Representative Eric K. Hutchings proposes the following substitute bill:

CRIMINAL JUSTICE PROGRAMS AND AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill amends Utah Code provisions regarding corrections, sentencing, probation and parole, controlled substance offenses, substance abuse and mental health treatment, vehicle offenses, and related provisions to modify penalties and sentencing guidelines, treatment programs for persons in the criminal justice system, and probation and parole compliance and violations to address recidivism.

Highlighted Provisions:

This bill:

- reduces penalties for specified offenses involving controlled substances and provides that specified penalties be increased for subsequent convictions for the same offenses;
- reduces the penalties for motor vehicle and vessel offenses as specified;
- defines criminal risk factors and requires that these factors be considered in providing mental health and substance abuse treatment through governmental programs to individuals involved in the criminal justice system;
- requires the Division of Substance Abuse and Mental Health to establish standards for mental health and substance abuse treatment, and for treatment providers, concerning individuals who are incarcerated or who are required by a court or the
Board of Pardons and Parole to participate in treatment;
- requires that the Division of Substance Abuse and Mental Health, working with the
courts and the Department of Corrections, establish performance goals and outcome
measurements for treatment programs, including recidivism;
- requires that the Division of Substance Abuse and Mental Health track the
performance and outcome data and make this information available to the public;
- requires that the collected data be submitted to the Commission on Criminal and
Juvenile Justice and that the commission compile the data and make it available to
specified legislative interim committees;
\[34\]
\[34a\] requires the Division of Substance Abuse and Mental Health, in collaboration with
the Commission on Criminal and Juvenile Justice, to analyze specified programs and
practices, and provide recommendations to the Legislature:
\[34b\] requires the Commission on Criminal and Juvenile Justice to study and report on
programs initiated by state and local agencies to address recidivism, including cost reductions
and the costs and resources required to meet goals for providing treatment as an alternative to
incarceration:
\[34c\] provides that the Commission on Criminal and Juvenile Justice administer a
performance incentive grant program that allocates funds to counties for programs
and practices that reduce recidivism;
\[34d\] requires that the Sentencing Commission modify sentencing guidelines, criminal
history scores, and guidelines for periods of incarceration to implement the
recommendations of the Commission on Criminal and Juvenile Justice regarding
reducing recidivism;
\[34e\] requires that the Sentencing Commission establish graduated sanctions to provide
prompt and effective responses to violations of probation or parole;
\[34f\] requires that the Sentencing Commission establish graduated incentives to provide
prompt and effective responses to an offender's compliance and positive conduct;
\[34g\] requires that the Department of Corrections implement the graduated sanctions and
incentives established by the Sentencing Commission.
\[34h\]
\[34i\] requires that the Department of Corrections, in collaboration with the Commission on
Criminal and Juvenile Justice, the Division of Substance Abuse and Mental Health, and the
Utah Association of Counties gather information related to treatment and program outcomes
including recidivism reduction and cost savings based on the reduction in the number of
recidivists.
of inmates, and
provide the information to the Commission on Criminal and Juvenile Justice;
provides payments to county jails for housing probation and parole violators as
funding is available;
requires that the Department of Corrections develop case action plans for offenders,
including a risk and needs assessment and treatment priorities;
provides that the Department of Corrections may impose a sanction of three to five
days for violations of probation or parole as part of the program of graduated
sanctions;
requires that the Department of Corrections evaluate and update inmates' case action plans, including treatment resources and supervision levels to address reentry of inmates into the community at the termination of incarceration;

requires that the Department of Corrections establish a program allowing offenders to earn credits of days for compliance with terms of probation or parole, which will reduce the time on probation or parole;

requires that the Department of Corrections report annually to the Commission on Criminal and Juvenile Justice the data collected regarding the earned credits program;

requires the Department of Corrections to establish standards, including best practices, for treatment programs provided in county jails;

requires the Department of Corrections to establish standards and a certification program for the public and private providers of the treatment programs;

requires the Department of Corrections to establish goals and outcome measurements regarding the treatment programs, collect related data, and analyze the data to determine effectiveness;

requires that the Department of Corrections collaborate with the Division of Substance Abuse and Mental Health to:

track a group of program participants to determine net benefit from using treatment as an alternative to incarceration; and

evaluate costs and resources needed to meet goals for using treatment as an alternative to incarceration;

requires that the Department of Corrections provide the data collected regarding the treatment programs to the Commission on Criminal and Juvenile Justice for the commission's use in preparing its annual report;

requires that the Department of Corrections establish an audit for compliance with the treatment standards;

provides that time served in confinement for a violation of probation is counted as time served toward any term of incarceration imposed for the violation of probation;

requires that the Board of Pardons and Parole establish an earned time program that reduces the period of incarceration for offenders who successfully complete programs intended to reduce the risk of recidivism, collect data on the implementation of the program, and report the data to the Commission on Criminal and Juvenile Justice;
requires that if the Board of Pardons and Parole orders incarceration for a parole violation, the board shall impose a period of incarceration that is consistent with the guidelines established by the Sentencing Commission.

-amends the offense of criminal trespass;
-modifies a description regarding restricted persons and dangerous weapons as related to amendments made in this legislation regarding controlled substances.
Money Appropriated in this Bill:
None

Other Special Clauses:
This bill provides a special effective date.

Utah Code Sections Affected:
AMENDS:
41-1a-201, as last amended by Laws of Utah 2014, Chapter 237
41-1a-205, as last amended by Laws of Utah 2014, Chapter 229
41-1a-214, as renumbered and amended by Laws of Utah 1992, Chapter 1
41-1a-218, as last amended by Laws of Utah 2013, Chapter 91
41-1a-220, as renumbered and amended by Laws of Utah 1992, Chapter 1
41-1a-221, as last amended by Laws of Utah 1999, Chapter 238
41-1a-229, as last amended by Laws of Utah 2014, Chapter 237
41-1a-301, as last amended by Laws of Utah 2014, Chapter 237
41-1a-401, as last amended by Laws of Utah 2014, Chapters 61, 237, and 237
41-1a-402, as last amended by Laws of Utah 2008, Chapter 210
41-1a-403, as renumbered and amended by Laws of Utah 1992, Chapter 1
41-1a-404, as last amended by Laws of Utah 2008, Chapter 106
41-1a-414, as last amended by Laws of Utah 2003, Chapter 1
41-1a-701, as last amended by Laws of Utah 1993, Chapter 222
41-1a-702, as last amended by Laws of Utah 2012, Chapter 379
41-1a-703, as renumbered and amended by Laws of Utah 1992, Chapter 1
41-1a-704, as last amended by Laws of Utah 1992, Chapter 234 and renumbered and
amended by Laws of Utah 1992, Chapter 1
41-1a-803, as renumbered and amended by Laws of Utah 1992, Chapter 1
41-1a-904, as renumbered and amended by Laws of Utah 1992, Chapter 1
41-1a-1206, as last amended by Laws of Utah 2014, Chapters 61, 237, and 237
41-1a-1302, as enacted by Laws of Utah 1992, Chapter 1
41-1a-1303, as last amended by Laws of Utah 2013, Chapter 245
41-1a-1303.5, as enacted by Laws of Utah 2013, Chapter 245
41-1a-1304, as renumbered and amended by Laws of Utah 1992, Chapter 1
41-1a-1307, as last amended by Laws of Utah 2002, Chapter 56
41-1a-1310, as last amended by Laws of Utah 1992, Chapter 218 and renumbered and amended by Laws of Utah 1992, Chapter 1
41-6a-202, as last amended by Laws of Utah 2013, Chapter 47
41-6a-216, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-304, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-305, as last amended by Laws of Utah 2014, Chapter 39
41-6a-306, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-307, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-308, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-309, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-311, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-401, as last amended by Laws of Utah 2011, Chapter 241
41-6a-401.7, as enacted by Laws of Utah 2007, Chapter 132
41-6a-402, as last amended by Laws of Utah 2013, Chapter 65
41-6a-405, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-407, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-518, as last amended by Laws of Utah 2011, Chapter 421
41-6a-526, as last amended by Laws of Utah 2010, Chapters 256 and 276
41-6a-601, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-605, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-702, as last amended by Laws of Utah 2013, Chapter 254
41-6a-703, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-704, as last amended by Laws of Utah 2008, Chapter 350
41-6a-705, as last amended by Laws of Utah 2013, Chapter 210
41-6a-706, as last amended by Laws of Utah 2005, Chapter 2
41-6a-706.5, as last amended by Laws of Utah 2013, Chapter 431
41-6a-707, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-708, as last amended by Laws of Utah 2013, Chapter 293
41-6a-709, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-710, as last amended by Laws of Utah 2013, Chapter 294
150 41-6a-711, as last amended by Laws of Utah 2007, Chapter 52
151 41-6a-712, as last amended by Laws of Utah 2011, Chapter 363
152 41-6a-713, as renumbered and amended by Laws of Utah 2005, Chapter 2
153 41-6a-714, as renumbered and amended by Laws of Utah 2005, Chapter 2
154 41-6a-716, as enacted by Laws of Utah 2005, Chapter 245
155 41-6a-717, as enacted by Laws of Utah 2013, Chapter 233
156 41-6a-801, as renumbered and amended by Laws of Utah 2005, Chapter 2
157 41-6a-802, as last amended by Laws of Utah 2012, Chapter 135
158 41-6a-803, as renumbered and amended by Laws of Utah 2005, Chapter 2
159 41-6a-804, as last amended by Laws of Utah 2007, Chapter 52
160 41-6a-901, as renumbered and amended by Laws of Utah 2005, Chapter 2
161 41-6a-902, as renumbered and amended by Laws of Utah 2005, Chapter 2
162 41-6a-903, as renumbered and amended by Laws of Utah 2005, Chapter 2
163 41-6a-904, as last amended by Laws of Utah 2012, Chapter 308
164 41-6a-906, as renumbered and amended by Laws of Utah 2005, Chapter 2
165 41-6a-907, as renumbered and amended by Laws of Utah 2005, Chapter 26
166 41-6a-1001, as renumbered and amended by Laws of Utah 2005, Chapter 2
167 41-6a-1003, as renumbered and amended by Laws of Utah 2005, Chapter 2
168 41-6a-1004, as renumbered and amended by Laws of Utah 2005, Chapter 2
169 41-6a-1005, as last amended by Laws of Utah 2012, Chapter 135
170 41-6a-1009, as last amended by Laws of Utah 2014, Chapter 306
171 41-6a-1115, as last amended by Laws of Utah 2007, Chapter 322
172 41-6a-1116, as last amended by Laws of Utah 2007, Chapter 86
173 41-6a-1117, as enacted by Laws of Utah 2005, Chapter 111
174 41-6a-1201, as renumbered and amended by Laws of Utah 2005, Chapter 2
175 41-6a-1202, as renumbered and amended by Laws of Utah 2005, Chapter 2
176 41-6a-1203, as last amended by Laws of Utah 2012, Chapter 135
177 41-6a-1204, as renumbered and amended by Laws of Utah 2005, Chapter 2
178 41-6a-1205, as renumbered and amended by Laws of Utah 2005, Chapter 2
179 41-6a-1206, as renumbered and amended by Laws of Utah 2005, Chapter 2
180 41-6a-1301, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1302, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1307, as last amended by Laws of Utah 2008, Chapter 382
41-6a-1402, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1404, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1407, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1408, as last amended by Laws of Utah 2011, Chapter 386
41-6a-1501, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1502, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1503, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1504, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1505, as last amended by Laws of Utah 2010, Chapter 363
41-6a-1506, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1508, as last amended by Laws of Utah 2010, Chapter 255
41-6a-1509, as last amended by Laws of Utah 2014, Chapters 104 and 229
41-6a-1601, as last amended by Laws of Utah 2008, Chapters 36 and 382
41-6a-1602, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1603, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1604, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1606, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1607, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1608, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1609, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1610, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1611, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1612, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1613, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1616, as last amended by Laws of Utah 2006, Chapter 100
41-6a-1618, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1619, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1623, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1624, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1625, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1626, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1627, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1628, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1630, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1631, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1632, as last amended by Laws of Utah 2005, Chapter 26 and renumbered and
amended by Laws of Utah 2005, Chapter 2
41-6a-1633, as last amended by Laws of Utah 2009, Chapter 171
41-6a-1634, as last amended by Laws of Utah 2013, Chapter 140
41-6a-1635, as last amended by Laws of Utah 2005, Chapter 26 and renumbered and
amended by Laws of Utah 2005, Chapter 2
41-6a-1636, as last amended by Laws of Utah 2008, Chapter 382
41-6a-1637, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1638, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1639, as last amended by Laws of Utah 2008, Chapter 382
41-6a-1641, as renumbered and amended by Laws of Utah 2005, Chapter 2
41-6a-1713, as last amended by Laws of Utah 2013, Chapter 365
41-8-1, as last amended by Laws of Utah 2008, Chapters 36 and 250
41-8-2, as last amended by Laws of Utah 2006, Chapter 234
41-8-3, as last amended by Laws of Utah 2006, Chapter 234
41-12a-302, as last amended by Laws of Utah 2007, Chapter 132
41-12a-303.2, as last amended by Laws of Utah 2013, Chapters 91 and 138
41-22-3, as last amended by Laws of Utah 2012, Chapter 319
41-22-4, as last amended by Laws of Utah 2006, Chapter 160
41-22-5.5, as last amended by Laws of Utah 2010, Chapter 308
41-22-10.1, as last amended by Laws of Utah 1999, Chapter 73
41-22-10.2, as last amended by Laws of Utah 2005, Chapter 2
41-22-10.3, as last amended by Laws of Utah 2008, Chapter 36
41-22-10.7, as last amended by Laws of Utah 2010, Chapter 77
41-22-11, as last amended by Laws of Utah 1986, Second Special Session, Chapter 1
41-22-12, as last amended by Laws of Utah 2009, Chapters 289 and 344
41-22-12.1, as last amended by Laws of Utah 2002, Chapter 148
41-22-12.2, as enacted by Laws of Utah 2009, Chapter 289
41-22-12.5, as last amended by Laws of Utah 2009, Chapter 289
41-22-12.7, as enacted by Laws of Utah 2009, Chapter 289
41-22-13, as last amended by Laws of Utah 1986, Second Special Session, Chapter 1
41-22-15, as last amended by Laws of Utah 1989, Chapter 21
41-22-17, as last amended by Laws of Utah 2004, Chapter 159
53-3-202, as last amended by Laws of Utah 2009, Chapter 253
53-3-203, as last amended by Laws of Utah 1997, Chapter 51
53-3-207, as last amended by Laws of Utah 2014, Chapter 85
53-3-208, as renumbered and amended by Laws of Utah 1993, Chapter 234
53-3-210.6, as enacted by Laws of Utah 2008, Chapter 304
53-3-213, as last amended by Laws of Utah 2010, Chapter 324
53-3-217, as last amended by Laws of Utah 1997, Chapter 51
53-3-218, as last amended by Laws of Utah 2011, Chapter 190
53-3-412, as last amended by Laws of Utah 2013, Chapter 411
53-8-205, as last amended by Laws of Utah 2013, Chapter 453
53B-3-107, as last amended by Laws of Utah 2009, Chapter 388
58-37-8, as last amended by Laws of Utah 2014, Chapters 19 and 51
62A-15-102, as last amended by Laws of Utah 2011, Chapter 342
62A-15-103, as last amended by Laws of Utah 2014, Chapters 119, 205, and 240
63M-7-204, as renumbered and amended by Laws of Utah 2008, Chapter 382
63M-7-404, as renumbered and amended by Laws of Utah 2008, Chapter 382
64-13-1, as last amended by Laws of Utah 2003, Chapter 36
64-13-6, as last amended by Laws of Utah 2011, Chapter 51
64-13-7.5, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 8
64-13-14.5, as enacted by Laws of Utah 1987, Chapter 116
64-13-21, as last amended by Laws of Utah 2008, Chapter 382
64-13-25, as last amended by Laws of Utah 2008, Chapter 382
64-13-26, as last amended by Laws of Utah 1989, Chapter 224
ENACTS:

64-13-29, as last amended by Laws of Utah 1994, Chapter 13
64-13e-104, as last amended by Laws of Utah 2014, Chapter 436
72-7-402, as last amended by Laws of Utah 2008, Chapters 140 and 382
72-7-403, as last amended by Laws of Utah 2012, Chapter 304
72-7-404, as last amended by Laws of Utah 1999, Chapter 21
72-7-405, as renumbered and amended by Laws of Utah 1998, Chapter 270
72-7-406, as last amended by Laws of Utah 2012, Chapter 304
72-7-407, as last amended by Laws of Utah 2008, Chapters 140 and 382
72-7-408, as last amended by Laws of Utah 2001, Chapter 37
72-7-409, as last amended by Laws of Utah 2013, Chapter 365
73-18-6, as last amended by Laws of Utah 1987, Chapter 99
73-18-7, as last amended by Laws of Utah 2009, Chapter 183
73-18-8, as last amended by Laws of Utah 2010, Chapter 256
73-18-8.1, as enacted by Laws of Utah 1990, Chapter 216
73-18-13, as last amended by Laws of Utah 2012, Chapter 153
73-18-15.1, as last amended by Laws of Utah 2010, Chapter 256
73-18-15.2, as last amended by Laws of Utah 2009, Chapter 183
73-18-15.3, as enacted by Laws of Utah 1998, Chapter 205
73-18-16, as last amended by Laws of Utah 2012, Chapter 411
73-18-20.4, as enacted by Laws of Utah 1990, Chapter 216
73-18-21, as last amended by Laws of Utah 1987, Chapter 99
73-18c-302, as last amended by Laws of Utah 2006, Chapter 211
73-18c-304, as last amended by Laws of Utah 2011, Chapter 386
73-18c-306, as last amended by Laws of Utah 2013, Chapter 278
73-18c-308, as last amended by Laws of Utah 2015, Chapter 388
73-18c-309, as last amended by Laws of Utah 2019, Chapter 388
76-3-202, as last amended by Laws of Utah 2013, Chapter 278
76-3-203, as last amended by Laws of Utah 2015, Chapter 388
76-5-206, as last amended by Laws of Utah 2013, Chapter 152
76-10-503, as last amended by Laws of Utah 2014, Chapters 299 and 428
77-1-3, as last amended by Laws of Utah 2008, Chapter 3
77-18-1, as last amended by Laws of Utah 2014, Chapters 120 and 170
77-27-1, as last amended by Laws of Utah 2013, Chapter 41
77-27-10, as last amended by Laws of Utah 2008, Chapters 294 and 382
77-27-11, as last amended by Laws of Utah 2010, Chapter 110
78A-5-201, as renumbered and amended by Laws of Utah 2008, Chapter 3
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 41-1a-201 is amended to read:

41-1a-201. Function of registration -- Registration required -- Penalty.

(1) Unless exempted, a person may not operate and an owner may not give another person permission to operate a motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, off-highway vehicle, vessel, or park model recreational vehicle in this state unless it has been registered in accordance with this chapter, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act.

(2) A violation of this section is an infraction.

Section 2. Section 41-1a-205 is amended to read:

41-1a-205. Safety inspection certificate required for renewal or registration of motor vehicle -- Exemptions.

(1) If required in the current year, a safety inspection certificate, as required by Section 53-8-205, or proof of exemption from safety inspection shall be presented at the time of, and as a condition of, registration or renewal of registration of a motor vehicle.

(2) (a) Except as provided in Subsections (2)(b), (c), and (d), the safety inspection required under this section may be made no more than two months prior to the renewal of registration.

(b) (i) If the title of a used motor vehicle is being transferred, a safety inspection certificate issued for the motor vehicle during the previous 11 months may be used to satisfy the requirement under Subsection (1).

(ii) If the transferor is a licensed and bonded used motor vehicle dealer, a safety inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle dealer's name during the previous 11 months may be used to satisfy the requirement under Subsection (1).

(c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, a safety inspection certificate issued during the previous 11 months may be used to satisfy the requirement under Subsection (1).
(d) If the motor vehicle is part of a fleet of 101 or more vehicles, the safety inspection required under this section may be made no more than 11 months prior to the renewal of registration.

(e) If the application for renewal of registration is for a six-month registration period under Section 41-1a-215.5, a safety inspection certificate issued during the previous eight months may be used to satisfy the requirement under Subsection (1).

(3) (a) The following motor vehicles are exempt from this section:

(i) except as provided in Subsection (3)(b), a new motor vehicle when registered the first time, if:

(A) a new car predelivery inspection has been made by a dealer;

(B) the dealer provides a written disclosure statement listing any known deficiency, existing with the new motor vehicle at the time of delivery, that would cause the motor vehicle to fail a safety inspection given in accordance with Section 53-8-205; and

(C) the buyer signs the disclosure statement to acknowledge that the buyer has read and understands the listed deficiencies;

(ii) a motor vehicle required to be registered under this chapter that bears a dealer plate or other special plate under Title 41, Chapter 3, Part 5, Special Dealer License Plates, except that if the motor vehicle is propelled by its own power and is not being moved for repair or dismantling, the motor vehicle shall comply with Section 41-6a-1601 regarding safe mechanical condition; and

(iii) a vintage vehicle as defined in Section 41-21-1.

(b) A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509 is subject to a safety inspection:

(i) the first time that a person registers an off-highway vehicle as a street-legal all-terrain vehicle; and

(ii) subsequently, on the same frequency as described in Subsection 53-8-205(2) based on the age of the vehicle as determined by the model year identified by the manufacturer.

(4) (a) A safety inspection certificate shall be displayed on:

(i) all registered commercial motor vehicles with a gross vehicle weight rating of 26,000 pounds or more;

(ii) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with
multiple axles;

(iii) a combination unit; and

(iv) a bus or van for hire.

(b) A commercial vehicle under Subsection (4)(a) is exempt from the requirements of Subsection (1).

(5) A motor vehicle may be sold and the title assigned to the new owner without a valid safety inspection, but the motor vehicle may not be registered in the new owner's name until the motor vehicle complies with this section.

(6) A violation of this section is an infraction.

Section 3. Section 41-1a-214 is amended to read:

41-1a-214. Registration card to be signed, carried, and exhibited.

(1) A registration card shall be signed by the owner in ink in the space provided.

(2) A registration card shall be carried at all times in the vehicle to which it was issued.

(3) The person driving or in control of a vehicle shall display the registration card upon demand of a peace officer or any officer or employee of the division.

(4) A violation of this section is an infraction.

Section 4. Section 41-1a-218 is amended to read:

41-1a-218. Notice of change of address.

(1) If a person after making application for or obtaining a vehicle registration moves from the address named in the application, the person shall within 10 days of moving notify the division of his old and new addresses.

(2) A violation of this section is an infraction.

Section 5. Section 41-1a-220 is amended to read:

41-1a-220. Lost or damaged registration card.

(1) If a registration card is lost, mutilated, or becomes illegible the owner of the vehicle for which the registration card was issued, as shown by the records of the division, shall immediately:

[(++) (a) apply for a duplicate;

[(++) (b) furnish the information satisfactory to the division; and

[(++) (c) pay the proper fees.

(2) A violation of this section is an infraction.
Section 6. Section 41-1a-221 is amended to read:

41-1a-221. Registration of vehicles of political subdivisions or state -- Renewal of registration -- Expiration of registration -- Certification of information -- Failure to comply.

(1) (a) An entity referred to in Subsection 41-1a-407(1) shall register by June 30 of each year each vehicle that it owns, operates, or leases.

(b) This section does not apply to unmarked vehicles referred to in Section 41-1a-407, which shall be registered by the expiration date on the registration card.

(2) (a) The entity shall apply to the division to renew registration pursuant to Section 41-1a-217.

(b) The division shall renew registration pursuant to Section 41-1a-216.

(3) A registration card and license plate issued to an entity under this section are in full force and effect until:

(a) the registration expires;

(b) the vehicle is no longer owned or operated by that entity; or

(c) the division takes action as provided in Subsection (6).

(4) (a) If the owner of a vehicle subject to the provisions of this section transfers or assigns title or interest in the vehicle, the registration of that vehicle expires.

(b) The transferor shall remove the license plates and within 20 days from the date of transfer forward them to the division to be destroyed.

(5) Each entity shall:

(a) account to the division annually for all "EX" license plates issued to it; and

(b) certify to the division that the information is correct.

(6) If an entity fails to comply with this section, the division may:

(a) refuse to renew the registration of its vehicles;

(b) refuse to issue it additional license plates;

(c) suspend all its vehicle registrations; and

(d) recall license plates issued to an entity refusing to comply with this section.

(6) A violation of this section is an infraction.

Section 7. Section 41-1a-229 is amended to read:

41-1a-229. Display of gross laden weight.
(1) Each vehicle registered by gross laden weight and exceeding 12,000 pounds of gross laden weight shall have the gross laden weight for which it is registered painted, stenciled, or shown by decal upon both the left and right sides of the vehicle, in a conspicuous place, in letters of a reasonable size as determined by the commission.

(2) If vehicles are registered in combination, the gross laden weight for which the combination of vehicles is registered shall be displayed upon the power unit.

(3) An owner or operator of a vehicle or combination of vehicles may not display a gross laden weight other than that shown on the certificate of registration of the vehicle.

(4) A park model recreational vehicle is exempt from this section.

(5) A violation of this section is an infraction.

Section 8. Section 41-1a-301 is amended to read:

41-1a-301. Apportioned registration and licensing of interstate vehicles.

(1) (a) An owner or operator of a fleet of commercial vehicles based in this state and operating in two or more jurisdictions may register commercial vehicles for operation under the International Registration Plan or the Uniform Vehicle Registration Proration and Reciprocity Agreement by filing an application with the division.

   (b) The application shall include information that identifies the vehicle owner, the vehicle, the miles traveled in each jurisdiction, and other information pertinent to the registration of apportioned vehicles.

   (c) Vehicles operated exclusively in this state may not be apportioned.

(2) (a) If no operations were conducted during the preceding year, the application shall contain a statement of the proposed operations and an estimate of annual mileage for each jurisdiction.

   (b) The division may adjust the estimate if the division is not satisfied with its correctness.

   (c) At renewal, the registrant shall use the actual mileage from the preceding year in computing fees due each jurisdiction.

(3) The registration fee for apportioned vehicles shall be determined as follows:

   (a) divide the in-jurisdiction miles by the total miles generated during the preceding year;

   (b) total the fees for each vehicle based on the fees prescribed in Section 41-1a-1206;
and

(c) multiply the sum obtained under Subsection (3)(b) by the quotient obtained under Subsection (3)(a).

(4) Trailers or semitrailers of apportioned fleets may be listed separately as "trailer fleets" with the fees paid according to the total distance those trailers were towed in all jurisdictions during the preceding year mileage reporting period.

(5) (a) (i) When the proper fees have been paid and the property tax or in lieu fee has been cleared under Section 41-1a-206 or 41-1a-207, a registration card, annual decal, and where necessary, license plate, will be issued for each unit listed on the application.

(ii) An original registration must be carried in each vehicle at all times.

(b) Original registration cards for trailers or semitrailers may be carried in the power unit.

(c) (i) In lieu of a permanent registration card or license plate, the division may issue one temporary permit authorizing operation of new or unlicensed vehicles until the permanent registration is completed.

(ii) Once a temporary permit is issued, the registration process may not be cancelled. Registration must be completed and the fees and any property tax or in lieu fee due must be paid for the vehicle for which the permit was issued.

(iii) Temporary permits may not be issued for renewals.

(d) (i) The division shall issue one distinctive license plate that displays the letters APP for apportioned vehicles.

(ii) The plate shall be displayed on the front of an apportioned truck tractor or power unit or on the rear of any apportioned vehicle.

(iii) Distinctive decals displaying the word "apportioned" and the month and year of expiration shall be issued for each apportioned vehicle.

(e) A nonrefundable administrative fee, determined by the commission pursuant to Section 63J-1-504, shall be charged for each temporary permit, registration, or both.

(6) Vehicles that are apportionally registered are fully registered for intrastate and interstate movements, providing the proper interstate and intrastate authority has been secured.

(7) (a) Vehicles added to an apportioned fleet after the beginning of the registration year shall be registered by applying the quotient under Subsection (3)(a) for the original
application to the fees due for the remainder of the registration year.

(b) (i) The owner shall maintain and submit complete annual mileage for each vehicle in each jurisdiction, showing all miles operated by the lessor and lessee.

(ii) The fiscal mileage reporting period begins July 1, and continues through June 30 of the year immediately preceding the calendar year in which the registration year begins.

(c) (i) An owner-operator, who is a lessor, may be the registrant and the vehicle may be registered in the name of the owner-operator.

(ii) The identification plates and registration card shall be the property of the lessor and may reflect both the owner-operator's name and that of the carrier as lessee.

(iii) The allocation of fees shall be according to the operational records of the owner-operator.

(d) (i) The lessee may be the registrant of a leased vehicle at the option of the lessor.

(ii) If a lessee is the registrant of a leased vehicle, both the lessor's and lessee's name shall appear on the registration.

(iii) The allocation of fees shall be according to the records of the carrier.

(8) (a) Any registrant whose application for apportioned registration has been accepted shall preserve the records on which the application is based for a period of three years after the close of the registration year.

(b) The records shall be made available to the division upon request for audit as to accuracy of computations, payments, and assessments for deficiencies, or allowances for credits.

(c) An assessment for deficiency or claim for credit may not be made for any period for which records are no longer required.

(d) Interest in the amount prescribed by Section 59-1-402 shall be assessed or paid from the date due until paid on deficiencies found due after audit.

(e) Registrants with deficiencies are subject to the penalties under Section 59-1-401.

(f) The division may enter into agreements with other International Registration Plan jurisdictions for joint audits.

(9) (a) Except as provided in Subsection (9)(b), all state fees collected under this section shall be deposited in the Transportation Fund.

(b) The following fees may be used by the commission as a dedicated credit to cover
the costs of electronic credentialing as provided in Section 41-1a-303:

(i) $5 of each temporary registration permit fee paid under Subsection (12)(a)(i) for a single unit; and

(ii) $10 of each temporary registration permit fee paid under Subsection (12)(a)(ii) for multiple units.

(10) If registration is for less than a full year, fees for apportioned registration shall be assessed according to Section 41-1a-1207.

(a) (i) If the registrant is replacing a vehicle for one withdrawn from the fleet and the new vehicle is of the same weight category as the replaced vehicle, the registrant must file a supplemental application.

(ii) A registration card that transfers the license plate to the new vehicle shall be issued.

(iii) When a replacement vehicle is of greater weight than the replaced vehicle, additional registration fees are due.

(b) If a vehicle is withdrawn from an apportioned fleet during the period for which it is registered, the registrant shall notify the division and surrender the registration card and license plate of the withdrawn vehicle.

(11) (a) An out-of-state carrier with an apportionally registered vehicle who has not presented a certificate of property tax or in lieu fee as required by Section 41-1a-206 or 41-1a-207, shall pay, at the time of registration, a proportional part of an equalized highway use tax computed as follows:

(i) Multiply the number of vehicles or combination vehicles registered in each weight class by the equivalent tax figure from the following tables:

<table>
<thead>
<tr>
<th>Vehicle or Combination Registered Weight</th>
<th>Age of Vehicle</th>
<th>Equivalent Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>12,000 pounds or less</td>
<td>12 or more years</td>
<td>$10</td>
</tr>
<tr>
<td>12,000 pounds or less</td>
<td>9 or more years but less than 12 years</td>
<td>$50</td>
</tr>
<tr>
<td>12,000 pounds or less</td>
<td>6 or more years but less than 9 years</td>
<td>$80</td>
</tr>
<tr>
<td>12,000 pounds or less</td>
<td>3 or more years but less than 6 years</td>
<td>$110</td>
</tr>
<tr>
<td>12,000 pounds or less</td>
<td>Less than 3 years</td>
<td>$150</td>
</tr>
<tr>
<td>12,001 - 18,000 pounds</td>
<td></td>
<td>$150</td>
</tr>
</tbody>
</table>
(ii) Multiply the equivalent tax value for the total fleet determined under Subsection (11)(a)(i) by the fraction computed under Subsection (3) for the apportioned fleet for the registration year.

