-301** is amended to read:

7522 **41-12a-301. Definition -- Requirement of owner's or operator's security --**

7523 **Exceptions.**

7524 (1) As used in this section:

7525 (a) "highway" has the same meaning as provided in Section 41-1a-102; and

7526 (b) "quasi-public road or parking area" has the same meaning as provided in Section
7527 [~~41-6-17.5~~] 41-6a-214.

7528 (2) Except as provided in Subsection (5):

7529 (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

7592 provision requirements under Section 31A-22-302, if the policy or bond is sufficient to provide
7593 full recovery for claimants and the policy or bond is issued by an insurer licensed in the state.

7594 (g) The operator at the time of the accident was operating a motor vehicle owned or
7595 leased by the operator's employer and driven with the employer's permission.

7596 (h) Evidence as to the extent of injuries or property damage caused by the accident has
7597 not been submitted by or on behalf of any person affected by the accident within six months
7598 following the date of the accident.

7599 (i) The motor vehicle was legally parked at the time of the accident.

7600 (j) The motor vehicle was an emergency vehicle acting in the line of duty at the time of
7601 the accident.

7602 (k) The motor vehicle involved in the accident is owned by the United States, this state,
7603 or any political subdivision of this state, if the operator was using the vehicle with the
7604 permission of the owner.

7605 (l) The motor vehicle was legally stopped at a stop sign, traffic signal, or at the
7606 direction of a peace officer at the time of the accident.

7607 (3) (a) If an operator who is required to file post-accident security under Subsection (1)
7608 does not do so within ten days after receiving notice of the requirement of security, the
7609 department shall suspend the driver's license of the operator and all registrations of the owner,
7610 if he is a resident of the state.

7611 (b) If the operator is not a resident of Utah, the department shall suspend the privilege
7612 of operating a motor vehicle within the state and of using, in the state, any owned motor
7613 vehicle.

7614 (c) Notice of these suspensions shall be sent to the owner or operator no less than 15
7615 days prior to the effective date of the suspension.

7616 Section 242. Section **41-12a-502** is amended to read:

7617 **41-12a-502. Accident reports.**

7618 (1) (a) Accident reports required under Section [~~41-6-35~~] 41-6a-402 shall contain
7619 information to enable the department to determine whether the owner and operator of the
7620 automobile involved in the accident were in compliance with the security requirement of
7621 Section 41-12a-301.

7622 (b) The information may consist of identifying the policy, bond, or certificate's issuer

7623 and number.

7624 (c) The department may rely upon the accuracy of the information unless it has reason
7625 to believe that it is erroneous.

7626 (2)(a) The operator of a motor vehicle involved in an accident shall, unless physically
7627 incapable, make an accident report.

7628 (b) If the operator is physically incapable, the owner shall, if physically capable, make
7629 a report within ten days of learning of the accident.

7630 (c) The operator and owner shall furnish any additional relevant information the
7631 department reasonably requests.

7632 [(2)] (3) Failure to report an accident as required under Section [~~41-6-35~~] 14-6a-402
7633 shall be punished as set forth under Subsection [~~41-6-37(3)~~] 41-6a-402(5).

7634 Section 243. Section **41-22-2** is amended to read:

7635 **41-22-2. Definitions.**

7636 As used in this chapter:

7637 (1) "Advisory council" means the Off-highway Vehicle Advisory Council appointed by
7638 the Board of Parks and Recreation.

7639 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width,
7640 having an unladen dry weight of 800 pounds or less, traveling on three or more low pressure
7641 tires, having a seat designed to be straddled by the operator, and designed for or capable of
7642 travel over unimproved terrain.

7643 (3) "All-terrain type II vehicle" means any other motor vehicle, not defined in
7644 Subsection (2), (9), or (20), designed for or capable of travel over unimproved terrain. This
7645 term does not include golf carts, any vehicle designed to carry a disabled person, any vehicle
7646 not specifically designed for recreational use, or farm tractors as defined under Section
7647 41-1a-102.

7648 (4) "Board" means the Board of Parks and Recreation.

7649 (5) "Dealer" means a person engaged in the business of selling off-highway vehicles at
7650 wholesale or retail.

7651 (6) "Division" means the Division of Parks and Recreation.

7652 (7) "Low pressure tire" means any pneumatic tire six inches or more in width designed
7653 for use on wheels with rim diameter of 12 inches or less and utilizing an operating pressure of

7654 ten pounds per square inch or less as recommended by the vehicle manufacturer.

7655 (8) "Manufacturer" means a person engaged in the business of manufacturing
7656 off-highway vehicles.

7657 (9) "Motorcycle" means every motor vehicle having a saddle for the use of the operator
7658 and designed to travel on not more than two tires.

7659 (10) "Motor vehicle" means every vehicle which is self-propelled.

7660 (11) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,
7661 all-terrain type II vehicle, or motorcycle.

7662 (12) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
7663 motorcycle, or snowmobile which is used by the owner or his agent for agricultural operations.

7664 (13) "Operate" means to control the movement of or otherwise use an off-highway
7665 vehicle.

7666 (14) "Operator" means the person who is in actual physical control of an off-highway
7667 vehicle.

7668 (15) "Organized user group" means an off-highway vehicle organization incorporated
7669 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit
7670 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

7671 (16) "Owner" means a person, other than a person with a security interest, having a
7672 property interest or title to an off-highway vehicle and entitled to the use and possession of that
7673 vehicle.

7674 (17) "Public land" means land owned or administered by any federal or state agency or
7675 any political subdivision of the state.

7676 (18) "Register" means the act of assigning a registration number to an off-highway
7677 vehicle.

7678 (19) "Roadway" is used as defined in Section ~~[41-6-1]~~ 41-6a-102.

7679 (20) "Snowmobile" means any motor vehicle designed for travel on snow or ice and
7680 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

7681 (21) "Street or highway" means the entire width between boundary lines of every way
7682 or place of whatever nature, when any part of it is open to the use of the public for vehicular
7683 travel.

7684 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;

7747 (B) the name of the law enforcement officer or the identifying number the agency has
7748 assigned to the law enforcement officer;

7749 (C) the race and gender of the law enforcement officer;

7750 (D) the purpose of the law enforcement officer's status check, including but not limited
7751 to a traffic stop or a pedestrian stop; and

7752 (E) the race of the individual regarding whom the status check is made, based on the
7753 information provided through the application process under Section 53-3-205 or 53-3-804;

7754 (ii) provide access to the database created in Subsection (1)(i)(i) to the Commission on
7755 Criminal and Juvenile Justice for the purpose of:

7756 (A) evaluating the data;

7757 (B) evaluating the effectiveness of the data collection process; and

7758 (C) reporting and making recommendations to the Legislature; and

7759 (iii) classify any personal identifying information of any individual, including law
7760 enforcement officers, in the database as protected records under Subsection 63-2-304(9).

7761 (2) (a) The department may establish a schedule of fees as required or allowed in this
7762 title for services provided by the department.

7763 (b) The fees shall be established in accordance with Section 63-38-3.2.

7764 Section 249. Section **53-1-108** is amended to read:

7765 **53-1-108. Commissioner's powers and duties.**

7766 (1) In addition to the responsibilities contained in this title, the commissioner shall:

7767 (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility
7768 of Motor Vehicle Owners and Operators Act;

7769 (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as
7770 required to properly discharge the duties of the department;

7771 (c) make rules:

7772 (i) governing emergency use of signal lights on private vehicles; and

7773 (ii) allowing privately owned vehicles to be designated for part-time emergency use, as
7774 provided in Section [~~41-6-1.5~~] 41-6a-310;

7775 (d) set standards for safety belt systems, as required by Section [~~41-6-182~~] 41-6a-1803;

7776 (e) serve as the chairman of the Disaster Emergency Advisory Council, as required by
7777 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

7809 capitol hill facilities and capitol hill grounds.

7810 (b) The commissioner, in cooperation with the director of the Division of Facilities
7811 Construction and Management shall provide for the security of all grounds and buildings under
7812 the jurisdiction of the Division of Facilities Construction and Management.

7813 (3) Security personnel required in Subsection (2) shall be law enforcement officers as
7814 defined in Section 53-13-103.

7815 (4) Security personnel who were actively employed and had five or more years of
7816 active service with Protective Services within the Utah Highway Patrol Division as special
7817 function officers, as defined in Section 53-13-105, on June 29, 1996, shall become law
7818 enforcement officers:

7819 (a) without a requirement of any additional training or examinations, if they have
7820 completed the entire law enforcement officer training of the Peace Officers Standards and
7821 Training Division; or

7822 (b) upon completing only the academic portion of the law enforcement officer training
7823 of the Peace Officers Standards and Training Division.

7824 (5) An officer in a supervisory position with Protective Services within the Utah
7825 Highway Patrol Division shall be allowed to transfer the job title that the officer held on April
7826 28, 1996, into a comparable supervisory position of employment as a peace officer for as long
7827 as the officer remains with Protective Services within the Utah Highway Patrol Division.

7828 Section 251. Section **53-3-104** is amended to read:

7829 **53-3-104. Division duties.**

7830 The division shall:

7831 (1) make rules:

7832 (a) for examining applicants for a license, as necessary for the safety and welfare of the
7833 traveling public;

7834 (b) regarding the restrictions to be imposed on a person driving a motor vehicle with a
7835 temporary learner permit; and

7836 (c) for exemptions from licensing requirements as authorized in this chapter;

7837 (2) examine each applicant according to the class of license applied for;

7838 (3) license motor vehicle drivers;

7839 (4) file every application for a license received by it and shall maintain indices

7840 containing:

7841 (a) all applications denied and the reason each was denied;

7842 (b) all applications granted; and

7843 (c) the name of every licensee whose license has been suspended, disqualified, or

7844 revoked by the division and the reasons for the action;

7845 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with

7846 this chapter;

7847 (6) file all accident reports and abstracts of court records of convictions received by it

7848 under state law;

7849 (7) maintain a record of each licensee showing his convictions and the traffic accidents

7850 in which he has been involved where a conviction has resulted;

7851 (8) consider the record of a licensee upon an application for renewal of a license and at

7852 other appropriate times;

7853 (9) search the license files, compile, and furnish a report on the driving record of any

7854 person licensed in the state in accordance with Section 53-3-109;

7855 (10) develop and implement a record system as required by Section [~~41-6-48.5~~]

7856 41-6a-604;

7857 (11) in accordance with Section 53A-13-208, establish:

7858 (a) procedures and standards to certify teachers of driver education classes to

7859 administer knowledge and skills tests;

7860 (b) minimal standards for the tests; and

7861 (c) procedures to enable school districts to administer or process any tests for students

7862 to receive a class D operator's license;

7863 (12) in accordance with Section 53-3-510, establish:

7864 (a) procedures and standards to certify licensed instructors of commercial driver

7865 training school courses to administer the skills test;

7866 (b) minimal standards for the test; and

7867 (c) procedures to enable licensed commercial driver training schools to administer or

7868 process skills tests for students to receive a class D operator's license; and

7869 (13) provide administrative support to the Driver License Medical Advisory Board

7870 created in Section 53-3-303.

7871 Section 252. Section **53-3-105** is amended to read:

7872 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
7873 **and identification cards.**

7874 The following fees apply under this chapter:

7875 (1) An original class D license application under Section 53-3-205 is \$20.

7876 (2) An original class M license application under Section 53-3-205 is \$22.50.

7877 (3) An original provisional license application for a class D license under Section
7878 53-3-205 is \$25.

7879 (4) An original provisional license application for a class M license under Section
7880 53-3-205 is \$27.50.

7881 (5) An original application for a motorcycle endorsement under Section 53-3-205 is
7882 \$7.50.

7883 (6) An original application for a taxicab endorsement under Section 53-3-205 is \$5.

7884 (7) A renewal of a class D license under Section 53-3-214 is \$20 unless Subsection
7885 (13) applies.

7886 (8) A renewal of a class M license under Section 53-3-214 is \$22.50.

7887 (9) A renewal of a provisional license application for a class D license under Section
7888 53-3-214 is \$20.

7889 (10) A renewal of a provisional license application for a class M license under Section
7890 53-3-214 is \$22.50.

7891 (11) A renewal of a motorcycle endorsement under Section 53-3-214 is \$7.50.

7892 (12) A renewal of a taxicab endorsement under Section 53-3-214 is \$5.

7893 (13) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
7894 \$8.

7895 (14) An extension of a class D license under Section 53-3-214 is \$15 unless Subsection
7896 (20) applies.

7897 (15) An extension of a class M license under Section 53-3-214 is \$17.50.

7898 (16) An extension of a provisional license application for a class D license under
7899 Section 53-3-214 is \$15.

7900 (17) An extension of a provisional license application for a class M license under
7901 Section 53-3-214 is \$17.50.

- 7902 (18) An extension of a motorcycle endorsement under Section 53-3-214 is \$7.50.
- 7903 (19) An extension of a taxicab endorsement under Section 53-3-214 is \$5.
- 7904 (20) An extension of a class D license for a person 65 and older under Section
- 7905 53-3-214 is \$6.
- 7906 (21) An original or renewal application for a commercial class A, B, or C license or an
- 7907 original or renewal of a provisional commercial class A or B license under Part 4 [~~of this~~
- 7908 ~~chapter~~], Uniform Commercial Driver License Act, is:
- 7909 (a) \$35 for the knowledge test; and
- 7910 (b) \$55 for the skills test.
- 7911 (22) Each original CDL endorsement for passengers, hazardous material, double or
- 7912 triple trailers, or tankers is \$5.
- 7913 (23) An original CDL endorsement for a school bus under Part 4 [~~of this chapter~~],
- 7914 Uniform Commercial Driver License Act, is \$5.
- 7915 (24) A renewal of a CDL endorsement under Part 4 [~~of this chapter~~], Uniform
- 7916 Commercial Driver License Act, is \$5.
- 7917 (25) A retake of a CDL knowledge or a CDL skills test provided for in Section
- 7918 53-3-205 is \$15.
- 7919 (26) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$5.
- 7920 (27) A duplicate class A, B, C, D, or M license certificate under Section 53-3-215 is
- 7921 \$13.
- 7922 (28) (a) A license reinstatement application under Section 53-3-205 is \$25.
- 7923 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
- 7924 combination of alcohol and any drug-related offense is \$25 in addition to the fee under
- 7925 Subsection (28)(a).
- 7926 (29) (a) An administrative fee for license reinstatement after an alcohol, drug, or
- 7927 combination of alcohol and any drug-related offense under Section [~~41-6-44.10~~] 41-6a-520,
- 7928 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related
- 7929 offense under Part 4 [~~of this chapter~~], Uniform Commercial Driver License Act, is \$150.
- 7930 (b) This administrative fee is in addition to the fees under Subsection (28).
- 7931 (30) (a) An administrative fee for providing the driving record of a driver under
- 7932 Section 53-3-104 or 53-3-420 is \$4.

7933 (b) The division may not charge for a report furnished under Section 53-3-104 to a
7934 municipal, county, state, or federal agency.

7935 (31) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

7936 (32) An identification card application under Section 53-3-808 is \$8.

7937 Section 253. Section **53-3-106** is amended to read:

7938 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**
7939 **-- Uses as provided by appropriation -- Nonlapsing.**

7940 (1) There is created within the Transportation Fund a restricted account known as the
7941 "Department of Public Safety Restricted Account."

7942 (2) The account consists of monies generated from the following revenue sources:

7943 (a) all monies received under this chapter;

7944 (b) administrative fees received according to the fee schedule authorized under this
7945 chapter and Section 63-38-3.2; and

7946 (c) any appropriations made to the account by the Legislature.

7947 (3) (a) The account shall earn interest.

7948 (b) All interest earned on account monies shall be deposited in the account.

7949 (4) The expenses of the department in carrying out this chapter shall be provided for by
7950 legislative appropriation from this account.

7951 (5) The amount in excess of \$35 of the fees collected under Subsection 53-3-105(29)
7952 shall be appropriated by the Legislature from this account to the department to implement the
7953 provisions of Section 53-1-117, except that of the amount in excess of \$35, \$30 shall be
7954 deposited in the State Laboratory Drug Testing restricted account created in Section 26-1-34.

7955 (6) All monies received under Subsection [~~41-6-102.5(5)~~] 41-6a-1406(6)(b)(ii) shall be
7956 appropriated by the Legislature from this account to the department to implement the
7957 provisions of Section 53-1-117.

7958 (7) Appropriations to the department from the account are nonlapsing.

7959 Section 254. Section **53-3-202** is amended to read:

7960 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

7961 (1) A person may not drive a motor vehicle on a highway in this state unless the person
7962 is:

7963 (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the

7964 division under this chapter;

7965 (b) driving an official United States Government class D motor vehicle with a valid
7966 United States Government driver permit or license for that type of vehicle;

7967 (c) driving a road roller, road machinery, or any farm tractor or implement of
7968 husbandry temporarily drawn, moved, or propelled on the highways;

7969 (d) a nonresident who is at least 16 years of age and younger than 18 years of age who
7970 has in his immediate possession a valid license certificate issued to him in his home state or
7971 country and is driving as a class D or M driver;

7972 (e) a nonresident who is at least 18 years of age and who has in his immediate
7973 possession a valid license certificate issued to him in his home state or country if driving in the
7974 class or classes identified on the home state license certificate, except those persons referred to
7975 in Part 6 of this chapter;

7976 (f) driving under a temporary learner permit, instruction permit, or practice permit in
7977 accordance with Section 53-3-210 or 53A-13-208;

7978 (g) driving with a temporary license certificate issued in accordance with Section
7979 53-3-207; or

7980 (h) exempt under Title 41, Chapter 22, Off-highway Vehicles.

7981 (2) A person may not drive or, while within the passenger compartment of a motor
7982 vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a
7983 motor vehicle upon a highway unless the person:

7984 (a) holds a valid license issued under this chapter for the type or class of motor vehicle
7985 being towed; or

7986 (b) is exempted under either Subsection (1)(b) or (1)(c).

