

**Representative Craig A. Frank** proposes the following substitute bill:

**DRIVING BY MINORS AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Craig A. Frank**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by amending driving by minors provisions.

**Highlighted Provisions:**

This bill:

- ▶ amends certain affirmative defenses to the nighttime driving restriction for persons younger than 17 years of age;
- ▶ provides that enforcement of the nighttime driving restriction for persons younger than 17 years of age shall be only as a secondary action;
- ▶ enacts and amends certain affirmative defenses to the passenger limitations for certain minor drivers; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-8-2**, as last amended by Chapter 234, Laws of Utah 2006



26           **41-8-3**, as last amended by Chapter 234, Laws of Utah 2006

27  
28   *Be it enacted by the Legislature of the state of Utah:*

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

30           **41-8-2. Operation of vehicle by persons under 17 during night hours prohibited**

31   **-- Exceptions.**

32           (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a  
33   person younger than 17 years of age, whether resident or nonresident of this state, may not  
34   operate a motor vehicle upon any highway of this state between the hours of 12:00 a.m. and  
35   5:00 a.m.

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

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

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

42           (c) directly to the driver's residence from a religion-sponsored or school-sponsored  
43   activity ~~[if:]~~;

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

45           ~~[(ii) the transportation under Subsection (2)(c)(i) commences from and returns to the~~  
46   ~~school property where the driver is enrolled;]~~

47           (d) on assignment of a farmer or rancher and the driver is engaged in an agricultural  
48   operation; ~~[or]~~

49           (e) in ~~[an]~~ a medical emergency[-]; or

50           (f) in an emergency caused by a natural disaster.

51           (3) Enforcement of this section by state or local law enforcement officers shall be only  
52   as a secondary action when an operator of a motor vehicle has been detained for a suspected  
53   violation of Title 41, other than this section, or for another offense.

54           ~~[(3)]~~ (4) (a) In addition to any penalties imposed under Title 53, Chapter 3, Uniform  
55   Driver License Act, a violation of this section is a class C misdemeanor.

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

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

(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) ~~H→~~ (i) with one passenger who is not an immediate family member in the vehicle; and

(ii) ~~←H~~ for the driver's employment, including the trip to and from the driver's residence and the driver's employment;

(c) ~~H→~~ (i) with one passenger who is not an immediate family member in the vehicle;

(ii) ~~←H~~ with the written ~~H→~~ dated ~~←H~~ consent of the driver's and passenger's parent or guardian ~~H→~~ ; and

(iii) ~~←H~~ to and from a school-sponsored or religion-sponsored activity and the driver's or passenger's residence;

[~~(b)~~] (d) on assignment of a farmer or rancher and the driver is engaged in an agricultural operation; [~~or~~]

[~~(c)~~] (e) in [~~an~~] a medical emergency[-]; or

(f) in an emergency caused by a natural disaster.

(3) 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.

(4) (a) Enforcement of this section by state or local law enforcement officers shall be only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of Title 41, other than this section, or for another offense.

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

88           (i) the operator of the vehicle is cited for a violation of this section; and  
89           (ii) the seizure or impoundment is not otherwise authorized under Section 41-1a-1101,  
90 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527.

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**H.B. 82 1st Sub. (Buff) - Driving by Minors Amendments**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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