(b) Fees shall be assessed as provided in Section 41-1a-1207.

(12) (a) Commercial vehicles meeting the registration requirements of another jurisdiction may, as an alternative to full or apportioned registration, secure a temporary registration permit for a period not to exceed 96 hours or until they leave the state, whichever is less, for a fee of:

(i) $25 for a single unit; and

(ii) $50 for multiple units.

(b) A state temporary permit or registration fee is not required from nonresident owners or operators of vehicles or combination of vehicles having a gross laden weight of 26,000 pounds or less for each single unit or combination.

(13) A park model recreational vehicle may not be registered under this section.

(14) A violation of this section is an infraction.

Section 9. Section 41-1a-401 is amended to read:

41-1a-401. License plates -- Number of plates -- Reflectorization -- Indicia of registration in lieu of or used with plates.

(1) (a) The division upon registering a vehicle shall issue to the owner:

(i) one license plate for a motorcycle, trailer, or semitrailer;

(ii) one decal for a park model recreational vehicle, in lieu of a license plate, which shall be attached in plain sight to the rear of the park model recreational vehicle;

(iii) one decal for a camper, in lieu of a license plate, which shall be attached in plain
(iv) two identical license plates for every other vehicle.

(b) The license plate or decal issued under Subsection (1)(a) is for the particular vehicle registered and may not be removed during the term for which the license plate or decal is issued or used upon any other vehicle than the registered vehicle.

(2) The division may receive applications for registration renewal, renew registration, and issue new license plates or decals at any time prior to the expiration of registration.

(3) (a) All license plates to be manufactured and issued by the division shall be treated with a fully reflective material on the plate face that provides effective and dependable reflective brightness during the service period of the license plate.

(b) The division shall prescribe all license plate material specifications and establish and implement procedures for conforming to the specifications.

(c) The specifications for the materials used such as the aluminum plate substrate, the reflective sheeting, and glue shall be drawn in a manner so that at least two manufacturers may qualify as suppliers.

(d) The granting of contracts for the materials shall be by public bid.

(4) (a) The commission may issue, adopt, and require the use of indicia of registration it considers advisable in lieu of or in conjunction with license plates as provided in this part.

(b) All provisions of this part relative to license plates apply to these indicia of registration, so far as the provisions are applicable.

(5) A violation of this section is an infraction, except that a violation of Subsection (1)(b) is a class C misdemeanor.

Section 10. Section 41-1a-402 is amended to read:

41-1a-402. Required colors, numerals, and letters -- Expiration.

(a) the registration number assigned to the vehicle for which it is issued;

(b) the name of the state; and

(c) a registration decal showing the date of expiration displayed in accordance with Subsection (6).

(2) If registration is extended by affixing a registration decal to the license plate, the expiration date of the decal governs the expiration date of the license plate.
(3) Except as provided in Subsection (4), each original license plate that is not one of the special group license plates issued under Section 41-1a-418 shall be a:

(a) statehood centennial license plate with the same color, design, and slogan as the plates issued in conjunction with the statehood centennial; or

(b) Ski Utah license plate.

(4) Beginning on the date that the division determines the existing inventories of statehood centennial license plates and Ski Utah license plates are exhausted, each license plate that is not one of the special group license plates issued under Section 41-1a-418 shall:

(a) display the "Life Elevated" slogan; and

(b) have a color and design approved by the 57th Legislature in the 2007 General Session that features:

(i) a skier with the "Greatest Snow on Earth" slogan; or

(ii) Delicate Arch.

(5) (a) Except as provided under Subsection 41-1a-215(2), license plates shall be renewed annually.

(b) (i) The division shall issue the vehicle owner a month decal and a year decal upon the vehicle's first registration with the division.

(ii) The division shall issue the vehicle owner only a year decal upon subsequent renewals of registration to validate registration renewal.

(6) The decals issued in accordance with Subsection (5) shall be applied as follows:

(a) for license plates issued beginning in 1974 through 1985, decals displayed on license plates with black lettering on a white background shall be applied to the lower left-hand corner of the rear of the license plate vehicles;

(b) decals displayed on statehood centennial license plates and on Ski Utah license plates issued in accordance with Subsection (3) shall be applied to the upper left-hand corner of the rear license plate;

(c) decals displayed on special group license plates issued in accordance with Section 41-1a-418 shall be applied to the upper right-hand corner of the license plate unless there is a plate indentation on the upper left-hand corner of the license plate;

(d) decals displayed on license plates with the "Life Elevated" slogan issued in accordance with Subsection (4) shall be applied in the upper left-hand corner for the month.
decal and the upper right-hand corner for the year decal;

(e) decals issued for truck tractors shall be applied to the front license plate in the position described in Subsection (6)(a), (b), or (d);

(f) decals issued for motorcycles shall be applied to the upper corner of the license plate opposite the word "Utah"; and

(g) decals displayed on license plates issued under Section 41-1a-416 shall be applied as appropriate for the year of the plate.

(7) (a) The month decal issued in accordance with Subsection (5) shall be displayed on the license plate in the left position.

(b) The year decal issued in accordance with Subsection (5) shall be displayed on the license plate in the right position.

(8) The current year decal issued in accordance with Subsection (5) shall be placed over the previous year decal.

(9) If a license plate, month decal, or year decal is lost or destroyed, a replacement shall be issued upon application and payment of the fees required under Section 41-1a-1211 or 41-1a-1212.

(10) A violation of this section is an infraction.

Section 11. Section 41-1a-403 is amended to read:

41-1a-403. Plates to be legible from 100 feet.

(1) License plates and the required letters and numerals on them, except the decals and the slogan, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight.

(2) A violation of this section is an infraction.

Section 12. Section 41-1a-404 is amended to read:

41-1a-404. Location and position of plates.

(1) License plates issued for a vehicle other than a motorcycle, trailer, or semitrailer shall be attached to the vehicle, one in the front and the other in the rear.

(2) The license plate issued for a motorcycle, trailer, or semitrailer shall be attached to the rear of the motorcycle, trailer, or semitrailer.

(3) Every license plate shall at all times be:

(a) securely fastened:
in a horizontal position to the vehicle for which it is issued to prevent the plate from swinging;
(ii) at a height of not less than 12 inches from the ground, measuring from the bottom of the plate; and
(iii) in a place and position to be clearly visible; and
(b) maintained:
(i) free from foreign materials; and
(ii) in a condition to be clearly legible.
(4) Enforcement by a state or local law enforcement officer of the requirement under Subsection (1) to attach a license plate to the front of a vehicle shall be only as a secondary action when the vehicle has been detained for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles, other than the requirement under Subsection (1) to attach a license plate to the front of the vehicle, or for another offense.
(5) A violation of this section is an infraction.

Section 13. Section 41-1a-414 is amended to read:

41-1a-414. Parking privileges for persons with disabilities.
(1) As used in this section, "accessible parking space" means a parking space that is clearly identified as reserved for use by a person with a disability and includes:
(a) vertical signage, including the international symbol of accessibility, that is visible from a passing vehicle; and
(b) a clearly marked access aisle, if provided, that is adjacent to and considered part of the parking space.
(2) Except in parking areas designated for emergency use, a person with a disability, qualifying under rules made in accordance with Section 41-1a-420, may park an appropriately marked vehicle for reasonable periods without charge in metered parking zones and restricted parking areas, in a manner that allows proper access to the vehicle by the person with a disability.
(3) (a) Only those vehicles carrying a person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard and transporting a qualifying person with a disability may park in an accessible parking space.
(b) A violation of Subsection (3)(a) is a class C misdemeanor.
(4) This section applies to and may be enforced on public property and on private property that is used or intended for use by the public.

(5) The parking privileges granted by this section also apply to vehicles displaying a person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard issued by another jurisdiction if displayed on a vehicle being used by a person with a disability.

Section 14. Section 41-1a-701 is amended to read:

41-1a-701. Transfer by owner -- Removal of plates.

(1) If the owner of a registered vehicle transfers his title or interest to the vehicle the registration of the vehicle expires. The owner shall remove the license plates from the transferred vehicle.

(2) Within 20 days from the date of transfer the owner shall forward the plates to the division to be destroyed or may have the plates and the registration number assigned to another vehicle, subject to the rules of the division.

(3) A violation of this section is an infraction.

Section 15. Section 41-1a-702 is amended to read:

41-1a-702. Endorsement of assignment and warranty of title -- Co-owners.

(1) (a) To transfer a vehicle, vessel, or outboard motor the owner shall endorse the certificate of title issued for the vehicle, vessel, or outboard motor in the space for assignment and warranty of title.

(b) The endorsement and assignment shall include a statement of all liens or encumbrances on the vehicle, vessel, or outboard motor.

(c) Upon the endorsement and assignment of a certificate of title, the same certificate of title may not be reendorsed and reassigned to a new owner except as provided in Section 41-1a-705.

(2) (a) If a title certificate reflects the names of two or more people as co-owners in the alternative by use of the word "or" or "and/or," each co-owner is considered to have granted the other co-owners the absolute right to endorse and deliver title and to dispose of the vehicle, vessel, or outboard motor.

(b) If the title certificate reflects the names of two or more people as co-owners in the conjunctive by use of the word "and," or the title does not reflect any alternative or conjunctive
word, the endorsement of each co-owner is required to transfer title to the vehicle, vessel, or
outboard motor.

(3) The owner shall deliver the certificate of title containing the odometer disclosure
statement required under Section 41-1a-902 and the certificate of registration to the purchaser
or transferee at the time of, or within 48 hours after delivering the vehicle, vessel, or outboard
motor, as applicable, except as provided for under Sections 41-3-301, 41-1a-519, and
41-1a-709.

(4) A violation of this section is an infraction, except that a violation of Subsection (3)
is a class C misdemeanor.

Section 16. Section 41-1a-703 is amended to read:

41-1a-703. New owner to secure new registration and new certificate of title.

(1) The transferee before operating or permitting the operation of a transferred vehicle
on a highway shall present to the division the certificate of registration and the certificate of
title, properly endorsed, and shall apply for a new certificate of title and obtain a new
registration for the transferred vehicle, as upon an original registration, except as permitted
under Sections 41-1a-223, 41-1a-520, and 41-1a-704.

(2) A violation of this section is an infraction.

Section 17. Section 41-1a-704 is amended to read:

41-1a-704. Transfer by operation of law.

(1) Except as provided under Subsection (2), if the title or interest of an owner in or to
a registered vehicle passes to another person other than by voluntary transfer:

(a) the registration of the vehicle expires; and

(b) the vehicle may not be operated upon a highway until the person entitled to
possession of the vehicle applies for and obtains a valid registration or temporary permit.

(2) (a) A vehicle under Subsection (1) may be operated on the highways by the person
entitled to its possession or his legal representative, for a distance not exceeding 75 miles, upon
displaying on the vehicle the license plates issued to the former owner.

(b) If title is vested in a person holding a lien or encumbrance on the vehicle, the new
title holder may apply to the Motor Vehicle Enforcement Division for special plates issued
under Section 41-3-505 to transporters and may operate the repossessed vehicle under the
special plate for the purposes of:
(i) transporting the vehicle to a garage or warehouse; or
(ii) demonstrating the vehicle for sale.
(3) A violation of this section is an infraction.

Section 18. Section 41-1a-803 is amended to read:

41-1a-803. Identification numbers -- Assigning numbers -- Requirement for sale.

(1) (a) If a vehicle, vessel, or outboard motor has a permanent manufacturer's identification number, the number shall be used as the vehicle's, vessel's, or outboard motor's identification number.

(b) If it has no permanent manufacturer's identification number, the division shall assign an identification number to it.

(c) An identification number assigned by the division shall be permanently affixed or imprinted on the vehicle, vessel, or outboard motor as directed by the division.

(2) A person may not sell or offer for sale in this state a new vehicle, vessel, or outboard motor without an identification number.

(3) (a) Each permanent manufacturer's identification number for a vehicle shall be clearly marked in an accessible place on a vehicle.

(b)(i) Each permanent manufacturer's identification number for a vessel shall be clearly marked in an accessible place on the starboard outboard side of the transom or to the starboard outboard side of the hull.

(ii) If the permanent manufacturer's identification number is displayed in a location other than on or near the starboard outboard side of the transom, the manufacturer shall notify the division of its location.

(4) A person may not destroy, remove, alter, or cover an identification number.

(5) A violation of this section is an infraction, except that Subsection (4) is a class C misdemeanor.

Section 19. Section 41-1a-904 is amended to read:

41-1a-904. Retention of statements by dealers -- Inspection.

(1) Each dealer required to execute and furnish an odometer mileage disclosure statement under Section 41-1a-902 shall retain at its primary place of business for four years after each transfer of a motor vehicle each statement that he receives and a legible copy of each statement that he issues in connection with those transfers.
These statements shall be available for inspection by, and copies shall be furnished to any peace officer during reasonable business hours.

(3) A violation of this section is an infraction.

Section 20. Section 41-1a-1206 is amended to read:

41-1a-1206. Registration fees -- Fees by gross laden weight.

(1) Except as provided in Subsections (2) and (3), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this chapter, a registration fee shall be paid to the division as follows:

(a) $44.50 for each motorcycle;
(b) $43 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles;
(c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:
   (i) $31 for each trailer or semitrailer over 750 pounds gross unladen weight; or
   (ii) $28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;
(d) (i) $53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
   (ii) $9 for each 2,000 pounds over 14,000 pounds gross laden weight;
(e) (i) $69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
   (ii) $19 for each 2,000 pounds over 14,000 pounds gross laden weight;
(f) (i) $69.50 for each park model recreational vehicle over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
   (ii) $19 for each 2,000 pounds over 14,000 pounds gross laden weight; and
(g) $45 for each vintage vehicle that is less than 40 years old.

(2) At the time application is made for registration or renewal of registration of a vehicle under this chapter for a six-month registration period under Section 41-1a-215.5, a registration fee shall be paid to the division as follows:

(a) $33.50 for each motorcycle; and
(b) $32.50 for each motor vehicle of 12,000 pounds or less gross laden weight,
(3) (a) The initial registration fee for a vintage vehicle that is 40 years old or older is $40.

(b) A vintage vehicle that is 40 years old or older is exempt from the renewal of registration fees under Subsection (1).

(c) A vehicle with a Purple Heart special group license plate issued in accordance with Section 41-1a-421 is exempt from the registration fees under Subsection (1).

(d) A camper is exempt from the registration fees under Subsection (1).

(4) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall register for the total gross laden weight of all units of the combination if the total gross laden weight of the combination exceeds 12,000 pounds.

(5) (a) Registration fee categories under this section are based on the gross laden weight declared in the licensee's application for registration.

(b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of 2,000 pounds is a full unit.

(6) The owner of a commercial trailer or commercial semitrailer may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate for a fee of $130.

(7) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck unless:

(a) the truck meets the definition of a farm truck under Section 41-1a-102; and

(b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or

(ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner submits to the division a certificate of emissions inspection or a waiver in compliance with Section 41-6a-1642.

(8) A violation of Subsection (7) is a class [B] misdemeanor that shall be punished by a fine of not less than $200.

(9) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees required for those vehicles under this section.

Section 21. Section 41-1a-1302 is amended to read:
41-1a-1302. Infraction.

A violation of any provision of this chapter is [a class C misdemeanor] an infraction,

unless otherwise provided.

Section 22. Section 41-1a-1303 is amended to read:

41-1a-1303. Driving without registration or certificate of title.

(1) Except as provided in Section 41-1a-211 or 41-1a-1303.5, a person may not drive
or move, or an owner may not knowingly permit to be driven or moved upon any highway any
vehicle of a type required to be registered in this state:

[(1)] (a) that is not properly registered or for which a certificate of title has not been
issued or applied for; or

[(2)] (b) for which the required fee has not been paid.

(2) A violation of this section is an infraction.

Section 23. Section 41-1a-1303.5 is amended to read:

41-1a-1303.5. Driving without registration or certificate of title -- Class C
misdemeanor.

(1) (a) A violation of Subsection 41-1a-202(3), related to registration of vehicles after
establishing residency, is a class [B] C misdemeanor and, except as provided in Subsection
(1)(b), has a minimum fine of $1,000.

(b) A court may not dismiss an action brought for a violation of Subsection
41-1a-202(3) merely because the defendant has obtained the appropriate registration
subsequent to violating the section. The court may, however, reduce the fine to $200 if the
violator presents evidence at the time of the hearing that:

(i) the vehicle is currently registered properly; and

(ii) the violation has not existed for more than one year.

(2) A court may require proof of proper motor vehicle registration as part of any
sentence imposed under this section.

Section 24. Section 41-1a-1304 is amended to read:

41-1a-1304. Operating motor vehicle, trailer, or semitrailer in excess of registered
gross laden weight -- Infraction.

It is [a class C misdemeanor] an infraction for a person to operate, or cause to be
operated, a motor vehicle, trailer, or semitrailer, or combination of them the gross laden weight
of which is in excess of the gross laden weight for which the motor vehicle, trailer, or
semitrailer, or combination of vehicles is registered.

Section 25. Section 41-1a-1307 is amended to read:

41-1a-1307. Operation of motor vehicles, trailers, or semitrailers without
payment of fees -- Infraction.

(1) It is a class C misdemeanor an infraction for a person to operate a motor vehicle,
trailer, or semitrailer upon the highways without having paid the title and registration or
transfer fees and taxes required by law.

(2) In addition to any other penalty, the owner of a motor vehicle, trailer, or semitrailer
operated in violation of this section shall pay a penalty equal to title and registration fees in
addition to any other fee required under this chapter.

(3) A court may require proof of proper vehicle registration as part of any sentence
imposed under this section.

Section 26. Section 41-1a-1310 is amended to read:

41-1a-1310. Failure to deliver title -- Odometer offenses.

(1) It is a class B misdemeanor an infraction for any person to:

(a) fail to properly endorse and deliver a valid certificate of title to a vehicle,
vessel, or outboard motor to a transferee or owner lawfully entitled to it in accordance with
Section 41-1a-702, except as provided for under Sections 41-3-301, 41-1a-519, and 41-1a-709;

or

(b) fail to give an odometer disclosure statement to the transferee as required by
Section 41-1a-902;

(2) It is a class B misdemeanor to:

(a) operate, or cause to be operated, a motor vehicle knowing that the odometer is
disconnected or nonfunctional, except while moving the motor vehicle to a place of repair;

(b) offer for sale, sell, use, or install on any part of a motor vehicle or on an
odometer in a motor vehicle any device that causes the odometer to register miles or kilometers
other than the true miles or kilometers driven as registered by the odometer within the
manufacturer's designed tolerance;

(c) fail to adjust an odometer or affix a notice as required by Section 41-1a-906
regarding the adjustment;
(d) remove, alter, or cause to be removed or altered any notice of adjustment affixed to a motor vehicle as required by Section 41-1a-906; or
(e) accept or give an incomplete odometer statement when an odometer statement is required under Section 41-1a-902.
[(7)] (3) It is a class C misdemeanor to fail to record the odometer reading on the certificate of title at the time of transfer;
or
[(8) accept or give an incomplete odometer statement when an odometer statement is required under Section 41-1a-902.]
Section 27. Section 41-6a-202 is amended to read:

41-6a-202. Violations of chapter -- Penalties -- Acceptance of plea of guilty.
(1) As used in this section, "serious bodily injury" is as defined in Section 41-6a-401.3.
(2) A violation of any provision of this chapter is an infraction, unless otherwise provided.
(3) A violation of any provision of Parts 2, 11, 17, and 18 of this chapter is an infraction, unless otherwise provided.
(4) (a) If a person has received a citation for a moving traffic violation under this chapter that resulted in a collision and any person involved in the collision sustained serious bodily injury or death as a proximate result of the collision, a court may not accept a plea of guilty or no contest to a charge for the moving traffic violation unless the prosecutor agrees to the plea:
(i) in open court;
(ii) in writing; or
(iii) by another means of communication which the court finds adequate to record the prosecutor's agreement.
(b) A peace officer that issues a citation for a moving traffic violation under this chapter shall record on the citation whether the moving traffic violation resulted in a collision in which any person involved in the collision sustained serious bodily injury or death as a proximate result of the traffic collision.
Section 28. Section 41-6a-216 is amended to read:

41-6a-216. Removal of plants or other obstructions impairing view -- Notice to owner -- Penalty.
(1) The owner of real property shall remove from his property any tree, plant, shrub, or other obstruction, or part of it that constitutes a traffic hazard by obstructing the view of an operator of a vehicle on a highway.

(2) When a highway authority determines on the basis of an engineering and traffic investigation that a traffic hazard exists, it shall notify the owner and order that the hazard be removed within 10 days.

(3) The failure of the owner to remove the traffic hazard within 10 days is [a class C misdemeanor] an infraction.

Section 29. Section 41-6a-304 is amended to read:

41-6a-304. Obeying devices -- Effect of improper position, illegibility, or absence -- Presumption of lawful placement and compliance with chapter.

(1) (a) Except as otherwise directed by a peace officer or other authorized personnel under Section 41-6a-209 and except as provided under Section 41-6a-212 for authorized emergency vehicles, the operator of a vehicle shall obey the instructions of any traffic-control device placed or held in accordance with this chapter.

(b) A violation of Subsection (1)(a) is an infraction.

(2) (a) Any provision of this chapter, for which a traffic-control device is required, may not be enforced if at the time and place of the alleged violation the traffic-control device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(b) The provisions of this chapter are effective independently of the placement of a traffic-control device unless the provision requires the placement of a traffic-control device prior to its enforcement.

(3) A traffic-control device placed or held in a position approximately conforming to the requirements of this chapter is presumed to have been placed or held by the official act or direction of a highway authority or other lawful authority, unless the contrary is established by competent evidence.

(4) A traffic-control device placed or held under this chapter and purporting to conform to the lawful requirements of the device is presumed to comply with the requirements of this chapter, unless the contrary is established by competent evidence.

Section 30. Section 41-6a-305 is amended to read:

41-6a-305. Traffic-control signal -- At intersections -- At place other than
intersection -- Color of light signal -- Inoperative traffic-control signals -- Affirmative defense.

(1) (a) Green, red, and yellow are the only colors that may be used in a traffic-control signal, except for a:
   (i) pedestrian traffic-control signal that may use white and orange; and
   (ii) rail vehicle that may use white.
(b) Traffic-control signals apply to the operator of a vehicle and to a pedestrian as provided in this section.

(2) (a) (i) Except as provided in Subsection (2)(a)(ii), the operator of a vehicle facing a circular green signal may:
   (A) proceed straight through the intersection;
   (B) turn right; or
   (C) turn left.
   (ii) The operator of a vehicle facing a circular green signal, including an operator turning right or left:
      (A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited; and
      (B) may not turn right or left if a sign at the intersection prohibits the turn.
(b) The operator of a vehicle facing a green arrow signal shown alone or in combination with another indication:
   (i) may cautiously enter the intersection only to make the movement indicated by the arrow or other indication shown at the same time; and
   (ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
(c) Unless otherwise directed by a pedestrian traffic-control signal under Section 41-6a-306, a pedestrian facing any green signal other than a green turn arrow may proceed across the roadway within any marked or unmarked crosswalk.

(3) (a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal is warned that the allowable movement related to a green signal is being terminated.
(b) Unless otherwise directed by a pedestrian traffic-control signal under Section 41-6a-306, a pedestrian facing a steady circular yellow or yellow arrow signal is advised that
there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian may not start to cross the roadway.

(4) (a) Except as provided in Subsection (4)(c), the operator of a vehicle facing a steady circular red or red arrow signal:

(i) may not enter the intersection unless entering the intersection to make a movement is permitted by another indication; and

(ii) shall stop at a clearly marked stop line, but if none, before entering the marked or unmarked crosswalk on the near side of the intersection and shall remain stopped until an indication to proceed is shown.

(b) Unless otherwise directed by a pedestrian traffic-control signal under Section 41-6a-306, a pedestrian facing a steady red signal alone may not enter the roadway.

(c) (i) (A) The operator of a vehicle facing a steady circular red signal may cautiously enter the intersection to turn right, or may turn left from a one-way street into a one-way street, after stopping as required by Subsection (4)(a).

(B) If permitted by a traffic control device on the state highway system, the operator of a vehicle facing a steady red arrow signal may cautiously enter the intersection to turn left from a one-way street into a one-way street after stopping as required by Subsection (4)(a).

(ii) The operator of a vehicle under Subsection (4)(c)(i) shall yield the right-of-way to:

(A) another vehicle moving through the intersection in accordance with an official traffic-control signal; and

(B) a pedestrian lawfully within an adjacent crosswalk.

(5) (a) This section applies to a highway or rail line where a traffic-control signal is erected and maintained.

(b) Any stop required shall be made at a sign or marking on the highway pavement indicating where the stop shall be made, but, in the absence of any sign or marking, the stop shall be made at the signal.

(6) The operator of a vehicle approaching an intersection that has an inoperative traffic-control signal shall:

(a) stop before entering the intersection; and

(b) yield the right-of-way to any vehicle as required under Section 41-6a-901.

(7) (a) For an operator of a motorcycle, moped, or bicycle who is 16 years of age or
older, it is an affirmative defense to a violation of Subsection (4)(a) if the operator of a
motorcycle, moped, or bicycle facing a steady circular red signal or red arrow:

(i) brings the motorcycle, moped, or bicycle to a complete stop at the intersection or
stop line;

(ii) determines that:

(A) the traffic-control signal has not detected the operator's presence by waiting a
reasonable period of time of not less than 90 seconds at the intersection or stop line before
entering the intersection;

(B) no other vehicle that is entitled to have the right-of-way under applicable law is
sitting at, traveling through, or approaching the intersection; and

(C) no pedestrians are attempting to cross at or near the intersection in the direction of
travel of the operator; and

(iii) cautiously enters the intersection and proceeds across the roadway.

(b) The affirmative defense under this section does not apply at an active railroad grade
crossing as defined in Section 41-6a-1005.

(8) A violation of this section is an infraction.

Section 31. Section 41-6a-306 is amended to read:

41-6a-306. Pedestrian traffic-control signals -- Rights and duties.

(1) A pedestrian facing a steady "Walk" or symbol of "Walking Person" of a pedestrian
traffic-control signal has the right-of-way and may proceed across the roadway in the direction
of the signal.

(2) A pedestrian facing a flashing "Don't Walk" or "Upraised Hand" of a pedestrian
traffic-control signal may not start to cross the roadway in the direction of the signal, but a
pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk
or safety island.

(3) A pedestrian facing a steady "Don't Walk" or "Upraised Hand" of a pedestrian
traffic-control signal may not enter the roadway in the direction of the signal.

(4) A violation of this section is an infraction.

Section 32. Section 41-6a-307 is amended to read:

41-6a-307. Flashing red or yellow signals -- Rights and duties of operators --

Railroad grade crossings excluded.
(1) Except as provided under Section 41-6a-1203 regarding railroad grade crossings, the:

[(1)] (a) operator of a vehicle facing an illuminated flashing red stop signal used in a traffic-control signal or with a traffic sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the nearest side of the intersection, or if none, then at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering;

[(2)] (b) right to proceed is subject to the rules applicable after making a stop at a stop sign; and

[(3)] (c) operator of a vehicle facing an illuminated flashing yellow caution signal may cautiously proceed through the intersection or cautiously proceed past the signal.

(2) A violation of this section is an infraction.

Section 33. Section 41-6a-308 is amended to read:

41-6a-308. Lane use control signals -- Colors.

(1) The operator of a vehicle facing a traffic-control signal placed to control individual lane use shall obey the signal as follows:

[(1)] (a) Green signal -- vehicular traffic may travel in any lane over which a green signal is shown.

[(2)] (b) Steady yellow signal -- vehicular traffic is warned that a lane control change is being made.

[(3)] (c) Steady red signal -- vehicular traffic may not enter or travel in any lane over which a red signal is shown.

[(4)] (d) Flashing yellow signal -- vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

(2) A violation of this section is an infraction.

Section 34. Section 41-6a-309 is amended to read:

41-6a-309. Prohibition of unauthorized signs, signals, lights, or markings -- Commercial advertising -- Public nuisance -- Removal.

(1) Except as provided in Section 41-6a-310, a person may not place, maintain, or display upon or in view of any highway any unauthorized sign, signal, light, marking, or device which:
purports to be or which resembles a traffic-control device or railroad sign or signal, or authorized emergency vehicle flashing light;
(b) attempts to direct the movement of traffic;
(c) hides from view or interferes with the effectiveness of a traffic-control device or any railroad sign or signal; or
(d) blinds or dazzles an operator on any adjacent highway.

Except as provided under Section 72-7-504 regarding logo advertising, a person may not place or maintain any commercial advertising on any traffic-control device.

(3) The provisions of Subsections (1) and (2) do not prohibit a sign on private property adjacent to a highway providing directional information in a manner that may not be mistaken for a traffic-control device.

(4) Every prohibited sign, signal, or light, or marking is a public nuisance and the highway authority having jurisdiction over the highway may remove it or cause it to be removed without notice.

(5) A violation of this section is an infraction.

Section 35. Section 41-6a-311 is amended to read:

41-6a-311. Interference with traffic-control devices prohibited -- Traffic signal preemption device prohibited -- Exceptions -- Defense.

(a) traffic-control device;
(b) traffic-monitoring device; or
(c) railroad traffic-control device.

(2) Except as provided in Subsection (3), a person may not:
(a) knowingly use a traffic signal preemption device to interfere with the authorized operation or the authorized cycle of a traffic-control signal; or
(b) operate a motor vehicle on a highway while in possession of a traffic signal preemption device.

(3) The provisions of Subsections (1) and (2) do not apply to a person authorized by the highway authority or railroad authority with jurisdiction over the device.

(4) A violation of Subsection (1) or (2) is a class C misdemeanor.
It is an affirmative defense to a charge under Subsection (2)(b) that the traffic
signal preemption device was inoperative and could not be readily used at the time of the
citation or arrest.

Section 36. Section 41-6a-401 is amended to read:

41-6a-401. Accident involving property damage -- Duties of operator, occupant,
and owner -- Exchange of information -- Notification of law enforcement -- Penalties.

(1) As used in this section, "reason to believe" means information from which a
reasonable person would believe that the person may have been involved in an accident.

(2) (a) The operator of a vehicle who has reason to believe that the operator may have
been involved in an accident resulting only in damage to another vehicle or other property:
(i) may move the vehicle as soon as possible off the roadway or freeway main lines,
shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp shoulder, a
frontage road, the nearest suitable cross street, or other suitable location that does not obstruct
traffic; and
(ii) shall remain at the scene of the accident or the location described in Subsection
(2)(a)(i) until the operator has fulfilled the requirements of this section.

(b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the
determination of fault for an accident.