7987 (3) A person may not drive a motor vehicle as a taxicab on a highway of this state
7988 unless the person has a taxicab endorsement issued by the division on his license certificate.

7989 (4) (a) A person may not operate an electric assisted bicycle as defined under Section
7990 ~~[41-6-1]~~ 41-6a-102 unless the person has a valid class M or class D license issued under this
7991 chapter.

7992 (b) Subsection (4)(a) is an exception to the provisions of Section 53-3-104.

7993 (5) A person who violates this section is guilty of a class C misdemeanor.

7994 Section 255. Section **53-3-214** is amended to read:

7995 **53-3-214. Renewal -- Fees required -- Extension without examination.**

7996 (1) (a) The holder of a valid license may renew his license and any endorsement to the
7997 license by applying:

7998 (i) at any time within six months before the license expires; or

7999 (ii) more than six months prior to the expiration date if the applicant furnishes proof
8000 that he will be absent from the state during the six-month period prior to the expiration of the
8001 license.

8002 (b) The application for a renewal of, extension of, or any endorsement to a license shall
8003 be accompanied by a fee under Section 53-3-105.

8004 (2) (a) Except as provided under Subsections (2)(b) and (3), upon application for
8005 renewal of a license, provisional license, and any endorsement to a license, the division shall
8006 reexamine each applicant as if for an original license and endorsement to the license, if
8007 applicable.

8008 (b) The division may waive any or all portions of the test designed to demonstrate the
8009 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

8010 (3) (a) Except as provided under Subsection (3)(b), the division shall extend a license,
8011 any endorsement to the license, a provisional license, and any endorsement to a provisional
8012 license for five years without examination for licensees whose driving records for the five years
8013 immediately preceding the determination of eligibility for extension show:

8014 (i) no suspensions;

8015 (ii) no revocations;

8016 (iii) no conviction for reckless driving under Section ~~[41-6-45]~~ 41-6a-528; and

8017 (iv) no more than four reportable violations in the preceding five years.

8018 (b) (i) After the expiration of a license, a new license certificate and any endorsement
8019 to a license certificate may not be issued until the person has again passed the tests under
8020 Section 53-3-206 and paid the required fee.

8021 (ii) A person 65 years of age or older shall take and pass the eye examination specified
8022 in Section 53-3-206.

8023 (iii) An extension may not be granted to any person who is identified by the division as
8024 having a medical impairment that may represent a hazard to public safety.

8025 (iv) An extension may not be granted to any person holding a CDL issued under Part 4

8026 of this chapter.

8027 (c) The division shall allow extensions:

8028 (i) by mail at the appropriate extension fee rate under Section 53-3-105;

8029 (ii) only if the applicant qualifies under this section; and

8030 (iii) for only one extension.

8031 Section 256. Section **53-3-218** is amended to read:

8032 **53-3-218. Court to report convictions and may recommend suspension of license**

8033 **-- Severity of speeding violation defined.**

8034 (1) As used in this section, "conviction" means conviction by the court of first
8035 impression or final administrative determination in an administrative traffic proceeding.

8036 (2) (a) A court having jurisdiction over offenses committed under this chapter or any
8037 other law of this state, or under any municipal ordinance regulating driving motor vehicles on
8038 highways or driving motorboats on the water, shall forward to the division within ten days, an
8039 abstract of the court record of the conviction or plea held in abeyance of any person in the court
8040 for a reportable traffic or motorboating violation of any laws or ordinances, and may
8041 recommend the suspension of the license of the person convicted.

8042 (b) When the division receives a court record of a conviction or plea in abeyance for a
8043 motorboat violation, the division may only take action against a person's driver license if the
8044 motorboat violation is for a violation of Title 41, Chapter ~~[6, Article]~~ 6a, Part 5, Driving
8045 ~~[While Intoxicated]~~ Under the Influence and Reckless Driving.

8046 (3) The abstract shall be made in the form prescribed by the division and shall include:

8047 (a) the name and address of the party charged;

8048 (b) the number of his license certificate, if any;

8049 (c) the registration number of the motor vehicle or motorboat involved;

8050 (d) whether the motor vehicle was a commercial motor vehicle;

8051 (e) whether the motor vehicle carried hazardous materials;

8052 (f) the nature of the offense;

8053 (g) the date of the hearing;

8054 (h) the plea;

8055 (i) the judgment or whether bail was forfeited; and

8056 (j) the severity of the violation, which shall be graded by the court as "minimum,"

8057 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

8058 (4) When a convicted person secures a judgment of acquittal or reversal in any
8059 appellate court after conviction in the court of first impression, the division shall reinstate his
8060 license immediately upon receipt of a certified copy of the judgment of acquittal or reversal.

8061 Section 257. Section **53-3-220** is amended to read:

8062 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
8063 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
8064 **Limited driving privileges.**

8065 (1) (a) The division shall immediately revoke or, when this chapter or Title 41, Chapter
8066 [6] 6a, Traffic [~~Rules and Regulations~~] Code, specifically provides for denial, suspension, or
8067 disqualification, the division shall deny, suspend, or disqualify the license of a person upon
8068 receiving a record of the person's conviction for any of the following offenses:

8069 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or
8070 automobile homicide under Section 76-5-207;

8071 (ii) driving or being in actual physical control of a motor vehicle while under the
8072 influence of alcohol, any drug, or combination of them to a degree that renders the person
8073 incapable of safely driving a motor vehicle as prohibited in Section [~~41-6-44~~] 41-6a-502 or as
8074 prohibited in an ordinance that complies with the requirements of Subsection [~~41-6-43~~]
8075 41-6a-510(1);

8076 (iii) driving or being in actual physical control of a motor vehicle while having a blood
8077 or breath alcohol content prohibited in Section [~~41-6-44~~] 41-6a-502 or as prohibited in an
8078 ordinance that complies with the requirements of Subsection [~~41-6-43~~] 41-6a-510(1);

8079 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
8080 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
8081 regulating driving on highways;

8082 (v) any felony under the motor vehicle laws of this state;

8083 (vi) any other felony in which a motor vehicle is used to facilitate the offense;

8084 (vii) failure to stop and render aid as required under the laws of this state if a motor
8085 vehicle accident results in the death or personal injury of another;

8086 (viii) two charges of reckless driving committed within a period of 12 months; but if
8087 upon a first conviction of reckless driving the judge or justice recommends suspension of the

8088 convicted person's license, the division may after a hearing suspend the license for a period of
8089 three months;

8090 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as
8091 required in Section [~~41-6-13.5~~] 41-6a-206;

8092 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
8093 requires disqualification;

8094 (xi) discharging or allowing the discharge of a firearm from a vehicle in violation of
8095 Subsection 76-10-508(2);

8096 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
8097 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);

8098 (xiii) operating or being in actual physical control of a motor vehicle while having any
8099 measurable controlled substance or metabolite of a controlled substance in the person's body in
8100 violation of Section [~~41-6-44.6~~] 41-6a-517; and

8101 (xiv) operating or being in actual physical control of a motor vehicle while having any
8102 alcohol in the person's body in violation of Section 53-3-232.

8103 (b) The division shall immediately revoke the license of a person upon receiving a
8104 record of an adjudication under Title 78, Chapter 3a, Juvenile Court Act of 1996, for any of the
8105 following offenses:

8106 (i) discharging or allowing the discharge of a firearm from a vehicle in violation of
8107 Subsection 76-10-508(2); and

8108 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
8109 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).

8110 (c) Except when action is taken under Section 53-3-219 for the same offense, the
8111 division shall immediately suspend for six months the license of a person upon receiving a
8112 record of conviction for any of the following offenses:

8113 (i) any violation of:

8114 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

8115 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

8116 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

8117 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

8118 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

8119 (ii) any criminal offense that prohibits:

8120 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance
8121 that is prohibited under the acts described in Subsection (1)(c)(i); or

8122 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or
8123 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).

8124 (2) (a) The division shall extend the period of the first denial, suspension, revocation,
8125 or disqualification for an additional like period, to a maximum of one year for each subsequent
8126 occurrence, upon receiving:

8127 (i) a record of the conviction of any person on a charge of driving a motor vehicle
8128 while the person's license is denied, suspended, revoked, or disqualified;

8129 (ii) a record of a conviction of the person for any violation of the motor vehicle law in
8130 which the person was involved as a driver;

8131 (iii) a report of an arrest of the person for any violation of the motor vehicle law in
8132 which the person was involved as a driver; or

8133 (iv) a report of an accident in which the person was involved as a driver.

8134 (b) For a violation of Subsection 53-3-227(4), the division shall extend the period of
8135 the first suspension, revocation, or disqualification for an additional one-year period.

8136 (3) When the division receives a report under Subsection (2)(a)(iii) or (iv) that a person
8137 is driving while the person's license is denied, suspended, disqualified, or revoked, the person
8138 is entitled to a hearing regarding the extension of the time of denial, suspension,
8139 disqualification, or revocation originally imposed under Section 53-3-221.

8140 (4) (a) The division may extend to a person the limited privilege of driving a motor
8141 vehicle to and from the person's place of employment or within other specified limits on
8142 recommendation of the trial judge in any case where a person is convicted of any of the
8143 offenses referred to in Subsections (1) and (2) except:

8144 (i) automobile homicide under Subsection (1)(a)(i);

8145 (ii) those offenses referred to in Subsections (1)(a)(ii), (a)(iii), (a)(xi), (a)(xii), (a)(xiii),
8146 (1)(b), and (1)(c); and

8147 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,
8148 revocation, or disqualification was imposed because of a violation of Section ~~[41-6-44, Section~~
8149 ~~41-6-44.6]~~ 41-6a-502, 41-6a-517, a local ordinance which complies with the requirements of

8150 Subsection ~~[41-6-43]~~ 41-6a-510(1), Section ~~[41-6-44.10]~~ 41-6a-520, or Section 76-5-207, or a
8151 criminal prohibition that the person was charged with violating as a result of a plea bargain
8152 after having been originally charged with violating one or more of these sections or ordinances.

8153 (b) This discretionary privilege is limited to when undue hardship would result from a
8154 failure to grant the privilege and may be granted only once to any individual during any single
8155 period of denial, suspension, revocation, or disqualification, or extension of that denial,
8156 suspension, revocation, or disqualification.

8157 (c) A limited CDL may not be granted to an individual disqualified under Part 4,
8158 Uniform Commercial Driver License Act, or whose license has been revoked, suspended,
8159 cancelled, or denied under this chapter.

8160 Section 258. Section **53-3-222** is amended to read:

8161 **53-3-222. Purpose of revocation or suspension for driving under the influence.**

8162 The Legislature finds that the purpose of this title relating to suspension or revocation
8163 of a person's license or privilege to drive a motor vehicle for driving with a blood alcohol
8164 content above a certain level or while under the influence of alcohol, any drug, or a
8165 combination of alcohol and any drug, or for refusing to take a chemical test as provided in
8166 Section ~~[41-6-44.10]~~ 41-6a-520, is protecting persons on highways by quickly removing from
8167 the highways those persons who have shown they are safety hazards.

8168 Section 259. Section **53-3-223** is amended to read:

8169 **53-3-223. Chemical test for driving under the influence -- Temporary license --**

8170 **Hearing and decision -- Suspension and fee -- Judicial review.**

8171 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
8172 violating or has violated Section ~~[41-6-44]~~ 41-6a-502, prohibiting the operation of a vehicle
8173 with a certain blood or breath alcohol concentration and driving under the influence of any
8174 drug, alcohol, or combination of a drug and alcohol or while having any measurable controlled
8175 substance or metabolite of a controlled substance in the person's body in violation of Section
8176 ~~[41-6-44.6]~~ 41-6a-517, the peace officer may, in connection with arresting the person, request
8177 that the person submit to a chemical test or tests to be administered in compliance with the
8178 standards under Section ~~[41-6-44.10]~~ 41-6a-520.

8179 (b) In this section, a reference to Section ~~[41-6-44]~~ 41-6a-502 includes any similar
8180 local ordinance adopted in compliance with Subsection ~~[41-6-43]~~ 41-6a-510(1).

8181 (2) The peace officer shall advise a person prior to the person's submission to a
8182 chemical test that a test result indicating a violation of Section [~~41-6-44 or 41-6-44.6~~]
8183 41-6a-502 or 41-6a-517 shall, and the existence of a blood alcohol content sufficient to render
8184 the person incapable of safely driving a motor vehicle may, result in suspension or revocation
8185 of the person's license to drive a motor vehicle.

8186 (3) If the person submits to a chemical test and the test results indicate a blood or
8187 breath alcohol content in violation of Section [~~41-6-44 or 41-6-44.6~~] 41-6a-502 or 41-6a-517,
8188 or if a peace officer makes a determination, based on reasonable grounds, that the person is
8189 otherwise in violation of Section [~~41-6-44~~] 41-6a-502, a peace officer shall, on behalf of the
8190 division and within 24 hours of arrest, give notice of the division's intention to suspend the
8191 person's license to drive a motor vehicle.

8192 (4) (a) When a peace officer gives notice on behalf of the division, the peace officer
8193 shall:

8194 (i) take the Utah license certificate or permit, if any, of the driver;

8195 (ii) issue a temporary license certificate effective for only 29 days from the date of
8196 arrest; and

8197 (iii) supply to the driver, in a manner specified by the division, basic information
8198 regarding how to obtain a prompt hearing before the division.

8199 (b) A citation issued by a peace officer may, if provided in a manner specified by the
8200 division, also serve as the temporary license certificate.

8201 (5) As a matter of procedure, a peace officer shall send to the division within ten
8202 calendar days after the day on which notice is provided:

8203 (a) the person's license certificate;

8204 (b) a copy of the citation issued for the offense;

8205 (c) a signed report in a manner specified by the division indicating the chemical test
8206 results, if any; and

8207 (d) any other basis for the peace officer's determination that the person has violated
8208 Section [~~41-6-44 or 41-6-44.6~~] 41-6a-502 or 41-6a-517.

8209 (6) (a) Upon request in a manner specified by the division, the division shall grant to
8210 the person an opportunity to be heard within 29 days after the date of arrest. The request to be
8211 heard shall be made within ten calendar days of the day on which notice is provided under

8212 Subsection (5).

8213 (b) (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the
8214 division in the county in which the arrest occurred.

8215 (ii) The division may hold a hearing in some other county if the division and the person
8216 both agree.

8217 (c) The hearing shall be documented and shall cover the issues of:

8218 (i) whether a peace officer had reasonable grounds to believe the person was driving a
8219 motor vehicle in violation of Section [~~41-6-44 or 41-6-44.6~~] 41-6a-502 or 41-6a-517;

8220 (ii) whether the person refused to submit to the test; and

8221 (iii) the test results, if any.

8222 (d) (i) In connection with a hearing the division or its authorized agent:

8223 (A) may administer oaths and may issue subpoenas for the attendance of witnesses and
8224 the production of relevant books and papers; or

8225 (B) may issue subpoenas for the attendance of necessary peace officers.

8226 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
8227 accordance with the rates established in Section 78-46-28.

8228 (e) The division may designate one or more employees to conduct the hearing.

8229 (f) Any decision made after a hearing before any designated employee is as valid as if
8230 made by the division.

8231 (g) After the hearing, the division shall order whether the person's license to drive a
8232 motor vehicle is suspended or not.

8233 (h) If the person for whom the hearing is held fails to appear before the division as
8234 required in the notice, the division shall order whether the person's license to drive a motor
8235 vehicle is suspended or not.

8236 (7) (a) A first suspension, whether ordered or not challenged under this Subsection (7),
8237 is for a period of 90 days, beginning on the 30th day after the date of the arrest.

8238 (b) A second or subsequent suspension for an offense that occurred within the previous
8239 ten years under this Subsection (7) is for a period of one year, beginning on the 30th day after
8240 the date of arrest.

8241 (8) (a) The division shall assess against a person, in addition to any fee imposed under
8242 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.

8274 (2) A person convicted of a violation of Subsection (1), other than a violation specified
8275 in Subsection (3) or (4), is guilty of a class C misdemeanor.

8276 (3) (a) A person is guilty of a class B misdemeanor if the person's conviction under
8277 Subsection (1) is based on the person driving a motor vehicle while the person's driving
8278 privilege is suspended, disqualified, or revoked for:

8279 (i) a refusal to submit to a chemical test under Section [~~41-6-44.10~~] 41-6a-520;

8280 (ii) a violation of Section [~~41-6-44~~] 41-6a-502;

8281 (iii) a violation of a local ordinance that complies with the requirements of Section
8282 [~~41-6-43~~] 41-6a-510;

8283 (iv) a violation of Section [~~41-6-44.6~~] 41-6a-517;

8284 (v) a violation of Section 76-5-207;

8285 (vi) a criminal action that the person plead guilty to as a result of a plea bargain after
8286 having been originally charged with violating one or more of the sections or ordinances under
8287 this Subsection (3);

8288 (vii) a revocation or suspension which has been extended under Subsection
8289 53-3-220(2); or

8290 (viii) where disqualification is the result of driving a commercial motor vehicle while
8291 the person's CDL is disqualified, suspended, canceled, or revoked under Subsection
8292 53-3-414(1).

8293 (b) A person is guilty of a class B misdemeanor if the person's conviction under
8294 Subsection (1) is based on the person driving a motor vehicle while the person's driving
8295 privilege is suspended, disqualified, or revoked by any state, the United States, or any district,
8296 possession, or territory of the United States for violations corresponding to the violations listed
8297 in Subsections (3)(a)(i) through (viii).

8298 (c) A fine imposed under this Subsection (3) shall be at least the maximum fine for a
8299 class C misdemeanor under Section 76-3-301.

