

SPEED CONTEST OR EXHIBITION

AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Hale

House Sponsor: David Clark

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code and the Uniform Driver License Act by amending provisions relating to engaging in a speed contest or an exhibition of speed.

Highlighted Provisions:

This bill:

- requires a peace officer that arrests or cites an operator of a vehicle for violating the speed contest or exhibition of speed provision to seize and impound the vehicle with certain exceptions;

- provides that if a vehicle is impounded and removed, the registered owner shall follow certain procedures and pay an administrative impound fee to have the vehicle released;

- provides that a person who violates the speed contest or exhibition of speed provision is guilty of a class B misdemeanor;

- requires the Driver License Division to suspend a person's driver license if the person violates the speed contest or exhibition of speed provision for a period of 60 days for a first offense and 90 days for a second offense;

- requires a court to forward the report of a speed contest or exhibition of speed conviction to the Driver License Division; and

- makes technical changes.

Monies Appropriated in this Bill:

None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **41-6a-527**, as renumbered and amended by Chapter 2 and last amended by Chapter 91,
35 Laws of Utah 2005

36 **41-6a-606**, as renumbered and amended by Chapter 2, Laws of Utah 2005

37 **53-3-220**, as last amended by Chapters 2, 91 and 220, Laws of Utah 2005



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

40 Section 1. Section **41-6a-527** is amended to read:

41 **41-6a-527. Seizure and impoundment of vehicles by peace officers -- Impound**
42 **requirements -- Removal of vehicle by owner.**

43 (1) If a peace officer arrests [or], cites, or refers for administrative action the operator
44 of a vehicle for violating Section 41-6a-502, 41-6a-517, 41-6a-520, 41-6a-530, 41-6a-606,
45 53-3-231, 53-3-232, Subsection 41-6a-518(10), or a local ordinance similar to Section
46 41-6a-502 which complies with Subsection 41-6a-510(1), the peace officer shall seize and
47 impound the vehicle in accordance with Section 41-6a-1406, except as provided under
48 Subsection (2).

49 (2) If a registered owner of the vehicle, other than the operator, is present at the time of
50 arrest, the peace officer may release the vehicle to that registered owner, but only if:

51 (a) the registered owner:

52 (i) requests to remove the vehicle from the scene; and

53 (ii) presents to the peace officer sufficient identification to prove ownership of the
54 vehicle or motorboat;

55 (b) the registered owner identifies a driver with a valid operator's license who:

56 (i) complies with all restrictions of his operator's license; and

57 (ii) would not, in the judgment of the officer, be in violation of Section 41-6a-502,

58 41-6a-517, 41-6a-520, 41-6a-530, 53-3-231, 53-3-232, Subsection 41-6a-518(10), or a local
59 ordinance similar to Section 41-6a-502 which complies with Subsection 41-6a-510(1) if
60 permitted to operate the vehicle; and

61 (c) the vehicle itself is legally operable.

62 (3) If necessary for transportation of a motorboat for impoundment under this section,
63 the motorboat's trailer may be used to transport the motorboat.

64 Section 2. Section **41-6a-606** is amended to read:

65 **41-6a-606. Speed contest or exhibition on highway -- Barricade or obstruction.**

66 (1) A person may not~~[(a)]~~ engage in any motor vehicle speed contest or exhibition of
67 speed on a highway~~[:or]~~.

68 ~~[(b) aid or abet in any motor vehicle speed contest or exhibition on any highway.]~~

69 (2) A person may not, in any manner, obstruct or place any barricade or obstruction or
70 assist or participate in placing any barricade or obstruction upon any highway for any purpose
71 prohibited under Subsection (1).

72 (3) A person who violates Subsection (1) is guilty of a class B misdemeanor.

73 (4) (a) In addition to the penalty provided under this section or any other section, a
74 person who violates Subsection (1) shall have the person's driver license suspended under
75 Subsection 53-3-220(1)(a)(xvi) for a period of:

76 (i) 60 days for a first offense; and

77 (ii) 90 days for a second offense within three years of a prior offense.

78 (b) The court shall forward the report of the conviction to the Driver License Division
79 in accordance with Section 53-3-218.