(c) If the operator has reason to believe that the operator may have been involved in an
accident resulting in damage to another vehicle or other property only after leaving the scene of
the accident, the operator shall immediately comply as nearly as possible with the requirements
of this section.

(3) Except as provided under Subsection (6), if the vehicle or other property is
operated, occupied, or attended by any person or if the owner of the vehicle or property is
present, the operator of the vehicle involved in the accident shall:

(a) give to the persons involved:
(i) the operator's name, address, and the registration number of the vehicle being
operated; and
(ii) the name of the insurance provider covering the vehicle being operated including
the phone number of the agent or provider; and
(b) upon request and if available, exhibit the operator's license to:
(i) any investigating peace officer present;
(ii) the operator, occupant of, or person attending the vehicle or other property

damaged in the accident; and

(iii) the owner of property damaged in the accident, if present.

(4) The operator of a vehicle involved in an accident shall immediately and by the
quickest means of communication available give notice or cause to give notice of the accident
to the nearest office of a law enforcement agency if the accident resulted in property damage to
an apparent extent of $1,500 or more.

(5) Except as provided under Subsection (6), if the vehicle or other property damaged
in the accident is unattended, the operator of the vehicle involved in the accident shall:

(a) locate and notify the operator or owner of the vehicle or the owner of other property
damaged in the accident of the operator's name, address, and the registration number of the
vehicle causing the damage; or

(b) attach securely in a conspicuous place on the vehicle or other property a written
notice giving the operator's name, address, and the registration number of the vehicle causing
the damage.

(6) The operator of a vehicle that provides the information required under this section
to an investigating peace officer at the scene of the accident is exempt from providing the
information to other persons required under this section.

[(7) (a) A person who violates the provisions of Subsection (2) is guilty of a class B
misdemeanor.]

[(b) A person who violates the provision of Subsection (5) is guilty of a class B
misdemeanor.]

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

Section 37. Section 41-6a-401.7 is amended to read:

41-6a-401.7. Accident involving injury, death, or property damage -- Duties of
operator, occupant, and owner -- Exchange of information -- Notification of law
enforcement -- Penalties.

(1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or
41-6a-401.5 shall:

(a) give to the persons involved:
1199 (i) the operator's name, address, and the registration number of the vehicle being
1200 operated; and
1201 (ii) the name of the insurance provider covering the vehicle being operated including
1202 the phone number of the agent or provider;
1203 (b) upon request and if available, exhibit the operator's license to:
1204 (i) any investigating peace officer present;
1205 (ii) the person struck;
1206 (iii) the operator, occupant of, or person attending the vehicle or other property
1207 damaged in the accident; and
1208 (iv) the owner of property damaged in the accident, if present; and
1209 (c) render to any person injured in the accident reasonable assistance, including
1210 transporting or making arrangements for transporting, of the injured person to a physician or
1211 hospital for medical treatment if:
1212 (i) it is apparent that treatment is necessary; or
1213 (ii) transportation is requested by the injured person.
1214 (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 or
1215 41-6a-401.5 shall immediately and by the quickest means of communication available give
1216 notice or cause to give notice of the accident to the nearest office of a law enforcement agency.
1217 (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 or
1218 41-6a-401.5 who is not the operator of the vehicle shall give or cause to give the immediate
1219 notice required under Subsection (2) if:
1220 (a) the operator of a vehicle involved in an accident is physically incapable of giving
1221 the notice; and
1222 (b) the occupant is capable of giving an immediate notice.
1223 (4) Except as provided under Subsection (5), if a vehicle or other property damaged in
1224 the accident is unattended, the operator of the vehicle involved in the accident shall:
1225 (a) locate and notify the operator or owner of the vehicle or the owner of other property
1226 damaged in the accident of the operator's name, address, and the registration number of the
1227 vehicle causing the damage; or
1228 (b) attach securely in a conspicuous place on the vehicle or other property a written
1229 notice giving the operator's name, address, and the registration number of the vehicle causing
the damage.

(5) The operator of a vehicle that provides the information required under this section
to an investigating peace officer at the scene of the accident is exempt from providing the
information to other persons required under this section.

[(6) A person who violates Subsection (4) is guilty of a class B misdemeanor.]

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

Section 38. Section 41-6a-402 is amended to read:

41-6a-402. Accident reports -- Duty of operator and investigative officer to file.

(1) The department may require any operator of a vehicle involved in an accident
resulting in injury to or death of any person or total property damage to the apparent extent of
$1,500 or more to file within 10 days after the request:

(a) a report of the accident to the department in a manner specified by the department;

and

(b) a supplemental report when the original report is insufficient in the opinion of the
department.

(2) The department may require witnesses of accidents to file reports to the department.

(3) (a) An accident report is not required under this section from any person who is
physically incapable of making a report, during the period of incapacity.

(b) If the operator is physically incapable of making an accident report under this
section and the operator is not the owner of the vehicle, the owner of the vehicle involved in
the accident shall within 15 days after becoming aware of the accident make the report required
of the operator under this section.

(4) (a) The department shall, upon request, supply to law enforcement agencies, justice
court judges, sheriffs, garages, and other appropriate agencies or individuals forms for accident
reports required under this part.

(b) A request for an accident report form under Subsection (4)(a) shall be made in a
manner specified by the division.

(c) The accident reports shall:

(i) provide sufficient detail to disclose the cause, conditions then existing, and the
persons and vehicles involved in the accident; and

(ii) contain all of the information required that is available.
(5) (a) A person shall file an accident report if required under this section.
(b) The department shall suspend the license or permit to operate a motor vehicle and any nonresident operating privileges of any person failing to file an accident report in accordance with this section.
(c) The suspension under Subsection (5)(b) shall be in effect until the report has been filed except that the department may extend the suspension not to exceed 30 days.
(6) (a) A peace officer who, in the regular course of duty, investigates a motor vehicle accident described under Subsection (1) shall file an electronic copy of the report of the accident with the department within 10 days after completing the investigation.
(b) The accident report shall be made either at the time of and at the scene of the accident or later by interviewing participants or witnesses.
(7) The accident reports required to be filed with the department under this section and the information in them are protected and confidential and may be disclosed only as provided in Section 41-6a-404.
(8) (a) In addition to the reports required under this part, a local highway authority may, by ordinance, require that for each accident that occurs within its jurisdiction, the operator of a vehicle involved in an accident, or the owner of the vehicle involved in an accident, shall file with the local law enforcement agency a report of the accident or a copy of any report required to be filed with the department under this part.
(b) All reports are for the confidential use of the municipal department and are subject to the provisions of Section 41-6a-404.
(9) A violation of this section is an infraction.
Section 39. Section 41-6a-405 is amended to read:
41-6a-405. Garage keeper to report damaged vehicle without damage sticker.
(1) (a) The person in charge of any garage or repair shop shall make a report to the nearest law enforcement agency within 24 hours of receiving a vehicle which shows evidence of having been:
(i) involved in an accident for which an accident report may be requested under Section 41-6a-402; or
(ii) struck by any bullet.
(b) The report required under Subsection (1)(a) shall include the:
(i) vehicle identification number;
(ii) registration number; and
(iii) name and address of the owner or operator of the vehicle.
(2) If a damaged vehicle sticker describing the damage is affixed to the vehicle by a peace officer, a report under Subsection (1) is not required.
(3) A violation of Subsection (1) is an infraction.

Section 40. Section 41-6a-407 is amended to read:

41-6a-407. Livestock on highway -- Restrictions -- Collision, action for damages.

(1) (a) A person who owns or is in possession or control of any livestock may not willfully or negligently permit any of the livestock to stray or remain unaccompanied on a highway, if both sides of the highway are separated from adjoining property by a fence, wall, hedge, sidewalk, curb, lawn, or building.
(b) Subsection (1)(a) does not apply to range stock drifting onto any highway moving to or from their accustomed ranges.
(2) (a) A person may not drive any livestock upon, over, or across any highway during the period from half an hour after sunset to half an hour before sunrise.
(b) Subsection (2)(a) does not apply if the person has a sufficient number of herders with warning lights on continual duty to open the road to permit the passage of vehicles.
(3) A violation of Subsection (1) or (2) is an infraction.
(4) In any civil action brought for damages caused by collision with any domestic animal or livestock on a highway, there is no presumption that the collision was due to negligence on behalf of the owner or the person in possession of the domestic animal or livestock.

Section 41. Section 41-6a-518 is amended to read:

41-6a-518. Ignition interlock devices -- Use -- Probationer to pay cost -- Impecuniosity -- Fee.

(1) As used in this section:
(a) "Commissioner" means the commissioner of the Department of Public Safety.
(b) "Ignition interlock system" or "system" means a constant monitoring device or any similar device certified by the commissioner that prevents a motor vehicle from being started or continuously operated without first determining the driver's breath alcohol concentration.
"Probation provider" means the supervisor and monitor of the ignition interlock system required as a condition of probation who contracts with the court in accordance with Subsections 41-6a-507(2) and (3).

(2) (a) In addition to any other penalties imposed under Sections 41-6a-503 and 41-6a-505, and in addition to any requirements imposed as a condition of probation, the court may require that any person who is convicted of violating Section 41-6a-502 and who is granted probation may not operate a motor vehicle during the period of probation unless that motor vehicle is equipped with a functioning, certified ignition interlock system installed and calibrated so that the motor vehicle will not start or continuously operate if the operator's blood alcohol concentration exceeds a level ordered by the court.

(b) If a person convicted of violating Section 41-6a-502 was under the age of 21 when the violation occurred, the court shall order the installation of the ignition interlock system as a condition of probation.

(c) The division shall post the ignition interlock restriction on the electronic record available to law enforcement.

(d) This section does not apply to a person convicted of a violation of Section 41-6a-502 whose violation involves drugs other than alcohol.

(3) If the court imposes the use of an ignition interlock system as a condition of probation, the court shall:

(a) stipulate on the record the requirement for and the period of the use of an ignition interlock system;

(b) order that an ignition interlock system be installed on each motor vehicle owned or operated by the probationer, at the probationer's expense;

(c) immediately notify the Driver License Division and the person's probation provider of the order; and

(d) require the probationer to provide proof of compliance with the court's order to the probation provider within 30 days of the order.

(4) (a) The probationer shall provide timely proof of installation within 30 days of an order imposing the use of a system or show cause why the order was not complied with to the court or to the probationer's probation provider.

(b) The probation provider shall notify the court of failure to comply under Subsection
(4)(a).

(c) For failure to comply under Subsection (4)(a) or upon receiving the notification under Subsection (4)(b), the court shall order the Driver License Division to suspend the probationer's driving privileges for the remaining period during which the compliance was imposed.

(d) Cause for failure to comply means any reason the court finds sufficiently justifiable to excuse the probationer's failure to comply with the court's order.

(5)(a) Any probationer required to install an ignition interlock system shall have the system monitored by the manufacturer or dealer of the system for proper use and accuracy at least semiannually and more frequently as the court may order.

(b) (i) A report of the monitoring shall be issued by the manufacturer or dealer to the court or the person's probation provider.

(ii) The report shall be issued within 14 days following each monitoring.

(6) (a) If an ignition interlock system is ordered installed, the probationer shall pay the reasonable costs of leasing or buying and installing and maintaining the system.

(b) A probationer may not be excluded from this section for inability to pay the costs, unless:

(i) the probationer files an affidavit of impecuniosity; and

(ii) the court enters a finding that the probationer is impecunious.

(c) In lieu of waiver of the entire amount of the cost, the court may direct the probationer to make partial or installment payments of costs when appropriate.

(d) The ignition interlock provider shall cover the costs of waivers by the court under this Subsection (6).

(7) (a) If a probationer is required in the course and scope of employment to operate a motor vehicle owned by the probationer's employer, the probationer may operate that motor vehicle without installation of an ignition interlock system only if:

(i) the motor vehicle is used in the course and scope of employment;

(ii) the employer has been notified that the employee is restricted; and

(iii) the employee has proof of the notification in the employee's possession while operating the employer's motor vehicle.

(b) (i) To the extent that an employer-owned motor vehicle is made available to a
probationer subject to this section for personal use, no exemption under this section shall apply.  

(ii) A probationer intending to operate an employer-owned motor vehicle for personal use and who is restricted to the operation of a motor vehicle equipped with an ignition interlock system shall notify the employer and obtain consent in writing from the employer to install a system in the employer-owned motor vehicle.  

(c) A motor vehicle owned by a business entity that is all or partly owned or controlled by a probationer subject to this section is not a motor vehicle owned by the employer and does not qualify for an exemption under this Subsection (7).  

(8) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules setting standards for the certification of ignition interlock systems.  

(b) The standards under Subsection (8)(a) shall require that the system:  

(i) not impede the safe operation of the motor vehicle;  

(ii) have features that make circumventing difficult and that do not interfere with the normal use of the motor vehicle;  

(iii) require a deep lung breath sample as a measure of breath alcohol concentration;  

(iv) prevent the motor vehicle from being started if the driver's breath alcohol concentration exceeds a specified level;  

(v) work accurately and reliably in an unsupervised environment;  

(vi) resist tampering and give evidence if tampering is attempted;  

(vii) operate reliably over the range of motor vehicle environments; and  

(viii) be manufactured by a party who will provide liability insurance.  

(c) The commissioner may adopt in whole or in part, the guidelines, rules, studies, or independent laboratory tests relied upon in certification of ignition interlock systems by other states.  

(d) A list of certified systems shall be published by the commissioner and the cost of certification shall be borne by the manufacturers or dealers of ignition interlock systems seeking to sell, offer for sale, or lease the systems.  

(e) (i) In accordance with Section 63J-1-504, the commissioner may establish an annual dollar assessment against the manufacturers of ignition interlock systems distributed in the state for the costs incurred in certifying.
The assessment under Subsection (8)(e)(i) shall be apportioned among the manufacturers on a fair and reasonable basis.

The commissioner shall require a provider of an ignition interlock system certified in accordance with this section to comply with the requirements of Title 53, Chapter 3, Part 10, Ignition Interlock System Program Act.

A violation of this section is a class C misdemeanor.

There shall be no liability on the part of, and no cause of action of any nature shall arise against, the state or its employees in connection with the installation, use, operation, maintenance, or supervision of an interlock ignition system as required under this section.

Section 42. Section 41-6a-526 is amended to read:

41-6a-526. Drinking alcoholic beverage and open containers in motor vehicle prohibited -- Definitions -- Exceptions.

As used in this section:

(a) "Alcoholic beverage" has the same meaning as defined in Section 32B-1-102.

(b) "Chartered bus" has the same meaning as defined in Section 32B-1-102.

(c) "Limousine" has the same meaning as defined in Section 32B-1-102.

(d) (i) "Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers.

(ii) "Passenger compartment" includes areas accessible to the operator and passengers while traveling, including a utility or glove compartment.

(iii) "Passenger compartment" does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle.

(e) "Waters of the state" has the same meaning as defined in Section 73-18-2.

A person may not drink any alcoholic beverage while operating a motor vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway or waters of the state.

A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on any highway or waters of the state, any container which contains any alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.
Subsections (2) and (3) do not apply to a passenger:

(a) in the living quarters of a motor home or camper;

(b) who has carried an alcoholic beverage onto a limousine or chartered bus that is in compliance with Subsections 32B-4-415(4)(b) and (c); or

(c) in a motorboat on the waters of the state.

Subsection (3) does not apply to passengers traveling in any licensed taxicab or bus.

A violation of Subsection (2) or (3) is a class C misdemeanor.

Section 43. Section 41-6a-601 is amended to read:

41-6a-601. Speed regulations -- Safe and appropriate speeds at certain locations

-- Prima facie speed limits -- Emergency power of the governor.

(1) A person may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing, including when:

(a) approaching and crossing an intersection or railroad grade crossing;

(b) approaching and going around a curve;

(c) approaching a hill crest;

(d) traveling upon any narrow or winding roadway; and

(e) approaching other hazards that exist due to pedestrians, other traffic, weather, or highway conditions.

(2) Subject to Subsections (1) and (4) and Sections 41-6a-602 and 41-6a-603, the following speeds are lawful:

(a) 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303;

(b) 25 miles per hour in any urban district; and

(c) 55 miles per hour in other locations.

(3) Except as provided in Section 41-6a-604, any speed in excess of the limits provided in this section or established under Sections 41-6a-602 and 41-6a-603 is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

(4) A violation of Subsection (1) is a class C misdemeanor.

The governor by proclamation in time of war or emergency may change the speed limits on the highways of the state.

Section 44. Section 41-6a-605 is amended to read:
41-6a-605. Minimum speed regulations.

(1) A person may not operate a motor vehicle at a speed so slow as to impede or block the normal and reasonable movement of traffic except when:

(a) a reduced speed is necessary for safe operation;
(b) upon a grade; or
(c) in compliance with a traffic-control device.

(2) Operating a motor vehicle on a limited access highway at less than the speed limit side by side with and at the same speed as a vehicle operated in the adjacent right lane is evidence of a violation of Subsection (1).

(3) (a) If, based on an engineering and traffic investigation, a highway authority determines that slow speeds on any part of a highway under its jurisdiction consistently impede the normal and reasonable movement of traffic, the highway authority may post a minimum speed limit.

(b) If a minimum speed limit is posted under this Subsection (3), a person may not operate a vehicle at a speed below the posted minimum speed limit except:

(i) when necessary for safe operation; or
(ii) in accordance with Section 41-6a-205.

(c) The minimum speed limit is effective when appropriate signs giving notice are erected along the highway or section of the highway.

(4) A violation of this section is an infraction.

41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions -- Penalties.

(1) As used in this section and Section 41-6a-704, "general purpose lane" means a highway lane open to vehicular traffic but does not include a designated:

(a) high occupancy vehicle (HOV) lane; or
(b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway off-ramp.

(2) On a freeway or section of a freeway which has three or more general purpose lanes in the same direction, a person may not operate a vehicle in the left most general purpose lane if the person's:
(a) vehicle is drawing a trailer or semitrailer regardless of size; or
(b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more pounds.
(3) Subsection (2) does not apply to a person operating a vehicle who is:
(a) preparing to turn left or taking a different highway split or an exit on the left;
(b) responding to emergency conditions;
(c) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or
(d) following direction signs that direct use of a designated lane.
(4) (a) A highway authority may designate a specific lane or lanes of travel for any type of vehicle on a highway or portion of a highway under its jurisdiction for the:
(i) safety of the public;
(ii) efficient maintenance of a highway; or
(iii) use of high occupancy vehicles.
(b) The lane designation under Subsection (4)(a) is effective when appropriate signs giving notice are erected on the highway or portion of the highway.
(c) If a highway authority establishes an HOV lane, the highway authority shall annually report to the Transportation Interim Committee no later than November 30 of each year regarding:
(i) the types of vehicles that may access the lane;
(ii) where, when, and how a vehicle may access the lane;
(iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of persons specified for the lane;
(iv) the usage of the HOV lane as compared to the usage of the general purpose lanes along the same stretch of highway; and
(v) the compliance issues, safety risks, and impacts of the lane parameters described under Subsections (4)(c)(i), (ii), and (iii).
(5) (a) Subject to Subsection (5)(b) and beginning on July 1, 2011, the lane designation under Subsection (4)(a)(iii) shall allow a vehicle with a clean fuel vehicle decal issued in accordance with Section 72-6-121 to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants as permitted by federal law or federal
(b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation may make rules to allow a vehicle with a clean fuel vehicle decal to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants as permitted by federal law or federal regulation.

(ii) Except as provided in Subsection (5)(b)(iii), the Department of Transportation may not issue more than 6,000 clean fuel vehicle decals under Section 72-6-121.

(iii) The Department of Transportation may, through rules made under Subsection (5)(b)(i), increase the number of clean fuel vehicle decals issued in accordance with Section 72-6-121 beyond the minimum described in Subsection (5)(b)(ii) if the increased issuance will allow the Department of Transportation to continue to meet its goals for operational management of the lane designated under Subsection (4)(a)(iii).

(6) A person who operates a vehicle in violation of Subsection (2) or in violation of the restrictions made under Subsection (4) is guilty of an infraction.

Section 46. Section 41-6a-703 is amended to read:

41-6a-703. Passing vehicles proceeding in opposite directions.

(1) In accordance with Section 41-6a-701, a person operating a vehicle proceeding in an opposite direction from another vehicle shall pass the other vehicle to the right.

(2) On a roadway having width for not more than one line of traffic in each direction, the operator of a vehicle shall, as nearly as possible, give to the other at least 1/2 of the main traveled portion of the roadway.

(3) A violation of this section is an infraction.

Section 47. Section 41-6a-704 is amended to read:

41-6a-704. Overtaking and passing vehicles proceeding in same direction.

(1) (a) On any highway:

(i) the operator of a vehicle overtaking another vehicle proceeding in the same direction shall:

(A) except as provided under Section 41-6a-705, promptly pass the overtaken vehicle on the left at a safe distance; and

(B) enter a right-hand lane or the right side of the roadway only when safely clear of the overtaken vehicle;
(ii) the operator of an overtaken vehicle:
(A) shall give way to the right in favor of the overtaking vehicle; and
(B) may not increase the speed of the vehicle until completely passed by the overtaking vehicle.
(b) The exemption from the minimum speed regulations for a vehicle operating on a grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as required under Subsection (1)(a)(i)(A).

(2) On a highway having more than one lane in the same direction, the operator of a vehicle traveling in the left general purpose lane:
(a) shall, upon being overtaken by another vehicle in the same lane, yield to the overtaking vehicle by moving safely to a lane to the right; and
(b) may not impede the movement or free flow of traffic in the left general purpose lane.

(3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle following directly behind the operator's vehicle at a distance so that less than two seconds elapse before reaching the location of the operator's vehicle when space is available for the operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie evidence that the operator is violating Subsection (2).

(4) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling in the left general purpose lane when:
(a) overtaking and passing another vehicle proceeding in the same direction in accordance with Subsection (1)(a)(i);
(b) preparing to turn left or taking a different highway or an exit on the left;
(c) responding to emergency conditions;
(d) avoiding actual or potential traffic moving onto the highway from an acceleration or merging lane; or
(e) following the direction of a traffic-control device that directs the use of a designated lane.

(5) A violation of Subsection (1) or (2) is an infraction.

Section 48. Section 41-6a-705 is amended to read:
41-6a-705. Passing upon right -- When permissible.
1602 (1) The operator of a vehicle may overtake and pass on the right of another vehicle only:
1603 (a) when the vehicle overtaken is making or preparing to make a left turn; or
1604 (b) on a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
1607 (2) The operator of a vehicle may overtake and pass another vehicle on the right only under conditions permitting the movement with safety.
1609 (3) Except for a person operating a bicycle, the operator of a vehicle may not overtake and pass another vehicle if the movement is made by driving off the roadway.
1611 (4) A violation of this section is an infraction.
1612 Section 49. Section 41-6a-706 is amended to read:
1613 41-6a-706. Limitation on passing -- Prohibitions.
1614 (1) Subject to the provisions of Section 41-6a-707, on a two-way highway, a person may not operate a vehicle to the left side of the center of the roadway to pass another vehicle proceeding in the same direction unless the left side is:
1617 (a) clearly visible; and
1618 (b) free of oncoming traffic for a sufficient distance to permit the passing movement to be completed without interfering with the operation of any vehicle approaching from the opposite direction in accordance with Subsection (2).
1621 (2) The person operating the overtaking vehicle shall return the vehicle to an authorized lane of travel:
1623 (a) as soon as practical; and
1624 (b) if the passing movement involves the use of a lane authorized for vehicles approaching in the opposite direction, before coming within 200 feet of any vehicle approaching from the opposite direction.
1627 (3) A violation of this section is an infraction.
1628 Section 50. Section 41-6a-706.5 is amended to read:
1629 41-6a-706.5. Definitions -- Operation of motor vehicle near a vulnerable user of a highway prohibited -- Endangering a vulnerable user of a highway prohibited.
1630 (1) As used in this section, "vulnerable user of a highway" means:
1632 (a) a pedestrian, including a person engaged in work upon a highway or upon utilities
facilities along a highway or providing emergency services within the right-of-way of a highway;
(b) a person riding an animal; or
(c) a person operating any of the following on a highway:
(i) a farm tractor or implement of husbandry, without an enclosed shell;
(ii) a skateboard;
(iii) roller skates;
(iv) in-line skates;
(v) a bicycle;
(vi) an electric-assisted bicycle;
(vii) an electric personal assistive mobility device;
(viii) a moped;
(ix) a motor-driven cycle;
(x) a motorized scooter;
(xi) a motorcycle; or
(xii) a manual wheelchair.
(2) An operator of a motor vehicle may not knowingly, intentionally, or recklessly:
(a) operate a motor vehicle within three feet of a vulnerable user of a highway;
(b) distract or attempt to distract a vulnerable user of a highway for the purpose of
causing violence or injury to the vulnerable user of a highway; or
(c) force or attempt to force a vulnerable user of a highway off of the roadway for a purpose unrelated to public safety.
(3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is [a class C misdemeanor] an infraction.
(b) A violation of Subsection (2) that results in bodily injury to the vulnerable user of a highway is a class [B] C misdemeanor.
Section 51. Section 41-6a-707 is amended to read:
41-6a-707. Limitations on driving on left side of road -- Exceptions.
(1) A person may not operate a vehicle on the left side of the roadway:
(a) when approaching or on a crest of a grade or a curve on the highway where the person's view is obstructed within a distance which creates a hazard if another vehicle
approached from the opposite direction;
(b) when approaching within 100 feet of or traversing any intersection or railroad grade crossings unless otherwise indicated by a traffic-control device or a peace officer; or
(c) when the view is obstructed while approaching within 100 feet of any bridge, viaduct, or tunnel.

(2) Subsection (1) does not apply:
(a) on a one-way roadway;
(b) under the conditions described in Subsection 41-6a-701(1)(b); or
(c) to a person operating a vehicle turning left onto or from an alley, private road, or driveway.

(3) A violation of Subsection (1) is an infraction.

Section 52. Section 41-6a-708 is amended to read:

41-6a-708. Signs and markings on roadway -- No-passing zones -- Exceptions.
(1) (a) A highway authority may designate no-passing zones on any portion of a highway under its jurisdiction if the highway authority determines passing is especially hazardous.
(b) A highway authority shall designate a no-passing zone under Subsection (1)(a) by placing appropriate traffic-control devices on the highway.
(2) A person operating a vehicle may not drive on the left side of:
(a) the roadway within the no-passing zone; or
(b) any pavement striping designed to mark the no-passing zone.
(3) Subsection (2) does not apply:
(a) under the conditions described under Subsections 41-6a-701(1)(b) and (c); or
(b) to a person operating a vehicle turning left onto or from an alley, private road, or driveway.
(3) A violation of Subsection (2) is an infraction.

Section 53. Section 41-6a-709 is amended to read:

41-6a-709. One-way traffic.
(1) A highway authority may designate any highway, roadway, part of a roadway, or specific lanes under the highway authority's jurisdiction for one direction of vehicle travel at all times as indicated by traffic-control devices.
(2) On a roadway designated for one-way traffic, a person operating a vehicle shall operate the vehicle in the direction indicated by traffic-control devices.

(3) A person operating a vehicle in a roundabout shall operate the vehicle only to the right of the roundabout island.

(4) A violation of Subsection (2) or (3) is an infraction.

Section 54. Section 41-6a-710 is amended to read:

41-6a-710. Roadway divided into marked lanes -- Provisions -- Traffic-control devices.

On a roadway divided into two or more clearly marked lanes for traffic the following provisions apply and any violation of this section is an infraction:

(1) (a) A person operating a vehicle:

(i) shall keep the vehicle as nearly as practical entirely within a single lane; and

(ii) may not move the vehicle from the lane until the operator has reasonably determined the movement can be made safely.

(b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person acting under the same conditions and having regard for actual and potential hazards then existing would determine that the movement could be made safely.

(2) (a) On a roadway divided into three or more lanes and providing for two-way movement of traffic, a person operating a vehicle may not drive in the center lane except:

(i) when overtaking and passing another vehicle traveling in the same direction, and when the center lane is:

(A) clear of traffic within a safe distance; and

(B) not a two-way left turn lane;

(ii) in preparation of making or completing a left turn in compliance with Section 41-6a-801; or

(iii) where the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is proceeding as indicated by traffic-control devices.

(b) Notwithstanding Subsection (2)(a)(i) and in accordance with Subsection (1)(a), a person operating a vehicle may drive in a center lane that is a two-way left turn lane if:

(i) the center lane is:

(A) on a roadway divided into three or more lanes that provides for two-way
movement of traffic; and

(B) clear of traffic within a safe distance;

(ii) there is only one lane of travel in the direction the person operating the vehicle is traveling; and

(iii) the person operating the vehicle is overtaking and passing a bicycle or moped that is moving at less than the reasonable speed of traffic that is present.

(3) A highway authority may erect traffic-control devices directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway.

(b) An operator of a vehicle shall obey the directions of a traffic-control device erected under Subsection (3)(a).

Section 55. Section 41-6a-711 is amended to read:

41-6a-711. Following another vehicle -- Safe distance -- Exceptions.

(1) The operator of a vehicle:

(a) may not follow another vehicle more closely than is reasonable and prudent, having regard for the:

(i) speed of the vehicles;

(ii) traffic upon the highway; and

(iii) condition of the highway; and

(b) shall follow at a distance so that at least two seconds elapse before reaching the location of the vehicle directly in front of the operator's vehicle.

(2) Subsection (1)(b) does not apply to funeral processions or to congested traffic conditions resulting in prevailing vehicle speeds of less than 35 miles per hour.

(3) A violation of Subsection (1) is an infraction.

Section 56. Section 41-6a-712 is amended to read:

41-6a-712. Divided highway -- Use of right-hand side -- Crossing only where permitted.

(1) A person operating a vehicle on a divided highway shall use the right-hand roadway unless directed or permitted to use another roadway by a traffic-control device or a peace officer.

(2) A person operating a vehicle may not operate the vehicle over, across, or within any
dividing space, median, or barrier of a divided highway, except when:

(a) authorized by a traffic-control device or a peace officer; or

(b) operating a tow truck in response to a customer service call and the tow truck motor carrier has already received authorization from the local law enforcement agency in the jurisdiction where the vehicle to be towed is located.

(3) A violation of this section is an infraction.

Section 57. Section 41-6a-713 is amended to read:

41-6a-713. Driving over gore area or island prohibited -- Exceptions -- Penalties.

(1) (a) A person may not operate a vehicle over, across, or within any part of a gore area or an island.

(b) Subsection (1)(a) does not apply to:

(i) a person operating a vehicle that is disabled; or

(ii) an operator of an authorized emergency vehicle under conditions described under Section 41-6a-208.

(2) A person who violates Subsection (1) is guilty of [class C misdemeanor] an infraction.

Section 58. Section 41-6a-714 is amended to read:

41-6a-714. Freeway and controlled-access highways -- Driving onto and from highways where permitted.

(1) A person may not operate a vehicle onto or from any freeway or other controlled-access highway except at entrances and exits established by the highway authority having jurisdiction over the highway.

(2) A violation of Subsection (1) is an infraction.

Section 59. Section 41-6a-716 is amended to read:

41-6a-716. Driving on tollway without paying toll prohibited.

(1) As used in this section, "tollway" has the same meaning as defined in Section 72-6-118.

(2) The operator of a vehicle traveling on a tollway shall pay the toll imposed by the department or other entity for that tollway under Section 72-6-118.