8300 (4) (a) A person is guilty of a class B misdemeanor if:

8301 (i) the person's conviction under Subsection (1) is based on the person driving a motor
8302 vehicle while the person's driving privilege is suspended, disqualified, or revoked for:

8303 (A) any violations listed in Subsections (3)(a)(i) through (vi); or

8304 (B) a violation listed in Subsection (3)(a)(vii) if the original revocation or suspension

8305 was based on any violations listed in Subsections (3)(a)(i) through (vi); and

8306 (ii) the person had any alcohol in the person's body at the time of the violation under
8307 Subsection (1).

8308 (b) A person is guilty of a class B misdemeanor if:

8309 (i) the person's conviction under Subsection (1) is based on the person driving a motor
8310 vehicle while the person's driving privilege is suspended, disqualified, or revoked by any state,
8311 the United States, or any district, possession, or territory of the United States for violations
8312 corresponding to:

8313 (A) the violations listed in Subsections (3)(a)(i) through (vi); or

8314 (B) a violation listed in Subsection (3)(a)(vii) if the original revocation or suspension
8315 was based on any violation corresponding to the violations listed in Subsections (3)(a)(i)
8316 through (vi); and

8317 (ii) the person had any alcohol in the person's body at the time of the violation under
8318 Subsection (1).

8319 (c) (i) As part of any sentence imposed for a violation of this Subsection (4), the court
8320 shall order:

8321 (A) a jail sentence of not less than 48 consecutive hours;

8322 (B) a compensatory-service work program for not less than 48 hours; or

8323 (C) home confinement through the use of electronic monitoring in accordance with

8324 ~~[Subsection 41-6-44(13)]~~ Section 41-6a-506.

8325 (ii) In addition to the penalties under Subsection (4)(c)(i), the court shall impose a fine
8326 of not less than \$750.

8327 Section 263. Section **53-3-231** is amended to read:

8328 **53-3-231. Person under 21 may not operate a vehicle or motorboat with**
8329 **detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing**
8330 **and decision -- Suspension of license or operating privilege -- Fees -- Judicial review --**
8331 **Referral to local substance abuse authority or program.**

8332 (1) (a) As used in this section:

8333 (i) "Local substance abuse authority" has the same meaning as provided in Section
8334 62A-15-102.

8335 (ii) "Substance abuse program" means any substance abuse program licensed by the

8336 Department of Human Services or the Department of Health and approved by the local
8337 substance abuse authority.

8338 (b) Calculations of blood, breath, or urine alcohol concentration under this section shall
8339 be made in accordance with the procedures in Subsection [~~41-6-44(2)~~] 41-6a-502(1).

8340 (2) (a) A person younger than 21 years of age may not operate or be in actual physical
8341 control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol
8342 concentration in the person's body as shown by a chemical test.

8343 (b) (i) A person with a valid operator license who violates Subsection (2)(a), in
8344 addition to any other applicable penalties arising out of the incident, shall have the person's
8345 operator license denied or suspended as provided in Subsection (2)(b)(ii).

8346 (ii) (A) For a first offense under Subsection (2)(a), the division shall deny the person's
8347 operator license if ordered or not challenged under this section for a period of 90 days
8348 beginning on the 30th day after the date of the arrest under Section 32A-12-209.

8349 (B) For a second or subsequent offense under Subsection (2)(a), within three years of a
8350 prior denial or suspension, the division shall suspend the person's operator license for a period
8351 of one year beginning on the 30th day after the date of arrest.

8352 (c) (i) A person who has not been issued an operator license who violates Subsection
8353 (2)(a), in addition to any other penalties arising out of the incident, shall be punished as
8354 provided in Subsection (2)(c)(ii).

8355 (ii) For one year or until the person is 17, whichever is longer, a person may not
8356 operate a vehicle and the division may not issue the person an operator license or learner's
8357 permit.

8358 (3) (a) When a peace officer has reasonable grounds to believe that a person may be
8359 violating or has violated Subsection (2), the peace officer may, in connection with arresting the
8360 person for a violation of Section 32A-12-209, request that the person submit to a chemical test
8361 or tests to be administered in compliance with the standards under Section [~~41-6-44.10~~]
8362 41-6a-520.

8363 (b) The peace officer shall advise a person prior to the person's submission to a
8364 chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or
8365 suspension of the person's license to operate a motor vehicle or a refusal to issue a license.

8366 (c) If the person submits to a chemical test and the test results indicate a blood, breath,

8367 or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a
8368 determination, based on reasonable grounds, that the person is otherwise in violation of
8369 Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the
8370 arrest, give notice of the division's intention to deny or suspend the person's license to operate a
8371 vehicle or refusal to issue a license under Subsection (2).

8372 (4) When a peace officer gives notice on behalf of the division, the peace officer shall:

8373 (a) take the Utah license certificate or permit, if any, of the operator;

8374 (b) issue a temporary license certificate effective for only 29 days from the date of
8375 arrest if the driver had a valid operator's license; and

8376 (c) supply to the operator, in a manner specified by the division, basic information
8377 regarding how to obtain a prompt hearing before the division.

8378 (5) A citation issued by a peace officer may, if provided in a manner specified by the
8379 division, also serve as the temporary license certificate under Subsection (4)(b).

8380 (6) As a matter of procedure, a peace officer shall send to the division within ten
8381 calendar days after the day on which notice is provided:

8382 (a) the person's driver license certificate, if any;

8383 (b) a copy of the citation issued for the offense;

8384 (c) a signed report in a manner specified by the Driver License Division indicating the
8385 chemical test results, if any; and

8386 (d) any other basis for a peace officer's determination that the person has violated
8387 Subsection (2).

8388 (7) (a) (i) Upon request in a manner specified by the division, the Driver License
8389 Division shall grant to the person an opportunity to be heard within 29 days after the date of
8390 arrest under Section 32A-12-209.

8391 (ii) The request shall be made within ten calendar days of the day on which notice is
8392 provided.

8393 (b) (i) Except as provided in Subsection (7)(b)(ii), a hearing, if held, shall be before the
8394 division in the county in which the arrest occurred.

8395 (ii) The division may hold a hearing in some other county if the division and the person
8396 both agree.

8397 (c) The hearing shall be documented and shall cover the issues of:

8398 (i) whether a peace officer had reasonable grounds to believe the person was operating
8399 a motor vehicle or motorboat in violation of Subsection (2)(a);

8400 (ii) whether the person refused to submit to the test; and

8401 (iii) the test results, if any.

8402 (d) In connection with a hearing, the division or its authorized agent may administer
8403 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant
8404 books and papers and records as defined in Section 46-4-102.

8405 (e) One or more members of the division may conduct the hearing.

8406 (f) Any decision made after a hearing before any number of the members of the
8407 division is as valid as if made after a hearing before the full membership of the division.

8408 (g) After the hearing, the division shall order whether the person:

8409 (i) with a valid license to operate a motor vehicle will have the person's license denied
8410 or not or suspended or not; or

8411 (ii) without a valid operator license will be refused a license under Subsection (2)(c).

8412 (h) If the person for whom the hearing is held fails to appear before the division as
8413 required in the notice, the division shall order whether the person shall have the person's
8414 license denied, suspended, or not denied or suspended, or whether an operator license will be
8415 refused or not refused.

8416 (8) (a) (i) Following denial or suspension the division shall assess against a person, in
8417 addition to any fee imposed under Subsection 53-3-205(13), a fee under Section 53-3-105,
8418 which shall be paid before the person's driving privilege is reinstated, to cover administrative
8419 costs.

8420 (ii) This fee shall be canceled if the person obtains an unappealed division hearing or
8421 court decision that the suspension was not proper.

8422 (b) A person whose operator license has been denied, suspended, or postponed by the
8423 division under this section may file a petition within 30 days after the suspension for a hearing
8424 on the matter which, if held, is governed by Section 53-3-224.

8425 (9) After reinstatement of an operator license for a first offense under this section, a
8426 report authorized under Section 53-3-104 may not contain evidence of the denial or suspension
8427 of the person's operator license under this section if the person has not been convicted of any
8428 other offense for which the denial or suspension may be extended.

8429 (10) (a) In addition to the penalties in Subsection (2), a person who violates Subsection
8430 (2)(a) shall:

8431 (i) obtain an assessment and recommendation for appropriate action from a substance
8432 abuse program, but any associated costs shall be the person's responsibility; or

8433 (ii) be referred by the division to the local substance abuse authority for an assessment
8434 and recommendation for appropriate action.

8435 (b) (i) Reinstatement of the person's operator license or the right to obtain an operator
8436 license is contingent upon successful completion of the action recommended by the local
8437 substance abuse authority or the substance abuse program.

8438 (ii) The local substance abuse authority's or the substance abuse program's
8439 recommended action shall be determined by an assessment of the person's alcohol abuse and
8440 may include:

8441 (A) a targeted education and prevention program;

8442 (B) an early intervention program; or

8443 (C) a substance abuse treatment program.

8444 (iii) Successful completion of the recommended action shall be determined by
8445 standards established by the Division of Substance Abuse and Mental Health.

8446 (c) At the conclusion of the penalty period imposed under Subsection (2), the local
8447 substance abuse authority or the substance abuse program shall notify the division of the
8448 person's status regarding completion of the recommended action.

8449 (d) The local substance abuse authorities and the substance abuse programs shall
8450 cooperate with the division in:

8451 (i) conducting the assessments;

8452 (ii) making appropriate recommendations for action; and

8453 (iii) notifying the division about the person's status regarding completion of the
8454 recommended action.

8455 (e) (i) The local substance abuse authority is responsible for the cost of the assessment
8456 of the person's alcohol abuse, if the assessment is conducted by the local substance abuse
8457 authority.

8458 (ii) The local substance abuse authority or a substance abuse program selected by a
8459 person is responsible for:

8460 (A) conducting an assessment of the person's alcohol abuse; and

8461 (B) for making a referral to an appropriate program on the basis of the findings of the
8462 assessment.

8463 (iii) (A) The person who violated Subsection (2)(a) is responsible for all costs and fees
8464 associated with the recommended program to which the person selected or is referred.

8465 (B) The costs and fees under Subsection (10)(e)(iii)(A) shall be based on a sliding scale
8466 consistent with the local substance abuse authority's policies and practices regarding fees for
8467 services or determined by the substance abuse program.

8468 Section 264. Section **53-3-232** is amended to read:

8469 **53-3-232. Conditional license -- May not operate a vehicle or motorboat with**
8470 **alcohol in body -- Penalty.**

8471 (1) As used in this section, "qualifying conviction" means:

8472 (a) a conviction of a violation of Section [~~41-6-44~~] 41-6a-502, Section [~~41-6-44.6~~]
8473 41-6a-517, a local ordinance which complies with the requirements of Subsection [~~41-6-43~~]
8474 41-6a-510(1), Section 76-5-207, or of alcohol-related reckless driving as described under
8475 Subsection [~~41-6-44(9)~~] 41-6a-512(1);

8476 (b) a revocation under Section [~~41-6-44.10~~] 41-6a-521 if the revocation is not based on
8477 the same arrest as a conviction under Subsection (1)(a); or

8478 (c) a violation of Subsection (3).

8479 (2) The division may only issue, reinstate, or renew a driver license in the form of a no
8480 alcohol conditional license to a person who has a qualifying conviction for a period of:

8481 (a) two years after issuance of a Utah driver license or permit following a first
8482 qualifying conviction that occurred within the previous ten years from the date of arrest; and

8483 (b) ten years after issuance of a Utah driver license or permit following a second or
8484 subsequent qualifying conviction that occurred within the previous ten years from the date of
8485 arrest.

8486 (3) A no alcohol conditional license shall be issued on the condition that the person
8487 may not operate or be in actual physical control of a vehicle or motorboat in this state with any
8488 alcohol in the person's body.

8489 (4) It is a class B misdemeanor for a person who has been issued a no alcohol
8490 conditional license to operate or be in actual physical control of a vehicle or motorboat in this

8491 state in violation of Subsection (3).

8492 Section 265. Section **53-3-414** is amended to read:

8493 **53-3-414. CDL disqualification or suspension -- Grounds and duration --**

8494 **Procedure.**

8495 (1) A person who holds or is required to hold a CDL is disqualified from driving a
8496 commercial motor vehicle for a period of not less than one year if convicted of a first offense
8497 of:

8498 (a) driving a commercial motor vehicle while under the influence of alcohol, drugs, a
8499 controlled substance, or more than one of these;

8500 (b) driving a commercial motor vehicle while the concentration of alcohol in his blood,
8501 breath, or urine is .04 grams or more;

8502 (c) leaving the scene of an accident involving a commercial motor vehicle he was
8503 driving;

8504 (d) using a commercial motor vehicle in the commission of a felony;

8505 (e) refusal to submit to a test to determine the concentration of alcohol in his blood,
8506 breath, or urine; or

8507 (f) driving a commercial motor vehicle while the person's commercial driver license is
8508 disqualified, suspended, canceled, or revoked.

8509 (2) If any of the violations under Subsection (1) occur while the driver is transporting a
8510 hazardous material required to be placarded, the driver is disqualified for not less than three
8511 years.

8512 (3) (a) Except as provided under Subsection (4), a driver of a commercial motor
8513 vehicle who holds or is required to hold a CDL is disqualified for life from driving a
8514 commercial motor vehicle if convicted of two or more of any of the offenses under Subsection
8515 (1) arising from two or more separate incidents.

8516 (b) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.

8517 (4) (a) Any driver disqualified for life from driving a commercial motor vehicle under
8518 this section, who has both voluntarily enrolled in and successfully completed an appropriate
8519 rehabilitation program that meets the standards of the division, may apply to the division for
8520 reinstatement of his CDL.

8521 (b) The applicant is not eligible for reinstatement until he has served a minimum

8522 disqualification period of ten years and has fully met the standards for reinstatement of
8523 commercial motor vehicle driving privileges established by rule of the division.

8524 (c) If a reinstated driver is subsequently convicted of another disqualifying offense
8525 under this section, he is permanently disqualified for life and is ineligible to again apply for a
8526 reduction of the lifetime disqualification.

8527 (5) A driver of a commercial motor vehicle who holds or is required to hold a CDL is
8528 disqualified for life from driving a commercial motor vehicle if he uses a commercial motor
8529 vehicle in the commission of any felony involving the manufacturing, distributing, or
8530 dispensing of a controlled substance, or possession with intent to manufacture, distribute, or
8531 dispense a controlled substance.

8532 (6) A driver of a commercial motor vehicle who holds or is required to hold a CDL is
8533 disqualified for not less than 60 days from driving a commercial motor vehicle if he is
8534 convicted of two serious traffic violations and is disqualified for not less than 120 days if he is
8535 convicted of three serious traffic violations that:

- 8536 (a) occur within three years of each other;
8537 (b) arise from separate incidents; and
8538 (c) involve the use or operation of a commercial motor vehicle.

8539 (7) A driver of a commercial motor vehicle who is convicted of violating an
8540 out-of-service order while driving a commercial motor vehicle is disqualified from driving a
8541 commercial motor vehicle for a period not less than:

- 8542 (a) 90 days but not more than one year if the driver is convicted of a first violation;
8543 (b) one year but not more than five years if, during any ten-year period, the driver is
8544 convicted of two violations of out-of-service orders in separate incidents;
8545 (c) three years but not more than five years if, during any ten-year period, the driver is
8546 convicted of three or more violations of out-of-service orders in separate incidents;
8547 (d) 180 days but not more than two years if the driver is convicted of a first violation of
8548 an out-of-service order while transporting hazardous materials required to be placarded or
8549 while operating a motor vehicle designed to transport 16 or more passengers, including the
8550 driver; or
8551 (e) three years but not more than five years if, during any ten-year period, the driver is
8552 convicted of two or more violations, in separate incidents, of an out-of-service order while

8553 transporting hazardous materials required to be placarded or while operating a motor vehicle
8554 designed to transport 16 or more passengers, including the driver.

8555 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is
8556 disqualified for not less than 60 days if the division determines, in its check of his driver
8557 license status, application, and record prior to issuing a CDL or at any time after the CDL is
8558 issued, that the driver has falsified information required to apply for a CDL in this state.

8559 (9) A driver of a commercial motor vehicle who is convicted of violating a
8560 railroad-highway grade crossing provision under Section [~~41-6-97~~] 14-6a-1205, while driving a
8561 commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period
8562 not less than:

8563 (a) 60 days if the driver is convicted of a first violation;

8564 (b) 120 days if, during any three-year period, the driver is convicted of a second
8565 violation in separate incidents; or

8566 (c) one year if, during any three-year period, the driver is convicted of three or more
8567 violations in separate incidents.

8568 (10) (a) The division shall update its records and notify the CDLIS within ten days of
8569 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.

8570 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL,
8571 the division shall notify the licensing authority of the issuing state or other jurisdiction and the
8572 CDLIS within ten days after the action is taken.

8573 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this
8574 state, the division shall notify the CDLIS within ten days after the action is taken.

8575 (11) (a) The division may immediately suspend or disqualify the CDL of a driver
8576 without a hearing or receiving a record of the driver's conviction when the division has reason
8577 to believe that the:

8578 (i) CDL was issued by the division through error or fraud;

8579 (ii) applicant provided incorrect or incomplete information to the division; or

8580 (iii) driver no longer meets the fitness standards required to obtain a CDL.

8581 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with
8582 Section 53-3-221.

8583 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the

8584 suspension order or cancel the CDL.

8585 Section 266. Section **53-3-418** is amended to read:

8586 **53-3-418. Prohibited alcohol level for drivers -- Procedures, including hearing.**

8587 (1) A person who holds or is required to hold a CDL may not drive a commercial
8588 motor vehicle in this state if the person:

8589 (a) has sufficient alcohol in the person's body that a subsequent chemical test shows
8590 that the person has a blood or breath alcohol concentration of .04 grams or greater at the time
8591 of the test after the alleged driving of the commercial motor vehicle; or

8592 (b) is under the influence of alcohol, any drug, or the combined influence of alcohol
8593 and any drug to degree that renders the person incapable of safely driving a commercial motor
8594 vehicle; or

8595 (c) has a blood or breath alcohol concentration of .04 grams or greater at the time of
8596 driving the commercial motor vehicle.

