

1 **DRIVING BY MINORS AMENDMENTS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Karen Hale**

5 House Sponsor: Ronda Rudd Menlove

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Motor Vehicles Code by amending provisions related to driving
10 by minors.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ repeals an affirmative defense to the prohibition against a person younger than 17
14 years of age from operating a motor vehicle on a highway between the hours of
15 12:00 am and 5:00 am;

15a **§→ ▶ provides that a person younger than 17 years of age may operate a motor vehicle on a**
15b **highway between the hours of 12:00 am and 5:00 am directly to the driver's residence from a**
15c **school-sponsored activity if transportation to the activity is provided by a school or a school**
15d **district and the transportation commences and returns to the school property where the driver**
15e **is enrolled; ←§**

16 ▶ repeals an affirmative defense to the prohibition against certain persons driving with
17 a passenger in the vehicle who is not an immediate family member of the driver;

17a **§→ ▶ prohibits a peace officer from seizing or impounding a vehicle in certain circumstances; ←§**
18 and

19 ▶ makes technical changes.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **41-8-2**, as enacted by Chapter 28, Laws of Utah 1999

27 **41-8-3**, as enacted by Chapter 98, Laws of Utah 2001



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

Section 1. Section **41-8-2** is amended to read:

41-8-2. Operation of vehicle by persons under 17 during night hours prohibited

-- Exceptions.

(1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a person younger than 17 years of age, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state between the hours of 12:00 a.m. and 5:00 a.m.

(2) It is an affirmative defense to a charge under Subsection (1) that the person is operating a motor vehicle:

(a) accompanied by a licensed driver at least 21 years of age who is occupying a seat next to the driver;

(b) for the driver's employment, including the trip to and from the driver's residence and the driver's employment;

~~[(c) to and from the driver's religion-sponsored activity or own school-sponsored activity and the driver's residence;]~~ **§→ (c) directly to the driver's residence from a**

school-sponsored activity if:

(i) transportation to the activity is provided by a school or school district; and

(ii) the transportation under Subsection (2)(c)(i) commences from and returns to the school property where the driver is enrolled. **←§**

~~[(d)]~~ **§→ [(c)] (d) ←§** on assignment of a farmer or rancher and the driver is engaged in an agricultural operation; or

~~[(e)]~~ **§→ [(d)] (e) ←§** in an emergency.

(3) **§→ (a) ←§** In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver

License Act, a violation of this section is a class C misdemeanor.

§→ (b) A peace officer may not seize or impound a vehicle if:

(i) the operator of the vehicle is cited for a violation of this section; and

(ii) the seizure or impoundment is not otherwise authorized under Section 41-1a-1101, 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527. **←§**

Section 2. Section **41-8-3** is amended to read:

41-8-3. Operation of vehicle by persons under 16 and six months -- Passenger limitations -- Exceptions -- Penalties.

(1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a

54 person, whether resident or nonresident of this state, may not operate a motor vehicle upon any
55 highway of this state with any passenger who is not an immediate family member of the driver
56 until the earlier of:

- 57 (a) six months from the date the person's driver license was issued; or
- 58 (b) the person reaches 18 years of age.



59 (2) It is an affirmative defense to a charge under Subsection (1) that the person is
60 operating a motor vehicle:

61 (a) accompanied by a licensed driver at least 21 years of age who is occupying a seat
62 next to the driver;

63 (b) on assignment of a farmer or rancher and the driver is engaged in an agricultural
64 operation; or

65 [~~(c) with the written consent of the driver's parent or guardian to and from the driver's~~
66 ~~school, own school-sponsored activity, or religion-sponsored activity and the driver's residence;~~
67 ~~or]~~

68 [~~(d)~~] (c) in an emergency.

69 (3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver
70 License Act, a violation of this section is a class C misdemeanor.

71 (4) ~~§→~~ (a) ~~←§~~ Enforcement of this section by state or local law enforcement officers shall
71a be only

72 as a secondary action when an operator of a motor vehicle has been detained for a suspected
73 violation of Title 41, other than this section, or for another offense.

73a ~~§→~~ (b) **A peace officer may not seize or impound a vehicle if:**

73b (i) the operator of the vehicle is cited for a violation this section; and

73c (ii) the seizure or impoundment is not otherwise authorized under Section 41-1a-1101,

73d 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527. ~~←§~~

Legislative Review Note

as of 12-20-05 12:37 PM

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

Fiscal Note
Bill Number SB0118

Driving by Minors Amendments

18-Jan-06

5:11 PM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact for those who comply with the state Motor Vehicles Code.

Office of the Legislative Fiscal Analyst