(3) A person who violates Subsection (2) is guilty of [class C misdemeanor] an infraction.
Section 60. Section 41-6a-717 is amended to read:

41-6a-717. Use of runaway vehicle ramps.

(1) A person may not use a runaway vehicle ramp unless the person is in an emergency situation requiring the use of the ramp to stop the person's vehicle.

(2) A person may not stop, stand, or park a vehicle on a runaway vehicle ramp or in the pathway of the runaway vehicle ramp.

(3) A violation of this section is an infraction.

Section 61. Section 41-6a-801 is amended to read:

41-6a-801. Turning -- Manner -- Traffic-control devices.

The operator of a vehicle shall make turns as follows, and a violation of this section is an infraction:

(1) Right turns: both a right turn and an approach for a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

(2) Left turns:

(a) the operator of a vehicle intending to turn left shall approach the turn from the extreme left-hand lane for traffic moving in the same direction;

(b) whenever practicable, shall be made by turning onto the roadway being entered in the extreme left-hand lane for traffic moving in the new direction, unless otherwise directed by a traffic-control device; and

(c) may be made on a highway across solid double yellow line pavement markings indicating a two-direction, no-passing zone.

(3) Two-way left turn lanes:

(a) where a two-way left turn lane is provided, a left turn may not be made from any other lane;

(b) a vehicle may not be driven in the two-way left turn lane except when preparing for or making:

(i) a left turn from or into the roadway; or

(ii) a U-turn except when prohibited by a traffic-control device;

(c) (i) except as provided under Subsection (3)(c)(ii), the operator of a vehicle intending to turn left may not enter a two-way left turn lane more than 500 feet prior to making the turn;
(ii) if traffic in the two-way left turn lane extends beyond 500 feet, the operator of a vehicle intending to turn left may enter the two-way left turn lane immediately upon reaching the last vehicle in the two-way left turn lane;

(d) the operator of a vehicle that has turned left into the two-way left turn lane may not travel in the lane more than 500 feet unless the operator intends to turn left and Subsection (3)(c)(ii) applies; and

(e) the operator of a vehicle may not travel straight through an intersection in a two-way left turn lane.

(4) (a) A highway authority in its jurisdiction may provide exceptions to the provisions of this section by erecting traffic-control devices directing a different course to be traveled by turning vehicles.

(b) The operator of a vehicle may not turn a vehicle in violation of a traffic-control device erected under Subsection (4)(a).

Section 62. Section 41-6a-802 is amended to read:

41-6a-802. Turning around -- Where prohibited -- Visibility.

(1) As used in this section, "railroad grade crossing" means the area between the passive or active warning signs where a railroad track and roadway intersect.

(2) The operator of a vehicle may not make a U-turn or turn the vehicle to proceed in the opposite direction:

(a) unless the movement can be made safely and without interfering with other traffic;

(b) on any curve, or upon the approach to, or near the crest of a grade, if the vehicle is not visible at a distance of 500 feet by the operator of any other vehicle approaching from either direction; and

(c) on a railroad track or railroad grade crossing.

(3) A violation of Subsection (2) is an infraction.

Section 63. Section 41-6a-803 is amended to read:

41-6a-803. Moving a vehicle -- Safety.

(1) A person may not move a vehicle which is stopped, standing, or parked until the movement may be made with reasonable safety.

(2) A violation of this section is an infraction.

Section 64. Section 41-6a-804 is amended to read:
41-6a-804. Turning or changing lanes -- Safety -- Signals -- Stopping or sudden decrease in speed -- Signal flashing -- Where prohibited.

(1) (a) A person may not turn a vehicle or move right or left on a roadway or change lanes until:

(i) the movement can be made with reasonable safety; and

(ii) an appropriate signal has been given as provided under this section.

(b) A signal of intention to turn right or left or to change lanes shall be given continuously for at least the last two seconds preceding the beginning of the movement.

(2) A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the operator of any vehicle immediately to the rear when there is opportunity to give a signal.

(3) (a) A stop or turn signal when required shall be given either by the hand and arm or by signal lamps.

(b) If hand and arm signals are used, a person operating a vehicle shall give the required hand and arm signals from the left side of the vehicle as follows:

(i) left turn: hand and arm extended horizontally;

(ii) right turn: hand and arm extended upward; and

(iii) stop or decrease speed: hand and arm extended downward.

(c) (i) A person operating a bicycle or device propelled by human power may give the required hand and arm signals for a right turn by extending the right hand and arm horizontally to the right.

(ii) This Subsection (3)(c) is an exception to the provision of Subsection (3)(b)(ii).

(4) A person required to make a signal under this section may not flash a signal:

(a) on one side only on a disabled vehicle;

(b) as a courtesy or "do pass" to operators of other vehicles approaching from the rear; or

(c) on one side only of a parked vehicle.

(5) A violation of this section is an infraction.

Section 65. Section 41-6a-901 is amended to read:

41-6a-901. Right-of-way between vehicles -- Unregulated intersection.

(1) The operator of a vehicle approaching an intersection not regulated by a
1881 traffic-control device shall yield the right-of-way to any vehicle that has entered the
1882 intersection from a different highway.
1883 (2) Except as specified in Subsection (3) and unless otherwise directed by a peace
1884 officer, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the
1885 right when:
1886 (a) more than one vehicle enters or approaches an intersection from different highways
1887 at approximately the same time; and
1888 (b) the intersection:
1889 (i) is not regulated by a traffic-control device;
1890 (ii) is not regulated because the traffic-control signal is inoperative; or
1891 (iii) is regulated from all directions by stop signs.
1892 (3) The operator of a vehicle approaching an intersection not regulated by a
1893 traffic-control device:
1894 (a) from a highway that does not continue beyond the intersection, shall yield the
1895 right-of-way to the operator of any vehicle on the intersecting highway; and
1896 (b) from a highway that is not paved, shall yield the right-of-way to the operator of any
1897 vehicle on a paved intersecting highway.
1898 (4) A violation of this section is an infraction.
1899 Section 66. Section 41-6a-902 is amended to read:
1900 41-6a-902. Right-of-way -- Stop or yield signals -- Yield -- Collisions at
1901 intersections or junctions of roadways -- Evidence.
1902 (1) Preferential right-of-way may be indicated by stop signs or yield signs under
1903 Section 41-6a-906.
1904 (2) (a) Except when directed to proceed by a peace officer, every operator of a vehicle
1905 approaching a stop sign shall stop:
1906 (i) at a clearly marked stop line;
1907 (ii) before entering the crosswalk on the near side of the intersection if there is not a
1908 clearly marked stop line; or
1909 (iii) at a point nearest the intersecting roadway where the operator has a view of
1910 approaching traffic on the intersecting roadway before entering it if there is not a clearly
1911 marked stop line or a crosswalk.
(b) After having stopped at a stop sign, the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.

(c) The operator of a vehicle approaching a stop sign shall yield the right-of-way to pedestrians within an adjacent crosswalk.

(3) (a) The operator of a vehicle approaching a yield sign shall:
   (i) slow down to a speed reasonable for the existing conditions; and
   (ii) if required for safety, stop as provided under Subsection (2).

(b) (i) After slowing or stopping at a yield sign, the operator of a vehicle shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the operator is moving across or within the intersection or junction of roadways.

(ii) The operator of a vehicle approaching a yield sign shall yield to pedestrians within an adjacent crosswalk.

(4) (a) A collision is prima facie evidence of an operator's failure to yield the right-of-way after passing a yield sign without stopping if the operator is involved in a collision:
   (i) with a vehicle in the intersection or junction of roadways; or
   (ii) with a pedestrian at an adjacent crosswalk.

(b) A collision under Subsection (4)(a) is not considered negligence per se in determining liability for the accident.

(5) A violation of Subsection (2) or (3) is an infraction.

Section 67. Section 41-6a-903 is amended to read:

41-6a-903. Yield right-of-way -- Vehicle turning left -- Entering or crossing highway other than from another roadway -- Merging lanes.

(1) The operator of a vehicle:
   [+] (a) intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close to the turning vehicle as to constitute an immediate hazard;
   [++] (b) about to enter or cross a highway from any place other than another highway shall yield the right-of-way to all vehicles approaching on the highway to be entered or crossed;
and

(3) traveling in a lane that is about to merge into a continuing lane, shall yield the
right-of-way to all vehicles traveling in the continuing lane and which are so close as to be an
immediate hazard.

(2) A violation of Subsection (1) is an infraction.

Section 68. Section 41-6a-904 is amended to read:

41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary
evacuation -- Duties of respective operators.

(1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon
the immediate approach of an authorized emergency vehicle using audible or visual signals
under Section 41-6a-212 or 41-6a-1625, shall:

(a) yield the right-of-way and immediately move to a position parallel to, and as close
as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

(b) then stop and remain stopped until the authorized emergency vehicle has passed.

(2) The operator of a vehicle, upon approaching a stationary authorized emergency
vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

(a) reduce the speed of the vehicle;

(b) provide as much space as practical to the stationary authorized emergency vehicle;

and

(c) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if
practical, with due regard to safety and traffic conditions, make a lane change into a lane not
adjacent to the authorized emergency vehicle.

(3) The operator of a vehicle, upon approaching a stationary tow truck or highway
maintenance vehicle that is displaying flashing amber lights, shall:

(a) reduce the speed of the vehicle; and

(b) provide as much space as practical to the stationary tow truck or highway
maintenance vehicle.

(4) This section does not relieve the operator of an authorized emergency vehicle, tow
truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all
persons using the highway.

(5) (a) (i) In addition to the penalties prescribed under [Section 41-6a-202] Subsection
(7), a person who violates this section shall attend a four hour live classroom defensive driving course approved by:

(A) the Driver License Division; or
(B) a court in this state.

(ii) Upon completion of the four hour live classroom course under Subsection (5)(a)(i), the person shall provide to the Driver License Division a certificate of attendance of the classroom course.

(b) The Driver License Division shall suspend a person's driver license for a period of 90 days if the person:

(i) violates a provision of Subsections (1) through (3); and
(ii) fails to meet the requirements of Subsection (5)(a)(i) within 90 days of sentencing for or pleading guilty to a violation of this section.

(c) Notwithstanding the provisions of Subsection (5)(b), the Driver License Division shall shorten the 90-day suspension period imposed under Subsection (5)(b) effective immediately upon receiving a certificate of attendance of the four hour live classroom course required under Subsection (5)(a)(i) if the certificate of attendance is received prior to completion of the suspension period.

(d) A person whose license is suspended under Subsection (5)(b) is required to pay the license reinstatement fees under Subsection 53-3-105(23), including a person whose suspension is shortened as described under Subsection (5)(c).

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Driver License Division shall make rules to implement the provisions of this part.

(7) A violation of Subsection (1), (2), or (3) is a class C misdemeanor.

Section 69. Section 41-6a-906 is amended to read:

41-6a-906. Designation of through highways -- Stop signs, yield signs, and traffic-control devices -- Designation of intersections as locations for preferential right-of-way treatment.

(1) A highway authority, with reference to highways under its jurisdiction, may erect and maintain stop signs, yield signs, or other traffic-control devices to designate:

(1) A highway authority, with reference to highways under its jurisdiction, may erect and maintain stop signs, yield signs, or other traffic-control devices to designate:
more of the roadways should yield or stop and yield before entering the intersection or
junction.

(2) A violation of Subsection (1) is an infraction.

Section 70. Section 41-6a-907 is amended to read:

41-6a-907. Vehicles emerging from alleys, buildings, private roads, or driveways
must stop prior to sidewalk area or street.

(1) The operator of a vehicle emerging from an alley, building, private road or
driveway within a business or residence district shall stop:

[(1)] (a) the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk
area extending across the alley, building, private road, or driveway; or

[(2)] (b) if there is no sidewalk area, at the point nearest the street to be entered where
the operator has a view of approaching traffic.

(2) A violation of Subsection (1) is an infraction.

Section 71. Section 41-6a-1001 is amended to read:

41-6a-1001. Pedestrians subject to traffic-control devices -- Other controls.

(1) A pedestrian shall obey the instructions of a traffic-control device specifically
applicable to the pedestrian unless otherwise directed by a peace officer.

(2) A pedestrian is subject to traffic and pedestrian-control signals under Sections
41-6a-305 and 41-6a-306.

(3) A violation of this section is an infraction.

Section 72. Section 41-6a-1003 is amended to read:

41-6a-1003. Pedestrians yielding right-of-way -- Limits on pedestrians.

(1) A pedestrian crossing a roadway at any point other than within a marked crosswalk
or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles
on the roadway.

(2) A pedestrian crossing a roadway at a point where there is a pedestrian tunnel or
overhead pedestrian crossing shall yield the right-of-way to all vehicles on the roadway.

(3) Between adjacent intersections at which traffic-control signals are in operation, a
pedestrian may not cross at any place except in a marked crosswalk.

(4) (a) A pedestrian may not cross a roadway intersection diagonally unless authorized
by a traffic-control device.
(b) If a pedestrian is authorized to cross diagonally under Subsection (4)(a), the pedestrian shall cross only as directed by the appropriate traffic-control device.

(5) A violation of this section is an infraction.

Section 73. Section 41-6a-1004 is amended to read:

**41-6a-1004. Emergency vehicle -- Necessary signals -- Duties of operator --**

**Pedestrian to yield.**

(1) A pedestrian shall yield the right-of-way to an authorized emergency vehicle upon the immediate approach of an authorized emergency vehicle using audible or visual signals in accordance with Section 41-6a-212 or 41-6a-1625.

(2) This section does not relieve the operator of an authorized emergency vehicle from:

(a) the duty to drive with regard for the safety of all persons using the highway; nor

(b) from the duty to exercise care to avoid colliding with a pedestrian.

(3) A violation of this section is an infraction.

Section 74. Section 41-6a-1005 is amended to read:

**41-6a-1005. Limitation on pedestrians related to railroad grade crossings or bridges.**

(1) As used in this section, "active railroad grade crossing" means a railroad grade crossing when:

(a) the gate or barrier is closed or is being opened or closed;

(b) warning lights are flashing;

(c) audible warning devices are being sounded; or

(d) other traffic control devices signal the approach of a railroad train.

(2) A pedestrian may not pass through, around, over, or under or remain on a crossing gate or barrier at an active railroad grade crossing or bridge.

(3) A pedestrian may not enter or remain within the area between a railroad track and a railroad sign or signal if the railroad grade crossing is active.

(4) A pedestrian may not occupy or remain on a railroad grade crossing when the railroad sign or signal is not active except to cross the railroad crossing on a designated walkway.

(5) A pedestrian may not remain in an area between railroad signs or signals, railroad gates, or rail crossing arms if the railroad grade crossing is active.
Section 75. Section 41-6a-1009 is amended to read:

41-6a-1009. Use of roadway by pedestrians -- Prohibited activities.

(1) Where there is a sidewalk provided and its use is practicable, a pedestrian may not walk along or on an adjacent roadway.

(2) Where a sidewalk is not provided, a pedestrian walking along or on a highway shall walk only on the shoulder, as far as practicable from the edge of the roadway.

(3) Where a sidewalk or a shoulder is not available, a pedestrian walking along or on a highway shall:

(a) walk as near as practicable to the outside edge of the roadway; and

(b) if on a two-way roadway, walk only on the left side of the roadway facing traffic.

(4) (a) An individual may not engage in conduct that impedes or blocks traffic within any of the following:

(i) an interstate system, as defined in Section 72-1-102;

(ii) a freeway, as defined in Section 41-6a-102;

(iii) a state highway, as defined in Title 72, Chapter 4, Designation of State Highways Act; or

(iv) a state route, or "SR," as defined in Section 72-1-102.

(b) The locations described in Subsection (4)(a) include:

(i) shoulder areas, as defined in Section 41-6a-102;

(ii) on-ramps;

(iii) off-ramps; and

(iv) an area between the roadways of a divided highway, as defined in Section 41-6a-102.

(c) The locations described in Subsection (4)(a) do not include sidewalks, as defined in Section 41-6a-102.

(d) Conduct that impedes or blocks traffic may include:

(i) loitering;

(ii) demonstrating or picketing;

(iii) distributing materials;

(iv) gathering signatures;
(v) holding signs; or
(vi) soliciting rides, contributions, or other business.

(e) Conduct that impedes or blocks traffic does not include the conduct described in Section 41-6a-209.

(f) A county or municipality may adopt a resolution, ordinance, or regulation prohibiting conduct in locations described in Subsections (4)(a) and (b) within any of the roadways under its jurisdiction.

(g) (i) The state, a county, or a municipality shall create a permitting process for granting a person an exemption from this Subsection (4).
(ii) Upon receipt of a valid permit application, the state, a county, or a municipality shall grant a person a temporary exemption from this Subsection (4) for a specified location or time.

(h) Nothing in this section prohibits a temporary spontaneous demonstration.

(5) A pedestrian who is under the influence of alcohol or any drug to a degree which renders the pedestrian a hazard may not walk or be on a highway except on a sidewalk or sidewalk area.

(6) Except as otherwise provided in this chapter, a pedestrian on a roadway shall yield the right-of-way to all vehicles on the roadway.

(7) A pedestrian may not walk along or on a no-access freeway facility except during an emergency.

(8) (a) As used in this Subsection (8):
(i) "Aggressive manner" means intentionally:
(A) persisting in approaching or following an individual after the individual has negatively responded to the solicitation;
(B) engaging in conduct that would cause a reasonable individual to fear imminent bodily harm;
(C) engaging in conduct that would intimidate a reasonable individual into giving money or goods;
(D) blocking the path of an individual; or
(E) physically contacting an individual or the individual's personal property without that individual's consent.
(ii) "Bank" is as defined in Section 13-42-102.

(iii) "Sidewalk" is as defined in Section 41-6a-102.

(b) An individual may not solicit money or goods from another individual in an aggressive manner:

(i) during the business hours of a bank if either the individual soliciting, or the individual being solicited, is on the portion of a sidewalk that is within 10 feet of the bank's entrance or exit; or

(ii) on the portion of a sidewalk that is within 10 feet of an automated teller machine.

(9) A violation of this section is an infraction.

Section 76. Section 41-6a-1115 is amended to read:

41-6a-1115. Motor assisted scooters -- Conflicting provisions -- Restrictions -- Penalties.

(1) (a) Except as otherwise provided in this section, a motor assisted scooter is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.

(b) For a person operating a motor assisted scooter, the following provisions do not apply:

(i) seating positions under Section 41a-1501;

(ii) required lights, horns, and mirrors under Section 41-6a-1506;

(iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and

(iv) driver licensing requirements under Section 53-3-202.

(2) A person under 15 years of age may not operate a motor assisted scooter using the motor unless the person is under the direct supervision of the person's parent or guardian.

(3) A person under eight years of age may not operate a motor assisted scooter with the motor running on any public property, highway, path, or sidewalk.

(4) A person may not operate a motor assisted scooter:

(a) in a public parking structure;

(b) on public property posted as an area prohibiting skateboards;

(c) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic;

(d) on a highway with a posted speed limit greater than 25 miles per hour;

(e) while carrying more persons at one time than the number for which it is designed;
or

(f) that has been structurally or mechanically altered from the original manufacturer's design.

(5) Except where posted or prohibited by local ordinance, a motor assisted scooter is considered a nonmotorized vehicle if it is being used with the motor turned off.

(6) An owner may not authorize or knowingly permit a person to operate a motor assisted scooter in violation of this section.

(7) A person who violates this section is guilty of an infraction.

Section 77. Section 41-6a-1116 is amended to read:

41-6a-1116. Electric personal assistive mobility devices -- Conflicting provisions -- Restrictions -- Penalties.

(1) (a) Except as otherwise provided in this section, an electric personal assistive mobility device is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.

(b) For a person operating an electric personal assistive mobility device, the following provisions do not apply:

(i) seating positions under Section 41-6a-1501;

(ii) required lights, horns, and mirrors under Section 41-6a-1506;

(iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and

(iv) driver licensing requirements under Section 53-3-202.

(2) A person under 15 years of age may not operate an electric personal assistive mobility device using the motor unless the person is under the direct supervision of the person's parent or guardian.

(3) A person may not operate an electric personal assistive mobility device:

(a) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic;

(b) on a highway with a posted speed limit greater than 35 miles per hour; or

(c) that has been structurally or mechanically altered from the original manufacturer's design.

(4) An owner may not authorize or knowingly permit a person to operate an electric
personal assistive mobility device in violation of this section.

(5) A person may operate an electric personal assistive mobility device on a sidewalk if
the operation does not:
(a) exceed a speed which is greater than is reasonable or prudent having due regard for
weather, visibility, and pedestrians; or
(b) endanger the safety of other persons or property.

(6) A person operating an electric personal assistive mobility device shall yield to a
pedestrian or other person using a mobility aid.

(7) (a) An electric personal assistive mobility device may be operated on:
(i) a path or trail designed for the use of a bicycle; or
(ii) on a highway where a bicycle is allowed if the speed limit on the highway does not
exceed 35 miles per hour.
(b) A person operating an electric personal assistive mobility device in an area
described in Subsection (7)(a)(i) or (ii) is subject to the laws governing bicycles.

(8) A person may operate an electric personal assistive mobility device at night if the
device is equipped with or the operator is wearing:
(a) a lamp pointing to the front that emits a white light visible from a distance of not
less than 300 feet in front of the device; and
(b) front, rear, and side reflectors.

(9) A person may not operate an electric personal assistive mobility device while
carrying an article that prevents the person from keeping both hands on the handlebars or
interferes with the person's ability to safely operate the electric personal assistive mobility
device.

(10) Only one person may operate an electric personal assistive mobility device at a
time.

(11) A person may not park an electric personal assistive mobility device on a highway
or sidewalk in a manner that obstructs vehicular or pedestrian traffic.

(12) A person who violates this section is guilty of [a class C misdemeanor] an
infraction.

Section 78. Section 41-6a-1117 is amended to read:

41-6a-1117. Mini-motorcycle restrictions -- Exceptions.
(1) A person may not operate a mini-motorcycle on any public property, highway, path, or sidewalk unless:

   (a) the mini-motorcycle is registered for highway use in accordance with Title 41, Chapter 1a, Motor Vehicle Act; and

   (b) the operator is licensed to operate a motorcycle in accordance with Title 53, Chapter 3, Uniform Driver License Act.

(2) An owner may not authorize or knowingly permit a person to operate a mini-motorcycle in violation of this section.

(3) A person who violates this section is guilty of an infraction.

Section 79. Section 41-6a-1201 is amended to read:

41-6a-1201. Driving on tracks.

(1) The operator of a vehicle proceeding on any track in front of a railroad train on a highway shall remove the vehicle from the track as soon as practicable after signal from the operator of the train.

(2) When a railroad train has started to cross an intersection, an operator of a vehicle may not drive:

   (a) on or across the tracks; or

   (b) in the path of the train within the intersection in front of the train.

(3) A violation of this section is an infraction.

Section 80. Section 41-6a-1202 is amended to read:

41-6a-1202. Driving through safety zone.

(1) The operator of a vehicle may not drive through or within a safety zone.

(2) A violation of this section is an infraction.

Section 81. Section 41-6a-1203 is amended to read:

41-6a-1203. Railroad grade crossing -- Duty to stop -- Malfunctions and school buses -- Driving through, around, or under gate or barrier prohibited.

(1) As used in this section, "active railroad grade crossing" has the same meaning as defined in Section 41-6a-1005.

(2) Whenever a person operating a vehicle approaches a railroad grade crossing, the operator of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of...
the railroad track and may not proceed if:

(a) a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;

(b) a crossing gate is lowered, or when a human flagman gives or continues to give a signal of the approach or passage of a train;

(c) a railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible and the train by reason of its speed or nearness to the crossing is an immediate hazard;

(d) an approaching train is plainly visible and is in hazardous proximity to the crossing;

or

e) there is any other condition that makes it unsafe to proceed through the crossing.

(3) (a) An operator of a vehicle who suspects a false activation or malfunction of a railroad grade crossing signal device where there is no gate or barrier may drive a vehicle through the railroad grade crossing after stopping if:

(i) the operator of a vehicle has a clear line of sight of at least one mile of the railroad tracks in all directions;

(ii) there is no evidence of an approaching train;

(iii) the vehicle can cross over the tracks safely; and

(iv) the operator of a school bus is compliant with written district policy.

(b) As soon as is reasonably possible, the operator of a school bus shall notify the driver's dispatcher and the dispatcher shall notify the owner of the railroad track where the grade crossing signal device is located of the false activation or malfunction.

(4) (a) A person may not drive a vehicle through, around, or under a crossing gate or barrier at a railroad grade crossing if the railroad grade crossing is active.

(b) A person may not cause a non-rail vehicle, whether or not occupied, to pass through, around, over, or under or remain on a gate or barrier at a railroad grade crossing if the railroad grade crossing is active.

(c) A person may not cause a non-rail vehicle, whether or not occupied, to pass around, through, over, or under or remain in a rail or fixed guideway right-of-way in a manner that would cause a railroad train or other rail vehicle to make contact with the non-rail vehicle.

(5) A violation of this section is an infraction.
Section 82. Section 41-6a-1204 is amended to read:

41-6a-1204. Trains -- Interference with vehicles limited.

(1) A person or government agency may not operate a train in a manner to prevent vehicular use of a roadway for a period of time in excess of five consecutive minutes except:

[(1)] (a) when necessary to comply with signals affecting the safety of the movement of trains;

[(2)] (b) when necessary to avoid striking any object or person on the track;

[(3)] (c) when the train is disabled;

[(4)] (d) when the train is in motion or while engaged in switching operations;

[(5)] (e) when there is no vehicular traffic waiting to use the crossing;

[(6)] (f) when necessary to comply with a governmental safety regulation; or

[(7)] (g) as determined by a highway authority.

(2) A violation of this section is an infraction.

Section 83. Section 41-6a-1205 is amended to read:

41-6a-1205. Railroad grade crossings -- Certain vehicles must stop -- Exceptions -- Rules.

(1) An operator of a commercial motor vehicle, as defined under Section 53-3-102,

shall upon approaching a railroad grade crossing:

(a) unless Subsection (2) applies, slow down and check that the tracks are clear of an approaching train;

(b) stop within 50 feet, but not closer than 15 feet, from the nearest rail of the railroad track before reaching the crossing if the tracks are not clear;

(c) obey all traffic control devices or the directions of a peace officer, or other crossing official at the crossing; and

(d) before proceeding over a railroad grade crossing:

(i) ensure that the vehicle has sufficient space to drive completely through a railroad grade crossing without stopping; and

(ii) ensure that the vehicle has sufficient undercarriage clearance to safely and completely pass through the crossing.

(2) (a) Except as provided in Subsection (3), the operator of a vehicle described in 49 CFR 392.10 shall stop within 50 feet, but not closer than 15 feet, from the nearest rail of the
railroad track before crossing, at grade, any track of a railroad.

(b) While stopped, the operator shall look in both directions along the track for any sign of an approaching train and look and listen for signals indicating the approach of any train.

(c) The operator may proceed across the railroad track only when the movement may be made with reasonable safety.

(d) After stopping as required and upon safely proceeding, the operator shall only cross the railroad track in a gear that ensures no necessity for manually changing gears while traversing the crossing.

(e) The operator may not manually shift gears while crossing the railroad track.

(3) This section does not apply at a:

(a) railroad grade crossing where traffic is controlled by a peace officer or other crossing official;

(b) railroad grade crossing where traffic is regulated by a traffic-control signal;

(c) railroad grade crossing where a traffic-control device gives notice that the stopping requirements of this section are not applicable; or

(d) other railroad grade crossings excluded under 49 CFR 392.10.

(4) A violation of this section is an infraction.

Section 84. Section 41-6a-1206 is amended to read:

41-6a-1206. Railroad crossing duties respecting crawler type tractor, power shovel, derrick, or other equipment or structure.

(1) A person may not operate or move the following on or across any tracks at a railroad grade crossing without first complying with this section:

(a) a crawler type tractor;

(b) a power shovel;

(c) a derrick;

(d) a roller; or

(e) any equipment or structure having:

(i) normal operating speed of 10 or less miles per hour; or

(ii) a vertical body or load clearance of less than:

(A) 1/2 inch per foot of the distance between any two adjacent axles; or

(B) in any event, nine inches measured above the level surface of a roadway.
(2) Notice of an intended crossing under this section shall be given to the railroad and a reasonable time shall be given to the railroad to provide proper protection at the crossing.

(3) (a) Before making a crossing under this section the person operating or moving the vehicle or equipment shall first stop within 50 feet but not closer than 15 feet from the nearest rail of the railway.

(b) While stopped, the operator of the vehicle shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a railroad train.

(c) The operator may proceed across the track only when the crossing can be made safely.

(4) The operator of a vehicle shall obey all traffic control devices or the directions of a peace officer or other crossing official at the crossing.

(5) A violation of this section is an infraction.

Section 85. Section 41-6a-1301 is amended to read:

41-6a-1301. Standards and specifications for lighting and special warning devices on school buses.

(1) (a) A school bus shall be equipped with red signal lamps mounted as high and as widely spaced laterally as practicable.

(b) The red signal lamps shall display two alternately flashing red lights, located at the same level, to the front and rear of the school bus.

(c) The red signal lamps shall be visible at 500 feet in normal sunlight.

(2) (a) A school bus shall be equipped with yellow signal lamps mounted near each of the four red signal lamps and at the same level but closer to the vertical centerline of the bus.

(b) The yellow signal lamps shall display two alternately flashing yellow lights to the front and rear of the school bus.

(c) The yellow signal lamps shall be visible at 500 feet in normal sunlight.

(3) A school bus driver shall activate the yellow signal lamps at least 100 feet, but not more than 500 feet, before every stop at which the alternately flashing red lights are activated.

(4) A violation of this section is an infraction.

Section 86. Section 41-6a-1302 is amended to read:

41-6a-1302. School bus -- Signs and light signals -- Flashing amber lights --
Flashing red lights -- Passing school bus -- Duty to stop -- Travel in opposite direction -- Penalties.

(1) A school bus, when operated for the transportation of school children, shall:
(a) bear on the front and rear of the bus a plainly visible sign containing the words "school bus" in letters not less than eight inches in height, which shall be removed or covered when the vehicle is not in use for the transportation of school children; and
(b) be equipped with alternating flashing amber and red light signals visible from the front and rear, of a type approved and mounted as required under Section 41-6a-1301 and prescribed by the department under Section 41-6a-1601.

(2) The operator of a vehicle on a highway, upon meeting or overtaking a school bus equipped with signals required under this section which is displaying alternating flashing:
(a) amber warning light signals, shall slow the vehicle, but may proceed past the school bus using due care and caution at a speed not greater than specified in Subsection 41-6a-601(2) for school zones for the safety of the school children that may be in the vicinity; or
(b) red light signals visible from the front or rear, shall stop immediately before reaching the bus and may not proceed until the flashing red light signals cease operation.

(3) The operator of a vehicle need not stop upon meeting or passing a school bus displaying alternating flashing red light signals if the school bus is traveling in the opposite direction when:
(a) traveling on a divided highway;
(b) the bus is stopped at an intersection or other place controlled by a traffic-control signal or by a peace officer; or
(c) on a highway of five or more lanes, which may include a left-turn lane or two-way left turn lane.