8597 (2) A person who holds or is required to hold a CDL and who drives a commercial
8598 motor vehicle in this state is considered to have given the person's consent to a test or tests of
8599 the person's blood, breath, or urine to determine the concentration of alcohol or the presence of
8600 other drugs in the person's physical system.

8601 (3) If a peace officer or port-of-entry agent has reasonable cause to believe that a
8602 person may be violating this section, the peace officer or port-of-entry agent may request the
8603 person to submit to a chemical test to be administered in compliance with Section [~~41-6-44.3~~]
8604 14-6a-515.

8605 (4) When a peace officer or port-of-entry agent requests a person to submit to a test
8606 under this section, the peace officer or port-of-entry agent shall advise the person that test
8607 results indicating .04 grams or greater alcohol concentration or refusal to submit to any test
8608 requested will result in the person's disqualification under Section 53-3-414 from driving a
8609 commercial motor vehicle.

8610 (5) If test results under this section indicate .04 grams or greater of alcohol
8611 concentration or the person refuses to submit to any test requested under this section, a peace
8612 officer or port-of-entry agent shall, on behalf of the division and within 24 hours of the arrest,
8613 give the person notice of the division's intention to disqualify the person's privilege to drive a
8614 commercial motor vehicle.

8615 (6) When a peace officer or port-of-entry agent gives notice under Subsection (5), the
8616 peace officer or port-of-entry agent shall:

8617 (a) take any Utah license certificate or permit held by the driver;

8618 (b) issue to the driver a temporary license certificate effective for 29 days from the date
8619 of arrest;

8620 (c) provide the driver, in a manner specified by the division, basic information
8621 regarding how to obtain a prompt hearing before the division; and

8622 (d) issue a 24-hour out-of-service order.

8623 (7) A notice of disqualification issued under Subsection (6) may serve also as the
8624 temporary license certificate under that subsection, if provided in a manner specified by the
8625 division.

8626 (8) As a matter of procedure, a peace officer or port-of-entry agent shall, within ten
8627 calendar days after the day on which notice is provided, send to the division the person's
8628 license certificate, a copy of the notice, and a report signed by the peace officer or port-of-entry
8629 agent that indicates the results of any chemical test administered or that the person refused a
8630 test.

8631 (9) (a) A person disqualified under this section has the right to a hearing regarding the
8632 disqualification.

8633 (b) The request for the hearing shall be submitted to the division in a manner specified
8634 by the division and shall be made within ten calendar days of the date the notice was issued. If
8635 requested, the hearing shall be conducted within 29 days after the date of arrest.

8636 (10) (a) (i) Except as provided in Subsection (10)(a)(ii), a hearing held under this
8637 section shall be held before the division and in the county where the notice was issued.

8638 (ii) The division may hold a hearing in some other county if the division and the person
8639 both agree.

8640 (b) The hearing shall be documented and shall determine:

8641 (i) whether the peace officer or port-of-entry agent had reasonable grounds to believe
8642 the person had been driving a motor vehicle in violation of this section;

8643 (ii) whether the person refused to submit to any requested test; and

8644 (iii) any test results obtained.

8645 (c) In connection with a hearing the division or its authorized agent may administer

8646 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant
8647 books and documents.

8648 (d) One or more members of the division may conduct the hearing.

8649 (e) A decision made after a hearing before any number of members of the division is as
8650 valid as if the hearing were held before the full membership of the division.

8651 (f) After a hearing under this section the division shall indicate by order if the person's
8652 CDL is disqualified.

8653 (g) If the person for whom the hearing is held fails to appear before the division as
8654 required in the notice, the division shall indicate by order if the person's CDL is disqualified.

8655 (11) (a) If the division disqualifies a person under this section, the person may petition
8656 for a hearing under Section 53-3-224.

8657 (b) The petition shall be filed within 30 days after the division issues the
8658 disqualification.

8659 (12) (a) A person who violates this section shall be punished in accordance with
8660 Section 53-3-414.

8661 (b) (i) In accordance with Section 53-3-414, the first disqualification under this section
8662 shall be for one year, and a second disqualification shall be for life.

8663 (ii) A disqualification under Section 53-3-414 begins on the 30th day after the date of
8664 arrest.

8665 (13) (a) In addition to the fees imposed under Section 53-3-205 for reinstatement of a
8666 CDL, a fee under Section 53-3-105 to cover administrative costs shall be paid before the
8667 driving privilege is reinstated.

8668 (b) The fees under Sections 53-3-105 and 53-3-205 shall be canceled if an unappealed
8669 hearing at the division or court level determines the disqualification was not proper.

8670 Section 267. Section **53-8-105** is amended to read:

8671 **53-8-105. Duties of Highway Patrol.**

8672 In addition to the duties in this chapter, the Highway Patrol shall:

8673 (1) enforce the state laws and rules governing use of the state highways;

8674 (2) regulate traffic on all highways and roads of the state;

8675 (3) assist the governor in an emergency or at other times at his discretion;

8676 (4) in cooperation with federal, state, and local agencies, enforce and assist in the

8677 enforcement of all state and federal laws related to the operation of a motor carrier on a
8678 highway, including all state and federal rules and regulations;

8679 (5) inspect certain vehicles to determine road worthiness and safe condition as
8680 provided in Section [~~41-6-148.31~~] 14-6a-1630;

8681 (6) upon request, assist with any condition of unrest existing or developing on a
8682 campus or related facility of an institution of higher education;

8683 (7) assist the Alcoholic Beverage Control Commission in an emergency to enforce the
8684 state liquor laws;

8685 (8) provide security and protection for both houses of the Legislature while in session
8686 as the speaker of the House of Representatives and the president of the Senate finds necessary;
8687 and

8688 (9) carry out the following for the Supreme Court and the Court of Appeals:

8689 (a) provide security and protection to those courts when in session in the capital city of
8690 the state;

8691 (b) execute orders issued by the courts; and

8692 (c) carry out duties as directed by the courts.

8693 Section 268. Section **53-8-202** is amended to read:

8694 **53-8-202. Definitions.**

8695 (1) The definitions in Section [~~41-6-1~~] 14-6a-102 apply to this part.

8696 (2) As used in this part, "council" means the Motor Vehicle Safety Inspection Advisory
8697 Council created in Section 53-8-203.

8698 Section 269. Section **53-8-213** is amended to read:

8699 **53-8-213. Special function officer status for certain employees -- Retirement**
8700 **provisions.**

8701 (1) The commissioner may designate an employee of the Utah Highway Patrol
8702 Division as a special function officer, as defined in Section 53-13-105, for the purpose of
8703 enforcing all laws relating to vehicle parts and equipment, including the provisions of this part
8704 and Title 41, Chapter [~~6, Article~~] 6a, Part 16, Vehicle Equipment.

8705 (2) Notwithstanding Section 49-15-201, a special function officer designated under this
8706 section may not become or be designated as a member of the Public Safety Retirement
8707 Systems.

8708 Section 270. Section **53A-3-402** is amended to read:

8709 **53A-3-402. Powers and duties generally.**

8710 (1) Each local school board shall:

8711 (a) implement the core curriculum utilizing instructional materials that best correlate to
8712 the core curriculum and graduation requirements;

8713 (b) administer tests, required by the State Board of Education, which measure the
8714 progress of each student, and coordinate with the state superintendent and State Board of
8715 Education to assess results and create plans to improve the student's progress which shall be
8716 submitted to the State Office of Education for approval;

8717 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
8718 students that need remediation and determine the type and amount of federal, state, and local
8719 resources to implement remediation;

8720 (d) develop early warning systems for students or classes failing to make progress;

8721 (e) work with the State Office of Education to establish a library of documented best
8722 practices, consistent with state and federal regulations, for use by the local districts; and

8723 (f) implement training programs for school administrators, including basic
8724 management training, best practices in instructional methods, budget training, staff
8725 management, managing for learning results and continuous improvement, and how to help
8726 every child achieve optimal learning in core academics.

8727 (2) Local school boards shall spend minimum school program funds for programs and
8728 activities for which the State Board of Education has established minimum standards or rules
8729 under Section 53A-1-402.

8730 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
8731 and equipment and construct, erect, and furnish school buildings.

8732 (b) School sites or buildings may only be conveyed or sold on board resolution
8733 affirmed by at least two-thirds of the members.

8734 (4) (a) A board may participate in the joint construction or operation of a school
8735 attended by children residing within the district and children residing in other districts either
8736 within or outside the state.

8737 (b) Any agreement for the joint operation or construction of a school shall:

8738 (i) be signed by the president of the board of each participating district;

- 8739 (ii) include a mutually agreed upon pro rata cost; and
8740 (iii) be filed with the State Board of Education.
- 8741 (5) A board may establish, locate, and maintain elementary, secondary, and applied
8742 technology schools.
- 8743 (6) A board may enroll children in school who are at least five years of age before
8744 September 2 of the year in which admission is sought.
- 8745 (7) A board may establish and support school libraries.
- 8746 (8) A board may collect damages for the loss, injury, or destruction of school property.
- 8747 (9) A board may authorize guidance and counseling services for children and their
8748 parents or guardians prior to, during, or following enrollment of the children in schools.
- 8749 (10) (a) A board may apply for, receive, and administer funds made available through
8750 programs of the federal government.
- 8751 (b) Federal funds are not considered funds within the school district budget under Title
8752 53A, Chapter 19, School District Budgets.
- 8753 (c) Federal funds may only be expended for the purposes for which they are received
8754 and are accounted for by the board.
- 8755 (d) A program created with or expanded by federal funds may be reduced to the extent
8756 allowed by law when federal funds for that program are subsequently reduced or eliminated.
- 8757 (11) (a) A board may organize school safety patrols and adopt rules under which the
8758 patrols promote student safety.
- 8759 (b) A student appointed to a safety patrol shall be at least ten years old and have written
8760 parental consent for the appointment.
- 8761 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
8762 of a highway intended for vehicular traffic use.
- 8763 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
8764 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
8765 the program by virtue of the organization, maintenance, or operation of a school safety patrol.
- 8766 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
8767 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
8768 devises, or bequests that are made for educational purposes.
- 8769 (b) These contributions are not subject to appropriation by the Legislature.

8770 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
8771 citations for violations of Subsection 76-10-105(2).

8772 (b) A person may not be appointed to serve as a compliance officer without the
8773 person's consent.

8774 (c) A teacher or student may not be appointed as a compliance officer.

8775 (14) A board shall adopt bylaws and rules for its own procedures.

8776 (15) (a) A board shall make and enforce rules necessary for the control and
8777 management of the district schools.

8778 (b) All board rules and policies shall be in writing, filed, and referenced for public
8779 access.

8780 (16) A board may hold school on legal holidays other than Sundays.

8781 (17) (a) Each board shall establish for each school year a school traffic safety
8782 committee to implement this Subsection (17).

8783 (b) The committee shall be composed of one representative of:

8784 (i) the schools within the district;

8785 (ii) the Parent Teachers' Association of the schools within the district;

8786 (iii) the municipality or county;

8787 (iv) state or local law enforcement; and

8788 (v) state or local traffic safety engineering.

8789 (c) The committee shall:

8790 (i) receive suggestions from parents, teachers, and others and recommend school traffic
8791 safety improvements, boundary changes to enhance safety, and school traffic safety program
8792 measures;

8793 (ii) review and submit annually to the Department of Transportation and affected
8794 municipalities and counties a child access routing plan for each elementary, middle, and junior
8795 high school within the district;

8796 (iii) consult the Utah Safety Council and the Division of Family Health Services and
8797 provide training to all school children in kindergarten through grade six, within the district, on
8798 school crossing safety and use; and

8799 (iv) help ensure the district's compliance with rules made by the Department of
8800 Transportation under Section [~~41-6-20.1~~] 14-6a-303.

8801 (d) The committee may establish subcommittees as needed to assist in accomplishing
8802 its duties under Subsection (17)(c).

8803 (e) The board shall require the school community council of each elementary, middle,
8804 and junior high school within the district to develop and submit annually to the committee a
8805 child access routing plan.

8806 (18) (a) Each school board shall adopt and implement a comprehensive emergency
8807 response plan to prevent and combat violence in its public schools, on school grounds, on its
8808 school vehicles, and in connection with school-related activities or events.

8809 (b) The board shall implement its plan by July 1, 2000.

8810 (c) The plan shall:

8811 (i) include prevention, intervention, and response components;

8812 (ii) be consistent with the student conduct and discipline policies required for school
8813 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

8814 (iii) require inservice training for all district and school building staff on what their
8815 roles are in the emergency response plan; and

8816 (iv) provide for coordination with local law enforcement and other public safety
8817 representatives in preventing, intervening, and responding to violence in the areas and activities
8818 referred to in Subsection (18)(a).

8819 (d) The State Board of Education, through the state superintendent of public
8820 instruction, shall develop comprehensive emergency response plan models that local school
8821 boards may use, where appropriate, to comply with Subsection (18)(a).

8822 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
8823 Education that its plan has been practiced at the school level and presented to and reviewed by
8824 its teachers, administrators, students, and their parents and local law enforcement and public
8825 safety representatives.

8826 (19) (a) Each local school board may adopt an emergency response plan for the
8827 treatment of sports-related injuries that occur during school sports practices and events.

8828 (b) The plan may be implemented by each secondary school in the district that has a
8829 sports program for students.

8830 (c) The plan may:

8831 (i) include emergency personnel, emergency communication, and emergency

8832 equipment components;

8833 (ii) require inservice training on the emergency response plan for school personnel who
8834 are involved in sports programs in the district's secondary schools; and

8835 (iii) provide for coordination with individuals and agency representatives who:

8836 (A) are not employees of the school district; and

8837 (B) would be involved in providing emergency services to students injured while
8838 participating in sports events.

8839 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
8840 review the plan each year and make revisions when required to improve or enhance the plan.

8841 (e) The State Board of Education, through the state superintendent of public
8842 instruction, shall provide local school boards with an emergency plan response model that local
8843 boards may use to comply with the requirements of this Subsection (19).

8844 (20) A board shall do all other things necessary for the maintenance, prosperity, and
8845 success of the schools and the promotion of education.

8846 Section 271. Section **53B-3-106** is amended to read:

8847 **53B-3-106. Criminal and traffic laws in full force and effect.**

8848 (1) All of the criminal laws of this state, including the traffic laws, are in full force and
8849 effect on the campuses of state institutions of higher education and upon all other property or
8850 facilities owned by the institutions or operated or controlled by the governing board of the
8851 institution.

8852 (2) (a) State institutions of higher education are "political subdivisions" and the board
8853 of the institutions is a "local authority."

8854 (b) All streets, roadways, alleys, and parking lots on property owned or controlled by
8855 state institutions of higher education are "streets or highways" as these terms are used in Title
8856 41, Chapter [6] 6a, Traffic Code.

8857 Section 272. Section **58-20a-305** is amended to read:

8858 **58-20a-305. Exemptions from licensure.**

8859 In addition to the exemptions from licensure in Section 58-1-307, a person is exempt
8860 from the licensure requirements of this chapter if:

8861 (1) the person's practice of environmental health science is limited to inspecting in
8862 order to enforce compliance with an inspection and maintenance program established pursuant

to Section ~~[41-6-163.6]~~ 14-6a-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]~~

14-6a-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

8925 (ii) prohibit providing truthful and non-misleading information regarding any of the
8926 products under Subsection (3)(a)(i);

8927 (4) a person engaged in good faith in the practice of the religious tenets of any church
8928 or religious belief without the use of prescription drugs;

8929 (5) an individual authorized by the Department of Health under Section 26-1-30, to
8930 withdraw blood to determine the alcohol or drug content pursuant to Section ~~[41-6-44.1]~~
8931 14-6a-523;

8932 (6) a medical assistant while working under the direct and immediate supervision of a
8933 licensed osteopathic physician, to the extent the medical assistant is engaged in tasks
8934 appropriately delegated by the supervisor in accordance with the standards and ethics of the
8935 practice of medicine;

8936 (7) an individual engaging in the practice of osteopathic medicine when:

8937 (a) the individual is licensed in good standing as an osteopathic physician in another
8938 state with no licensing action pending and no less than ten years of professional experience;

8939 (b) the services are rendered as a public service and for a noncommercial purpose;

8940 (c) no fee or other consideration of value is charged, received, expected, or
8941 contemplated for the services rendered beyond an amount necessary to cover the proportionate
8942 cost of malpractice insurance; and

8943 (d) the individual does not otherwise engage in unlawful or unprofessional conduct;
8944 and

8945 (8) an individual providing expert testimony in a legal proceeding.

