

HB0095S01 compared with HB0095

~~{deleted text}~~ shows text that was in HB0095 but was deleted in HB0095S01.

inserted text shows text that was not in HB0095 but was inserted into HB0095S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Lee B. Perry proposes the following substitute bill:

AMENDMENTS TO TRAFFIC CODE PROVISIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to the operation of a motor vehicle.

Highlighted Provisions:

This bill:

- ▶ provides that secondary enforcement of the safety belt law does not apply to an operator of a vehicle;
- ▶ ~~{prohibits an operator of a vehicle from driving a vehicle while the operator's ability or alertness is so impaired;}~~ provides that careless driving includes committing certain traffic violations while being distracted through fatigue ~~{, illness, or any other cause as to make it unsafe;~~

~~→ prohibits an owner or person in control of a vehicle from knowingly permitting the~~

HB0095S01 compared with HB0095

~~vehicle to be operated by any person who is impaired through fatigue, illness, or any other cause;~~

~~→ prohibits an operator of a vehicle from operating a vehicle in any manner when the operator is inattentive;~~

~~→ provides a penalty for violating the impaired alertness or inattentive driving prohibition} or illness; and~~

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~41-6a-1715~~, as last amended by Laws of Utah 2010, Chapter 157

~~41-6a-1803~~, as last amended by Laws of Utah 2008, Chapter 160

~~{ENACTS:~~

~~→ 41-6a-1717, Utah Code Annotated 1953~~

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

Section 1. Section 41-6a-1715 is amended to read:

41-6a-1715. Careless driving defined and prohibited.

(1) A person operating a motor vehicle is guilty of careless driving if the person:

(a) commits two or more moving traffic violations under this chapter in a series of acts within a single continuous period of driving covering three miles or less in total distance; or

(b) commits a moving traffic violation under this chapter other than a moving traffic violation under Part 6, Speed Restrictions, while being distracted by one or more activities taking place within the vehicle that are not related to the operation of a motor vehicle, including:

(i) using a wireless telephone or other electronic device unless the person is using hands-free talking and listening features while operating the motor vehicle;

(ii) searching for an item in the vehicle; ~~[or]~~

HB0095S01 compared with HB0095

(iii) attending to personal hygiene or grooming~~[-]; or~~

(iv) being distracted through fatigue or illness.

(2) A violation of this section is a class C misdemeanor.

(3) In addition to the penalty provided under this section or any other section, a judge may order the revocation of the convicted person's driver license if the violation causes or results in the death of another person in accordance with Subsection 53-3-218(6).

~~{ Section 1. Section **41-6a-1717** is enacted to read:~~

~~— **41-6a-1717. Driving while alertness is impaired or inattentive driving prohibited.**~~

~~— (1) An operator of a vehicle may not drive the vehicle while the operator's ability or alertness is so impaired through fatigue, illness, or any other cause as to make it unsafe for the operator to drive the vehicle.~~

~~— (2) An owner or person in control of a vehicle may not knowingly permit the vehicle to be operated by any person who is impaired through fatigue, illness, or any other cause to such an extent that the person's judgment or driving ability is impaired.~~

~~— (3) An operator of a vehicle may not operate a vehicle in any manner when the operator is inattentive, and such inattention is not reasonable and prudent in maintaining vehicular control.~~

~~— (4) A violation of this section is a class C misdemeanor.~~

~~‡ Section 2. Section **41-6a-1803** is amended to read:~~

41-6a-1803. Driver and passengers -- Seat belt or child restraint device required.

(1) (a) The operator of a motor vehicle operated on a highway shall:

(i) wear a properly adjusted and fastened safety belt ~~{ to maintain proper physical control of the vehicle }~~;

(ii) provide for the protection of each person younger than eight years of age by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and

(iii) provide for the protection of each person eight years of age up to 16 years of age by securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

(b) Notwithstanding the requirement under Subsection (1)(a)(ii), a child under eight years of age who is 57 inches tall or taller:

HB0095S01 compared with HB0095

(i) is exempt from the requirement in Subsection (1)(a)(ii) to be in a child restraint device; and

(ii) shall use a properly adjusted and fastened safety belt as required in Subsection (1)(a)(iii).

(2) A passenger who is 16 years of age or older of a motor vehicle operated on a highway shall wear a properly adjusted and fastened safety belt.

(3) If more than one person is not using a child restraint device or wearing a safety belt in violation of Subsection (1), it is only one offense and the driver may receive only one citation.

(4) For a person 19 years of age or older who violates Subsection ~~[(1)(a)(i) or]~~ (2), enforcement by a state or local law enforcement officer shall be only as a secondary action when the ~~[person]~~ vehicle has been detained for a suspected violation, by any person in the vehicle, of Title 41, Motor Vehicles, other than Subsection ~~[(1)(a)(i) or]~~ (2), or for another offense.

†

Legislative Review Note

~~as of 1-28-11 1:42 PM~~

~~Office of Legislative Research and General Counsel}~~