(4) (a) The operator of a school bus shall operate alternating flashing red light signals at all times when:
(i) children are unloading from a school bus to cross a highway;
(ii) a school bus is stopped for the purpose of loading children who must cross a highway to board the bus; or
(iii) it would be hazardous for vehicles to proceed past the stopped school bus.
(b) The alternating flashing red light signals may not be operated except:
when the school bus is stopped for loading or unloading school children; or
(ii) for an emergency purpose.
The operator of a school bus being operated on a highway shall have the headlights
of the school bus lighted.
(6) (a) A violation of Subsection (2) or (3) is a class C misdemeanor and the minimum
fine is:
(i) $100 for a first offense;
(ii) $200 for a second offense within three years of a previous conviction or bail
forfeiture; and
(iii) $500 for a third or subsequent offense within three years of a previous conviction
or bail forfeiture.
(b) A violation of Subsection (5) is an infraction and the fine is $50.
(c) The court may order the person to perform compensatory service in lieu of the fine
or any portion of the fine if the court makes the reasons for the waiver part of the record.
(7) A violation of Subsection (1) or (4) is an infraction.
[(7)] (8) The Driver License Division shall develop and implement a record system to
distinguish:
(a) a conviction or bail forfeiture under this section from other convictions; and
(b) between a first and subsequent conviction or bail forfeiture under this section.
Section 87. Section 41-6a-1307 is amended to read:
41-6a-1307. School bus parking zones -- Establishment -- Uniform markings --
Penalty.
(1) As used in this section, "school bus parking zone" means a parking space that is
clearly identified as reserved for use by a school bus.
(2) A highway authority for highways under its jurisdiction and school boards for
roadways located on school property may establish and locate school bus parking zones in
accordance with specifications established under Subsection (3).
(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
Department of Transportation, after consultation with local highway authorities and school
boards which may include input from school traffic safety committees established under
Section 53A-3-402, shall make rules establishing specifications for uniform signage or markings to clearly identify school bus parking zones.

(4) A person may not stop, stand, or park a vehicle other than a school bus, whether occupied or not, in a clearly identified school bus parking zone.

(5) (a) A violation of Subsection (4) is an infraction.

[(5)] (b) A person who violates Subsection (4) shall pay a minimum fine of $75.

Section 88. Section 41-6a-1402 is amended to read:

41-6a-1402. Stopping or parking on roadways -- Angle parking -- Traffic-control devices prohibiting or restricting.

(1) Except as otherwise provided in this section, a vehicle stopped or parked on a two-way roadway shall be stopped or parked with the right-hand wheels:

(a) parallel to and within 12 inches of the right-hand curb; or

(b) as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, a vehicle stopped or parked on a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement with its:

(a) right-hand wheels:

(i) within 12 inches of the right-hand curb; or

(ii) as close as practicable to the right edge of the right-hand shoulder; or

(b) left-hand wheels:

(i) within 12 inches of the left-hand curb; or

(ii) as close as practicable to the left edge of the left-hand shoulder.

(3) (a) Except as provided in Subsection (3)(b), local highway authorities may by ordinance permit angle parking on any roadway.

(b) Angle parking is not permitted on any federal-aid or state highway unless the Department of Transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) (a) The Department of Transportation, with respect to highways under its jurisdiction, may place traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where:

(i) the stopping, standing, or parking is dangerous to those using the highway; or
(ii) the stopping, standing, or parking of vehicles would unduly interfere with the free
movement of traffic.
(b) A person may not stop, stand, or park a vehicle in violation of the restriction
indicated by the devices under Subsection (4)(a).
(5) A violation of this section is an infraction.
Section 89. Section 41-6a-1404 is amended to read:
41-6a-1404. Stopping or parking on roadway outside business or residential
district.
(1) Outside a business or residence district, a person may not stop, park, or leave
standing a vehicle, whether attended or unattended, on the roadway when it is practical to stop,
park, or leave the vehicle off the roadway.
(2) A person who stops, parks, or leaves a vehicle standing on a roadway shall:
(a) leave an unobstructed width of the highway opposite the vehicle for the free
passage of other vehicles; and
(b) leave the vehicle so that other vehicle operators have a clear view of the stopped
vehicle from a distance of 200 feet in each direction on the roadway.
(3) This section and Sections 41-6a-1401 and 41-6a-1402 do not apply to the operator
of a vehicle if the vehicle becomes disabled while on the paved or main traveled portion of a
roadway in a manner and to the extent that it is impossible to avoid stopping and temporarily
leaving the disabled vehicle on the paved or main traveled portion of the roadway.
(4) A violation of this section is an infraction.
Section 90. Section 41-6a-1407 is amended to read:
41-6a-1407. Removal of unattended vehicles prohibited without authorization --
Penalties.
(1) In cases not amounting to burglary or theft of a vehicle, a person may not remove
an unattended vehicle without prior authorization of:
(a) a peace officer;
(b) a law enforcement agency;
(c) a highway authority having jurisdiction over the highway on which there is an
unattended vehicle; or
(d) the owner or person in lawful possession or control of the real property.
(2) (a) An authorization from a person specified under Subsection (1)(a), (b), or (c) shall be in a form specified by the Motor Vehicle Division.

(b) The removal of the unattended vehicle shall comply with requirements of Section 41-6a-1406.

(3) The removal of the unattended vehicle authorized under Subsection (1)(d) shall comply with requirements of Section 72-9-603.

(4) A person who violates Subsection (1) or (3) is guilty of [a class C misdemeanor] an infraction.

Section 91. Section 41-6a-1408 is amended to read:


(1) As used in this section, "abandoned vehicle, vessel, or outboard motor" means a vehicle, vessel, or outboard motor that is left unattended:

(a) on a highway or on or in the waters of the state for a period in excess of 48 hours;

or

(b) on public or private property for a period in excess of seven days without express or implied consent of the owner or person in lawful possession or control of the property.

(2) A person may not abandon a vehicle, vessel, or outboard motor on a highway or on or in the waters of the state.

(3) A person may not abandon a vehicle, vessel, or outboard motor on public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(4) A peace officer who has reasonable grounds to believe that a vehicle, vessel, or outboard motor has been abandoned may remove the vehicle, vessel, or outboard motor or cause it to be removed in accordance with Section 41-6a-1406 or 73-18-20.1.

(5) If the motor number, manufacturer's number or identification mark of the abandoned vehicle, vessel, or outboard motor has been defaced, altered or obliterated, the vehicle, vessel, or outboard motor may not be released or sold until:

(a) the original motor number, manufacturer's number or identification mark has been replaced; or

(b) a new number assigned by the Motor Vehicle Division has been stamped on the
vehicle, vessel, or outboard motor.

(6) A violation of this section is an infraction.

Section 92. Section 41-6a-1501 is amended to read:

41-6a-1501. Motorcycle or motor-driven cycle -- Place for operator to ride --

Passengers.

(1) A person operating a motorcycle or motor-driven cycle shall ride only on the permanent and regular seat attached to the motorcycle or motor-driven cycle.

(2) (a) Except as provided in Subsection (2)(b):
   (i) a person operating a motorcycle or motor-driven cycle may not carry any other person on the motorcycle or motor-driven cycle; and
   (ii) a passenger may not ride on a motorcycle or a motor-driven cycle.

(b) If a motorcycle or motor-driven cycle is designed to carry more than one person, a passenger may ride on:
   (i) the permanent and regular seat, if designed for two persons; or
   (ii) another seat firmly attached to the motorcycle or motor-driven cycle at the rear or side of the operator.

(3) A person shall ride on a motorcycle or motor-driven cycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle or motor-driven cycle.

(4) A person may not operate a motorcycle or motor-driven cycle while carrying a package, bundle, or other article which prevents the person from keeping both hands on the handlebars.

(5) An operator of a motorcycle or motor-driven cycle may not carry a person and a person may not ride in a position that interferes with:
   (a) the operation or control of the motorcycle or motor-driven cycle; or
   (b) the view of the operator.

(6) A violation of this section is an infraction.

Section 93. Section 41-6a-1502 is amended to read:

41-6a-1502. Motorcycles, motor-driven cycles, or all-terrain type I vehicles --

Operation on public highways.

(1) (a) A motorcycle or a motor-driven cycle is entitled to full use of a lane.

(b) A person may not operate a motor vehicle in a manner that deprives a motorcycle or
motor-driven cycle of the full use of a lane.

c) This Subsection (1) does not apply to motorcycles or motor-driven cycles operated two abreast in a single lane.

2) The operator of a motorcycle or motor-driven cycle may not overtake and pass in the same lane occupied by the vehicle being overtaken.

3) A person may not operate a motorcycle or motor-driven cycle between:

a) lanes of traffic; or

b) adjacent lines or rows of vehicles.

4) Motorcycles or motor-driven cycles may not be operated more than two abreast in a single lane.

5) Subsections (2) and (3) do not apply to peace officers acting in the peace officers' official capacities.

6) The provisions of this section also apply to all-terrain type I vehicles.

7) A violation of this section is an infraction.

Section 94. Section 41-6a-1503 is amended to read:

41-6a-1503. Motorcycle or motor-driven cycle -- Attaching to another vehicle prohibited.

1) A person riding on a motorcycle or motor-driven cycle may not attach himself to any other vehicle on a roadway.

2) A violation of this section is an infraction.

Section 95. Section 41-6a-1504 is amended to read:

41-6a-1504. Motorcycle or motor-driven cycle -- Footrests for passenger -- Height of handlebars limited.

1) A motorcycle or motor-driven vehicle carrying a passenger on a public highway, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger.

2) A person may not operate a motorcycle or motor-driven cycle with handlebars above shoulder height.

3) A violation of this section is an infraction.

Section 96. Section 41-6a-1505 is amended to read:

41-6a-1505. Motorcycle or motor-driven cycle -- Protective headgear -- Closed cab excepted -- Electric assisted bicycles, motor assisted scooters, electric personal
assistive mobility devices.

(1) A person under the age of 18 may not operate or ride on a motorcycle or motor-driven cycle on a highway unless the person is wearing protective headgear which complies with specifications adopted under Subsection (3).

(2) This section does not apply to persons riding within an enclosed cab.

(3) The following standards and specifications for protective headgear are adopted:

(a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and

(b) 16 C.F.R. Part 1203 related to protective headgear for bicycles, motor assisted scooters, and electric personal assistive mobility devices.

(4) A court shall waive $8 of a fine charged to a person operating a motorcycle or motor-driven cycle for a moving traffic violation if the person was:

(a) 18 years of age or older at the time of operation; and

(b) wearing protective headgear that complies with the specifications adopted under Subsection (3) at the time of operation.

(5) The failure to wear protective headgear:

(a) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and

(b) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.

(6) Notwithstanding Subsection (4), a court may not waive $8 of a fine charged to a person operating a motorcycle or motor-driven cycle for a driving under the influence violation of Section 41-6a-502.

(7) A violation of this section is an infraction.

Section 97. Section 41-6a-1506 is amended to read:

41-6a-1506. Motorcycles -- Required equipment -- Brakes.

(1) A motorcycle and a motor-driven cycle shall be equipped with the following items:

(a) one head lamp which, when factory equipped with an automatic lighting ignition system, may not be disconnected;

(b) one tail lamp;

(c) either a tail lamp or a separate lamp which illuminates the rear license plate with a white light;
(d) one red reflector on the rear, either separate or as part of the tail lamp;
(e) one stop lamp;
(f) a braking system, other than parking brake, in accordance with Section 41-6a-1623;
(g) a horn or warning device in accordance with Section 41-6a-1625;
(h) a muffler and emission control system in accordance with Section 41-6a-1626;
(i) a mirror in accordance with Section 41-6a-1627; and
(j) tires in accordance with Section 41-6a-1636.
(2) The department may require an inspection of the braking system on a motor-driven cycle and disapprove a braking system that is not designed or constructed as to insure reasonable and reliable performance in actual use in accordance with Section 41-6a-1623.
(3) A person may not operate a motor-driven cycle on a highway if the department has disapproved the braking system on the motor-driven cycle.
(4) (a) Upon notice to the party to whom the motor-driven cycle is registered, the department may suspend the registration of a motor-driven cycle if the department has disapproved the braking system under this section.
(b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse to register a motor-driven cycle if it has reason to believe the motor-driven cycle has a braking system disapproved under this section.
(5) A violation of this section is an infraction.
Section 98. Section 41-6a-1508 is amended to read:
41-6a-1508. Low-speed vehicle.
(1) Except as otherwise provided in this section, a low-speed vehicle is considered a motor vehicle for purposes of the Utah Code including requirements for:
(a) traffic rules under Title 41, Chapter 6a, Traffic Code;
(b) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;
(c) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
(d) vehicle registration, titling, vehicle identification numbers, license plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;
(e) vehicle taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, and fee in lieu of property taxes or in lieu fees under Section 59-2-405;
(f) motor vehicle dealer licensing under Title 41, Chapter 3, Motor Vehicle Business Regulation Act;

(g) motor vehicle safety inspection requirements under Section 53-8-205; and

(h) safety belt requirements under Title 41, Chapter 6a, Part 18, Motor Vehicle Safety Belt Usage Act.

(2) (a) A low-speed vehicle shall comply with federal safety standards established in 49 C.F.R. 571.500 and shall be equipped with:

(i) headlamps;

(ii) front and rear turn signals, tail lamps, and stop lamps;

(iii) turn signal lamps;

(iv) reflex reflectors one on the rear of the vehicle and one on the left and right side and as far to the rear of the vehicle as practical;

(v) a parking brake;

(vi) a windshield that meets the standards under Section 41-6a-1635, including a device for cleaning rain, snow, or other moisture from the windshield; and

(vii) an exterior rearview mirror on the driver's side and either an interior rearview mirror or an exterior rearview mirror on the passenger side.

(b) A low-speed vehicle that complies with this Subsection (2) and Subsection (3) and that is not altered from the manufacturer is considered to comply with equipment requirements under Part 16, Vehicle Equipment.

(3) A person may not operate a low-speed vehicle that has been structurally altered from the original manufacturer's design.

(4) A low-speed vehicle is exempt from a motor vehicle emissions inspection and maintenance program requirements under Section 41-6a-1642.

(5) (a) Except to cross a highway at an intersection, a low-speed vehicle may not be operated on a highway with a posted speed limit of more than 35 miles per hour.

(b) In addition to the restrictions under Subsection (5)(a), a highway authority, may prohibit or restrict the operation of a low-speed vehicle on any highway under its jurisdiction, if the highway authority determines the prohibition or restriction is necessary for public safety.

(6) A person may not operate a low-speed vehicle on a highway without displaying on the rear of the low-speed vehicle, a slow-moving vehicle identification emblem that complies
with the Society of Automotive Engineers standard SAE J943.

(7) A person who violates Subsection (2), (3), (5), or (6) is guilty of [a class C misdemeanor] an infraction.

Section 99. Section 41-6a-1509 is amended to read:

41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --

Registration and licensing requirements -- Equipment requirements.

(1) (a) Except as provided in Subsection (1)(b), an all-terrain type I vehicle, utility type vehicle, or full-sized all-terrain vehicle that meets the requirements of this section may be operated as a street-legal ATV on a street or highway unless the highway is an interstate freeway or a limited access highway as defined in Section 41-6a-102.

(b) Unless a street or highway is designated as open for street-legal ATV use by the controlling highway authority in accordance with Section 41-22-10.5, a person may not operate a street-legal ATV on a street or highway in accordance with Subsection (1)(a) if the highway is under the jurisdiction of:

(i) a county of the first class; or

(ii) a municipality that is within a county of the first class.

(2) A street-legal ATV shall comply with the same requirements as:

(a) a motorcycle for:

(i) traffic rules under Title 41, Chapter 6a, Traffic Code;

(ii) registration, titling, odometer statement, vehicle identification, license plates, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

(iii) fees in lieu of property taxes or in lieu of fees under Section 59-2-405.2; and

(iv) the county motor vehicle emissions inspection and maintenance programs under Section 41-6a-1642;

(b) a motor vehicle for:

(i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

(ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act; and

(iii) safety inspection requirements under Title 53, Chapter 8, Part 2, Motor Vehicle Safety Inspection Act, except that a street-legal ATV shall be subject to a safety inspection:

(A) when registered for the first time; and
(B) subsequently, on the same frequency as described in Subsection 53-8-205(2) based on the age of the vehicle as determined by the model year identified by the manufacturer; and

(c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business Regulation Act, unless otherwise specified in this section.

(3) (a) An all-terrain type I vehicle and a utility type vehicle being operated as a street-legal ATV shall be equipped with:

(i) one or more headlamps that meet the requirements of Section 41-6a-1603;

(ii) one or more tail lamps;

(iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;

(iv) one or more red reflectors on the rear;

(v) one or more stop lamps on the rear;

(vi) amber or red electric turn signals, one on each side of the front and rear;

(vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;

(viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;

(ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;

(x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;

(xi) a windshield, unless the operator wears eye protection while operating the vehicle;

(xii) a speedometer, illuminated for nighttime operation;

(xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers, including a footrest and handhold for each passenger;

(xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and

(xv) tires that:

(A) do not exceed 29 inches in height;

(B) are not larger than the tires that the all-terrain vehicle manufacturer made available for the all-terrain vehicle model; and
(C) have at least 2/32 inches or greater tire tread.

(b) A full-sized all-terrain vehicle being operated as a street-legal all-terrain vehicle shall be equipped with:

(i) two headlamps that meet the requirements of Section 41-6a-1603;

(ii) two tail lamps;

(iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;

(iv) one or more red reflectors on the rear;

(v) two stop lamps on the rear;

(vi) amber or red electric turn signals, one on each side of the front and rear;

(vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;

(viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;

(ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;

(x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;

(xi) a windshield, unless the operator wears eye protection while operating the vehicle;

(xii) a speedometer, illuminated for nighttime operation;

(xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers, including a footrest and handhold for each passenger;

(xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and

(xv) tires that:

(A) do not exceed 44 inches in height; and

(B) have at least 2/32 inches or greater tire tread.

(4) (a) Subject to the requirement in Subsection (4)(b), an operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway in accordance with this section, may not exceed the lesser of:

(i) the posted speed limit; or

(ii) 45 miles per hour.
(b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
all-terrain vehicle on a highway with a posted speed limit higher than 45 miles per hour, shall:

(i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
roadway; and

(ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front
and back of both sides of the vehicle.

(5) (a) A nonresident operator of an off-highway vehicle that is authorized to be
operated on the highways of another state has the same rights and privileges as a street-legal
ATV that is granted operating privileges on the highways of this state, subject to the
restrictions under this section and rules made by the Board of Parks and Recreation, if the other
state offers reciprocal operating privileges to Utah residents.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating
privileges for nonresident users granted under Subsection (5)(a).

(6) Nothing in this chapter shall restrict the operation of an off-highway vehicle in
accordance with Section 41-22-10.5.

(7) A violation of this section is an infraction.

Section 100. Section 41-6a-1601 is amended to read:

41-6a-1601. Operation of unsafe or improperly equipped vehicles on public
highways -- Exceptions.

(1) (a) A person may not operate or move and an owner may not cause or knowingly
permit to be operated or moved on a highway a vehicle or combination of vehicles which:

(i) is in an unsafe condition that may endanger any person;

(ii) does not contain those parts or is not at all times equipped with lamps and other
equipment in proper condition and adjustment as required in this chapter;

(iii) is equipped in any manner in violation of this chapter; or

(iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality
Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local
health departments.

(b) A person may not do any act forbidden or fail to perform any act required under this
chapter.
(2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in coordination with the rules made under Section 53-8-204, the department shall make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under this part.

(b) The rules under Subsection (2)(a):

(i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and Regulations;

(ii) may incorporate by reference, in whole or in part, the federal standards under Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on motor vehicle safety;

(iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;

(iv) shall include standards for the emergency lights of authorized emergency vehicles;

(v) may provide standards and specifications applicable to lighting equipment on school buses consistent with:

(A) this part;

(B) federal motor vehicle safety standards; and

(C) current specifications of the Society of Automotive Engineers;

(vi) shall provide procedures for the submission, review, approval, disapproval, issuance of an approval certificate, and expiration or renewal of approval of any part as required under Section 41-6a-1620;

(vii) shall establish specifications for the display or etching of a vehicle identification number on a vehicle;

(viii) shall establish specifications in compliance with this part for a flare, fusee, electric lantern, warning flag, or portable reflector used in compliance with this part;

(ix) shall establish approved safety and law enforcement purposes when video display is visible to the motor vehicle operator; and

(x) shall include standards and specifications for both original equipment and parts included when a vehicle is manufactured and aftermarket equipment and parts included after the original manufacture of a vehicle.

(c) The following standards and specifications for vehicle equipment are adopted:
(i) 49 C.F.R. 571.209 related to safety belts;
(ii) 49 C.F.R. 571.213 related to child restraint devices;
(iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles
and trailers operated in interstate commerce;
(iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and
(v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related
to air conditioning equipment.
(3) Nothing in this chapter or the rules made by the department prohibit:
(a) equipment required by the United States Department of Transportation; or
(b) the use of additional parts and accessories on a vehicle not inconsistent with the
provisions of this chapter or the rules made by the department.
(4) Except as specifically made applicable, the provisions of this chapter and rules of
the department with respect to equipment required on vehicles do not apply to:
(a) implements of husbandry;
(b) road machinery;
(c) road rollers;
(d) farm tractors;
(e) motorcycles;
(f) motor-driven cycles;
(g) vehicles moved solely by human power;
(h) off-highway vehicles registered under Section 41-22-3 either:
(i) on a highway designated as open for off-highway vehicle use; or
(ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or
(i) off-highway implements of husbandry when operated in the manner prescribed by
Subsections 41-22-5.5(3) through (5).
(5) The vehicles referred to in Subsections (4)(h) and (i) are subject to the equipment
requirements of Title 41, Chapter 22, Off-highway Vehicles, and the rules made under that
chapter.
(6) (a) (i) Except as provided in Subsection (6)(a)(ii), a federal motor vehicle safety
standard supersedes any conflicting provision of this chapter.
(ii) Federal motor vehicle safety standards do not supersede the provisions of Section
governing the requirements for and use of street-legal all-terrain vehicles on highways.

(b) The department:

(i) shall report any conflict found under Subsection (6)(a) to the appropriate committees or officials of the Legislature; and

(ii) may adopt a rule to replace the superseded provision.

(7) A violation of this section is an infraction.

Section 101. Section 41-6a-1602 is amended to read:

41-6a-1602. Permit to operate vehicle in violation of equipment regulations.

(1) The department may issue a permit which will allow temporary operation of a vehicle in violation of the provisions of this chapter or in violation of rules made by the department.

(2) The permit shall be carried in the vehicle and shall be displayed upon demand of a magistrate or peace officer.

(3) (a) The department may limit the time, manner, or duration of operation and may otherwise prescribe conditions of operation that are necessary to protect the safety of highway users or efficient movement of traffic.

(b) Any conditions shall be stated on the permit and a person may not violate them.

(4) A violation of this section is an infraction.

Section 102. Section 41-6a-1603 is amended to read:

41-6a-1603. Lights and illuminating devices -- Duty to display -- Time.

(1) (a) The operator of a vehicle shall turn on the lamps or lights of the vehicle on a highway at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead.

(b) The lights, lighted lamps, and other lamps and illuminating devices under Subsection (1)(a) shall be lighted as respectively required for different classes of vehicles, subject to the exceptions for parked vehicles under Section 41-6a-1607.

(2) Whenever a requirement is made as to distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, the provisions apply during the times specified under Subsection (1)(a) for a vehicle without load
on a straight, level, unlighted highway under normal atmospheric conditions, unless a different
time or condition is expressly stated.
(3) Whenever a requirement is made as to the mounted height of lamps or devices it
shall mean from the center of the lamp or device to the level ground upon which the vehicle
stands when the vehicle is without a load.
(4) A violation of this section is an infraction.

Section 103. Section 41-6a-1604 is amended to read:

41-6a-1604. Motor vehicle head lamp, tail lamps, stop lamps, and other lamps --

Requirements.
(1) A motor vehicle shall be equipped with at least two head lamps with at least one on
each side of the front of the motor vehicle.
(2) (a) A motor vehicle, trailer, semitrailer, pole trailer, and any other vehicle which is
being drawn at the end of a combination of vehicles, shall be equipped with at least two tail
lamps and two or more red reflectors mounted on the rear.
(b) (i) Except as provided under Subsections (2)(b)(ii), (2)(c), and Section 41-6a-1612,
al all stop lamps or other lamps and reflectors mounted on the rear of a vehicle shall display or
reflect a red color.
(ii) A turn signal or hazard warning light may be red or yellow.
(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to
illuminate with a white light the rear registration plate.
(3) (a) A motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two
or more stop lamps and flashing turn signals.
(b) A supplemental stop lamp may be mounted on the rear of a vehicle, if the
supplemental stop lamp:
(i) emits a red light;
(ii) is mounted:
(A) and constructed so that no light emitted from the device, either direct or reflected,
is visible to the driver;
(B) not lower than 15 inches above the roadway; and
(C) on the vertical center line of the vehicle; and
(iii) is the size, design, and candle power that conforms to federal standards regulating
(4) (a) Each head lamp, tail lamp, supplemental stop lamp, flashing turn lamp, other lamp, or reflector required under this part shall comply with the requirements and limitations established under Section 41-6a-1601.

(b) The department, by rules made under Section 41-6a-1601, may require trucks, buses, motor homes, motor vehicles with truck-campers, trailers, semitrailers, and pole trailers to have additional lamps and reflectors.

(5) The department, by rules made under Section 41-6a-1601, may allow:

(a) one tail lamp on any vehicle equipped with only one when it was made;

(b) one stop lamp on any vehicle equipped with only one when it was made; and

(c) passenger cars and trucks with a width less than 80 inches and manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.

(6) A violation of this section is an infraction.

Section 104. Section 41-6a-1606 is amended to read:

41-6a-1606. Load extending beyond rear of vehicle -- Duty to display lamps and reflectors or flags.

(1) If a load on a vehicle extends to the rear four feet or more beyond the bed or body of the vehicle, the operator shall display lamps, reflectors, or flags at the extreme rear end of the load in accordance with this section.

(2) During hours of darkness as specified in Section 41-6a-1603, the following shall be displayed:

(a) two red reflectors located so as to indicate maximum width; and

(b) two red lamps, one on each side with one red lamp located so as to indicate maximum overhang.

(3) (a) At a time other than the time indicated under Subsection (2), on a vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags shall be displayed marking the extremities of the load, at each point where a lamp or reflector is required under Subsection (2).

(b) The red flags shall be at least 12 inches square.

(4) A violation of this section is an infraction.

Section 105. Section 41-6a-1607 is amended to read:
41-6a-1607. Parking lamps required -- Use when vehicle parked at night -- Head lamps dimmed.

(1) (a) A vehicle shall be equipped with one or more parking lamps. 
(b) The parking lamps shall comply with requirements established under Section 41-6a-1601.

(2) A vehicle parked or stopped on a roadway or shoulder, whether attended or unattended, shall display lighted parking lamps if conditions exist as specified under Subsection 41-6a-1603(1)(a).

(3) Any lighted head lamps on a parked vehicle shall be dimmed.

(4) A violation of this section is an infraction.

Section 106. Section 41-6a-1608 is amended to read:

41-6a-1608. Farm tractors and equipment -- Lamps and reflectors -- Slow-moving vehicle emblem.

(1) (a) A farm tractor and a self-propelled implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with hazard warning lights of a type described in Section 41-6a-1611.
(b) The hazard warning lights shall be:
(i) visible from a distance of not less than 1,000 feet to the front and rear in normal sunlight; and
(ii) displayed whenever a farm tractor or self-propelled implement of husbandry is operated on a highway.

(2) (a) A farm tractor and a self-propelled implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with lamps and reflectors as required under this section.
(b) A farm tractor and a self-propelled implement of husbandry manufactured or assembled prior to January 1, 1970 shall be equipped with lamps and reflectors as required in this section if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a).

(3) Subject to the provisions of Subsection (2), a farm tractor and an implement of husbandry shall be equipped with:
(a) at least two head lamps;
(b) at least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear mounted as far to the left of the center of the vehicle as practicable; and

(c) at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.

(4) Towed farm equipment or a towed implement of husbandry shall be equipped with lamps and reflectors as provided under this Subsection (4), if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a).

(a) If the towed unit or its load extends more than four feet to the rear of the tractor or obscures any light on a tractor, the towed unit shall be equipped on the rear with at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.

(b) (i) If the towed unit extends more than four feet to the left of the center line of the tractor, the towed unit shall be equipped on the front with an amber reflector visible from all distances within 600 feet to 100 feet to the front when directly in front of lawful lower beams of head lamps.

(ii) The reflector under Subsection (4)(b)(i) shall be positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit.

(c) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in Subsection (1).

(5) (a) The two red reflectors required under Subsections (3) and (4) shall be positioned to show, as nearly as practicable, the extreme width of the vehicle or combination of vehicles as viewed from the rear of the vehicle or combination of vehicles.

(b) Reflective tape or paint may be used in lieu of the reflectors required under this section.

(6) (a) A slow-moving vehicle emblem mounted on the rear is required on:

(i) a farm tractor and a self-propelled implement of husbandry designed for operation at speeds not in excess of 25 miles per hour; or

(ii) towed farm equipment or a towed implement of husbandry if the towed unit or any load on it obscures the slow-moving vehicle emblem on the farm tractor or self-propelled implement of husbandry.
(b) The slow-moving vehicle emblem's design, size, mounting, and position on the vehicle required under this Subsection (6), shall:

(i) comply with current standards and specifications of the American Society of Agricultural Engineers; and

(ii) be approved by the department.

(c) A slow-moving vehicle identification emblem may not be:

(i) used except as required under this section and Sections 41-6a-1508 and 41-6a-1609;

or

(ii) displayed on a vehicle traveling at a speed in excess of 25 miles per hour.

A violation of this section is an infraction.

Section 107. Section 41-6a-1609 is amended to read:

41-6a-1609. Lamps and reflectors on vehicles not otherwise specified -- Slow-moving vehicle identification emblems on animal-drawn vehicles.

(1) An animal-drawn vehicle, a vehicle under Section 41-6a-1604, and a vehicle not specifically required by the provisions of other sections in this chapter to be equipped with lamps or other lighting devices, shall be equipped with lamps or other lighting devices if operated on a highway under the conditions specified under Subsection 41-6a-1603(1)(a) as follows:

(a) at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle; and

(b) (i) two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle; or

(ii) one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of head lamps.

(2) An animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle identification emblem as provided under Section 41-6a-1608.

(3) A violation of this section is an infraction.

Section 108. Section 41-6a-1610 is amended to read:

41-6a-1610. Spot lamps.

(1) A motor vehicle may not be equipped with more than two spot lamps.
(2) A lighted spot lamp may not be aimed or used so that any part of the high intensity portion of the beam strikes the windshield, or any windows, mirror, or occupant of another vehicle in use.

(3) This section does not apply to spot lamps on an authorized emergency vehicle.

(4) A violation of this section is an infraction.

Section 109. Section 41-6a-1611 is amended to read:

41-6a-1611. Hazard warning lamps.

(1) A vehicle manufactured with hazard warning lights shall be equipped with hazard warning lights for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.

(2) In addition to the requirements of Subsection (1), a bus, truck, truck-tractor, trailer, semitrailer, or pole trailer shall be equipped with hazard warning lights if the bus, truck, truck-tractor, trailer, semitrailer, or pole trailer is 80 inches or more in overall width or 30 feet or more in overall length.