80 Section 3. Section **53-3-220** is amended to read:

81 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
82 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
83 **Limited driving privileges.**

84 (1) (a) The division shall immediately revoke or, when this chapter or Title 41, Chapter
85 6a, Traffic Code, specifically provides for denial, suspension, or disqualification, the division

86 shall deny, suspend, or disqualify the license of a person upon receiving a record of the person's
87 conviction for any of the following offenses:

88 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or
89 automobile homicide under Section 76-5-207;

90 (ii) driving or being in actual physical control of a motor vehicle while under the
91 influence of alcohol, any drug, or combination of them to a degree that renders the person
92 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited
93 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

94 (iii) driving or being in actual physical control of a motor vehicle while having a blood
95 or breath alcohol content prohibited in Section 41-6a-502 or as prohibited in an ordinance that
96 complies with the requirements of Subsection 41-6a-510(1);

97 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
98 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
99 regulating driving on highways;

100 (v) any felony under the motor vehicle laws of this state;

101 (vi) any other felony in which a motor vehicle is used to facilitate the offense;

102 (vii) failure to stop and render aid as required under the laws of this state if a motor
103 vehicle accident results in the death or personal injury of another;

104 (viii) two charges of reckless driving committed within a period of 12 months; but if
105 upon a first conviction of reckless driving the judge or justice recommends suspension of the
106 convicted person's license, the division may after a hearing suspend the license for a period of
107 three months;

108 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as
109 required in Section 41-6a-210;

110 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
111 requires disqualification;

112 (xi) discharging or allowing the discharge of a firearm from a vehicle in violation of
113 Subsection 76-10-508(2);

114 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
115 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);

116 (xiii) operating or being in actual physical control of a motor vehicle while having any
117 measurable controlled substance or metabolite of a controlled substance in the person's body in
118 violation of Section 41-6a-517;

119 (xiv) until July 30, 2015, operating or being in actual physical control of a motor
120 vehicle while having any alcohol in the person's body in violation of Section 53-3-232; ~~and~~

121 (xv) operating or being in actual physical control of a motor vehicle while having any
122 measurable or detectable amount of alcohol in the person's body in violation of Section
123 41-6a-530[-]; and

124 (xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in
125 violation of Section 41-6a-606.

126 (b) The division shall immediately revoke the license of a person upon receiving a
127 record of an adjudication under Title 78, Chapter 3a, Juvenile Court Act of 1996, for any of the
128 following offenses:

129 (i) discharging or allowing the discharge of a firearm from a vehicle in violation of
130 Subsection 76-10-508(2); and

131 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
132 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).

133 (c) Except when action is taken under Section 53-3-219 for the same offense, the
134 division shall immediately suspend for six months the license of a person upon receiving a
135 record of conviction for any of the following offenses:

136 (i) any violation of:

137 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

138 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

139 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

140 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

141 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

142 (ii) any criminal offense that prohibits:
143 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance
144 that is prohibited under the acts described in Subsection (1)(c)(i); or
145 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or
146 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).
147 (2) The division shall extend the period of the first denial, suspension, revocation, or
148 disqualification for an additional like period, to a maximum of one year for each subsequent
149 occurrence, upon receiving:
150 (a) a record of the conviction of any person on a charge of driving a motor vehicle
151 while the person's license is denied, suspended, revoked, or disqualified;
152 (b) a record of a conviction of the person for any violation of the motor vehicle law in
153 which the person was involved as a driver;
154 (c) a report of an arrest of the person for any violation of the motor vehicle law in
155 which the person was involved as a driver; or
156 (d) a report of an accident in which the person was involved as a driver.
157 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
158 driving while the person's license is denied, suspended, disqualified, or revoked, the person is
159 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,
160 or revocation originally imposed under Section 53-3-221.
161 (4) (a) The division may extend to a person the limited privilege of driving a motor
162 vehicle to and from the person's place of employment or within other specified limits on
163 recommendation of the trial judge in any case where a person is convicted of any of the
164 offenses referred to in Subsections (1) and (2) except:
165 (i) automobile homicide under Subsection (1)(a)(i);
166 (ii) those offenses referred to in Subsections (1)(a)(ii), (a)(iii), (a)(xi), (a)(xii), (a)(xiii),
167 (1)(b), and (1)(c); and
168 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,
169 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,

170 41-6a-517, a local ordinance which complies with the requirements of Subsection
171 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person
172 was charged with violating as a result of a plea bargain after having been originally charged
173 with violating one or more of these sections or ordinances.

174 (b) This discretionary privilege is limited to when undue hardship would result from a
175 failure to grant the privilege and may be granted only once to any individual during any single
176 period of denial, suspension, revocation, or disqualification, or extension of that denial,
177 suspension, revocation, or disqualification.

178 (c) A limited CDL may not be granted to an individual disqualified under Part 4,
179 Uniform Commercial Driver License Act, or whose license has been revoked, suspended,
180 cancelled, or denied under this chapter.