8946 Section 275. Section **58-71-305** is amended to read:

8947 **58-71-305. Exemptions from licensure.**

8948 In addition to the exemptions from licensure in Section 58-1-307, the following
8949 individuals may engage in the described acts or practices without being licensed under this
8950 chapter:

8951 (1) an individual rendering aid in an emergency, when no fee or other consideration of
8952 value for the service is charged, received, expected, or contemplated;

8953 (2) an individual administering a domestic or family remedy;

8954 (3) a person engaged in the sale of vitamins, health foods, dietary supplements, herbs,
8955 or other products of nature, the sale of which is not otherwise prohibited under state or federal

8956 law, but this subsection does not:

8957 (a) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity,
8958 pain, or other condition: or

8959 (b) prohibit providing truthful and nonmisleading information regarding any of the
8960 products under this subsection;

8961 (4) a person engaged in good faith in the practice of the religious tenets of any church
8962 or religious belief, without the use of prescription drugs;

8963 (5) a person acting in good faith for religious reasons as a matter of conscience or
8964 based on a personal belief when obtaining or providing information regarding health care and
8965 the use of any product under Subsection (3);

8966 (6) an individual authorized by the Department of Health under Section 26-1-30, to
8967 withdraw blood to determine the alcohol or drug content pursuant to Section ~~[41-6-44.1]~~
8968 14-6a-523;

8969 (7) a naturopathic medical assistant while working under the direct and immediate
8970 supervision of a licensed naturopathic physician to the extent the medical assistant is engaged
8971 in tasks appropriately delegated by the supervisor in accordance with the standards and ethics
8972 of the practice of naturopathic medicine; and

8973 (8) an individual who has completed all requirements for licensure under this chapter
8974 except the clinical experience required under Section 58-71-302, for a period of one year while
8975 that individual is completing that clinical experience requirement and who is working under the
8976 provisions of a temporary license issued by the division.

8977 Section 276. Section **62A-15-105** is amended to read:

8978 **62A-15-105. Authority and responsibilities of board.**

8979 The board is the policymaking body for the division and for programs funded with state
8980 and federal moneys under Sections 17-43-201, 17-43-301, 17-43-304, and 62A-15-110. The
8981 board shall:

8982 (1) in establishing policy, seek input from local substance abuse authorities, local
8983 mental health authorities, consumers, providers, advocates, division staff, and other interested
8984 parties as determined by the board;

8985 (2) establish, by rule, minimum standards for local substance abuse authorities and
8986 local mental health authorities;

8987 (3) establish, by rule, procedures for developing its policies which ensure that local
8988 substance abuse authorities and local mental health authorities are given opportunity to
8989 comment and provide input on any new policy of the board or proposed changes in existing
8990 policy of the board;

8991 (4) provide a mechanism for review of its existing policy, and for consideration of
8992 policy changes that are proposed by local substance abuse authorities or local mental health
8993 authorities;

8994 (5) develop program policies, standards, rules, and fee schedules for the division; and

8995 (6) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
8996 make rules approving the form and content of substance abuse treatment, educational series,
8997 screening, and assessment that are described in Section ~~[41-6-44]~~ 14-6a-501.

8998 Section 277. Section **62A-15-502** is amended to read:

8999 **62A-15-502. Penalty for DUI conviction -- Amounts.**

9000 (1) Courts of record and not of record may at sentencing assess against the defendant,
9001 in addition to any fine, an amount that will fully compensate agencies that treat the defendant
9002 for their costs in each case where a defendant is convicted of violating:

9003 (a) Section ~~[41-6-44 or 41-6-44.6]~~ 14-6a-502 or 14-6a-517;

9004 (b) a criminal prohibition resulting from a plea bargain after an original charge of
9005 violating Section ~~[41-6-44]~~ 14-6a-502; or

9006 (c) an ordinance that complies with the requirements of Subsection ~~[41-6-43]~~
9007 14-6a-510(1).

9008 (2) The fee assessed shall be collected by the court or an entity appointed by the court.

9009 Section 278. Section **63-2-304** is amended to read:

9010 **63-2-304. Protected records.**

9011 The following records are protected if properly classified by a governmental entity:

9012 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret
9013 has provided the governmental entity with the information specified in Section 63-2-308;

9014 (2) commercial information or nonindividual financial information obtained from a
9015 person if:

9016 (a) disclosure of the information could reasonably be expected to result in unfair
9017 competitive injury to the person submitting the information or would impair the ability of the

9018 governmental entity to obtain necessary information in the future;

9019 (b) the person submitting the information has a greater interest in prohibiting access
9020 than the public in obtaining access; and

9021 (c) the person submitting the information has provided the governmental entity with
9022 the information specified in Section 63-2-308;

9023 (3) commercial or financial information acquired or prepared by a governmental entity
9024 to the extent that disclosure would lead to financial speculations in currencies, securities, or
9025 commodities that will interfere with a planned transaction by the governmental entity or cause
9026 substantial financial injury to the governmental entity or state economy;

9027 (4) records the disclosure of which could cause commercial injury to, or confer a
9028 competitive advantage upon a potential or actual competitor of, a commercial project entity as
9029 defined in Subsection 11-13-103(4);

9030 (5) test questions and answers to be used in future license, certification, registration,
9031 employment, or academic examinations;

9032 (6) records the disclosure of which would impair governmental procurement
9033 proceedings or give an unfair advantage to any person proposing to enter into a contract or
9034 agreement with a governmental entity, except that this Subsection (6) does not restrict the right
9035 of a person to see bids submitted to or by a governmental entity after bidding has closed;

9036 (7) records that would identify real property or the appraisal or estimated value of real
9037 or personal property, including intellectual property, under consideration for public acquisition
9038 before any rights to the property are acquired unless:

9039 (a) public interest in obtaining access to the information outweighs the governmental
9040 entity's need to acquire the property on the best terms possible;

9041 (b) the information has already been disclosed to persons not employed by or under a
9042 duty of confidentiality to the entity;

9043 (c) in the case of records that would identify property, potential sellers of the described
9044 property have already learned of the governmental entity's plans to acquire the property;

9045 (d) in the case of records that would identify the appraisal or estimated value of
9046 property, the potential sellers have already learned of the governmental entity's estimated value
9047 of the property; or

9048 (e) the property under consideration for public acquisition is a single family residence

9049 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
9050 the property as required under Section 78-34-4.5;

9051 (8) records prepared in contemplation of sale, exchange, lease, rental, or other
9052 compensated transaction of real or personal property including intellectual property, which, if
9053 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
9054 of the subject property, unless:

9055 (a) the public interest in access outweighs the interests in restricting access, including
9056 the governmental entity's interest in maximizing the financial benefit of the transaction; or

9057 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
9058 the value of the subject property have already been disclosed to persons not employed by or
9059 under a duty of confidentiality to the entity;

9060 (9) records created or maintained for civil, criminal, or administrative enforcement
9061 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
9062 release of the records:

9063 (a) reasonably could be expected to interfere with investigations undertaken for
9064 enforcement, discipline, licensing, certification, or registration purposes;

9065 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
9066 proceedings;

9067 (c) would create a danger of depriving a person of a right to a fair trial or impartial
9068 hearing;

9069 (d) reasonably could be expected to disclose the identity of a source who is not
9070 generally known outside of government and, in the case of a record compiled in the course of
9071 an investigation, disclose information furnished by a source not generally known outside of
9072 government if disclosure would compromise the source; or

9073 (e) reasonably could be expected to disclose investigative or audit techniques,
9074 procedures, policies, or orders not generally known outside of government if disclosure would
9075 interfere with enforcement or audit efforts;

9076 (10) records the disclosure of which would jeopardize the life or safety of an
9077 individual;

9078 (11) records the disclosure of which would jeopardize the security of governmental
9079 property, governmental programs, or governmental recordkeeping systems from damage, theft,

9080 or other appropriation or use contrary to law or public policy;

9081 (12) records that, if disclosed, would jeopardize the security or safety of a correctional
9082 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
9083 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

9084 (13) records that, if disclosed, would reveal recommendations made to the Board of
9085 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
9086 Board of Pardons and Parole, or the Department of Human Services that are based on the
9087 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
9088 jurisdiction;

9089 (14) records and audit workpapers that identify audit, collection, and operational
9090 procedures and methods used by the State Tax Commission, if disclosure would interfere with
9091 audits or collections;

9092 (15) records of a governmental audit agency relating to an ongoing or planned audit
9093 until the final audit is released;

9094 (16) records prepared by or on behalf of a governmental entity solely in anticipation of
9095 litigation that are not available under the rules of discovery;

9096 (17) records disclosing an attorney's work product, including the mental impressions or
9097 legal theories of an attorney or other representative of a governmental entity concerning
9098 litigation;

9099 (18) records of communications between a governmental entity and an attorney
9100 representing, retained, or employed by the governmental entity if the communications would be
9101 privileged as provided in Section 78-24-8;

9102 (19) personal files of a legislator, including personal correspondence to or from a
9103 member of the Legislature, provided that correspondence that gives notice of legislative action
9104 or policy may not be classified as protected under this section;

9105 (20) (a) records in the custody or control of the Office of Legislative Research and
9106 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
9107 legislation or contemplated course of action before the legislator has elected to support the
9108 legislation or course of action, or made the legislation or course of action public; and

9109 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
9110 Office of Legislative Research and General Counsel is a public document unless a legislator

9111 asks that the records requesting the legislation be maintained as protected records until such
9112 time as the legislator elects to make the legislation or course of action public;

9113 (21) research requests from legislators to the Office of Legislative Research and
9114 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
9115 in response to these requests;

9116 (22) drafts, unless otherwise classified as public;

9117 (23) records concerning a governmental entity's strategy about collective bargaining or
9118 pending litigation;

9119 (24) records of investigations of loss occurrences and analyses of loss occurrences that
9120 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
9121 Uninsured Employers' Fund, or similar divisions in other governmental entities;

9122 (25) records, other than personnel evaluations, that contain a personal recommendation
9123 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
9124 personal privacy, or disclosure is not in the public interest;

9125 (26) records that reveal the location of historic, prehistoric, paleontological, or
9126 biological resources that if known would jeopardize the security of those resources or of
9127 valuable historic, scientific, educational, or cultural information;

9128 (27) records of independent state agencies if the disclosure of the records would
9129 conflict with the fiduciary obligations of the agency;

9130 (28) records of a public institution of higher education regarding tenure evaluations,
9131 appointments, applications for admissions, retention decisions, and promotions, which could be
9132 properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open and Public
9133 Meetings, provided that records of the final decisions about tenure, appointments, retention,
9134 promotions, or those students admitted, may not be classified as protected under this section;

9135 (29) records of the governor's office, including budget recommendations, legislative
9136 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
9137 policies or contemplated courses of action before the governor has implemented or rejected
9138 those policies or courses of action or made them public;

9139 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
9140 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
9141 recommendations in these areas;

9142 (31) records provided by the United States or by a government entity outside the state
9143 that are given to the governmental entity with a requirement that they be managed as protected
9144 records if the providing entity certifies that the record would not be subject to public disclosure
9145 if retained by it;

9146 (32) transcripts, minutes, or reports of the closed portion of a meeting of a public body
9147 except as provided in Section 52-4-7;

9148 (33) records that would reveal the contents of settlement negotiations but not including
9149 final settlements or empirical data to the extent that they are not otherwise exempt from
9150 disclosure;

9151 (34) memoranda prepared by staff and used in the decision-making process by an
9152 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
9153 other body charged by law with performing a quasi-judicial function;

9154 (35) records that would reveal negotiations regarding assistance or incentives offered
9155 by or requested from a governmental entity for the purpose of encouraging a person to expand
9156 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
9157 person or place the governmental entity at a competitive disadvantage, but this section may not
9158 be used to restrict access to a record evidencing a final contract;

9159 (36) materials to which access must be limited for purposes of securing or maintaining
9160 the governmental entity's proprietary protection of intellectual property rights including patents,
9161 copyrights, and trade secrets;

9162 (37) the name of a donor or a prospective donor to a governmental entity, including a
9163 public institution of higher education, and other information concerning the donation that could
9164 reasonably be expected to reveal the identity of the donor, provided that:

9165 (a) the donor requests anonymity in writing;

9166 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
9167 classified protected by the governmental entity under this Subsection (37); and

9168 (c) except for public institutions of higher education, the governmental unit to which
9169 the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and
9170 has no regulatory or legislative authority over the donor, a member of his immediate family, or
9171 any entity owned or controlled by the donor or his immediate family;

9172 (38) accident reports, except as provided in Sections ~~[41-6-40]~~ 41-6a-404, 41-12a-202,

9173 and 73-18-13;

9174 (39) a notification of workers' compensation insurance coverage described in Section
9175 34A-2-205;

9176 (40) (a) the following records of a public institution of education, which have been
9177 developed, discovered, or received by or on behalf of faculty, staff, employees, or students of
9178 the institution:

9179 (i) unpublished lecture notes;

9180 (ii) unpublished research notes and data;

9181 (iii) unpublished manuscripts;

9182 (iv) creative works in process;

9183 (v) scholarly correspondence; and

9184 (vi) confidential information contained in research proposals; and

9185 (b) Subsection (40)(a) may not be construed to affect the ownership of a record;

9186 (41) (a) records in the custody or control of the Office of Legislative Auditor General
9187 that would reveal the name of a particular legislator who requests a legislative audit prior to the
9188 date that audit is completed and made public; and

9189 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
9190 Office of the Legislative Auditor General is a public document unless the legislator asks that
9191 the records in the custody or control of the Office of Legislative Auditor General that would
9192 reveal the name of a particular legislator who requests a legislative audit be maintained as
9193 protected records until the audit is completed and made public;

9194 (42) records that provide detail as to the location of an explosive, including a map or
9195 other document that indicates the location of:

9196 (a) a production facility; or

9197 (b) a magazine;

9198 (43) information contained in the database described in Section 62A-3-311.1;

9199 (44) information contained in the Management Information System and Licensing
9200 Information System described in Title 62A, Chapter 4a, Child and Family Services;

9201 (45) information regarding National Guard operations or activities in support of the
9202 National Guard's federal mission;

9203 (46) records provided by any pawnbroker or pawnshop to a law enforcement agency in

9204 compliance with Title 13, Chapter 32a, Pawnshop Transaction Information Act; and
9205 (47) information regarding food security, risk, and vulnerability assessments performed
9206 by the Department of Agriculture and Food.

9207 Section 279. Section **63-30d-301** is amended to read:

9208 **63-30d-301. Waivers of immunity -- Exceptions.**

9209 (1) (a) Immunity from suit of each governmental entity is waived as to any contractual
9210 obligation.

9211 (b) Actions arising out of contractual rights or obligations are not subject to the
9212 requirements of Sections 63-30d-401, 63-30d-402, 63-30d-403, or 63-30d-601.

9213 (c) The Division of Water Resources is not liable for failure to deliver water from a
9214 reservoir or associated facility authorized by Title 73, Chapter 26, Bear River Development
9215 Act, if the failure to deliver the contractual amount of water is due to drought, other natural
9216 condition, or safety condition that causes a deficiency in the amount of available water.

9217 (2) Immunity from suit of each governmental entity is waived:

9218 (a) as to any action brought to recover, obtain possession of, or quiet title to real or
9219 personal property;

9220 (b) as to any action brought to foreclose mortgages or other liens on real or personal
9221 property, to determine any adverse claim on real or personal property, or to obtain an
9222 adjudication about any mortgage or other lien that the governmental entity may have or claim
9223 on real or personal property;

9224 (c) as to any action based on the negligent destruction, damage, or loss of goods,
9225 merchandise, or other property while it is in the possession of any governmental entity or
9226 employee, if the property was seized for the purpose of forfeiture under any provision of state
9227 law;

9228 (d) subject to Subsection 63-30d-302(1), as to any action brought under the authority of
9229 Article I, Section 22, of the Utah Constitution, for the recovery of compensation from the
9230 governmental entity when the governmental entity has taken or damaged private property for
9231 public uses without just compensation;

9232 (e) subject to Subsection 63-30d-302(2), as to any action brought to recover attorneys'
9233 fees under Sections 63-2-405 and 63-2-802; or

9234 (f) for actual damages under Title 67, Chapter 21, [~~Utah's~~] Utah Protection of Public

9235 Employees Act.

9236 (3) (a) Except as provided in Subsection (3)(b), immunity from suit of each
9237 governmental entity is waived as to any injury caused by:

9238 (i) a defective, unsafe, or dangerous condition of any highway, road, street, alley,
9239 crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them; or

9240 (ii) any defective or dangerous condition of a public building, structure, dam, reservoir,
9241 or other public improvement.

9242 (b) Immunity is not waived if the injury arises out of, in connection with, or results
9243 from:

9244 (i) a latent dangerous or latent defective condition of any highway, road, street, alley,
9245 crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them; or

9246 (ii) a latent dangerous or latent defective condition of any public building, structure,
9247 dam, reservoir, or other public improvement.

9248 (4) Immunity from suit of each governmental entity is waived as to any injury
9249 proximately caused by a negligent act or omission of an employee committed within the scope
9250 of employment.

9251 (5) Immunity is not waived under Subsections (3) and (4) if the injury arises out of, in
9252 connection with, or results from:

9253 (a) the exercise or performance, or the failure to exercise or perform, a discretionary
9254 function, whether or not the discretion is abused;

9255 (b) assault, battery, false imprisonment, false arrest, malicious prosecution, intentional
9256 trespass, abuse of process, libel, slander, deceit, interference with contract rights, infliction of
9257 mental anguish, or violation of civil rights;

9258 (c) the issuance, denial, suspension, or revocation of, or by the failure or refusal to
9259 issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar
9260 authorization;

9261 (d) a failure to make an inspection or by making an inadequate or negligent inspection;

9262 (e) the institution or prosecution of any judicial or administrative proceeding, even if
9263 malicious or without probable cause;

9264 (f) a misrepresentation by an employee whether or not it is negligent or intentional;

9265 (g) riots, unlawful assemblies, public demonstrations, mob violence, and civil

- 9266 disturbances;
- 9267 (h) the collection of and assessment of taxes;
- 9268 (i) the activities of the Utah National Guard;
- 9269 (j) the incarceration of any person in any state prison, county or city jail, or other place
- 9270 of legal confinement;
- 9271 (k) any natural condition on publicly owned or controlled lands, any condition existing
- 9272 in connection with an abandoned mine or mining operation, or any activity authorized by the
- 9273 School and Institutional Trust Lands Administration or the Division of Forestry, Fire, and State
- 9274 Lands;
- 9275 (l) research or implementation of cloud management or seeding for the clearing of fog;
- 9276 (m) the management of flood waters, earthquakes, or natural disasters;
- 9277 (n) the construction, repair, or operation of flood or storm systems;
- 9278 (o) the operation of an emergency vehicle, while being driven in accordance with the
- 9279 requirements of Section [~~41-6-14~~] 41-6a-208;
- 9280 (p) the activities of:
- 9281 (i) providing emergency medical assistance;
- 9282 (ii) fighting fire;
- 9283 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
- 9284 (iv) emergency evacuations;
- 9285 (v) transporting or removing injured persons to a place where emergency medical
- 9286 assistance can be rendered or where the person can be transported by a licensed ambulance
- 9287 service; or
- 9288 (vi) intervening during dam emergencies;
- 9289 (q) the exercise or performance, or the failure to exercise or perform, any function
- 9290 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water Resources; or
- 9291 (r) unauthorized access to government records, data, or electronic information systems
- 9292 by any person or entity.

