

1 **SPEED CONTEST OR EXHIBITION**

2 **AMENDMENTS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Karen Hale**

6 House Sponsor: David Clark

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**LONG TITLE**

8 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

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

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

23 ▶ requires a court to forward the report of a speed contest or exhibition of speed  
24 conviction to the Driver License Division; 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 **41-6a-527**, as renumbered and amended by Chapter 2 and last amended by Chapter 91,  
33 Laws of Utah 2005

34 **41-6a-606**, as renumbered and amended by Chapter 2, Laws of Utah 2005

35 **53-3-220**, as last amended by Chapters 2, 91 and 220, Laws of Utah 2005



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

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

39 **41-6a-527. Seizure and impoundment of vehicles by peace officers -- Impound**  
40 **requirements -- Removal of vehicle by owner.**

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

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

49 (a) the registered owner:

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

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

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

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

55 (ii) would not, in the judgment of the officer, be in violation of Section 41-6a-502,  
56 41-6a-517, 41-6a-520, 41-6a-530, 53-3-231, 53-3-232, Subsection 41-6a-518(10), or a local  
57 ordinance similar to Section 41-6a-502 which complies with Subsection 41-6a-510(1) if  
58 permitted to operate the vehicle; and

59 (c) the vehicle itself is legally operable.

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

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

63 **41-6a-606. Speed contest or exhibition on highway -- Barricade or obstruction.**

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

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

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

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

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

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

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

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

78 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**  
79 **disqualification of license -- Offense requiring an extension of period -- Hearing --**  
80 **Limited driving privileges.**

81 (1) (a) The division shall immediately revoke or, when this chapter or Title 41, Chapter  
82 6a, Traffic Code, specifically provides for denial, suspension, or disqualification, the division  
83 shall deny, suspend, or disqualify the license of a person upon receiving a record of the person's  
84 conviction for any of the following offenses:

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

87 (ii) driving or being in actual physical control of a motor vehicle while under the  
88 influence of alcohol, any drug, or combination of them to a degree that renders the person  
89 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited

90 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);  
91 (iii) driving or being in actual physical control of a motor vehicle while having a blood  
92 or breath alcohol content prohibited in Section 41-6a-502 or as prohibited in an ordinance that  
93 complies with the requirements of Subsection 41-6a-510(1);  
94 (iv) perjury or the making of a false affidavit to the division under this chapter, Title  
95 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or  
96 regulating driving on highways;  
97 (v) any felony under the motor vehicle laws of this state;  
98 (vi) any other felony in which a motor vehicle is used to facilitate the offense;  
99 (vii) failure to stop and render aid as required under the laws of this state if a motor  
100 vehicle accident results in the death or personal injury of another;  
101 (viii) two charges of reckless driving committed within a period of 12 months; but if  
102 upon a first conviction of reckless driving the judge or justice recommends suspension of the  
103 convicted person's license, the division may after a hearing suspend the license for a period of  
104 three months;  
105 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as  
106 required in Section 41-6a-210;  
107 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that  
108 requires disqualification;  
109 (xi) discharging or allowing the discharge of a firearm from a vehicle in violation of  
110 Subsection 76-10-508(2);  
111 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or  
112 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);  
113 (xiii) operating or being in actual physical control of a motor vehicle while having any  
114 measurable controlled substance or metabolite of a controlled substance in the person's body in  
115 violation of Section 41-6a-517;  
116 (xiv) until July 30, 2015, operating or being in actual physical control of a motor  
117 vehicle while having any alcohol in the person's body in violation of Section 53-3-232; ~~and~~  
118 (xv) operating or being in actual physical control of a motor vehicle while having any  
119 measurable or detectable amount of alcohol in the person's body in violation of Section  
120 41-6a-530[-]; and

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

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

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

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

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

133 (i) any violation of:

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

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

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

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

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

139 (ii) any criminal offense that prohibits:

140 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance  
141 that is prohibited under the acts described in Subsection (1)(c)(i); or

142 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or  
143 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).

144 (2) The division shall extend the period of the first denial, suspension, revocation, or  
145 disqualification for an additional like period, to a maximum of one year for each subsequent  
146 occurrence, upon receiving:

147 (a) a record of the conviction of any person on a charge of driving a motor vehicle  
148 while the person's license is denied, suspended, revoked, or disqualified;

149 (b) a record of a conviction of the person for any violation of the motor vehicle law in  
150 which the person was involved as a driver;

151 (c) a report of an arrest of the person for any violation of the motor vehicle law in

152 which the person was involved as a driver; or

153 (d) a report of an accident in which the person was involved as a driver.

154 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is  
155 driving while the person's license is denied, suspended, disqualified, or revoked, the person is  
156 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,  
157 or revocation originally imposed under Section 53-3-221.

158 (4) (a) The division may extend to a person the limited privilege of driving a motor  
159 vehicle to and from the person's place of employment or within other specified limits on  
160 recommendation of the trial judge in any case where a person is convicted of any of the  
161 offenses referred to in Subsections (1) and (2) except:

162 (i) automobile homicide under Subsection (1)(a)(i);

163 (ii) those offenses referred to in Subsections (1)(a)(ii), (a)(iii), (a)(xi), (a)(xii), (a)(xiii),  
164 (1)(b), and (1)(c); and

165 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,  
166 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,  
167 41-6a-517, a local ordinance which complies with the requirements of Subsection  
168 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person  
169 was charged with violating as a result of a plea bargain after having been originally charged  
170 with violating one or more of these sections or ordinances.

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

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

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**Legislative Review Note**

as of 1-30-06 11:04 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**

**State Impact**

It is estimated that revenues to the state will increase by \$17,000 annually beginning FY 2007. It is estimated that provisions of this bill can be implemented with existing resources.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
Transportation Fund Restr	\$0	\$0	\$17,000	\$17,000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$17,000</b>	<b>\$17,000</b>

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**Individual and Business Impact**

Those individuals in violation of the bill's provisions may temporarily lose their driving privileges and have to pay a reinstatement fee of \$25.

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**Office of the Legislative Fiscal Analyst**