

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;

16 ▶ provides that a person younger than 17 years of age may operate a motor vehicle on
17 a highway between the hours of 12:00 am and 5:00 am directly to the driver's
18 residence from a school-sponsored activity if transportation to the activity is
19 provided by a school or a school district and the transportation commences and
20 returns to the school property where the driver is enrolled;

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

23 ▶ prohibits a peace officer from seizing or impounding a vehicle in certain
24 circumstances; and

25 ▶ makes technical changes.

26 **Monies Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-8-2**, as enacted by Chapter 28, Laws of Utah 1999

33 **41-8-3**, as enacted by Chapter 98, Laws of Utah 2001



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

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

37 **41-8-2. Operation of vehicle by persons under 17 during night hours prohibited**

38 **-- Exceptions.**

39 (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a
40 person younger than 17 years of age, whether resident or nonresident of this state, may not
41 operate a motor vehicle upon any highway of this state between the hours of 12:00 a.m. and
42 5:00 a.m.

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

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

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

49 [~~(c) to and from the driver's religion-sponsored activity or own school-sponsored
50 activity and the driver's residence;~~]

51 (c) directly to the driver's residence from a school-sponsored activity if:

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

53 (ii) the transportation under Subsection (2)(c)(i) commences from and returns to the
54 school property where the driver is enrolled;

55 (d) on assignment of a farmer or rancher and the driver is engaged in an agricultural
56 operation; or

57 (e) in an emergency.

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

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

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

62 (ii) the seizure or impoundment is not otherwise authorized under Section 41-1a-1101,
63 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527.

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

65 **41-8-3. Operation of vehicle by persons under 16 and six months -- Passenger**
66 **limitations -- Exceptions -- Penalties.**

67 (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a
68 person, whether resident or nonresident of this state, may not operate a motor vehicle upon any
69 highway of this state with any passenger who is not an immediate family member of the driver
70 until the earlier of:

71 (a) six months from the date the person's driver license was issued; or

72 (b) the person reaches 18 years of age.

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

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

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

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

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

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

85 (4) (a) Enforcement of this section by state or local law enforcement officers shall be

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

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

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

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

91 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527.