9293 Section 280. Section **63-55-241** is amended to read:

9294 **63-55-241. Repeal dates, Title 41.**

9295 The following provisions of Title 41 are repealed on the following dates:

- 9296 (1) Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program,

9297 is repealed July 1, 2010.

9298 (2) The HOV lane exception for clean fuel special group license plate vehicles in
9299 Subsection [~~41-6-53.5~~] 41-6a-702(5) is repealed December 31, 2005.

9300 Section 281. Section **63-63a-1** is amended to read:

9301 **63-63a-1. Surcharge -- Application and exemptions.**

9302 (1) (a) A surcharge shall be paid on all criminal fines, penalties, and forfeitures
9303 imposed by the courts.

9304 (b) The surcharge shall be:

9305 (i) 85% upon conviction of a:

9306 (A) felony;

9307 (B) class A misdemeanor;

9308 (C) violation of Title 41, Chapter [~~6, Article~~] 6a, Part 5, Driving [~~While Intoxicated~~]
9309 Under the Influence and Reckless Driving; or

9310 (D) class B misdemeanor not classified within Title 41, Motor Vehicles, including
9311 violation of comparable county or municipal ordinances; or

9312 (ii) 35% upon conviction of any other offense, including violation of county or
9313 municipal ordinances not subject to the 85% surcharge.

9314 (2) The surcharge may not be imposed:

9315 (a) upon nonmoving traffic violations;

9316 (b) upon court orders when the offender is ordered to perform compensatory service
9317 work in lieu of paying a fine; and

9318 (c) upon penalties assessed by the juvenile court as part of the nonjudicial adjustment
9319 of a case under Section 78-3a-502.

9320 (3) (a) The surcharge and the exceptions under Subsections (1) and (2) also apply to
9321 all fines, penalties, and forfeitures imposed on juveniles for conduct that would be criminal if
9322 committed by an adult.

9323 (b) However, the surcharge does not include amounts assessed or collected separately
9324 by juvenile courts for the Juvenile Restitution Account, which is independent of this chapter
9325 and does not affect the imposition or collection of the surcharge.

9326 (4) The surcharge under this section shall be imposed in addition to the fine charged
9327 for a civil or criminal offense, and no reduction may be made in the fine charged due to the

9328 surcharge imposition.

9329 (5) Fees, assessments, and surcharges related to criminal or traffic offenses shall be
9330 authorized and managed by this chapter rather than attached to particular offenses.

9331 Section 282. Section **72-6-109** is amended to read:

9332 **72-6-109. Class B and C roads -- Construction and maintenance -- Definitions --**
9333 **Estimates lower than bids -- Accountability.**

9334 (1) As used in this section and Section 72-6-108:

9335 (a) "Bid limit" means:

9336 (i) for the year 2003, \$125,000; and

9337 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
9338 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser
9339 of 3% or the actual percent change in the Consumer Price Index during the previous calendar
9340 year.

9341 (b) "Consumer Price Index" means the Consumer Price Index for All Urban
9342 Consumers as published by the Bureau of Labor Statistics of the United States Department of
9343 Labor.

9344 (c) (i) "Construction" means the work that would apply to:

9345 (A) any new roadbed either by addition to existing systems or relocation;

9346 (B) resurfacing of existing roadways with more than two inches of bituminous
9347 pavement; or

9348 (C) new structures or replacement of existing structures, except the replacement of
9349 drainage culverts.

9350 (ii) "Construction" does not include maintenance, emergency repairs, or the installation
9351 of traffic control devices as described in Section ~~[41-6-20]~~ 41-6a-301.

9352 (d) "Improvement project" means construction and maintenance as defined in this
9353 section except for that maintenance excluded under Subsection (2).

9354 (e) "Maintenance" means the keeping of a road facility in a safe and usable condition to
9355 which it was constructed or improved, and includes:

9356 (i) the reworking of an existing surface by the application of up to and including two
9357 inches of bituminous pavement;

9358 (ii) the installation or replacement of guardrails, seal coats, and culverts;

9359 (iii) the grading or widening of an existing unpaved road or flattening of shoulders or
9360 side slopes to meet current width and safety standards; and

9361 (iv) horizontal or vertical alignment changes necessary to bring an existing road in
9362 compliance with current safety standards.

9363 (f) "Project" means the performance of a clearly identifiable group of associated road
9364 construction activities or the same type of maintenance process, where the construction or
9365 maintenance is performed on any one class B or C road, within a half-mile proximity and
9366 occurs within the same calendar year.

9367 (2) The following types of maintenance work are not subject to the contract or bid limit
9368 requirements of this section:

9369 (a) the repair of less than the entire surface by crack sealing or patching; and

9370 (b) road repairs incidental to the installation, replacement, or repair of water mains,
9371 sewers, drainage pipes, culverts, or curbs and gutters.

9372 (3) (a) (i) If the estimates of a qualified engineer referred to in Section 72-6-108 are
9373 substantially lower than any responsible bid received or in the event no bids are received, the
9374 county or municipality may perform the work by force account.

9375 (ii) In no event shall "substantially lower" mean estimates that are less than 10% below
9376 the lowest responsible bid.

9377 (b) If a county or municipality performs an improvement project by force account, it
9378 shall:

9379 (i) provide an accounting of the costs and expenditures of the improvement including
9380 material, labor, and direct equipment costs to be calculated using the Cost Reference Guide for
9381 Construction Equipment by Dataquest Inc.;

9382 (ii) disclose the costs and expenditures to any person upon request and allow the
9383 person to make a copy and pay for the actual cost of the copy; and

9384 (iii) perform the work using the same specifications and standards that would apply to
9385 a private contractor.

9386 Section 283. Section **72-6-114** is amended to read:

9387 **72-6-114. Restricting use of or closing highway -- Penalty for failure to observe**
9388 **barricade, warning light, etc.**

9389 (1) A highway authority may close or restrict travel on a highway under their

9390 jurisdiction due to construction, maintenance work, or emergency.

9391 (2) If a highway or portion of a highway is closed or restricted to travel, a highway
9392 authority shall cause suitable barriers and notices to be posted and maintained in accordance
9393 with Section [~~41-6-20~~] 41-6a-301.

9394 (3) A person who willfully fails to observe any barricade, warning light, sign, or
9395 flagman, used in accordance with this section, is guilty of a class B misdemeanor.

9396 Section 284. Section **72-7-107** is amended to read:

9397 **72-7-107. Public safety program signs -- Permits.**

9398 (1) As used in this section, "public safety program sign" means a sign, placed on or
9399 adjacent to a highway, that is promoting a highway safety program or highway safety practice,
9400 or a crime or drug abuse prevention program that is being sponsored by the department, the
9401 Department of Public Safety, or a local law enforcement agency.

9402 (2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
9403 department shall make rules to allow public safety program signs on state highways by permit.
9404 The rules shall contain reasonable terms and conditions:

9405 (a) that are no more restrictive than motorist service signing requirements of the
9406 Manual on Uniform Traffic Control Devices for Streets and Highways adopted under Section
9407 [~~41-6-20~~] 41-6a-301; and

9408 (b) for granting and maintaining a permit.

9409 Section 285. Section **72-7-401** is amended to read:

9410 **72-7-401. Application of size, weight, and load limitations for vehicles --**
9411 **Exceptions.**

9412 (1) (a) Except as provided in Subsection (2), the maximum size, weight, and load
9413 limitations on vehicles under this part apply to all highways throughout the state.

9414 (b) Local authorities may not alter the limitations except as expressly provided under
9415 Sections [~~41-6-17~~] 41-6a-204 and 72-7-408.

9416 (2) Except as specifically made applicable, the size, weight, and load limitations in this
9417 chapter do not apply to:

9418 (a) fire-fighting apparatus;

9419 (b) highway construction and maintenance equipment being operated at the site of
9420 maintenance or at a construction project as authorized by a highway authority;

9421 (c) highway construction and maintenance equipment temporarily being operated
9422 between a material site and a highway maintenance site or a highway construction project if:
9423 (i) the section of any highway being used is not located within a county of the first or
9424 second class;
9425 (ii) authorized for a specific highway project by the highway authority having
9426 jurisdiction over each highway being used;
9427 (iii) the distance between the material site and maintenance site or highway
9428 construction project does not exceed ten miles; and
9429 (iv) the operator carries in the vehicle written verification of the authorization from the
9430 highway authority having jurisdiction over each highway being used;
9431 (d) implements of husbandry incidentally moved on a highway while engaged in an
9432 agricultural operation or incidentally moved for repair or servicing, subject to the provisions of
9433 Section 72-7-407;
9434 (e) vehicles transporting logs or poles from forest to sawmill:
9435 (i) when required to move upon a highway other than the national system of interstate
9436 and defense highways;
9437 (ii) if the gross vehicle weight does not exceed 80,000 pounds; and
9438 (iii) the vehicle or combination of vehicles are in compliance with Subsections
9439 72-7-404(1) and (2)(a); and
9440 (f) tow trucks or towing vehicles under emergency conditions when:
9441 (i) it becomes necessary to move a vehicle, combination of vehicles, special mobile
9442 equipment, or objects to the nearest safe area for parking or temporary storage;
9443 (ii) no other alternative is available; and
9444 (iii) the movement is for the safety of the traveling public.
9445 (3) (a) Except when operating on the national system of interstate and defense
9446 highways, a motor vehicle carrying livestock as defined in Section 4-1-8, or a motor vehicle
9447 carrying raw grain if the grain is being transported by the farmer from his farm to market prior
9448 to bagging, weighing, or processing, may exceed by up to 2,000 pounds the tandem axle weight
9449 limitations specified under Section 72-7-404 without obtaining an overweight permit under
9450 Section 72-7-406.
9451 (b) Subsection (3)(a) is an exception to Sections 72-7-404 and 72-7-406.

9452 Section 286. Section **72-7-403** is amended to read:

9453 **72-7-403. Towing requirements and limitations on towing.**

9454 (1) (a) The draw-bar or other connection between any two vehicles, one of which is
9455 towing or drawing the other on a highway, may not exceed 15 feet in length from one vehicle
9456 to the other except in the case of a connection between any two vehicles transporting poles,
9457 pipe, machinery, or structural material that cannot be dismembered when transported upon a
9458 pole trailer as defined in Section ~~[41-6-1]~~ 41-6a-102.

9459 (b) When the connection between the two vehicles is a chain, rope, or cable, a red flag
9460 or other signal or cloth not less than 12 inches both in length and width shall be displayed on or
9461 near the midpoint of the connection.

9462 (2) A person may not operate a combination of vehicles when any trailer, semitrailer,
9463 or other vehicle being towed:

9464 (a) whips or swerves from side to side dangerously or unreasonably; or

9465 (b) fails to follow substantially in the path of the towing vehicle.

9466 (3) A person who violates this section is guilty of a class B misdemeanor.

9467 Section 287. Section **72-7-407** is amended to read:

9468 **72-7-407. Implements of husbandry -- Escort vehicle requirements -- Oversize**
9469 **permit -- Rulemaking -- Penalty.**

9470 (1) As used in this section, "escort vehicle" means a motor vehicle, as defined under
9471 Section 41-1a-102, that has its emergency warning lights operating, and that is being used to
9472 warn approaching motorists by either preceding or following a slow or oversized vehicle,
9473 object, or implement of husbandry being moved on the highway.

9474 (2) An implement of husbandry being moved on a highway shall be accompanied by:

9475 (a) front and rear escort vehicles when the implement of husbandry is 16 feet in width
9476 or greater unless the implement of husbandry is moved by a farmer or rancher or his employees
9477 in connection with an agricultural operation; or

9478 (b) one or more escort vehicles when the implement of husbandry is traveling on a
9479 highway where special hazards exist related to weather, pedestrians, other traffic, or highway
9480 conditions.

9481 (3) In addition to the requirements of Subsection (2), a person may not move an
9482 implement of husbandry on a highway during hours of darkness without lights and reflectors as

9483 required under Section [~~41-6-130 or 41-6-130.5~~] 41-6a-1608 or 41-6a-1609.

9484 (4) (a) Except for an implement of husbandry moved by a farmer or rancher or the
9485 farmer's or rancher's employees in connection with an agricultural operation, a person may not
9486 move an implement of husbandry on the highway without:

9487 (i) an oversize permit obtained under Section 72-7-406 if required;

9488 (ii) trained escort vehicle drivers and approved escort vehicles when required under
9489 Subsection (2); and

9490 (iii) compliance with the vehicle weight requirements of Section 72-7-404.

9491 (b) (i) The department shall issue an annual oversize permit for the purpose of allowing
9492 the movement of implements of husbandry on the highways in accordance with this chapter.

9493 (ii) The permit shall require the applicant to obtain verbal permission from the
9494 department for each trip involving the movement of an implement of husbandry 16 feet or
9495 greater in width.

9496 (c) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
9497 department shall make rules specifying training for escort vehicle drivers and equipment
9498 requirements for escort vehicles as provided in Subsection (4)(a).

9499 (5) Any person who violates this section is guilty of a class B misdemeanor.

9500 Section 288. Section **72-9-501** is amended to read:

9501 **72-9-501. Construction, operation, and maintenance of ports-of-entry by the**
9502 **department -- Function of ports-of-entry -- Checking and citation powers of port-of-entry**
9503 **agents.**

9504 (1) (a) The department shall construct ports-of-entry for the purpose of checking motor
9505 carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws
9506 including laws relating to:

9507 (i) driver qualifications;

9508 (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;

9509 (iii) vehicle registration;

9510 (iv) fuel tax payment;

9511 (v) vehicle size, weight, and load;

9512 (vi) security or insurance;

9513 (vii) this chapter;

9514 (viii) hazardous material as defined under 49 U.S.C. 5102;
9515 (ix) livestock transportation; and
9516 (x) safety.

9517 (b) The ports-of-entry shall be located on state highways at sites determined by the
9518 department.

9519 (2) (a) The ports-of-entry shall be operated and maintained by the department.

9520 (b) A port-of-entry agent may check, inspect, or test drivers, vehicles, and vehicle loads
9521 for compliance with state and federal laws specified in Subsection (1).

9522 (3) (a) A port-of-entry agent, in whose presence an offense described in this section is
9523 committed, may:

9524 (i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;
9525 (ii) request and administer chemical tests to determine blood alcohol concentration in
9526 compliance with Section [~~41-6-44.3~~] 41-6a-515;

9527 (iii) place a driver out-of-service in accordance with Section 53-3-417; and
9528 (iv) serve a driver with notice of the Driver License Division of the Department of
9529 Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle
9530 in accordance with Section 53-3-418.

9531 (b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a
9532 port-of-entry agent who is not a peace officer or special function officer designated under Title
9533 53, Chapter 13, Peace Officer Classifications.

9534 Section 289. Section **72-9-601** is amended to read:

9535 **72-9-601. Tow truck motor carrier requirements -- Authorized towing**
9536 **certificates.**

9537 (1) In addition to the requirements of this chapter, a tow truck motor carrier shall:

9538 (a) ensure that all the motor carrier's tow truck drivers are properly:

9539 (i) trained to operate tow truck equipment;

9540 (ii) licensed, as required under Title 53, Chapter 3, Uniform Driver License Act; and
9541 (iii) complying with the requirements under Sections [~~41-6-102.5~~] 41-6a-1406 and
9542 72-9-603; and

9543 (b) obtain and display a current authorized towing certificate for the tow truck motor
9544 carrier, and each tow truck and driver, as required under Section 72-9-602.

9545 (2) A tow truck motor carrier may only perform a towing service described in Section
9546 [~~41-6-102.5, 41-6-102.7~~] 41-6a-1406 or 41-6a-1407, or 72-9-603, with a tow truck and driver
9547 that has a current authorized towing certificate under this part.

9548 Section 290. Section **72-9-602** is amended to read:

9549 **72-9-602. Towing inspections, investigations, and certification -- Equipment**
9550 **requirements -- Consumer information.**

9551 (1) (a) The department shall inspect, investigate, and certify tow truck motor carriers,
9552 tow trucks, and tow truck drivers to ensure compliance with this chapter and compliance with
9553 Sections [~~41-6-102.5 and 41-6-102.7~~] 41-6a-1406 and 41-6a-1407.

9554 (b) The inspection, investigation, and certification shall be conducted prior to any tow
9555 truck operation and at least every two years thereafter.

9556 (c) (i) The department shall issue an authorized towing certificate for each tow truck
9557 motor carrier, tow truck, and driver that complies with this part.

9558 (ii) The certificate shall expire two years from the month of issuance.

9559 (d) The department may charge a biennial fee established under Section 63-38-3.2 to
9560 cover the cost of the inspection, investigation, and certification required under this part.

9561 (2) The department shall make consumer protection information available to the public
9562 that may use a tow truck motor carrier.

