

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: _____

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

(c) with the written consent of the driver's and passenger's parent or guardian 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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Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