(3) The hazard warning lights required under this section shall comply with rules made by the department under Section 41-6a-1601.

(4) A violation of this section is an infraction.

Section 110. Section 41-6a-1612 is amended to read:

41-6a-1612. Back-up lamps -- Side marker lamps.

(1) (a) A motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps.

(b) A back-up lamp or lamps may not be lighted when the motor vehicle is in forward motion.

(c) A lighted back-up lamp shall emit a white light.

(2) A vehicle may be equipped with one or more side marker lamps that may be flashed in conjunction with turn or vehicular hazard warning signals.

(3) A back-up lamp and side marker lamp under this section shall comply with rules made by the department under Section 41-6a-1601.

(4) A violation of this section is an infraction.

Section 111. Section 41-6a-1613 is amended to read:
41-6a-1613. Lamp required for operation of vehicle on highway or adjacent shoulder -- Dimming of lights.

(1) (a) If a vehicle is operated on a highway or shoulder adjacent to the highway under the conditions specified under Subsection 41-6a-1603(1)(a), the operator of a vehicle shall use a high or low beam distribution of light or composite beam except as provided under Subsection (1)(c).

(b) Except as provided under Subsection (1)(c), the distribution of light or composite beam shall be directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle.

(c) The operator of a vehicle shall use a low beam distribution of light or composite beam if the vehicle approaches:

(i) an oncoming vehicle within 500 feet; or

(ii) another vehicle from the rear within 300 feet.

(2) (a) The low beam distribution of light or composite beam shall be aimed to avoid projecting glaring rays into the:

(i) eyes of an oncoming operator; or

(ii) rearview mirror of a vehicle approached from the rear.

(b) A vehicle is not in violation of Subsection (2)(a) if:

(i) the vehicle has not been significantly altered from the original vehicle manufacturer's specifications; or

(ii) the glaring rays result from road contour or a temporary load on the vehicle.

(3) A violation of this section is an infraction.

Section 112. Section 41-6a-1616 is amended to read:

41-6a-1616. High intensity beams -- Red or blue lights -- Flashing lights -- Color of rear lights and reflectors.

(1) (a) Except as provided under Subsection (1)(b), under the conditions specified under Subsection 41-6a-1603(1)(a), a lighted lamp or illuminating device on a vehicle, which projects a beam of light of an intensity greater than 300 candlepower shall be directed so that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) The provisions of Subsection (1)(a) do not apply to head lamps, spot lamps,
auxiliary lamps, flashing turn signals, hazard warning lamps, and school bus warning lamps.

(c) A motor vehicle on a highway may not have more than a total of four lamps lighted on the front of the vehicle including head lamps, auxiliary lamps, spot lamps, or any other lamp if the lamp projects a beam of an intensity greater than 300 candlepower.

(2) (a) Except for an authorized emergency vehicle and a school bus, a person may not operate or move any vehicle or equipment on a highway with a lamp or device capable of displaying a red light that is visible from directly in front of the center of the vehicle.

(b) Except for a law enforcement vehicle, a person may not operate or move any vehicle or equipment on a highway with a lamp or device capable of displaying a blue light that is visible from directly in front of the center of the vehicle.

(3) A person may not use flashing lights on a vehicle except for:

(a) taillights of bicycles under Section 41-6a-1114;

(b) authorized emergency vehicles under rules made by the department under Section 41-6a-1601;

(c) turn signals under Section 41-6a-1604;

(d) hazard warning lights under Sections 41-6a-1608 and 41-6a-1611;

(e) school bus flashing lights under Section 41-6a-1302; and

(f) vehicles engaged in highway construction or maintenance under Section 41-6a-1617.

(4) A person may not use a rotating light on any vehicle other than an authorized emergency vehicle.

(5) A violation of this section is an infraction.

Section 113. Section 41-6a-1618 is amended to read:

41-6a-1618. Sale or use of unapproved lighting equipment or devices prohibited.

(1) Except as provided under Subsection (2), a person may not use, have for sale, sell, or offer for sale for use on or as a part of the equipment of a motor vehicle, trailer, semitrailer, or pole trailer any head lamp, auxiliary fog lamp, rear lamp, signal lamp, required reflector, or any parts of that equipment which tend to change the original design or performance, unless the part or equipment complies with the specifications adopted under Section 41-6a-1601.

(2) The provisions of Subsection (1) do not apply to equipment in actual use prior to July 1, 1979 or to replacement parts of this equipment.
(3) A person may not use on a motor vehicle, trailer, semitrailer, or pole trailer any lamps under this section unless the lamps are mounted, adjusted, and aimed in accordance with this part.

(4) A violation of this section is an infraction.

Section 114. Section 41-6a-1619 is amended to read:

41-6a-1619. Sale of unapproved equipment prohibited -- Trademark or brand name.

(1) A person shall not sell or offer for sale any equipment or parts that do not comply with the standards adopted under Section 41-6a-1601 including any lamp, reflector, hydraulic brake fluid, seat belt, safety glass, emergency disablement warning device, studded tire, motorcycle helmet, eye protection device for motorists, or red rear bicycle reflector.

(2) Any equipment described under Subsection (1) or Section 41-6a-1618 or any package containing the equipment shall bear the manufacturer's trademark or brand name unless it complies with identification requirements of the United States Department of Transportation or other federal agencies.

(3) A violation of this section is an infraction.

Section 115. Section 41-6a-1623 is amended to read:

41-6a-1623. Braking systems required -- Adoption of performance requirements by department.

(1) A motor vehicle and a combination of vehicles shall have a service braking system which will stop the motor vehicle or combination of vehicles within:

(a) 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard surface; or

(b) a shorter distance as may be specified by the department in accordance with federal standards.

(2) A motor vehicle and a combination of vehicles shall have a parking brake system:

(a) adequate to hold the motor vehicle or combination of vehicles on any grade on which it is operated under all conditions of loading on a surface free from snow, ice or loose material; or

(b) which complies with performance standards issued by the department in accordance with federal standards.
(3) In addition to the requirements of Subsections (1) and (2), if necessary for safe operation, the department may by rule require additional braking systems in accordance with federal standards.

(4) A violation of this section is an infraction.

Section 116. Section 41-6a-1624 is amended to read:

41-6a-1624. Failure to repair a damaged or deployed airbag -- Penalty.

(1) As used in this section, "person" includes the owner or lessee of a motor vehicle, a body shop, dealer, remanufacturer, salvage rebuilder, vehicle service maintenance facility, or any entity or individual engaged in the repair or replacement of motor vehicles or airbag passive restraint systems.

(2) Except as provided under Subsection (3), if a repair to a vehicle to be used on a highway is initiated, a person who has actual knowledge that a motor vehicle's airbag passive restraint system is damaged or has been deployed may not fail or cause another person to fail to fully restore, arm, and return to original operating condition, the motor vehicle's airbag passive restraint system.

(3) In the course of repairing a motor vehicle, a person who has actual knowledge that the motor vehicle's airbag passive restraint system is damaged or has been deployed shall notify the owner or lessee of the vehicle, in a form approved by the Department of Public Safety, that the failure to repair and fully restore the motor vehicle's airbag passive restraint system is a class B misdemeanor.

(4) Unless acting under a dismantling permit under Section 41-1a-1010, a person may not remove or modify a motor vehicle's airbag passive restraint system with the intent of rendering the motor vehicle's airbag passive restraint system inoperable.

(5) A person who violates this section is guilty of a class [B] C misdemeanor.

Section 117. Section 41-6a-1625 is amended to read:

41-6a-1625. Horns and warning devices -- Emergency vehicles.

(1) (a) A motor vehicle operated on a highway shall be equipped with a horn or other warning device in good working order.

(b) The horn or other warning device:

(i) shall be capable of emitting sound audible under normal conditions from a distance of not less than 200 feet; and
(ii) may not emit an unreasonably loud or harsh sound or a whistle.

(c) The operator of a motor vehicle:

(i) when reasonably necessary to insure safe operation, shall give audible warning with the horn; and

(ii) except as provided under Subsection (1)(c)(i), may not use the horn on a highway.

(2) Except as provided under this section, a vehicle may not be equipped with and a person may not use on a vehicle a siren, whistle, or bell.

(3) (a) A vehicle may be equipped with a theft alarm signal device if it is arranged so that it cannot be used by the operator as an ordinary warning signal.

(b) A theft alarm signal device may:

(i) use a whistle, bell, horn or other audible signal; and

(ii) not use a siren.

(4) (a) An authorized emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet.

(b) The type of sound shall be approved by the department based on standards adopted by rules under Section 41-6a-1601.

(c) The siren on an authorized emergency vehicle may not be used except:

(i) when the vehicle is operated in response to an emergency call; or

(ii) in the immediate pursuit of an actual or suspected violator of the law.

(d) The operator of an authorized emergency vehicle shall sound the siren in accordance with this section when reasonably necessary to warn pedestrians and other vehicle operators of the approach of the authorized emergency vehicle.

(5) A violation of this section is an infraction.

Section 118. Section 41-6a-1626 is amended to read:

41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution control devices.

(1) (a) A vehicle shall be equipped, maintained, and operated to prevent excessive or unusual noise.

(b) A motor vehicle shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation.
A person may not use a muffler cut-out, bypass, or similar device on a vehicle.

Except while the engine is being warmed to the recommended operating temperature, the engine and power mechanism of a:

(i) gasoline-powered motor vehicle may not emit visible contaminants during operation;

(ii) diesel engine manufactured on or after January 1, 1973, may not emit visible contaminants of a shade or density darker than 20% opacity; and

(iii) diesel engine manufactured before January 1, 1973, may not emit visible contaminants of a shade or density darker than 40% opacity.

A person who violates the provisions of Subsection (2)(a) is guilty of an infraction.

A motor vehicle equipped by a manufacturer with air pollution control devices shall maintain the devices in good working order and in constant operation.

For purposes of the first sale of a vehicle at retail, an air pollution control device may be substituted for the manufacturer's original device if the substituted device is at least as effective in the reduction of emissions from the vehicle motor as the air pollution control device furnished by the manufacturer of the vehicle as standard equipment for the same vehicle class.

A person who renders inoperable an air pollution control device on a motor vehicle is guilty of a class C misdemeanor.

Subsection (3) does not apply to a motor vehicle altered and modified to use clean fuel, as defined under Section 59-13-102, when the emissions from the modified or altered motor vehicle are at levels that comply with existing state or federal standards for the emission of pollutants from a motor vehicle of the same class.

A violation of this section is an infraction, except that a violation of Subsection (3) is a class C misdemeanor.

Section 119. Section 41-6a-1627 is amended to read:

41-6a-1627. Mirrors.

(1) (a) A motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle.

(b) A mirror under Subsection (1)(a) shall be located to reflect to the driver a view of
the highway to the rear of the vehicle.

(2) (a) Except for a motorcycle, in addition to the mirror required under Subsection (1), a motor vehicle shall be equipped with a mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side.

(b) The mirror under Subsection (2)(a) shall be located to reflect to the driver a view of the highway to the rear of the vehicle.

(3) A violation of this section is an infraction.

Section 120. Section 41-6a-1628 is amended to read:

41-6a-1628. Seat belts -- Design and installation -- Specifications or requirements.

(1) A safety belt installed in a vehicle to accommodate an adult person shall be designed and installed to prevent or materially reduce the movement of the person using the safety belt in the event of collision or upset of the vehicle.

(2) A person may not sell, offer, or keep for sale a safety belt or attachments for use in a vehicle that does not comply with the specifications under Section 41-6a-1601.

(3) A violation of this section is an infraction.

Section 121. Section 41-6a-1630 is amended to read:

41-6a-1630. Standards applicable to vehicles.

(1) The following standards apply to vehicles under Sections 41-6a-1629 through 41-6a-1633:

(a) A replacement part and equipment used in a mechanical alteration shall be:

(i) designed and capable of performing the function for which they are intended; and

(ii) equal to or greater in strength and durability than the original parts provided by the original manufacturer.

(b) Except for original equipment, a person may not use spacers to increase wheel track width of a vehicle.

(c) A person may not use axle blocks to alter the suspension on the front axle of a vehicle.

(d) A person may not stack two or more axle blocks of a vehicle.

(2) (a) In doubtful or unusual cases, or to meet specific industrial requirements, personnel of the Utah Highway Patrol shall inspect the vehicle to determine:

(i) the road worthiness and safe condition of the vehicle; and
whether it complies with Sections 41-6a-1629 through 41-6a-1633.

(b) If the vehicle complies, the Utah Highway Patrol shall issue a permit of approval that shall be carried in the vehicle.

(3) (a) Upon notice to the party to whom the motor vehicle is registered, the department shall suspend the registration of any motor vehicle equipped, altered, or modified in violation of Sections 41-6a-1629 through 41-6a-1633.

(b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse to register any motor vehicle it has reason to believe is equipped, altered, or modified in violation of Sections 41-6a-1629 through 41-6a-1633.

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

Section 122. Section 41-6a-1631 is amended to read:

41-6a-1631. Prohibitions.

(1) A person may not operate on a highway a motor vehicle that is mechanically altered or changed:

(a) in any way that may under normal operation:

(i) cause the motor vehicle body or chassis to come in contact with the roadway;

(ii) expose the fuel tank to damage from collision; or

(iii) cause the wheels to come in contact with the body;

(b) in any manner that may impair the safe operation of the vehicle;

(c) so that any part of the vehicle other than tires, rims, and mudguards are less than three inches above the ground;

(d) to a frame height of more than 24 inches for a motor vehicle with a gross vehicle weight rating of less than 4,500 pounds;

(e) to a frame height of more than 26 inches for a motor vehicle with a gross vehicle weight rating of at least 4,500 pounds and less than 7,500 pounds;

(f) to a frame height of more than 28 inches for a motor vehicle with a gross vehicle weight rating of at least 7,500 pounds;

(g) by stacking or attaching vehicle frames (one from on top of or beneath another frame); or

(h) so that the lowest portion of the body floor is raised more than three inches above the top of the frame.
(2) If the wheel track is increased beyond the O.E.M. specification, the top 50% of the tires shall be covered by the original fenders, by rubber, or other flexible fender extenders under any loading condition.

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

Section 123. Section 41-6a-1632 is amended to read:

41-6a-1632. Bumpers.

(1) A motor vehicle shall be equipped with a bumper on both front and rear of the motor vehicle, except a motor vehicle that was not originally designed or manufactured with a bumper or bumpers.

(2) (a) On a motor vehicle required to have bumpers under Subsection (1), a bumper shall be:

(i) at least 4.5 inches in vertical height;
(ii) centered on the vehicle's center line; and
(iii) extend no less than the width of the respective wheel track distance.

(b) A bumper shall be securely mounted, horizontal load bearing, and attached to the motor vehicle's frame to effectively transfer impact when engaged.

(3) If a motor vehicle is originally or later equipped with a bumper, the bumper shall:

(a) be maintained in operational condition; and
(b) comply with this section.

(4) A violation of this section is an infraction.

Section 124. Section 41-6a-1633 is amended to read:

41-6a-1633. Mudguards or flaps at rear wheels of trucks, trailers, truck tractors, or altered motor vehicles -- Exemptions.

(1) (a) Except as provided in Subsection (2), when operated on a highway, the following vehicles shall be equipped with wheel covers, mudguards, flaps, or splash aprons behind the rearmost wheels to prevent, as far as practicable, the wheels from throwing dirt, water, or other materials on other vehicles:

(i) a vehicle that has been altered:
(A) from the original manufacturer's frame height; or
(B) in any other manner so that the motor vehicle's wheels may throw dirt, water, or other materials on other vehicles;
(ii) any truck with a gross vehicle weight rating of 10,500 pounds or more;
(iii) any truck tractor; and
(iv) any trailer or semitrailer with an unladen weight of 750 pounds or more.

(b) The wheel covers, mudguards, flaps, or splash aprons shall:
(i) be at least as wide as the tires they are protecting;
(ii) be directly in line with the tires; and
(iii) have a ground clearance of not more than 50% of the diameter of a rear-axle
wheel, under any conditions of loading of the motor vehicle.

(2) Wheel covers, mudguards, flaps, or splash aprons are not required:
(a) if the motor vehicle, trailer, or semitrailer is designed and constructed so that the
requirements of Subsection (1) are accomplished by means of fenders, body construction, or
other means of enclosure; or
(b) on a vehicle operated or driven during fair weather on well-maintained,
hard-surfaced roads if the motor vehicle:
(i) was made in America prior to 1935;
(ii) is registered as a vintage vehicle; or
(iii) is a custom vehicle as defined under Section 41-6a-1507.

(3) Except as provided in Subsection (2)(b), rear wheels not covered at the top by
fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means
extending rearward at least to the center line of the rearmost axle.

(4) A violation of this section is an infraction.

Section 125. Section 41-6a-1634 is amended to read:

41-6a-1634. Safety chains on towed vehicles required -- Exceptions.

(1) A towed vehicle shall be coupled by means of a safety chain, cable or equivalent
device, in addition to the regular trailer hitch or coupling.

(2) Except as provided under Subsection (3), a safety chain, cable or equivalent device
shall be:
(a) securely connected with the chassis of the towing vehicle, the towed vehicle, and
the drawbar;
(b) of sufficient material and strength to prevent the two vehicles from becoming
separated; and
(c) attached to:

(i) have no more slack than is necessary for proper turning;

(ii) the trailer drawbar to prevent it from dropping to the ground; and

(iii) assure the towed vehicle follows substantially in the course of the towing vehicle in case the vehicles become separated.

(3) A violation of Subsection (1) or (2) is an infraction.

[(3)] (4) The provisions of Subsection (2) do not apply to:

(a) semitrailer having a connecting device composed of a fifth wheel and king pin assembly;

(b) pole trailer; or

(c) trailer being towed by a bicycle.

Section 126. Section 41-6a-1635 is amended to read:

41-6a-1635. Windshields and windows -- Tinting -- Obstructions reducing visibility -- Wipers -- Prohibitions.

(1) Except as provided in Subsections (2) and (3), a person may not operate a motor vehicle with:

(a) a windshield that allows less than 70% light transmittance;

(b) a front side window that allows less than 43% light transmittance;

(c) any windshield or window that is composed of, covered by, or treated with any material or component that presents a metallic or mirrored appearance; or

(d) any sign, poster, or other nontransparent material on the windshield or side windows of the motor vehicle except:

(i) a certificate or other paper required to be so displayed by law; or

(ii) the vehicle's identification number displayed or etched in accordance with rules made by the department under Section 41-6a-1601.

(2) Nontransparent materials may be used:

(a) along the top edge of the windshield if the materials do not extend downward more than four inches from the top edge of the windshield or beyond the AS-1 line whichever is lowest;

(b) in the lower left-hand corner of the windshield provided they do not extend more than three inches to the right of the left edge or more than four inches above the bottom edge of
the windshield; or

(c) on the rear windows including rear side windows located behind the vehicle operator.

(3) A windshield or other window is considered to comply with the requirements of Subsection (1) if the windshield or other window meets the federal statutes and regulations for motor vehicle window composition, covering, light transmittance, and treatment.

(4) Except for material used on the windshield in compliance with Subsections (2)(a) and (b), a motor vehicle with tinting or nontransparent material on any window shall be equipped with rear-view mirrors mounted on the left side and on the right side of the motor vehicle to reflect to the driver a view of the highway to the rear of the motor vehicle.

(5) (a) (i) The windshield on a motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield.

(ii) The device shall be constructed to be operated by the operator of the motor vehicle.

(b) A windshield wiper on a motor vehicle shall be maintained in good working order.

(6) A person may not have for sale, sell, offer for sale, install, cover, or treat a windshield or window in violation of this section.

(7) Notwithstanding this section, any person subject to the federal Motor Vehicle Safety Standards, including motor vehicle manufacturers, distributors, dealers, importers, and repair businesses, shall comply with the federal standards on motor vehicle window tinting.

(8) A violation of this section is an infraction.

Section 127. Section 41-6a-1636 is amended to read:

41-6a-1636. Tires which are prohibited -- Regulatory powers of state transportation department -- Winter use of studs -- Special permits -- Tread depth.

(1) A solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal tire in contact with the roadway.

(3) Except as otherwise provided in this section, a person may not have a tire on a vehicle that is moved on a highway that has on the tire's periphery a block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire.
3462 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3463 Department of Transportation may make rules to permit the use of tires on a vehicle having
3464 protuberances other than rubber, if the department concludes that protuberances do not:
3465 (a) damage the highway significantly; or
3466 (b) constitute a hazard to life, health, or property.
3467 (5) Notwithstanding any other provision of this section, a person may use:
3468 (a) a tire with protuberances consisting of tungsten carbide studs on a vehicle if the
3469 studs:
3470 (i) are only used during the winter periods of October 15 through December 31 and
3471 January 1 through March 31 of each year;
3472 (ii) do not project beyond the tread of the traction surface of the tire more than .050
3473 inches; and
3474 (iii) are not used on a vehicle with a maximum gross weight in excess of 9,000 pounds
3475 unless the vehicle is an emergency vehicle or school bus;
3476 (b) farm machinery with tires having protuberances which will not injure the highway;
3477 and
3478 (c) tire chains of reasonable proportions on a vehicle when required for safety because
3479 of snow, ice, or other conditions tending to cause a vehicle to skid.
3480 (6) Notwithstanding any other provision of this chapter, a highway authority, for a
3481 highway under its jurisdiction, may issue special permits authorizing the operation on a
3482 highway of:
3483 (a) farm tractors;
3484 (b) other farm machinery; or
3485 (c) traction engines or tractors having movable tracks with transverse corrugations on
3486 the periphery of the movable tracks.
3487 (7)(a) A person may not operate a vehicle if one or more of the tires in use on the
3488 vehicle:
3489 (i) is in an unsafe operating condition; or
3490 (ii) has a tread depth less than 2/32 inch measured in any two adjacent tread grooves at
3491 three equally spaced intervals around the circumference of the tire.
3492 (b) The measurement under Subsection (7)(a) may not be made at the location of any
tread wear indicator, tie bar, hump, or fillet.

(8) A person in the business of selling tires may not sell or offer for sale for highway use any tire prohibited for use under Subsection (7).

(9) A violation of this section is an infraction.

Section 128. Section 41-6a-1637 is amended to read:

41-6a-1637. Flares, fusees, or electric lanterns and flags -- Alternative reflector units -- Duty to carry in trucks and buses -- Requirements.

(1) Except as provided under Subsection (2) and unless the vehicle is carrying the equipment required under this section, a person may not operate a truck, bus or truck-tractor, or a motor vehicle towing a house trailer:

(a) on a highway outside an urban district; or

(b) on a divided highway during hours of darkness specified under Section 41-6a-1603.

(2) (a) The vehicle shall carry at least:

(i) three flares;

(ii) three red electric lanterns;

(iii) three portable red emergency reflectors; or

(iv) three red-burning fusees.

(b) The equipment required under Subsections (2)(a)(i) and (ii) shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions during the hours of darkness.

(c) The equipment required under Subsection (2)(a)(iii) shall be capable of reflecting red light clearly visible from a distance of not less than 600 feet under normal atmospheric conditions during the hours of darkness when directly in front of lawful lower beams of head lamps.

(3) A flare, fusee, electric lantern, warning flag, or portable reflector used under this section or Section 41-6a-1638 shall comply with specifications adopted under Section 41-6a-1601.

(4) (a) A person may not operate a motor vehicle used for the transportation of explosives or any cargo tank truck used for the transportation of flammable liquids or compressed gases under the conditions specified under Subsections (1)(a) and (b) unless there is carried in the vehicle:
(i) three red electric lanterns; or
(ii) three portable red emergency reflectors.

(b) A person operating a vehicle specified under Subsection (4)(a) or a vehicle using compressed gas as a motor fuel may not carry in the vehicle a flare, fusee, or signal produced by flame.

(5) A person may not operate a vehicle described under this section on a highway outside of an urban district or on a divided highway during daylight hours unless at least two red flags, not less than 12 inches square, with standards to support the flags are carried in the vehicle.

(6) A violation of this section is an infraction.

Section 129. Section 41-6a-1638 is amended to read:

41-6a-1638. Warning signal around disabled vehicle -- Time and place.

(1) (a) When a truck, bus, truck-tractor, trailer, semitrailer, or pole trailer 80 inches or more in over-all width or 30 feet or more in over-all length is stopped on a roadway or adjacent shoulder, the operator shall immediately actuate vehicular hazard warning signal lamps meeting the requirements of Section 41-6a-1611.

(b) The signal lights need not be displayed by a vehicle:
(i) parked lawfully in an urban district;
(ii) stopped lawfully to receive or discharge passengers;
(iii) stopped to avoid conflict with other traffic or to comply with the directions of a peace officer or an official traffic-control device; or
(iv) while the devices specified in Subsections (2) through (6) are in place.

(2) (a) Except as provided in Subsection (3), if a vehicle of a type specified under Subsection (1) is disabled or stopped for more than 10 minutes on a roadway outside of an urban district under the conditions specified under Subsection 41-6a-1603(1), the operator of the vehicle shall display the following warning devices:
(i) a lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic; and
(ii) as soon as possible after placing the warning devices under Subsection (2)(a)(i) but within the burning period of the fusee (15 minutes), the driver shall place three liquid-burning
flares (pot torches), or three lighted red electric lanterns, or three portable red emergency reflectors on the roadway in the following order:

(A) one approximately 100 feet from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane;

(B) one approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by the vehicle; and

(C) one at the traffic side of the disabled vehicle not less than 10 feet rearward or forward of the disabled vehicle in the direction of the nearest approaching traffic.

(b) If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with Subsection (2)(a)(ii)(A), a rearward lantern or reflector under Subsection (2)(a)(ii)(C) is not required.

(3) If a vehicle specified under this section is disabled, or stopped for more than 10 minutes:

(a) within 500 feet of a curve, hillcrest, or other obstruction to view, the warning device in that direction shall be placed to afford ample warning to other users of the highway, but in no case less than 100 feet or more than 500 feet from the disabled vehicle;

(b) on a roadway of a divided highway under the conditions specified under Subsection 41-6a-1603(1), the appropriate warning devices required under Subsections (2) and (4) shall be placed as follows:

(i) one at a distance of approximately 200 feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

(ii) one at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and

(iii) one at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic; or

(c) on a roadway outside of an urban district or on the roadway of a divided highway not under the conditions specified under Subsection 41-6a-1603(1), the driver of the vehicle shall display two red flags as follows:

(i) if traffic on the roadway moves in two directions, one flag shall be placed approximately 100 feet to the rear and one flag approximately 100 feet in advance of the vehicle in the center of the lane occupied by the vehicle; or
(ii) on a one-way roadway, one flag shall be placed approximately 100 feet and one flag
approximately 200 feet to the rear of the vehicle in the center of the lane occupied by the
vehicle.

(4) When a motor vehicle used in the transportation of explosives or any cargo tank
truck used for the transportation of any flammable liquid or compressed gas is disabled, or
stopped for more than 10 minutes, at any time and place specified under Subsection (2) or (3),
the operator of the vehicle shall immediately display red electric lanterns or portable red
emergency reflectors in the same number and manner as specified in Subsection (2) or (3).

(5) The warning devices specified under Subsections (2) through (4) are not required to
be displayed where there is sufficient light to reveal persons and vehicles within a distance of
1,000 feet.

(6) If a vehicle described under this section is stopped entirely off the roadway and on
an adjacent shoulder, the warning devices shall be placed, as nearly as practicable, on the
shoulder near the edge of the roadway.

(7) A violation of this section is an infraction.

Section 130. Section 41-6a-1639 is amended to read:

41-6a-1639. Hazardous materials -- Transportation regulations -- Fire
extinguishers.

(1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
the Department of Transportation shall make rules for the safe transportation of hazardous
materials.

(b) The rules shall adopt by reference or be consistent with current Hazardous
Materials Regulations of the United States Department of Transportation.

(c) An adoption by reference under Subsection (1)(b) shall be construed to incorporate
amendments thereto as may be made from time to time.

(2) A person operating a vehicle transporting any hazardous material as a cargo or part
of a cargo on a highway shall at all times comply with rules made by the Department of
Transportation under this section including being:

(a) marked or placarded; and

(b) equipped with fire extinguishers:

(i) of a type, size, and number approved by rule; and
that are filled, ready for immediate use, and placed at a convenient point on the
vehicle.
(c) A violation of Subsection (2)(a) or (b) is an infraction.

Section 131. Section 41-6a-1641 is amended to read:

41-6a-1641. Video display in motor vehicles prohibited if visible to driver --

Exceptions.

(1) A motor vehicle may not be operated on a highway if the motor vehicle is equipped
with a video display located so that the display is visible to the operator of the vehicle.
(2) This section does not prohibit the use of a video display used exclusively for:
(a) safety or law enforcement purposes if the use is approved by rule of the department
under Section 41-6a-1601;
(b) motor vehicle navigation; or
(c) monitoring of equipment and operating systems of the motor vehicle.
(3) A violation of this section is an infraction.

Section 132. Section 41-6a-1713 is amended to read:

41-6a-1713. Penalty for littering on a highway.

(1) A person who violates any of the provisions of Section 41-6a-1712 is guilty of a

[Class C misdemeanor] an infraction and shall be fined:
(a) not less than $200 for a violation; or
(b) not less than $500 for a second or subsequent violation within three years of a
previous violation of this section.
(2) The sentencing judge may require that the offender devote at least eight hours in
cleaning up:
(a) litter caused by the offender; and
(b) existing litter from a safe area designated by the sentencing judge.

Section 133. Section 41-8-1 is amended to read:

41-8-1. Operation of vehicle by persons under 16 prohibited -- Exceptions for
off-highway vehicles and off-highway implements of husbandry.

(1) A person under 16 years of age, whether resident or nonresident of this state, may
not operate a motor vehicle upon any highway of this state.
(2) This section does not apply to a person operating:
3648 (a) a motor vehicle under a permit issued under Section 53-3-210.5;
3649 (b) an off-highway vehicle registered under Section 41-22-3 either:
3650 (i) on a highway designated as open for off-highway vehicle use; or
3651 (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or
3652 (c) an off-highway implement of husbandry in the manner prescribed by Subsections
3653 41-22-5.5(3) through (5).
3654 (3) A violation of this section is an infraction.
3655 Section 134. Section 41-8-2 is amended to read:
3656 41-8-2. Operation of vehicle by persons under 17 during night hours prohibited
3657 -- Exceptions.
3658 (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a
3659 person younger than 17 years of age, whether resident or nonresident of this state, may not
3660 operate a motor vehicle upon any highway of this state between the hours of 12:00 a.m. and
3661 5:00 a.m.
3662 (2) It is an affirmative defense to a charge under Subsection (1) that the person is
3663 operating a motor vehicle:
3664 (a) accompanied by a licensed driver at least 21 years of age who is occupying a seat
3665 next to the driver;
3666 (b) for the driver's employment, including the trip to and from the driver's residence
3667 and the driver's employment;
3668 (c) directly to the driver's residence from a school-sponsored activity if:
3669 (i) transportation to the activity is provided by a school or school district; and
3670 (ii) the transportation under Subsection (2)(c)(i) commences from and returns to the
3671 school property where the driver is enrolled;
3672 (d) on assignment of a farmer or rancher and the driver is engaged in an agricultural
3673 operation; or
3674 (e) in an emergency.
3675 (3) (a) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver
3676 License Act, a violation of this section is [a class C misdemeanor] an infraction.
3677 (b) A peace officer may not seize or impound a vehicle if:
3678 (i) the operator of the vehicle is cited for a violation of this section; and
Section 135. 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) on assignment of a farmer or rancher and the driver is engaged in an agricultural operation; or

(c) in an emergency.