9563 Section 291. Section **72-9-603** is amended to read:

9564 **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**
9565 **vehicle title restrictions -- Rules for maximum rates and certification.**

9566 (1) Except for tow truck service that was ordered by a peace officer, or a person acting
9567 on behalf of a law enforcement agency, or a highway authority, as defined in Section 72-1-102,
9568 after performing a tow truck service that is being done without the vehicle, vessel, or outboard
9569 motor owner's knowledge, the tow truck operator or the tow truck motor carrier shall:

9570 (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel,
9571 or outboard motor, contact the law enforcement agency having jurisdiction over the area where
9572 the vehicle, vessel, or outboard motor was picked up and notify the agency of the:

9573 (i) location of the vehicle, vessel, or outboard motor;

9574 (ii) date, time, and location from which the vehicle, vessel, or outboard motor was
9575 removed;

9576 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
9577 (iv) person who requested the removal of the vehicle, vessel, or outboard motor; and
9578 (v) vehicle, vessel, or outboard motor's description, including its identification number
9579 and license number or other identification number issued by a state agency; and
9580 (b) within two business days of performing the tow truck service, send a certified letter
9581 to the last-known address of the registered owner and lien holder of the vehicle, vessel, or
9582 outboard motor obtained from the Motor Vehicle Division or if the person has actual
9583 knowledge of the owner's address to the current address, notifying him of the:
9584 (i) location of the vehicle, vessel, or outboard motor;
9585 (ii) date, time, location from which the vehicle, vessel, or outboard motor was
9586 removed;
9587 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
9588 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
9589 (v) a description, including its identification number and license number or other
9590 identification number issued by a state agency; and
9591 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor.
9592 (2) Until the tow truck operator or tow truck motor carrier reports the removal as
9593 required under Subsection (1)(a), a tow truck motor carrier or impound yard may not:
9594 (a) collect any fee associated with the removal; and
9595 (b) begin charging storage fees.
9596 (3) The owner of a vehicle, vessel, or outboard motor lawfully removed is only
9597 responsible for paying:
9598 (a) the tow truck service and storage fees set in accordance with Subsection (7); and
9599 (b) the administrative impound fee set in Section [~~41-6-102.5~~] 41-6a-1406, if
9600 applicable.
9601 (4) The fees under Subsection (3) are a possessory lien on the vehicle, vessel, or
9602 outboard motor until paid.
9603 (5) A person may not request a transfer of title to an abandoned vehicle until at least 30
9604 days after notice has been sent under Subsection (1)(b).
9605 (6) A tow truck motor carrier or impound yard shall clearly and conspicuously post and
9606 disclose all its current fees and rates for tow truck service and storage of a vehicle in

9607 accordance with rules established under Subsection (7).

9608 (7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
9609 Department of Transportation shall:

9610 (a) set maximum rates that:

9611 (i) tow truck motor carriers may charge for the tow truck service of a vehicle, vessel, or
9612 outboard motor that are transported in response to:

9613 (A) a peace officer dispatch call;

9614 (B) a motor vehicle division call; and

9615 (C) any other call where the owner of the vehicle, vessel, or outboard motor has not
9616 consented to the removal; and

9617 (ii) impound yards may charge for the storage of a vehicle, vessel, or outboard motor
9618 stored as a result of one of the conditions listed under Subsection (7)(a)(i);

9619 (b) establish authorized towing certification requirements, not in conflict with federal
9620 law, related to incident safety, clean-up, and hazardous material handling; and

9621 (c) specify the form and content of the posting and disclosure of fees and rates charged
9622 by a tow truck motor carrier or impound yard.

9623 Section 292. Section **72-10-501** is amended to read:

9624 **72-10-501. Flying under the influence of alcohol, drugs, or with specified or**
9625 **unsafe blood alcohol concentration -- Calculations of blood or breath alcohol -- Criminal**
9626 **punishment -- Arrest without warrant.**

9627 (1) (a) A person may not operate or be in actual physical control of an aircraft within
9628 this state if the person:

9629 (i) has sufficient alcohol in his body that a subsequent chemical test shows that the
9630 person has a blood or breath alcohol concentration of .04 grams or greater at the time of the
9631 test;

9632 (ii) is under the influence of alcohol, any drug, or the combined influence of alcohol
9633 and any drug to a degree that renders the person incapable of safely operating an aircraft; or

9634 (iii) has a blood or breath alcohol concentration of .04 grams or greater at the time of
9635 operation or actual physical control.

9636 (b) The fact that a person charged with violating this section is or has been legally
9637 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,

9700 is immune from any civil or criminal liability arising from drawing the sample, if the test is
9701 administered according to standard medical practice.

9702 (6) (a) The person to be tested may, at the person's own expense, have a physician of
9703 the person's own choice administer a chemical test in addition to the test or tests administered
9704 at the direction of a peace officer.

9705 (b) The failure or inability to obtain the additional test does not affect admissibility of
9706 the results of the test or tests taken at the direction of a peace officer, or preclude or delay the
9707 test or tests to be taken at the direction of a peace officer.

9708 (c) The additional test shall be subsequent to the test or tests administered at the
9709 direction of a peace officer.

9710 (7) For the purpose of determining whether to submit to a chemical test or tests, the
9711 person to be tested does not have the right to consult an attorney or have an attorney, physician,
9712 or other person present as a condition for the taking of any test.

9713 (8) If a person under arrest refuses to submit to a chemical test or tests or any
9714 additional test under this section, evidence of any refusal is admissible in any civil or criminal
9715 action or proceeding arising out of acts alleged to have been committed while the person was
9716 operating or in actual physical control of an aircraft while under the influence of alcohol, any
9717 drug, or combination of alcohol and any drug.

9718 (9) The results of any test taken under this section or the refusal to be tested shall be
9719 reported to the Federal Aviation Administration by the peace officer requesting the test.

9720 Section 294. Section **72-12-110** is amended to read:

9721 **72-12-110. Vehicles used and drivers excluded from definitions for regulatory**
9722 **purposes.**

9723 (1) A motor vehicle used in a ride-sharing arrangement is not a bus or commercial
9724 vehicle under:

9725 ~~[(a) Title 41, Chapter 6, Traffic Rules and Regulations, relating to equipment~~
9726 ~~requirements and rules of the road; and]~~

9727 ~~[(b)]~~ (a) Title 41, Chapter 1a, Motor Vehicle Act, relating to registration[-]; and

9728 (b) Title 41, Chapter 6a, Traffic Code, relating to equipment requirements and rules of
9729 the road.

9730 (2) The driver of a vehicle used in a ride-sharing arrangement is not a chauffeur and he

9731 is not transporting persons for compensation under the driver licensing provisions of Title 53,
9732 Chapter 3, Uniform Driver License Act.

9733 Section 295. Section **73-18-13** is amended to read:

9734 **73-18-13. Duties of operator involved in accident -- Notification and reporting**
9735 **procedures -- Use of accident reports -- Giving false information as misdemeanor.**

9736 (1) As used in this section, "agent" has the same meaning as provided in Section
9737 [~~41-6-40~~] 41-6a-404.

9738 (2) It is the duty of the operator of a vessel involved in an accident, if he can do so
9739 without seriously endangering his own vessel, crew, or passengers, to render aid to those
9740 affected by the accident as may be practicable. The operator shall also give his name, address,
9741 and identification of his vessel in writing to any person injured or to the owner of any property
9742 damaged in the accident.

9743 (3) (a) The board shall adopt rules governing the notification and reporting procedure
9744 for vessels involved in accidents.

9745 (b) The rules shall be consistent with federal requirements.

9746 (4) (a) Except as provided in Subsection (4)(b), all accident reports:

9747 (i) are protected and shall be for the confidential use of the division or other state,
9748 local, or federal agencies having use for the records for official governmental statistical,
9749 investigative, and accident prevention purposes; and

9750 (ii) may be disclosed only in a statistical form that protects the privacy of any person
9751 involved in the accident.

9752 (b) The division shall disclose a written accident report and its accompanying data to:

9753 (i) a person involved in the accident, excluding a witness to the accident;

9754 (ii) a person suffering loss or injury in the accident;

9755 (iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i)
9756 and (ii);

9757 (iv) a member of the press or broadcast news media;

9758 (v) a state, local, or federal agency that uses the records for official governmental,
9759 investigative, or accident prevention purposes;

9760 (vi) law enforcement personnel when acting in their official governmental capacity;
9761 and

9762 (vii) a licensed private investigator.

9763 (c) Information provided to a member of the press or broadcast news media under

9764 Subsection (4)(b)(iv) may only include:

9765 (i) the name, age, sex, and city of residence of each person involved in the accident;

9766 (ii) the make and model year of each vehicle involved in the accident;

9767 (iii) whether or not each person involved in the accident was covered by a vehicle

9768 insurance policy;

9769 (iv) the location of the accident; and

9770 (v) a description of the accident that excludes personal identifying information not

9771 listed in Subsection (4)(c)(i).

9772 (5) (a) Except as provided in Subsection (5)(b), an accident report may not be used as
9773 evidence in any civil or criminal trial, arising out of an accident.

9774 (b) Upon demand of any person who has, or claims to have, made the report, or upon
9775 demand of any court, the division shall furnish a certificate showing that a specified accident
9776 report has or has not been made to the division solely to prove a compliance or a failure to
9777 comply with the requirement that a report be made to the division. Accident reports may be
9778 used as evidence when necessary to prosecute charges filed in connection with a violation of
9779 Subsection (6).

9780 (6) Any person who gives false information, knowingly or having reason to believe it is
9781 false, in an oral or written report as required in this chapter, is guilty of a class A misdemeanor.

9782 Section 296. Section **73-18-15.5** is amended to read:

9783 **73-18-15.5. Authorizing or permitting driving a vessel in violation of law.**

9784 (1) A person may not authorize or knowingly permit a vessel owned by him or that is
9785 under his control to be driven by a person in violation of this chapter or Title 41, Chapter [6,
9786 ~~Article~~] 6a, Part 5, Driving [~~While Intoxicated~~] Under the Influence and Reckless Driving.

9787 (2) A person who violates Subsection (1) is guilty of a class C misdemeanor.

9788 Section 297. Section **73-18-20** is amended to read:

9789 **73-18-20. Enforcement of chapter -- Authority to stop and board vessels --**

9790 **Disregarding law enforcement signal to stop as misdemeanor -- Procedure for arrest.**

9791 (1) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer
9792 Classifications, may enforce the provisions of this chapter and the rules promulgated under this

9793 chapter.

9794 (2) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer
9795 Classifications, has the authority to stop and board any vessel subject to this chapter, whether
9796 the vessel is on water or land. If that officer determines the vessel is overloaded, unseaworthy,
9797 or the safety equipment required by this chapter or rules of the board is not on the vessel, that
9798 officer may prohibit the launching of the vessel or stop the vessel from operating.

9799 (3) An operator who, having received a visual or audible signal from a law
9800 enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to
9801 bring his vessel to a stop, operates his vessel in willful or wanton disregard of the signal so as
9802 to interfere with or endanger the operation of any vessel or endanger any person, or who
9803 attempts to flee or elude the officer whether by vessel or otherwise is guilty of a class A
9804 misdemeanor.

9805 (4) Whenever any person is arrested for any violation of the provisions of this chapter
9806 or of the rules promulgated under this chapter, the procedure for arrest is the same as outlined
9807 in Sections [~~41-6-166~~] 77-7-22 through [~~41-6-169~~] 77-7-24.

9808 Section 298. Section **73-18-20.1** is amended to read:

9809 **73-18-20.1. Seizure of a vessel.**

9810 (1) A peace officer, without a warrant, may seize and take possession of a vessel:

9811 (a) that is placed or being operated on the waters of this state with improper
9812 registration;

9813 (b) that the peace officer has reason to believe has been stolen;

9814 (c) on which any hull identification number or serial number for an engine or outboard
9815 motor has been defaced, altered, or obliterated;

9816 (d) that has been abandoned on public land, highways, or waters of this state; or

9817 (e) if the registration or title fees for the vessel or outboard motor have not been paid.

9818 (2) If necessary for the transportation of a seized vessel, the vessel's trailer may be
9819 seized to transport and store the vessel.

9820 (3) Any peace officer seizing or taking possession of a vessel under this section shall
9821 comply with the provisions of Section [~~41-6-102.5~~] 41-6a-1406.

9822 Section 299. Section **73-18a-15** is amended to read:

9823 **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.

9855 (3) (a) Criminal homicide is automobile homicide, a second degree felony, if the
9856 person operates a motor vehicle in a criminally negligent manner causing the death of another
9857 and:

9858 (i) has sufficient alcohol in his body that a subsequent chemical test shows that the
9859 person has a blood or breath alcohol concentration of .08 grams or greater at the time of the
9860 test;

9861 (ii) is under the influence of alcohol, any drug, or the combined influence of alcohol
9862 and any drug to a degree that renders the person incapable of safely operating a vehicle; or

9863 (iii) has a blood or breath alcohol concentration of .08 grams or greater at the time of
9864 operation.

9865 (b) As used in this Subsection (3), "criminally negligent" means criminal negligence as
9866 defined by Subsection 76-2-103(4).

9867 (4) The standards for chemical breath analysis as provided by Section [~~41-6-44.3~~]
9868 41-6a-515 and the provisions for the admissibility of chemical test results as provided by
9869 Section [~~41-6-44.5~~] 41-6a-516 apply to determination and proof of blood alcohol content
9870 under this section.

9871 (5) Calculations of blood or breath alcohol concentration under this section shall be
9872 made in accordance with Subsection [~~41-6-44(2)~~] 41-6a-502(1).

9873 (6) The fact that a person charged with violating this section is or has been legally
9874 entitled to use alcohol or a drug is not a defense.

9875 (7) Evidence of a defendant's blood or breath alcohol content or drug content is
9876 admissible except when prohibited by Rules of Evidence or the constitution.

9877 Section 302. Section **76-10-504** is amended to read:

9878 **76-10-504. Carrying concealed dangerous weapon -- Penalties.**

9879 (1) Except as provided in Section 76-10-503 and in Subsections (2) and (3):

9880 (a) a person who carries a concealed dangerous weapon, as defined in Section
9881 76-10-501, which is not a firearm on his person or one that is readily accessible for immediate
9882 use which is not securely encased, as defined in this part, in a place other than his residence,
9883 property, or business under his control is guilty of a class B misdemeanor; and

9884 (b) a person without a valid concealed firearm permit who carries a concealed
9885 dangerous weapon which is a firearm and that contains no ammunition is guilty of a class B

9886 misdemeanor, but if the firearm contains ammunition the person is guilty of a class A
9887 misdemeanor.

9888 (2) A person who carries concealed a sawed-off shotgun or a sawed-off rifle is guilty of
9889 a second degree felony.

9890 (3) If the concealed firearm is used in the commission of a violent felony as defined in
9891 Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a second
9892 degree felony.

9893 (4) Nothing in Subsection (1) shall prohibit a person engaged in the lawful taking of
9894 protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code, from
9895 carrying a concealed weapon or a concealed firearm with a barrel length of four inches or
9896 greater as long as the taking of wildlife does not occur:

9897 (a) within the limits of a municipality in violation of that municipality's ordinances; or

9898 (b) upon the highways of the state as defined in Section ~~[41-6-1]~~ 41-6a-102.

9899 Section 303. Section **76-10-528** is amended to read:

9900 **76-10-528. Carrying a dangerous weapon while under influence of alcohol or**
9901 **drugs unlawful.**

9902 (1) Any person who carries a dangerous weapon while under the influence of alcohol
9903 or a controlled substance as defined in Section 58-37-2 is guilty of a class B misdemeanor.
9904 Under the influence means the same level of influence or blood or breath alcohol concentration
9905 as provided in Subsections ~~[41-6-44(2)]~~ 41-6a-502(1)(a)(i) through (iii).

9906 (2) It is not a defense to prosecution under this section that the person:

9907 (a) is licensed in the pursuit of wildlife of any kind; or

9908 (b) has a valid permit to carry a concealed firearm.

9909 Section 304. Section **76-10-1506** is amended to read:

9910 **76-10-1506. Threatening breach of peace -- Disorderly conduct -- Foul language**
9911 **-- Refusing requests -- Use of controlled substance, liquor, or tobacco -- Ejection of**
9912 **passenger.**

9913 (1) A person is guilty of a class C misdemeanor, if ~~[he]~~ the person:

9914 (a) threatens a breach of the peace, is disorderly, or uses obscene, profane, or vulgar
9915 language on a bus;

9916 (b) is in or upon any bus while unlawfully under the influence of a controlled substance

9917 as defined in Section 58-37-2;

9918 (c) fails to obey a reasonable request or order of a bus driver, bus company
9919 representative, a nondrinking designee other than the driver as provided in Subsection
9920 32A-12-213(3)(c)(ii), or other person in charge or control of a bus or terminal;

9921 (d) ingests any controlled substance, unless prescribed by a physician or medical
9922 facility, in or upon any bus, or drinks intoxicating liquor in or upon any bus, except a chartered
9923 bus as defined and provided in Sections 32A-1-105 and ~~[41-6-44.20]~~ 41-6a-526; or

9924 (e) smokes tobacco or other products in or upon any bus, except a chartered bus.

9925 (2) If any person violates Subsection (1), the driver of the bus or person in charge
9926 thereof may stop at the place where the offense is committed or at the next regular or
9927 convenient stopping place and remove such person, using only such force as may be necessary
9928 to accomplish the removal, and the driver or person in charge may request the assistance of
9929 passengers to assist in the removal.

9930 (3) The driver or person in charge may cause the person so removed to be detained and
9931 delivered to the proper authorities.

9932 Section 305. Section **77-2-4.2** is amended to read:

9933 **77-2-4.2. Compromise of traffic charges -- Limitations.**

9934 (1) As used in this section:

9935 (a) "Compromise" means referral of a person charged with a traffic violation to traffic
9936 school or other school, class, or remedial or rehabilitative program.

9937 (b) "Traffic violation" means any charge, by citation or information, of a violation of:

9938 (i) Title 41, Chapter ~~[6;]~~ 6a, Traffic ~~[Rules and Regulations]~~ Code, amounting to:

9939 (A) a class B misdemeanor;

9940 (B) a class C misdemeanor; or

9941 (C) an infraction; or

9942 (ii) any local traffic ordinance.

9943 (2) Any compromise of a traffic violation shall be done pursuant to a plea in abeyance
9944 agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:

9945 (a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or

9946 (b) when there is a plea by the defendant to and entry of a judgment by a court for the
9947 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);

9979 (d) regular court reviews for compliance;
9980 (e) random drug and alcohol testing; and
9981 (f) if a substance abuse treatment program is found appropriate under Subsection
9982 (1)(c), at least monthly reports from the substance abuse treatment program to the court.
9983 (2) (a) A plea may not be held in abeyance in any case involving a driving under the
9984 influence violation under Section [~~41-6-44~~] 41-6a-502 that is punishable as a felony or class A
9985 misdemeanor.
9986 (b) A plea to a driving under the influence violation under Section [~~41-6-44~~] 41-6a-502
9987 that is punishable as a class B misdemeanor may not be held in abeyance unless:
9988 (i) (A) the plea is entered pursuant to an education or treatment incentive program; and
9989 (B) the education or treatment incentive program is approved by the district attorney,
9990 county attorney, attorney general, or chief prosecutor of a municipality; or
9991 (ii) evidentiary issues or other circumstances justify resolution of the case with a plea
9992 in abeyance.
9993 (3) A plea to a driving under the influence violation under Section [~~41-6-44~~] 41-6a-502
9994 may not be dismissed or entered as a conviction of a lesser offense pursuant to Subsection
9995 (2)(b)(i) if the defendant:
9996 (a) has been convicted of any other violation which is defined as a conviction under
9997 Subsection [~~41-6-44(1)~~] 41-6a-501(2);
9998 (b) has had a plea to any other violation of Section [~~41-6-44~~] 41-6a-502 held in
9999 abeyance; or
10000 (c) in the current case:
10001 (i) operated a vehicle in a negligent manner proximately resulting in bodily injury to
10002 another or property damage to an extent requiring reporting to a law enforcement agency under
10003 Section [~~41-6-31~~] 41-6a-401;
10004 (ii) had a blood or breath alcohol level of .16 or higher; or
10005 (iii) had a passenger under 18 years of age in the vehicle at the time of the offense.
10006 (4) A decision by a prosecuting attorney not to establish an education or treatment
10007 incentive program is final.
10008 Section 307. Section **77-7-18** is amended to read:
10009 **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:

10041 (a) guilty of misconduct in office; and

10042 (b) subject to removal from office.

10043 Section 309. Section **77-7-25**, which is renumbered from Section 41-6-173 is
10044 renumbered and amended to read:

10045 **[~~41-6-173~~]. 77-7-25. Keeping of records -- Making and forwarding of abstract**
10046 **upon conviction or forfeiture of bail -- Form and contents -- Official misconduct.**

10047 (1) A magistrate or judge of a court [~~not of record and every clerk of a court of record~~]
10048 shall keep a full record of each case in which a person is charged with:

10049 (a) a violation of this chapter; or

10050 (b) any other law regulating the operation of a motor vehicle on the highway.

10051 (2) (a) Within ten days after the conviction or forfeiture of bail of a person [~~upon~~] on a
10052 charge of violating [~~any~~] a provision of this chapter or other law regulating the operation of a
10053 motor vehicle on the highway, the magistrate of the court or clerk of the court [~~of record~~] in
10054 which the conviction was made or bail was forfeited shall prepare and immediately forward to
10055 the department an abstract of the record of the court covering the case in which the person was
10056 convicted or forfeited bail.

10057 (b) The abstract shall be certified by the person required to prepare the abstract to be
10058 true and correct.

10059 (c) A report under this Subsection (2) is not required for a conviction involving the
10060 illegal parking or standing of a vehicle.

10061 (3) The abstract must be made in a manner specified by the Driver License Division
10062 and shall include the:

10063 (a) name and address of the party charged;

10064 (b) number, if any, of the person's [~~operator's~~] driver license;

10065 (c) [~~registration~~] license plate number of the vehicle involved;

10066 (d) nature of the offense;

10067 (e) date of hearing;

10068 (f) plea;

10069 (g) judgment, or whether bail was forfeited; and

10070 (h) amount of the fine or forfeiture.

10071 (4) A court [~~of record~~] shall provide a copy of the report to the Driver License Division

10072 ~~[upon]~~ on the conviction of ~~[any]~~ a person of manslaughter or other felony in which a vehicle
10073 was used.

10074 (5) The failure, refusal, or neglect of a judicial officer to comply with the requirements
10075 of this section constitutes misconduct in office and is grounds for removal.

10076 (6) The Driver License Division shall classify and disclose all abstracts received in
10077 accordance with Section 53-3-109.

10078 Section 310. Section **77-7-26**, which is renumbered from Section 41-6-172 is
10079 renumbered and amended to read:

10080 ~~[41-6-172].~~ **77-7-26. Improper disposition or cancellation of notice to appear or**
10081 **traffic citation -- Official misconduct -- Misdemeanor.**

10082 (1) (a) It ~~[shall be]~~ is unlawful and official misconduct for any peace officer or other
10083 officer or public employee to dispose of:

10084 (i) a notice to appear; or ~~[of any]~~

10085 (ii) traffic citation ~~[without the consent of the magistrate before whom the person was~~
10086 ~~to appear]~~.

10087 (b) The provisions of Subsection (1)(a) do not apply if the disposal is done with the
10088 consent of the magistrate before whom the arrested person was to appear.

10089 (2) ~~[Any]~~ A person who cancels or solicits the cancellation of ~~[any]~~ a notice to appear
10090 or ~~[any]~~ a traffic citation, in any manner other than as provided by law, ~~[shall be]~~ is guilty of a
10091 class B misdemeanor.

10092 Section 311. Section **77-18-12** is amended to read:

10093 **77-18-12. Grounds for denial of certificate of eligibility -- Effect of prior**
10094 **convictions.**

10095 (1) The division shall issue a certificate of eligibility to a petitioner seeking to obtain
10096 expungement for a criminal record unless prior to issuing a certificate of eligibility the division
10097 finds, through records of a governmental agency, including national criminal data bases that:

10098 (a) the conviction for which expungement is sought is:

10099 (i) a capital felony;

10100 (ii) a first degree felony;

10101 (iii) a second degree forcible felony;

10102 (iv) automobile homicide;

- 10103 (v) a felony violation of Section [~~41-6-44~~] 41-6a-502;
- 10104 (vi) a conviction involving a sexual act against a minor;
- 10105 (vii) any registerable sex offense as defined in Subsection 77-27-21.5(1)(d); or
- 10106 (viii) an attempt, solicitation, or conspiracy to commit any offense listed in Subsection
- 10107 77-27-21.5(1)(d);
- 10108 (b) the petitioner's record includes two or more convictions for any type of offense
- 10109 which would be classified as a felony under Utah law, not arising out of a single criminal
- 10110 episode, regardless of the jurisdiction in which the convictions occurred;
- 10111 (c) the petitioner has previously obtained expungement in any jurisdiction of a crime
- 10112 which would be classified as a felony in Utah;
- 10113 (d) the petitioner has previously obtained expungement in any jurisdiction of two or
- 10114 more convictions which would be classified as misdemeanors in Utah unless the convictions
- 10115 would be classified as class B or class C misdemeanors in Utah and 15 years have passed since
- 10116 these misdemeanor convictions;
- 10117 (e) the petitioner was convicted in any jurisdiction, subsequent to the conviction for
- 10118 which expungement is sought and within the time periods as provided in Subsection (2), of a
- 10119 crime which would be classified in Utah as a felony, misdemeanor, or infraction;
- 10120 (f) the person has a combination of three or more convictions not arising out of a single
- 10121 criminal episode including any conviction for an offense which would be classified under Utah
- 10122 law as a class B or class A misdemeanor or as a felony, including any misdemeanor and felony
- 10123 convictions previously expunged, regardless of the jurisdiction in which the conviction or
- 10124 expungement occurred; or
- 10125 (g) a proceeding involving a crime is pending or being instituted in any jurisdiction
- 10126 against the petitioner.
- 10127 (2) A conviction may not be included for purposes of Subsection (1)(e), and a
- 10128 conviction may not be considered for expungement until, after the petitioner's release from
- 10129 incarceration, parole, or probation, whichever occurs last and all fines ordered by the court
- 10130 have been satisfied, at least the following period of time has elapsed:
- 10131 (a) seven years in the case of a felony;
- 10132 (b) ten years in the case of:
- 10133 (i) a misdemeanor conviction or the equivalent of a misdemeanor conviction as defined

10134 in Subsection [~~41-6-44(1)~~] 41-6a-501(2); or

10135 (ii) a felony violation of Subsection 58-37-8(2)(g);

10136 (c) five years in the case of a class A misdemeanor;

10137 (d) three years in the case of any other misdemeanor or infraction under Title 76, Utah

10138 Criminal Code; or

10139 (e) 15 years in the case of multiple class B or class C misdemeanors.

10140 (3) A petitioner who would not be eligible to receive a certificate of eligibility under

10141 Subsection (1)(d) or (f) may receive a certificate of eligibility for one additional expungement

10142 if at least 15 years have elapsed since the last of any of the following:

10143 (a) release from incarceration, parole, or probation relating to the most recent

10144 conviction; and

10145 (b) any other conviction which would have prevented issuance of a certificate of

10146 eligibility under Subsection (1)(e).

10147 (4) If, after reasonable research, a disposition for an arrest on the criminal history file is

10148 unobtainable, the division may issue a special certificate giving discretion of eligibility to the

10149 court.

10150 Section 312. Section **78-3a-104** is amended to read:

10151 **78-3a-104. Jurisdiction of juvenile court -- Original -- Exclusive.**

10152 (1) Except as otherwise provided by law, the juvenile court has exclusive original

10153 jurisdiction in proceedings concerning:

10154 (a) a minor who has violated any federal, state, or local law or municipal ordinance or a

10155 person younger than 21 years of age who has violated any law or ordinance before becoming

10156 18 years of age, regardless of where the violation occurred, excluding traffic laws and boating

10157 and ordinances;

10158 (b) a person 21 years of age or older who has failed or refused to comply with an order

10159 of the juvenile court to pay a fine or restitution, if the order was imposed prior to the person's

10160 21st birthday; however, the continuing jurisdiction is limited to causing compliance with

10161 existing orders;

10162 (c) a minor who is an abused child, neglected child, or dependent child, as those terms

10163 are defined in Section 78-3a-103;

10164 (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

10196 the Utah State Hospital;

10197 (m) the commitment of a minor in accordance with Section 62A-15-301;

10198 (n) de novo review of final agency actions resulting from an informal adjudicative
10199 proceeding as provided in Section 63-46b-15; and

10200 (o) adoptions conducted in accordance with the procedures described in Title 78,
10201 Chapter 30, Adoption, when the juvenile court has previously entered an order terminating the
10202 rights of a parent and finds that adoption is in the best interest of the minor.

10203 (2) In addition to the provisions of Subsection (1)(a) the juvenile court has exclusive
10204 jurisdiction over any traffic or boating offense committed by a minor under 16 years of age and
10205 concurrent jurisdiction over all other traffic or boating offenses committed by a minor 16 years
10206 of age or older, except that the court shall have exclusive jurisdiction over the following
10207 offenses committed by a minor under 18 years of age:

10208 (a) Section 76-5-207, automobile homicide;

10209 (b) Section [~~41-6-44~~] 41-6a-502, operating a vehicle while under the influence of
10210 alcohol or drugs;

10211 (c) Section [~~41-6-45~~] 41-6a-528, reckless driving or Section 73-18-12, reckless
10212 operation;

10213 (d) Section 41-1a-1314, unauthorized control over a motor vehicle, trailer, or
10214 semitrailer for an extended period of time; and

10215 (e) Section [~~41-6-13.5~~] 41-6a-206 or 73-18-20, fleeing a peace officer.

10216 (3) The court also has jurisdiction over traffic and boating offenses that are part of a
10217 single criminal episode filed in a petition that contains an offense over which the court has
10218 jurisdiction.

10219 (4) The juvenile court has jurisdiction over an ungovernable or runaway minor who is
10220 referred to it by the Division of Child and Family Services or by public or private agencies that
10221 contract with the division to provide services to that minor where, despite earnest and
10222 persistent efforts by the division or agency, the minor has demonstrated that he:

10223 (a) is beyond the control of his parent, guardian, lawful custodian, or school authorities
10224 to the extent that his behavior or condition endangers his own welfare or the welfare of others;
10225 or

10226 (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

10258 attorneys' fees and costs to the judgment creditor.

10259 (c) The state shall have all rights due a judgment creditor until the judgment is
10260 satisfied, and stand on equal footing with the judgment creditor of the original case in securing
10261 a recovery.

10262 (d) Unless all affected parties, including the state, expressly agree otherwise or the
10263 application is contrary to the terms of the judgment, any payment on the judgment by or on
10264 behalf of any judgment debtor, whether voluntary or by execution or otherwise, shall be
10265 applied in the following order:

10266 (i) compensatory damages, and any applicable attorneys fees and costs;

10267 (ii) the initial \$20,000 punitive damages; and ~~finally~~

10268 (iii) the balance of the punitive damages.

10269 Section 314. Section **78-57-102** is amended to read:

10270 **78-57-102. Definitions.**

10271 (1) "Adult" means a person 18 years of age or older.

10272 (2) "Gang activity" means any criminal activity that is conducted as part of an
10273 organized youth gang. It includes any criminal activity that is done in concert with other gang
10274 members, or done alone if it is to fulfill gang purposes. "Gang activity" does not include
10275 graffiti.

10276 (3) "Minor offense" means any unlawful act that is a status offense or would be a class
10277 B or C misdemeanor, infraction, or violation of a municipal or county ordinance if the youth
10278 were an adult. "Minor offense" does not include:

10279 (a) class A misdemeanors;

10280 (b) felonies of any degree;

10281 (c) any offenses that are committed as part of gang activity;

10282 (d) any of the following offenses which would carry mandatory dispositions if referred
10283 to the juvenile court under Section 78-3a-506:

10284 (i) a second violation of Section 32A-12-209, Unlawful Purchase, Possession or
10285 Consumption by Minors -- Measurable Amounts in Body;

10286 (ii) a violation of Section ~~[41-6-44]~~ 41-6a-502, Driving Under the Influence;

10287 (iii) a violation of Section 58-37-8, Controlled Substances Act;

10288 (iv) a violation of Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

10289 (v) a violation of Title 58, Chapter 37b, Imitation Controlled Substances Act; or

10290 (vi) a violation of Section 76-9-701, Intoxication; or

10291 (e) any offense where a dangerous weapon, as defined in Subsection 76-1-601(5), is
10292 used in the commission of the offense.

10293 (4) "Sponsoring entity" means any political subdivision of the state, including a school
10294 or school district, juvenile court, law enforcement agency, prosecutor's office, county, city, or
10295 town.

10296 (5) "Status offense" means a violation of the law that would not be a violation but for
10297 the age of the offender.

10298 (6) "Youth" means a person under the age of 18 years or who is 18 but still attending
10299 high school.

10300 Section 315. **Repealer.**

10301 This bill repeals:

10302 Section **41-6-22, Traffic control devices -- Placing and maintenance upon local**
10303 **highways by local authorities.**

10304 Section **41-6-29, Operator's duty at accident -- Stop at accident -- Penalty.**

10305 Section **41-6-30, Accidents involving damage to vehicle or property -- Stop at**
10306 **accident -- Penalty.**

10307 Section **41-6-32, Collision with unattended vehicle or other property -- Duties of**
10308 **operator -- Penalty.**

10309 Section **41-6-37, Accident reports -- Forms -- Contents -- Penalties for failure to**
10310 **make report.**

10311 Section **41-6-42, Local powers to require report.**

10312 Section **41-6-43.5, Definitions.**

10313 Section **41-6-50, Special speed limit on bridges -- Prima facie evidence.**

10314 Section **41-6-70, Signals -- Methods.**

10315 Section **41-6-71, Signals -- How made -- Exceptions for right hand signals.**

10316 Section **41-6-75, Entering or crossing highway other than from another roadway --**
10317 **Yield right-of-way.**

10318 Section **41-6-75.5, Merging lanes -- Yielding.**

10319 Section **41-6-120, Tail lamps -- Illumination of rear registration plate -- Reflectors.**

10320 Section **41-6-121.10, Stop lamps required -- Supplemental stop lamps -- Turn**
10321 **signals.**

10322 Section **41-6-122, Additional lamps and reflectors.**

10323 Section **41-6-132, Emergency vehicles -- Flashing lights -- Rotating lights.**

10324 Section **41-6-139, Number of front lamps required and permitted.**

10325 Section **41-6-142, Department to adopt standards for lights and other equipment --**
10326 **Compliance with federal standards -- Trademark or brand name.**

10327 Section **41-6-155, Vehicles and equipment must be in safe mechanical condition.**

10328 Section **41-6-166, Appearance upon arrest for misdemeanor -- Setting bond.**

10329 Section **41-6-168, Violation of promise to appear as misdemeanor -- Appearance**
10330 **by counsel.**

10331 Section **41-6-169, Arrests without warrants.**

10332 Section **41-6-170, Record of violation not admissible in civil action.**

10333 Section **41-6-171, Conviction shall not affect credibility as a witness.**

10334 Section 316. **Effective date.**

10335 If approved by two-thirds of all the members elected to each house, this bill takes effect
10336 upon approval by the governor, or the day following the constitutional time limit of Utah
10337 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
10338 the date of veto override.

Legislative Review Note
as of 12-7-04 8:41 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-15-04 1:56 PM

The Transportation Interim Committee recommended this bill.