(3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver License Act, a violation of this section is an infraction.

(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:

(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 136. Section 41-12a-302 is amended to read:

41-12a-302. Operating motor vehicle without owner's or operator's security -- Penalty.

(1) (a) Except as provided in Subsection (1)(b), an owner of a motor vehicle on which
owner's or operator's security is required under Section 41-12a-301, who operates the owner's vehicle or permits it to be operated on a highway in this state without owner's security being in effect is guilty of a class [B] C misdemeanor, and the fine shall be not less than:

(i) $400 for a first offense; and
(ii) $1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.

(b) A court may waive up to $300 of the fine charged to the owner of a motor vehicle under Subsection (1)(a)(i) if the owner demonstrates that owner's or operator's security required under Section 41-12a-301 was obtained subsequent to the violation but before sentencing.

(2) (a) Except as provided under Subsection (2)(b), any other person who operates a motor vehicle upon a highway in Utah with the knowledge that the owner does not have owner's security in effect for the motor vehicle is also guilty of a class [B] C misdemeanor, and the fine shall be not less than:

(i) $400 for a first offense; and
(ii) $1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.

(b) A person that has in effect owner's security on a Utah-registered motor vehicle or its equivalent that covers the operation, by the person, of the motor vehicle in question is exempt from this Subsection (2).

Section 137. Section 41-12a-303.2 is amended to read:

41-12a-303.2. Evidence of owner's or operator's security to be carried when operating motor vehicle -- Defense -- Penalties.

(1) As used in this section:

(a) "Division" means the Motor Vehicle Division of the State Tax Commission.

(b) "Registration materials" means the evidences of motor vehicle registration, including all registration cards, license plates, temporary permits, and nonresident temporary permits.

(2) (a) (i) A person operating a motor vehicle shall:

(A) have in the person's immediate possession evidence of owner's or operator's security for the motor vehicle the person is operating; and

(B) display it upon demand of a peace officer.
(ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is operating:
(A) a government-owned or leased motor vehicle; or
(B) an employer-owned or leased motor vehicle and is driving it with the employer's permission.

(b) Evidence of owner's or operator's security includes any one of the following:
(i) a copy of the operator's valid:
(A) insurance policy;
(B) insurance policy declaration page;
(C) binder notice;
(D) renewal notice; or
(E) card issued by an insurance company as evidence of insurance;
(ii) a certificate of insurance issued under Section 41-12a-402;
(iii) a certified copy of a surety bond issued under Section 41-12a-405;
(iv) a certificate of the state treasurer issued under Section 41-12a-406;
(v) a certificate of self-funded coverage issued under Section 41-12a-407; or
(vi) information that the vehicle or driver is insured from the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8.

(c) A card issued by an insurance company as evidence of owner's or operator's security under Subsection (2)(b)(i)(E) on or after July 1, 2014, may not display the owner's or operator's address on the card.

(d) (i) A person may provide to a peace officer evidence of owner's or operator's security described in this Subsection (2) in:
(A) a hard copy format; or
(B) an electronic format using a mobile electronic device.
(ii) If a person provides evidence of owner's or operator's security in an electronic format using a mobile electronic device under this Subsection (2)(d), the peace officer viewing the owner's or operator's security on the mobile electronic device may not view any other content on the mobile electronic device.
(iii) Notwithstanding any other provision under this section, a peace officer is not subject to civil liability or criminal penalties under this section if the peace officer inadvertently
views content other than the evidence of owner's or operator's security on the mobile electronic device.

(e) (i) Evidence of owner's or operator's security from the Uninsured Motorist Identification Database Program described under Subsection (2)(b)(vi) supercedes any evidence of owner's or operator's security described under Subsection (2)(b)(i)(D) or (E).

(ii) A peace officer may not cite or arrest a person for a violation of Subsection (2)(a) if the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, information indicates that the vehicle or driver is insured.

(3) It is an affirmative defense to a charge under this section that the person had owner's or operator's security in effect for the vehicle the person was operating at the time of the person's citation or arrest.

(4) (a) Evidence of owner's or operator's security as defined under Subsection (2)(b) or a written statement from an insurance producer or company verifying that the person had the required motor vehicle insurance coverage on the date specified is considered proof of owner's or operator's security for purposes of Subsection (3) and Section 41-12a-804.

(b) The court considering a citation issued under this section shall allow the evidence or a written statement under Subsection (4)(a) and a copy of the citation to be faxed or mailed to the clerk of the court to satisfy Subsection (3).

(c) The notice under Section 41-12a-804 shall specify that the written statement under Subsection (4)(a) and a copy of the notice shall be faxed or mailed to the designated agent to satisfy the proof of owner's or operator's security required under Section 41-12a-804.

(5) A violation of this section is a class [B] C misdemeanor, and the fine shall be not less than:

(a) $400 for a first offense; and

(b) $1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.

(6) Upon receiving notification from a court of a conviction for a violation of this section, the department:

(a) shall suspend the person's driver license; and

(b) may not renew the person's driver license or issue a driver license to the person until the person gives the department proof of owner's or operator's security.
This proof of owner's or operator's security shall be given by any of the ways required under Section 41-12a-401.

This proof of owner's or operator's security shall be maintained with the department for a three-year period.

(iii) An insurer that provides a certificate of insurance as provided under Section 41-12a-402 or 41-12a-403 may not terminate the insurance policy unless notice of termination is filed with the department no later than 10 days after termination as required under Section 41-12a-404.

(iv) If a person who has canceled the certificate of insurance applies for a license within three years from the date proof of owner's or operator's security was originally required, the department shall refuse the application unless the person reestablishes proof of owner's or operator's security and maintains the proof for the remainder of the three-year period.

Section 138. Section 41-22-3 is amended to read:


(1) (a) Unless exempted under Section 41-22-9, a person may not operate or transport and an owner may not give another person permission to operate or transport any off-highway vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle is registered under this chapter for the current year.

(b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway vehicle which can be used or transported on any public land, trail, street, or highway in this state, unless the off-highway vehicle is registered or is in the process of being registered under this chapter for the current year.

(2) The owner of an off-highway vehicle subject to registration under this chapter shall apply to the Motor Vehicle Division for registration on forms approved by the Motor Vehicle Division.

(3) Each application for registration of an off-highway vehicle shall be accompanied by:

(a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of sale showing ownership, make, model, horsepower or displacement, and serial number;

(b) the past registration card; or
(c) the fee for a duplicate.

(4) (a) Upon each annual registration, the Motor Vehicle Division shall issue a registration sticker and a registration card for each off-highway vehicle registered.

(b) The registration sticker shall:

(i) contain a unique number using numbers, letters, or combination of numbers and letters to identify the off-highway vehicle for which it is issued;

(ii) be affixed to the off-highway vehicle for which it is issued in a plainly visible position as prescribed by rule of the board under Section 41-22-5.1; and

(iii) be maintained free of foreign materials and in a condition to be clearly legible.

(c) At all times, a registration card shall be kept with the off-highway vehicle and shall be available for inspection by a law enforcement officer.

(5) (a) Except as provided by Subsection (5)(c), an applicant for a registration card and registration sticker shall provide the Motor Vehicle Division a certificate, described under Subsection (5)(b), from the county assessor of the county in which the off-highway vehicle has situs for taxation.

(b) The certificate required under Subsection (5)(a) shall state one of the following:

(i) the property tax on the off-highway vehicle for the current year has been paid;

(ii) in the county assessor's opinion, the tax is a lien on real property sufficient to secure the payment of the tax; or

(iii) the off-highway vehicle is exempt by law from payment of property tax for the current year.

(c) An off-highway vehicle for which an off-highway implement of husbandry sticker has been issued in accordance with Section 41-22-5.5 is exempt from the requirement under this Subsection (5).

(6) (a) All records of the division made or kept under this section shall be classified by the Motor Vehicle Division in the same manner as motor vehicle records are classified under Section 41-1a-116.

(b) Division records are available for inspection in the same manner as motor vehicle records under Section 41-1a-116.

(7) A violation of this section is an infraction.
41-22-4. Falsification of documents unlawful -- Alteration or removal of serial number unlawful -- Display of sticker.

(1) A person may not:

[(a)] (a) knowingly falsify an application for registration, affidavit of ownership, or bill of sale for any off-highway vehicle;

[(b)] (b) alter, deface, or remove any manufacturer's serial number on any off-highway vehicle;

[(c)] (c) use or permit the use or display of any registration sticker, registration card, or permit upon an off-highway vehicle or in the operation of any off-highway vehicle other than the vehicle for which it was issued; or

[(d)] (d) alter or deface a registration sticker, registration card, or permit issued to an off-highway vehicle.

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

Section 140. Section 41-22-5.5 is amended to read:

41-22-5.5. Off-highway husbandry vehicles.

(1) (a) (i) The owner of an all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, or snowmobile used for agricultural purposes may apply to the Motor Vehicle Division for an off-highway implement of husbandry sticker.

(ii) Each application under Subsection (1)(a)(i) shall be accompanied by:

(A) evidence of ownership;

(B) a title or a manufacturer's certificate of origin; and

(C) a signed statement certifying that the off-highway vehicle is used for agricultural purposes.

(iii) The owner shall receive an off-highway implement of husbandry sticker upon production of:

(A) the documents required under this Subsection (1); and

(B) payment of an off-highway implement of husbandry sticker fee established by the board not to exceed $10.

(b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or highways, it shall also be registered under Section 41-22-3.

(c) The off-highway implement of husbandry sticker shall be displayed in a manner
prescribed by the board and shall identify the all-terrain type I vehicle, motorcycle, or
snowmobile as an off-highway implement of husbandry.

(2) The off-highway implement of husbandry sticker is valid only for the life of the
ownership of the all-terrain type I vehicle, motorcycle, or snowmobile and is not transferable.

(3) The off-highway implement of husbandry sticker is valid for an all-terrain type I
vehicle, motorcycle, or snowmobile which is being operated adjacent to a roadway:

(a) when the all-terrain type I vehicle, motorcycle, or snowmobile is only being used to
travel from one parcel of land owned or operated by the owner of the vehicle to another parcel
of land owned or operated by the owner; and

(b) when this operation is necessary for the furtherance of agricultural purposes.

(4) If the operation of an off-highway implement of husbandry adjacent to a roadway is
impractical, it may be operated on the roadway if the operator exercises due care towards
conventional motor vehicle traffic.

(5) It is unlawful to operate an off-highway implement of husbandry along, across, or
within the boundaries of an interstate freeway.

(6) A violation of this section is an infraction.

Section 141. Section 41-22-10.1 is amended to read:


(1) Currently registered off-highway vehicles may be operated on public land, trails,
streets, or highways that are posted by sign or designated by map or description as open to
off-highway vehicle use by the controlling federal, state, county, or municipal agency.

(2) The controlling federal, state, county, or municipal agency may:

(a) provide a map or description showing or describing land, trails, streets, or highways
open to off-highway vehicle use; or

(b) post signs designating lands, trails, streets, or highways open to off-highway
vehicle use.

(3) Liability may not be imposed on any federal, state, county, or municipality relating
to the designation or maintenance of any land, trail, street, or highway open for off-highway
vehicle use.

(4) A violation of this section is an infraction.

Section 142. Section 41-22-10.2 is amended to read:
41-22-10.2. Off-highway vehicles -- Prohibited on interstate freeway.

(1) It is unlawful for an off-highway vehicle to operate along, across, or within the boundaries of an interstate freeway or controlled access highway, as defined in Section 41-6a-102.

(2) A violation of this section is an infraction.

Section 143. Section 41-22-10.3 is amended to read:

41-22-10.3. Operation of vehicles on highways -- Limits.

A person may not operate an off-highway vehicle upon any street or highway, not designated as open to off-highway vehicle use, except:

(1) when crossing a street or highway and the operator comes to a complete stop before crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a right angle;

(2) when loading or unloading an off-highway vehicle from a vehicle or trailer, which shall be done with due regard for safety, and at the nearest practical point of operation;

(3) when an emergency exists, during any period of time and at those locations when the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or other public authority; or

(4) when operating a street-legal all-terrain vehicle on a highway in accordance with Section 41-6a-1509.

(5) A violation of this section is an infraction.

Section 144. Section 41-22-10.7 is amended to read:

41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.

(1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped with:

(a) brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions;

(b) headlights and taillights when operated between sunset and sunrise;

(c) a noise control device and except for a snowmobile, a spark arrestor device; and

(d) when operated on sand dunes designated by the board, a safety flag that is:

(i) red or orange in color;

(ii) a minimum of six by 12 inches; and
(iii) attached to:
(A) the off-highway vehicle so that the safety flag is at least eight feet above the surface of level ground; or
(B) the protective headgear of a person operating a motorcycle so that the safety flag is at least 18 inches above the top of the person's head.

(2) A violation of Subsection (1) is an infraction.

[(2)] (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules which set standards for the equipment and which designate sand dunes where safety flags are required under Subsection (1).

[(3)] (4) An off-highway implement of husbandry used only in agricultural operations and not operated on a highway, is exempt from the provisions of this section.

Section 145. Section 41-22-11 is amended to read:

41-22-11. Agencies authorized to erect regulatory signs on public land.
(1) No person, except an agent of an appropriate federal, state, county, or city agency, operating within that agency's authority, may place a regulatory sign governing off-highway vehicle use on any public land.

(2) A violation of this section is an infraction.

Section 146. Section 41-22-12 is amended to read:

(1) Except as provided in Sections 79-4-203 and 79-4-304, federal agencies are encouraged and agencies of the state and its subdivisions shall pursue opportunities to open public land to responsible off-highway vehicle use and cross-country motor vehicle travel.

(2) A person may not tear down, mutilate, deface, or destroy:
(a) a sign, signboard, or other notice that prohibits or regulates the use of an off-highway vehicle on public land; or
(b) a fence or other enclosure or a gate or bars belonging to the fence or other enclosure.

(3) A violation of Subsection (2) is an infraction.

Section 147. Section 41-22-12.1 is amended to read:

41-22-12.1. Restrictions on use of snowmobile trails.
(1) A person may not operate a wheeled vehicle with a gross vehicle weight of 800
pounds or more on any snowmobile trail that the division has marked, posted, designated, or
maintained as a snowmobile trail.

(2) A violation of this section is an infraction.

Section 148. Section 41-22-12.2 is amended to read:

41-22-12.2. Unlawful cross-country motor vehicle travel on public land.
(1) A person may not operate and an owner of a motor vehicle may not give another
person permission to operate a motor vehicle cross-country on any public land not designated
for that use by the controlling agency.
(2) A person who violates this section is guilty of [a class C misdemeanor] an
infraction.
(3) As part of any sentence for a conviction of a violation of this section, the court:
(a) may impose a fine not to exceed $150; and
(b) may require the person to perform community service in the form of repairing any
damage to the public land caused by the unlawful cross-country motor vehicle travel.

Section 149. Section 41-22-12.5 is amended to read:

41-22-12.5. Restrictions on use of privately-owned lands without permission --
Unlawful for person to tamper with signs or fencing on privately-owned land.
(1) (a) A person may not operate or accompany a person operating a motor vehicle on
privately-owned land of any other person, firm, or corporation without permission from the
owner or person in charge.
(b) A person operating or accompanying a person operating a motor vehicle may not
refuse to immediately leave private land upon request of the owner or person in charge of the
land.
(c) Subsections (1)(a) and (b) do not apply to prescriptive easements on privately
owned land.
(d) A person who violates Subsection (1)(a) [or (b) is guilty of a class C misdemeanor]
is guilty of an infraction.
(e) A person who violates Subsection (1)(b) is guilty of a class C misdemeanor.
As part of any sentence for a conviction of a violation of Subsection (1)(a) or
(b), the court may:
(i) impose a fine of not more than $150;
(ii) require the person to pay restitution not to exceed $500 for any damage caused by
the unlawful motor vehicle travel; and
(iii) require the person to perform community service in the form of repairing any
damage caused by the unlawful motor vehicle travel.
(2) A person operating or accompanying a person operating a motor vehicle may not
obstruct an entrance or exit to private property without the owner's permission.
(3) A person may not:
(a) tear down, mutilate, or destroy any sign, signboards, or other notice which regulates
trespassing for purposes of operating a motor vehicle on land; or
(b) tear down, deface, or destroy any fence or other enclosure or any gate or bars
belonging to the fence or enclosure.
(4) (a) A violation of Subsection (2) is an infraction.
(b) A violation of Subsection (3) is a class C misdemeanor.
Section 150. Section 41-22-12.7 is amended to read:
41-22-12.7. Enhanced penalties for unlawful motor vehicle use on public or
private property.
(1) A person is guilty of a class [B] C misdemeanor for unlawful cross-country use of a
motor vehicle on public land or unlawful motor vehicle use on private property if the person:
(a) violates Section 41-22-12.2, 41-22-12.5, or 41-22-13; and
(b) (i) has been convicted of violating Section 41-22-12, 41-22-12.2, 41-22-12.5, or
41-22-13 within the last two years; or
(ii) knowingly, intentionally, or recklessly:
(A) damages vegetation, trees, wetlands, riparian areas, fences, structures, or
improvements; or
(B) harasses wildlife or livestock.
(2) As part of any sentence for a conviction of a violation described in Subsection (1),
the court may:
(a) impose a fine not to exceed $300;
(b) require the person to pay restitution not to exceed $1,000 for damage caused by the
unlawful motor vehicle use; and
(c) require the person to perform community service in the form of repairing any
damage to the public land caused by the unlawful motor vehicle use.

(3) As part of any sentence for a conviction described in Subsection (1) that is within
five years of a prior conviction described in Subsection (1), the court may:
(a) impose a fine not to exceed $1,000;
(b) require the person to pay restitution not to exceed $2,000 for damage caused by the
unlawful motor vehicle use; and
(c) require the person to perform community service in the form of repairing any
damage caused by the unlawful motor vehicle use.

Section 151. Section 41-22-13 is amended to read:


(1) No person may operate an off-highway vehicle in connection with acts of
vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage
to the environment which includes excessive pollution of air, water, or land, abuse of the
watershed, impairment of plant or animal life, or excessive mechanical noise.

(2) A violation of this section is an infraction.

Section 152. Section 41-22-15 is amended to read:

41-22-15. Permission required for race or organized event.

(1) No person may organize, promote, or hold an off-highway vehicle race or other
organized event on any land or highway within this state, except as permitted by the
appropriate agency or landowner having jurisdiction over the land or highway.

(2) A violation of this section is an infraction.

Section 153. Section 41-22-17 is amended to read:

41-22-17. Penalties for violations.

(1) Except as otherwise provided, a person who violates the provisions of this chapter
is guilty of [a class C misdemeanor] an infraction.

(2) The division may revoke or suspend the registration of any off-highway vehicle
whose application for registration has been falsified. The owner shall surrender to the division,
within 15 days of suspension or revocation, the suspended or revoked registration card and
registration sticker.

Section 154. Section 53-3-202 is amended to read:

53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.
(1) A person may not drive a motor vehicle on a highway in this state unless the person is:

   (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the division under this chapter;
   (b) driving an official United States Government class D motor vehicle with a valid United States Government driver permit or license for that type of vehicle;
   (c) driving a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved, or propelled on the highways;
   (d) a nonresident who is at least 16 years of age and younger than 18 years of age who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country and is driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;
   (e) a nonresident who is at least 18 years of age and who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country if driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;
   (f) driving under a learner permit in accordance with Section 53-3-210.5;
   (g) driving with a temporary license certificate issued in accordance with Section 53-3-207; or
   (h) exempt under Title 41, Chapter 22, Off-Highway Vehicles.

(2) A person may not drive or, while within the passenger compartment of a motor vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a motor vehicle upon a highway unless the person:

   (a) holds a valid license issued under this chapter for the type or class of motor vehicle being towed; or
   (b) is exempted under either Subsection (1)(b) or (1)(c).

(3) A person may not drive a motor vehicle as a taxicab on a highway of this state unless the person has a taxicab endorsement issued by the division on his license certificate.

(4) (a) Except as provided in Subsections (4)(b) and (c), a person may not operate:
   (i) a motorcycle unless the person has a valid class D driver license and a motorcycle
endorsement issued under this chapter;
(ii) a street legal all-terrain vehicle unless the person has a valid class D driver license;
or
(iii) a motor-driven cycle unless the person has a valid class D driver license and a
motorcycle endorsement issued under this chapter.
(b) A person operating a moped, as defined in Section 41-6a-102, or an electric assisted
bicycle, as defined in Section 41-6a-102, is not required to have a motorcycle endorsement
issued under this chapter.
(c) A person is not required to have a valid class D driver license if the person is:
(i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance
with Section 41-6a-1115; or
(ii) operating an electric personal assistive mobility device, as defined in Section
41-6a-102, in accordance with Section 41-6a-1116.
(5) A person who violates this section is guilty of [a class C misdemeanor] an
infraction.
53-3-203. Authorizing or permitting driving in violation of chapter -- Renting of
motor vehicles -- License requirements -- Employees must be licensed -- Violations.
(1) A person may not authorize or knowingly permit a motor vehicle owned by him or
under his control to be driven by a person in violation of this chapter.
(2) (a) A person may not rent a motor vehicle to another person unless the person who
will be the driver is licensed in this state, or in the case of a nonresident, licensed under the
laws of the state or country of his residence.
(b) A person may not rent a motor vehicle to another person until he has inspected the
license certificate of the person who will be the driver and verified the signature on the license
certificate by comparison with the signature of the person who will be the driver written in his
presence.
(c) A person renting a motor vehicle to another shall keep a record of the:
(i) registration number of the rented motor vehicle;
(ii) name and address of the person to whom the motor vehicle is rented;
(iii) number of the license certificate of the renter; and
(iv) date and place the license certificate was issued.

(d) The record is open to inspection by any peace officer or officer or employee of the division.

(3) A person may not employ a person to drive a motor vehicle who is not licensed as required under this chapter.

(4) A person who violates [Subsection (1), (2)(a), or (3)] this section is guilty of [a class C misdemeanor] an infraction.

Section 156. Section 53-3-207 is amended to read:

53-3-207. License certificates or driving privilege cards issued to drivers by class of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.

(1) As used in this section:

(a) "Driving privilege" means the privilege granted under this chapter to drive a motor vehicle.

(b) "Governmental entity" means the state and its political subdivisions as defined in this Subsection (1).

(c) "Political subdivision" means any county, city, town, school district, public transit district, community development and renewal agency, special improvement or taxing district, local district, special service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public corporation.

(d) "State" means this state, and includes any office, department, agency, authority, commission, board, institution, hospital, college, university, children's justice center, or other instrumentality of the state.

(2) (a) The division shall issue to every person privileged to drive a motor vehicle, a regular license certificate, a limited-term license certificate, or a driving privilege card indicating the type or class of motor vehicle the person may drive.

(b) A person may not drive a class of motor vehicle unless granted the privilege in that class.

(3) (a) Every regular license certificate, limited-term license certificate, or driving privilege card shall bear:
(i) the distinguishing number assigned to the person by the division;
(ii) the name, birth date, and Utah residence address of the person;
(iii) a brief description of the person for the purpose of identification;
(iv) any restrictions imposed on the license under Section 53-3-208;
(v) a photograph of the person;
(vi) a photograph or other facsimile of the person's signature;
(vii) an indication whether the person intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended under Subsection 53-3-214(3); and
(viii) except as provided in Subsection (3)(b), if the person states that the person is a veteran of the United States military on the application for a driver license in accordance with Section 53-3-205 and provides verification that the person was granted an honorable or general discharge from the United States Armed Forces, an indication that the person is a United States military veteran for a regular license certificate or limited-term license certificate issued on or after July 1, 2011.

(b) A regular license certificate or limited-term license certificate issued to any person younger than 21 years on a portrait-style format as required in Subsection (5)(b)(i) is not required to include an indication that the person is a United States military veteran under Subsection (3)(a)(viii).

(c) A new license certificate issued by the division may not bear the person's Social Security number.

(d) (i) The regular license certificate, limited-term license certificate, or driving privilege card shall be of an impervious material, resistant to wear, damage, and alteration.
(ii) Except as provided under Subsection (4)(b), the size, form, and color of the regular license certificate, limited-term license certificate, or driving privilege card shall be as prescribed by the commissioner.
(iii) The commissioner may also prescribe the issuance of a special type of limited regular license certificate, limited-term license certificate, or driving privilege card under Subsection 53-3-220(4).

(4) (a) (i) The division, upon determining after an examination that an applicant is mentally and physically qualified to be granted a driving privilege, may issue to an applicant a
receipt for the fee if the applicant is eligible for a regular license certificate or limited-term license certificate.

(ii) (A) The division shall issue a temporary regular license certificate or temporary limited-term license certificate allowing the person to drive a motor vehicle while the division is completing its investigation to determine whether the person is entitled to be granted a driving privilege.

(B) A temporary regular license certificate or a temporary limited-term license certificate issued under this Subsection (4) shall be recognized and have the same rights and privileges as a regular license certificate or a limited-term license certificate.

(b) The temporary regular license certificate or temporary limited-term license certificate shall be in the person's immediate possession while driving a motor vehicle, and it is invalid when the person's regular license certificate or limited-term license certificate has been issued or when, for good cause, the privilege has been refused.

(c) The division shall indicate on the temporary regular license certificate or temporary limited-term license certificate a date after which it is not valid as a temporary license.

(d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a temporary driving privilege card or other temporary permit to an applicant for a driving privilege card.

(ii) The division may issue a learner permit issued in accordance with Section 53-3-210.5 to an applicant for a driving privilege card.

(5) (a) The division shall distinguish learner permits, temporary permits, regular license certificates, limited-term license certificates, and driving privilege cards issued to any person younger than 21 years of age by use of plainly printed information or the use of a color or other means not used for other regular license certificates, limited-term license certificates, or driving privilege cards.

(b) The division shall distinguish a regular license certificate, limited-term license certificate, or driving privilege card issued to any person:

(i) younger than 21 years of age by use of a portrait-style format not used for other regular license certificates, limited-term license certificates, or driving privilege cards and by plainly printing the date the regular license certificate, limited-term license certificate, or driving privilege card holder is 21 years of age, which is the legal age for purchasing an
alcoholic beverage or alcoholic product under Section 32B-4-403; and
(ii) younger than 19 years of age, by plainly printing the date the regular license
certificate, limited-term license certificate, or driving privilege card holder is 19 years of age,
which is the legal age for purchasing tobacco products under Section 76-10-104.
(6) The division shall distinguish a limited-term license certificate by clearly indicating
on the document:
(a) that it is temporary; and
(b) its expiration date.
(7) (a) The division shall only issue a driving privilege card to a person whose privilege
was obtained without providing evidence of lawful presence in the United States as required
under Subsection 53-3-205(8).
(b) The division shall distinguish a driving privilege card from a license certificate by:
(i) use of a format, color, font, or other means; and
(ii) clearly displaying on the front of the driving privilege card a phrase substantially
similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".
(8) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary
permit, temporary regular license certificate, temporary limited-term license certificate, or any
other temporary permit.
(9) The division shall issue temporary license certificates of the same nature, except as
to duration, as the license certificates that they temporarily replace, as are necessary to
implement applicable provisions of this section and Section 53-3-223.
(10) (a) A governmental entity may not accept a driving privilege card as proof of
personal identification.
(b) A driving privilege card may not be used as a document providing proof of a
person's age for any government required purpose.
(11) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.
(12) Unless otherwise provided, the provisions, requirements, classes, endorsements,
fees, restrictions, and sanctions under this code apply to a:
(a) driving privilege in the same way as a license or limited-term license issued under
this chapter; and
limited-term license certificate or driving privilege card in the same way as a
regular license certificate issued under this chapter.

Section 157. Section 53-3-208 is amended to read:

53-3-208. Restrictions.

(1) (a) When granting a license, the division may for good cause impose restrictions,
suitable to the licensee's driving ability, for the type of motor vehicle or special mechanical
control devices required on a motor vehicle that the licensee may drive.
(b) The division may impose other restrictions on the licensee as it determines
appropriate to assure safe driving of a motor vehicle by the licensee.

(2) The division may either grant a special restricted license or may set forth
restrictions upon the regular license certificate.

(3) (a) The division may suspend or revoke any license upon receiving satisfactory
evidence of any violation of the restrictions imposed on the license.
(b) Each licensee is entitled to a hearing for a suspension or revocation under this
chapter.

(4) It is [a class C misdemeanor] an infraction for a person to drive a motor vehicle in
violation of the restrictions imposed on his license under this section.

Section 158. Section 53-3-210.6 is amended to read:

53-3-210.6. Motorcycle learner permit.

(1) The division, upon receiving an application for a motorcycle learner permit, may
issue a motorcycle learner permit effective for six months to an applicant who:
(a) holds an original or provisional class D license, a CDL, or an out-of-state
equivalent of an original or provisional class D license or a CDL; and
(b) has passed the motorcycle knowledge test.

(2) A motorcycle learner permit entitles an applicant to operate a motorcycle on a
highway subject to the restrictions in Subsection (3).

(3) (a) For the first two months from the date a motorcycle learner permit is issued, the
operator of a motorcycle holding the motorcycle learner permit may not operate a motorcycle:
(i) on a highway with a posted speed limit of more than 60 miles per hour;
(ii) with any passengers; or
(iii) during the nighttime hours after 10 p.m. and before 6 a.m.
(b) For the third through sixth months from the date a motorcycle learner permit is issued, the operator of a motorcycle holding the motorcycle learner permit may operate a motorcycle without any restrictions imposed under this Subsection (3).

(c) It is an affirmative defense to a charge that a person who has been issued a motorcycle learner permit is operating a motorcycle in violation of the restrictions under Subsection (3)(a) if the person is operating the motorcycle:

(i) for the operator's employment, including the trip to and from the operator's residence and the operator's employment;

(ii) on assignment of a rancher or farmer and the operator is engaged in an agricultural operation; or

(iii) in an emergency.

(d) A violation of Subsection (3)(a) is an infraction.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules governing the issuance of a motorcycle learner permit and establishing the proof requirements for an applicant to demonstrate that the applicant has completed a motorcycle rider education program.

Section 159. Section 53-3-213 is amended to read:

53-3-213. Age and experience requirements to drive school bus or certain other carriers -- Misdemeanor to drive unauthorized class of motor vehicle -- Waiver of driving examination by third party certification.

(1) (a) A person must be at least 21 years of age:

(i) to drive any school bus;

(ii) to drive any commercial motor vehicle outside this state; or

(iii) while transporting passengers for hire or hazardous materials.

(b) Subject to the requirements of Subsection (1)(a), the division may grant a commercial driver license to any applicant who is at least 18 years of age and has had at least one year of previous driving experience.

(c) It is a class C misdemeanor for any person to drive a class of motor vehicle for which he is not licensed.

(2) (a) At the discretion of the commissioner and under standards established by the division, persons employed as commercial drivers may submit a third party certification as
provided in Part 4, Uniform Commercial Driver License Act, in lieu of the driving segment of the examination.

(b) The division shall maintain necessary records and set standards to certify companies desiring to qualify under Subsection (2)(a).

Section 160. Section 53-3-217 is amended to read:

53-3-217. License to be carried when driving motor vehicle -- Production in court -- Violation.

(1) (a) The licensee shall have his license certificate in his immediate possession at all times when driving a motor vehicle.

(b) A licensee shall display his license certificate upon demand of a justice of peace, a peace officer, or a field deputy or inspector of the division.

(2) It is a defense to a charge under this section that the person charged produces in court a license certificate issued to him and valid at the time of his citation or arrest.

(3) A person who violates Subsection (1)(a) or (1)(b) is guilty of a [class C misdemeanor] an infraction.

Section 161. Section 53-3-218 is amended to read:

53-3-218. Court to report convictions and may recommend suspension of license -- Severity of speeding violation defined.

(1) As used in this section, "conviction" means conviction by the court of first impression or final administrative determination in an administrative traffic proceeding.

(2) (a) Except as provided in Subsection (2)(c), a court having jurisdiction over offenses committed under this chapter or any other law of this state, or under any municipal ordinance regulating driving motor vehicles on highways or driving motorboats on the water, shall forward to the division within five days, an abstract of the court record of the conviction or plea held in abeyance of any person in the court for a reportable traffic or motorboating violation of any laws or ordinances, and may recommend the suspension of the license of the person convicted.

(b) When the division receives a court record of a conviction or plea in abeyance for a motorboat violation, the division may only take action against a person's driver license if the motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.
(c) (i) A court [is] may not [required to] forward to the division [within five days] an abstract of the court record of the conviction for a violation described in Subsection 53-3-220(1)(c) and the Driver License Division [is] may not [required to] suspend a person's license for a violation described in Subsection 53-3-220(1)(c) if:

(A) the violation did not involve a motor vehicle; and

(B) the person convicted of a violation described in Subsection 53-3-220(1)(c):

(I) is participating in or has successfully completed substance abuse treatment at a licensed substance abuse treatment program that is approved by the Division of Substance Abuse and Mental Health in accordance with Section 62A-15-105; or

(II) is participating in or has successfully completed probation through the Department of Corrections Adult Probation and Parole in accordance with Section 77-18-1.

(ii) If the person convicted of a violation described in Subsection 53-3-220(1)(c) fails to comply with the terms of a substance abuse treatment program under Subsection (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II):

(A) the substance abuse treatment program licensed by the Division of Substance Abuse and Mental Health or the Department of Corrections Adult Probation and Parole shall immediately provide an affidavit or other sworn information to the court notifying the court that the person has failed to comply with the terms of a substance abuse treatment program under Subsection (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II);

(B) upon receipt of an affidavit or sworn statement under Subsection (2)(c)(ii)(A), the court shall immediately forward an abstract of the court record of the conviction for a violation described in Subsection 53-3-220(1)(c) to the division; and

(C) the division shall immediately suspend the person's license in accordance with Subsection 53-3-220(1)(c).

(3) The abstract shall be made in the form prescribed by the division and shall include:

(a) the name, date of birth, and address of the party charged;

(b) the license certificate number of the party charged, if any;

(c) the registration number of the motor vehicle or motorboat involved;

(d) whether the motor vehicle was a commercial motor vehicle;

(e) whether the motor vehicle carried hazardous materials;

(f) whether the motor vehicle carried 16 or more occupants;
(g) whether the driver presented a commercial driver license;
(h) the nature of the offense;
(i) whether the offense involved an accident;
(j) the driver's blood alcohol content, if applicable;
(k) if the offense involved a speeding violation:
   (i) the posted speed limit;
   (ii) the actual speed; and
   (iii) whether the speeding violation occurred on a highway that is part of the interstate
system as defined in Section 72-1-102;
(l) the date of the hearing;
(m) the plea;
(n) the judgment or whether bail was forfeited; and
(o) the severity of the violation, which shall be graded by the court as "minimum," "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).
(4) When a convicted person secures a judgment of acquittal or reversal in any
appellate court after conviction in the court of first impression, the division shall reinstate the
convicted person's license immediately upon receipt of a certified copy of the judgment of
acquittal or reversal.
(5) Upon a conviction for a violation of the prohibition on using a handheld wireless
communication device for text messaging or electronic mail communication while operating a
moving motor vehicle under Section 41-6a-1716, a judge may order a suspension of the
convicted person's license for a period of three months.
(6) Upon a conviction for a violation of careless driving under Section 41-6a-1715 that
causes or results in the death of another person, a judge may order a revocation of the convicted
person's license for a period of one year.
Section 162. Section 53-3-412 is amended to read:
53-3-412. CDL classifications, endorsements, and restrictions.
(1) A CDL may be granted with the following classifications, endorsements, and
restrictions:
   (a) Classifications:
   (i) Class A: any combination of vehicles with a GVWR of 26,001 pounds or more, if
the GVWR of the one or more vehicles being towed is in excess of 10,000 pounds;

(ii) Class B: any single motor vehicle with a GVWR of 26,001 pounds or more,

including that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less;

and

(iii) Class C: any single motor vehicle with a GVWR of less than 26,001 pounds or

that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less when the

vehicle is designed:

(A) to carry 16 or more passengers, including the driver;

(B) as a school bus, and weighing less than 26,001 pounds GVWR; or

(C) to transport hazardous materials that requires the vehicle to be placarded under 49

C.F.R. Part 172, Subpart F.

(b) Endorsements:

(i) "H" authorizes the driver to drive a commercial motor vehicle transporting

hazardous materials as defined in 49 C.F.R. Sec. 383.5.

(ii) "N" authorizes the driver to drive a tank vehicle.

(iii) "P" authorizes the driver to drive a motor vehicle designed to carry 16 or more

passengers including the driver.

(iv) "S" authorizes the driver to transport preprimary, primary, or secondary school

students from home to school, school to home, or to and from school-sponsored events.

(v) "T" authorizes the driver to drive a commercial motor vehicle with a double or

triple trailer.

(vi) "X" authorizes the driver to drive a tank vehicle and transport hazardous materials.

(c) Restrictions:

(i) "E" restricts the driver from driving a commercial motor vehicle with a manual

transmission.

(ii) "K" restricts the driver to driving intrastate only any commercial motor vehicle as

defined by 49 C.F.R. Parts 383 and 390.

(iii) "L" restricts the driver to driving a commercial motor vehicle not equipped with

air brakes.

(iv) "J" provides for other CDL restrictions.

(v) "M" restricts a driver from transporting passengers using a class A bus.
(vi) "N" restricts a driver from transporting passengers using a class A or class B bus.
(vii) "O" restricts a driver from driving a commercial motor vehicle equipped with a tractor trailer.
(viii) (A) "V" indicates that the driver has been issued a variance by the Federal Motor Carrier Safety Administration in reference to the driver's medical certification status.
(B) A driver with a "V" restriction shall have the letter outlining the specifications for the variance in the driver's possession along with the driver's commercial driver license when operating a commercial motor vehicle.
(ix) "Z" restricts a driver from driving a commercial motor vehicle with non-fully equipped air brakes.

(2) A commercial driver instruction permit may be granted with the following classifications, endorsements, and restrictions:

(a) Classifications:
(i) Class A: any combination of vehicles with a GVWR of 26,001 pounds or more, if the GVWR of the one or more vehicles being towed is in excess of 10,000 pounds;
(ii) Class B: any single motor vehicle with a GVWR of 26,001 pounds or more, including that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less; and
(iii) Class C: any single motor vehicle with a GVWR of less than 26,001 pounds or that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less when the vehicle is designed:
(A) to carry 16 or more passengers, including the driver;
(B) as a school bus, and weighing less than 26,001 pounds GVWR; or
(C) to transport hazardous material that requires the vehicle to be placarded under 49 C.F.R. Part 172, Subpart F.

(b) Endorsements:
(i) "N" authorizes the driver to drive a tank vehicle. An "N" endorsement may only be issued with an "X" restriction.
(ii) "P" authorizes the driver to drive a motor vehicle designed to carry 16 or more passengers including the driver. A "P" endorsement may only be issued with a "P" restriction.
(iii) "S" authorizes the driver to transport preprimary, primary, or secondary school
students from home to school, school to home, or to and from school-sponsored events. An "S" endorsement may only be issued with a "P" restriction.

(c) Restrictions:

(i) "K" restricts the driver to driving intrastate only any commercial motor vehicle as defined by 49 C.F.R. Parts 383 and 390.

(ii) "L" restricts the driver to driving a commercial motor vehicle not equipped with air brakes.

(iii) "M" restricts a driver from transporting passengers using a class A bus.

(iv) "N" restricts a driver from transporting passengers using a class A or class B bus.

(v) "P" restricts a driver from having one or more passengers in the vehicle while driving a commercial motor vehicle bus unless the passenger is:

(A) a federal or state auditor or inspector;

(B) a test examiner;

(C) another trainee; or

(D) the CDL holder accompanying the CDIP holder as required in 49 C.F.R. Sec. 383.25.

(vi) (A) "V" indicates that the driver has been issued a variance by the Federal Motor Carrier Safety Administration in reference to the driver's medical certification status.

(B) A driver with a "V" restriction shall have the letter outlining the specifications for the variance in the driver's possession along with the driver's commercial driver license when operating a commercial motor vehicle.

(vii) "X" restricts a driver from having cargo in a commercial motor vehicle tank vehicle.

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

Section 163. Section 53-8-205 is amended to read:

53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety inspection certificate required -- Out-of-state permits.

(1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway a motor vehicle required to be registered in this state unless the motor vehicle has passed a safety inspection if required in the current year.

(b) Subsection (1)(a) does not apply to:
(i) a vehicle that is exempt from registration under Section 41-1a-205;
(ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a street-legal all-terrain vehicle in accordance with Section 41-6a-1509;
(iii) a vintage vehicle as defined in Section 41-21-1;
(iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:
    (A) is operating with an apportioned registration under Section 41-1a-301; and
    (B) has a valid annual federal inspection that complies with the requirements of 49 C.F.R. Sec. 396.17;
(v) a trailer, semitrailer, or trailering equipment attached to a commercial motor vehicle described in Subsection (1)(b)(iv) that has a valid annual federal inspection that complies with the requirements of 49 C.F.R. Sec. 396.17.

(2) Except as provided in Subsection (3), the frequency of the safety inspection shall be determined based on the age of the vehicle determined by model year and shall:

(a) be required each year for a vehicle that is 10 or more years old on January 1; or
(b) for each vehicle that is less than 10 years old on January 1, be required in the fourth year and the eighth year;
(c) be made by a safety inspector certified by the division at a safety inspection station authorized by the division;
(d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to ensure proper adjustment and condition as required by department rules; and
(e) include an inspection for the display of license plates in accordance with Section 41-1a-404.

(3) (a) (i) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a safety inspection when an application is made for initial registration as a salvage vehicle.

(ii) After initial registration as a salvage vehicle, the frequency of the safety inspection shall correspond with the model year, as provided in Subsection (2).

(b) Beginning on the date that the Motor Vehicle Division has implemented the Motor Vehicle Division's GenTax system, a commercial vehicle as defined in Section 41-1a-102 with a gross vehicle weight rating of 10,001 pounds or more is required to pass a safety inspection annually or comply with Subsection (1)(b)(iv)(B).

(4) (a) A safety inspection station shall issue two safety inspection certificates to the

- 147 -
owner of:

(i) each motor vehicle that passes a safety inspection under this section; and

(ii) a street-legal all-terrain vehicle that meets all the equipment requirements in Section 41-6a-1509.

(b) A safety inspection station shall use one safety inspection certificate issued under this Subsection (4) for processing the vehicle registration.

(c) A person operating a motor vehicle shall have in the person’s immediate possession a safety inspection certificate or other evidence of compliance with the requirement to obtain a safety inspection under this section.

(5) The division may:

(a) authorize the acceptance in this state of a safety inspection certificate issued in another state having a safety inspection law similar to this state; and

(b) extend the time within which a safety inspection certificate must be obtained by the resident owner of a vehicle that was not in this state during the time a safety inspection was required.

(6) A violation of this section is an infraction.

Section 164. Section 53B-3-107 is amended to read:

53B-3-107. Traffic violations -- Notice of rule or regulation.

(1) It is a violation of this section for any person to operate or park a vehicle upon any property owned or controlled by a state institution of higher education contrary to posted signs authorized by the published rules and regulations of the institution or to block or impede traffic through or on any of these properties.

(2) A violation of Subsection (1) is a class C misdemeanor.

[(2)] (3) Notice of a rule or regulation to all persons is sufficient if the rule or regulation is published in one issue of a newspaper of general circulation in the county or counties in which the institution and the campus or facility is located.

Section 165. Section 58-37-8 is amended to read:


(1) Prohibited acts A -- Penalties:

(a) Except as authorized by this chapter, it is unlawful for any person to knowingly and intentionally:
(i) produce, manufacture, or dispense, or to possess with intent to produce, manufacture, or dispense, a controlled or counterfeit substance;

(ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or arrange to distribute a controlled or counterfeit substance;

(iii) possess a controlled or counterfeit substance with intent to distribute; or

(iv) engage in a continuing criminal enterprise where:

(A) the person participates, directs, or engages in conduct which results in any violation of any provision of Title 58, Chapters 37, 37a, 37b, 37c, or 37d that is a felony; and

(B) the violation is a part of a continuing series of two or more violations of Title 58, Chapters 37, 37a, 37b, 37c, or 37d on separate occasions that are undertaken in concert with five or more persons with respect to whom the person occupies a position of organizer, supervisor, or any other position of management.

(b) Any person convicted of violating Subsection (1)(a) with respect to:

(i) a substance or a counterfeit of a substance classified in Schedule I or II, a controlled substance analog, or gammahydroxybutyric acid as listed in Schedule III is guilty of a second degree felony, punishable by imprisonment for not more than 15 years, and upon a second or subsequent conviction is guilty of a first degree felony;

(ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or marijuana, or a substance listed in Section 58-37-4.2 is guilty of a third degree felony, and upon a second or subsequent conviction is guilty of a second degree felony; or

(iii) a substance or a counterfeit of a substance classified in Schedule V is guilty of a class A misdemeanor and upon a second or subsequent conviction is guilty of a third degree felony.

(c) Any person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii) may be sentenced to imprisonment for an indeterminate term as provided by law, but if the trier of fact finds a firearm as defined in Section 76-10-501 was used, carried, or possessed on his person or in his immediate possession during the commission or in furtherance of the offense, the court shall additionally sentence the person convicted for a term of one year to run consecutively and not concurrently; and the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently.
(d) Any person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree felony punishable by imprisonment for an indeterminate term of not less than seven years and which may be for life. Imposition or execution of the sentence may not be suspended, and the person is not eligible for probation.

(2) Prohibited acts B -- Penalties:

(a) It is unlawful:

(i) for any person knowingly and intentionally to possess or use a controlled substance analog or a controlled substance, unless it was obtained under a valid prescription or order, directly from a practitioner while acting in the course of the person's professional practice, or as otherwise authorized by this chapter;

(ii) for any owner, tenant, licensee, or person in control of any building, room, tenement, vehicle, boat, aircraft, or other place knowingly and intentionally to permit them to be occupied by persons unlawfully possessing, using, or distributing controlled substances in any of those locations; or

(iii) for any person knowingly and intentionally to possess an altered or forged prescription or written order for a controlled substance.

(b) Any person convicted of violating Subsection (2)(a)(i) with respect to:

(i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree felony;

(ii) a substance classified in Schedule I or II, [marijuana, if the amount is more than 16 ounces, but less than 100 pounds,] or a controlled substance analog, is guilty of a class A misdemeanor on a first or second conviction, and on a third or subsequent conviction is guilty of a third degree felony[; or]

[(iii) marijuana, if the marijuana is not in the form of an extracted resin from any part of the plant, and the amount is more than one ounce but less than 16 ounces, is guilty of a class A misdemeanor:]

(c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a conviction under Subsection (1)(a), that person shall be sentenced to a one degree greater penalty than provided in this Subsection (2).

(d) Any person who violates Subsection (2)(a)(i) with respect to all other controlled substances not included in Subsection (2)(b)(i)[; or (ii), [or (iii);] including a substance listed
in Section 58-37-4.2, or [less than one ounce of] marijuana, is guilty of a class B misdemeanor.

Upon a [second] third conviction the person is guilty of a class A misdemeanor, and upon a

[third] fourth or subsequent conviction the person is guilty of a third degree felony.

(e) Any person convicted of violating Subsection (2)(a)(i) while inside the exterior

boundaries of property occupied by any correctional facility as defined in Section 64-13-1 or

any public jail or other place of confinement shall be sentenced to a penalty one degree greater

than provided in Subsection (2)(b), and if the conviction is with respect to controlled

substances as listed in:

(i) Subsection (2)(b), the person may be sentenced to imprisonment for an

indeterminate term as provided by law, and:

(A) the court shall additionally sentence the person convicted to a term of one year to

run consecutively and not concurrently; and

(B) the court may additionally sentence the person convicted for an indeterminate term

not to exceed five years to run consecutively and not concurrently; and

(ii) Subsection (2)(d), the person may be sentenced to imprisonment for an

indeterminate term as provided by law, and the court shall additionally sentence the person

convicted to a term of six months to run consecutively and not concurrently.

(f) Any person convicted of violating Subsection (2)(a)(ii) or(iii) is:

(i) on a first conviction, guilty of a class B misdemeanor;

(ii) on a second conviction, guilty of a class A misdemeanor; and

(iii) on a third or subsequent conviction, guilty of a third degree felony.

(g) A person is subject to the penalties under Subsection (2)(h) who, in an offense not

amounting to a violation of Section 76-5-207:

(i) violates Subsection (2)(a)(i) by knowingly and intentionally having in the person's

body any measurable amount of a controlled substance; and

(ii) operates a motor vehicle as defined in Section 76-5-207 in a negligent manner,

causing serious bodily injury as defined in Section 76-1-601 or the death of another.

(h) A person who violates Subsection (2)(g) by having in the person's body:

(i) a controlled substance classified under Schedule I, other than those described in

Subsection (2)(h)(ii), or a controlled substance classified under Schedule II is guilty of a second

degree felony;
(ii) marijuana, tetrahydrocannabinols, or equivalents described in Subsection 58-37-4(2)(a)(iii)(S) or (AA), or a substance listed in Section 58-37-4.2 is guilty of a third degree felony; or

(iii) any controlled substance classified under Schedules III, IV, or V is guilty of a class A misdemeanor.

(i) A person is guilty of a separate offense for each victim suffering serious bodily injury or death as a result of the person's negligent driving in violation of Subsection 58-37-8(2)(g) whether or not the injuries arise from the same episode of driving.

(3) Prohibited acts C -- Penalties:

(a) It is unlawful for any person knowingly and intentionally:

(i) to use in the course of the manufacture or distribution of a controlled substance a license number which is fictitious, revoked, suspended, or issued to another person or, for the purpose of obtaining a controlled substance, to assume the title of, or represent oneself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person;

(ii) to acquire or obtain possession of, to procure or attempt to procure the administration of, to obtain a prescription for, to prescribe or dispense to any person known to be attempting to acquire or obtain possession of, or to procure the administration of any controlled substance by misrepresentation or failure by the person to disclose receiving any controlled substance from another source, fraud, forgery, deception, subterfuge, alteration of a prescription or written order for a controlled substance, or the use of a false name or address;

(iii) to make any false or forged prescription or written order for a controlled substance, or to utter the same, or to alter any prescription or written order issued or written under the terms of this chapter; or

(iv) to make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling so as to render any drug a counterfeit controlled substance.

(b) Any person convicted of violating Subsection (3)(a) is guilty of a third degree felony.

(b) (i) A first or second conviction under Subsection (3)(a)(i), (ii), or (iii) is

\[ \text{guilty of} \]
4702 class A misdemeanor.
4703 (ii) A third or subsequent conviction under Subsection (3)(a)(i), (ii), or (iii) is a third
4704 degree felony.
4705 (d) A violation of Subsection (3)(a)(iv) is a third degree felony.
4706 (4) Prohibited acts D -- Penalties:
4707 (a) Notwithstanding other provisions of this section, a person not authorized under this chapter who commits any act [declared to be] that is unlawful under [this section, Title 58, Chapter 37a, Utah Drug Paraphernalia Act, or under Title 58, Chapter 37b, Imitation Controlled Substances Act;] Subsection (1)(a), Section 58-37a-5, or Section 58-37b-4 is upon conviction subject to the penalties and classifications under this Subsection (4) if the trier of fact finds the act is committed:
4713 (i) in a public or private elementary or secondary school or on the grounds of any of those schools during the hours of 6 a.m. through 10 p.m.;
4715 (ii) in a public or private vocational school or postsecondary institution or on the grounds of any of those schools or institutions during the hours of 6 a.m. through 10 p.m.;
4717 [(iii) in those portions of any building, park, stadium, or other structure or grounds which are, at the time of the act, being used for an activity sponsored by or through a school or institution under Subsections (4)(a)(i) and (ii);]
4720 [(iv) in or on the grounds of a preschool or child-care facility during the preschool's or facility's hours of operation;
4722 [(v) in a public park, amusement park, arcade, or recreation center when the public or amusement park, arcade, or recreation center is open to the public;]
4724 [(vi) in or on the grounds of a house of worship as defined in Section 76-10-501;]
4725 playhouse, or parking lot or structure adjacent thereto;]
4726 [(vii) in or on the grounds of a library when the library is open to the public;]
4727 [(viii) within any area that is within [1,000] 100 feet of any structure, facility, or grounds included in Subsections (4)(a)(i), (ii), (iii), (iv), (v), and (vi); and (vii)];
4729 [(ix) in the presence of a person younger than 18 years of age, regardless of where the act occurs; or
4731 [(x) for the purpose of facilitating, arranging, or causing the transport, delivery, or distribution of a substance in violation of this section to an inmate or on the grounds of any...
correctional facility as defined in Section 76-8-311.3.

(b) (i) A person convicted under this Subsection (4) is guilty of a first degree felony and shall be imprisoned for a term of not less than five years if the penalty that would otherwise have been established but for this Subsection (4) would have been a first degree felony.

(ii) Imposition or execution of the sentence may not be suspended, and the person is not eligible for probation.

(c) If the classification that would otherwise have been established would have been less than a first degree felony but for this Subsection (4), a person convicted under this Subsection (4) is guilty of one degree more than the maximum penalty prescribed for that offense. This Subsection (4)(c) does not apply to a violation of Subsection (2)(g).

(d) (i) If the violation is of Subsection (4)(a)(ix):

(A) the person may be sentenced to imprisonment for an indeterminate term as provided by law, and the court shall additionally sentence the person convicted for a term of one year to run consecutively and not concurrently; and

(B) the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently; and

(ii) the penalties under this Subsection (4)(d) apply also to any person who, acting with the mental state required for the commission of an offense, directly or indirectly solicits, requests, commands, coerces, encourages, or intentionally aids another person to commit a violation of Subsection (4)(a)(ix).

(e) It is not a defense to a prosecution under this Subsection (4) that the actor mistakenly believed the individual to be 18 years of age or older at the time of the offense or was unaware of the individual's true age; nor that the actor mistakenly believed that the location where the act occurred was not as described in Subsection (4)(a) or was unaware that the location where the act occurred was as described in Subsection (4)(a).

(5) Any violation of this chapter for which no penalty is specified is a class B misdemeanor.

(6) (a) For purposes of penalty enhancement under Subsections (1)(b) and (2)(e), a plea of guilty or no contest to a violation of attempted violation of this section which is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has
been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) A prior conviction used for a penalty enhancement under Subsection (2) shall be a conviction that is:

(i) from a separate criminal episode than the current charge; and

(ii) from a conviction that is separate from any other conviction used to enhance the current charge.

(7) A person may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this chapter.

(8) (a) Any penalty imposed for violation of this section is in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

(b) Where violation of this chapter violates a federal law or the law of another state, conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

(9) In any prosecution for a violation of this chapter, evidence or proof which shows a person or persons produced, manufactured, possessed, distributed, or dispensed a controlled substance or substances, is prima facie evidence that the person or persons did so with knowledge of the character of the substance or substances.

(10) This section does not prohibit a veterinarian, in good faith and in the course of the veterinarian's professional practice only and not for humans, from prescribing, dispensing, or administering controlled substances or from causing the substances to be administered by an assistant or orderly under the veterinarian's direction and supervision.

(11) Civil or criminal liability may not be imposed under this section on:

(a) any person registered under this chapter who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or investigational new drug by a registered practitioner in the ordinary course of professional practice or research; or

(b) any law enforcement officer acting in the course and legitimate scope of the officer's employment.

(12) (a) Civil or criminal liability may not be imposed under this section on any Indian, as defined in Subsection 58-37-2(1)(v), who uses, possesses, or transports peyote for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion as defined in Subsection 58-37-2(1)(w).
In a prosecution alleging violation of this section regarding peyote as defined in Subsection 58-37-4(2)(a)(iii)(V), it is an affirmative defense that the peyote was used, possessed, or transported by an Indian for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion.

The defendant shall provide written notice of intent to claim an affirmative defense under this Subsection (12) as soon as practicable, but not later than 10 days prior to trial.

The notice shall include the specific claims of the affirmative defense.

The court may waive the notice requirement in the interest of justice for good cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.

The defendant shall establish the affirmative defense under this Subsection (12) by a preponderance of the evidence. If the defense is established, it is a complete defense to the charges.

It is an affirmative defense that the person produced, possessed, or administered a controlled substance listed in Section 58-37-4.2 if the person:

(i) was engaged in medical research; and

(ii) was a holder of a valid license to possess controlled substances under Section 58-37-6.

It is not a defense under Subsection (13)(a) that the person prescribed or dispensed a controlled substance listed in Section 58-37-4.2.

It is an affirmative defense that the person possessed, in the person's body, a controlled substance listed in Section 58-37-4.2 if:

(a) the person was the subject of medical research conducted by a holder of a valid license to possess controlled substances under Section 58-37-6; and

(b) the substance was administered to the person by the medical researcher.

The application of any increase in penalty under this section to a violation of Subsection (2)(a)(i) may not result in any greater penalty than a second degree felony. This Subsection (15) takes precedence over any conflicting provision of this section.

It is an affirmative defense to an allegation of the commission of an offense listed in Subsection (16)(b) that the person:

(i) reasonably believes that the person or another person is experiencing an overdose
event due to the ingestion, injection, inhalation, or other introduction into the human body of a
controlled substance or other substance;

(ii) reports in good faith the overdose event to a medical provider, an emergency
medical service provider as defined in Section 26-8a-102, a law enforcement officer, a 911
emergency call system, or an emergency dispatch system, or the person is the subject of a
report made under this Subsection (16);

(iii) provides in the report under Subsection (16)(a)(ii) a functional description of the
actual location of the overdose event that facilitates responding to the person experiencing the
overdose event;

(iv) remains at the location of the person experiencing the overdose event until a
responding law enforcement officer or emergency medical service provider arrives, or remains
at the medical care facility where the person experiencing an overdose event is located until a
responding law enforcement officer arrives;

(v) cooperates with the responding medical provider, emergency medical service
provider, and law enforcement officer, including providing information regarding the person
experiencing the overdose event and any substances the person may have injected, inhaled, or
otherwise introduced into the person's body; and

(vi) is alleged to have committed the offense in the same course of events from which
the reported overdose arose.

(b) The offenses referred to in Subsection (16)(a) are:

(i) the possession or use of less than 16 ounces of marijuana;

(ii) the possession or use of a scheduled or listed controlled substance other than
marijuana; and

(iii) any violation of Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b,
Imitation Controlled Substances Act.

(c) As used in this Subsection (16) and in Section 76-3-203.11, "good faith" does not
include seeking medical assistance under this section during the course of a law enforcement
agency's execution of a search warrant, execution of an arrest warrant, or other lawful search.

(17) If any provision of this chapter, or the application of any provision to any person
or circumstances, is held invalid, the remainder of this chapter shall be given effect without the
invalid provision or application.
A legislative body of a political subdivision may not enact an ordinance that is less restrictive than any provision of this chapter.

Section 166. Section 62A-15-102 is amended to read:


As used in this chapter:
(1) "Criminal risk factors" means a person's characteristics and behaviors that:
(a) affect the person's risk of engaging in criminal behavior; and
(b) are diminished when addressed by effective treatment, supervision, and other support resources, resulting in reduced risk of criminal behavior.

"Director" means the director of the Division of Substance Abuse and Mental Health.

"Division" means the Division of Substance Abuse and Mental Health established in Section 62A-15-103.

"Local mental health authority" means a county legislative body.

"Local substance abuse authority" means a county legislative body.

"Public funds" means federal money received from the Department of Human Services or the Department of Health, and state money appropriated by the Legislature to the Department of Human Services, the Department of Health, a county governing body, or a local substance abuse authority, or a local mental health authority for the purposes of providing substance abuse or mental health programs or services.

(b) "Public funds" include federal and state money that has been transferred by a local substance abuse authority or a local mental health authority to a private provider under an annual or otherwise ongoing contract to provide comprehensive substance abuse or mental health programs or services for the local substance abuse authority or local mental health authority. The money maintains the nature of "public funds" while in the possession of the private entity that has an annual or otherwise ongoing contract with a local substance abuse authority or a local mental health authority to provide comprehensive substance abuse or mental health programs or services for the local substance abuse authority or local mental health authority.

(c) Public funds received for the provision of services pursuant to substance abuse or mental health service plans may not be used for any other purpose except those authorized in
the contract between the local mental health or substance abuse authority and provider for the
provision of plan services.

"Severe mental disorder" means schizophrenia, major depression, bipolar
disorders, delusional disorders, psychotic disorders, and other mental disorders as defined by
the division.

Section 167. Section 62A-15-103 is amended to read:


(1) There is created the Division of Substance Abuse and Mental Health within the
department, under the administration and general supervision of the executive director. The
division is the substance abuse authority and the mental health authority for this state.

(2) The division shall:

(a) (i) educate the general public regarding the nature and consequences of substance
abuse by promoting school and community-based prevention programs;

(ii) render support and assistance to public schools through approved school-based
substance abuse education programs aimed at prevention of substance abuse;

(iii) promote or establish programs for the prevention of substance abuse within the
community setting through community-based prevention programs;

(iv) cooperate with and assist treatment centers, recovery residences, and other
organizations that provide services to individuals recovering from a substance abuse disorder,
by identifying and disseminating information about effective practices and programs;

(v) promote integrated programs that address an individual's substance abuse, mental
health, [and] physical [healthcare needs] health, and criminal risk factors;

(vi) establish and promote an evidence-based continuum of screening, assessment,
prevention, treatment, and recovery support services in the community for individuals with
substance abuse and mental illness that addresses criminal risk factors;

[(vi)] (vii) evaluate the effectiveness of programs described in Subsection (2);
[(vii)] (viii) consider the impact of the programs described in Subsection (2) on:
(A) emergency department utilization;
(B) jail and prison populations;
(C) the homeless population; and
(D) the child welfare system; and
promote or establish programs for education and certification of instructors to educate persons convicted of driving under the influence of alcohol or drugs or driving with any measurable controlled substance in the body;

(b) (i) collect and disseminate information pertaining to mental health;

(ii) provide direction over the state hospital including approval of its budget, administrative policy, and coordination of services with local service plans;

(iii) promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to educate families concerning mental illness and promote family involvement, when appropriate, and with patient consent, in the treatment program of a family member; and

(iv) promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to direct that all individuals receiving services through local mental health authorities or the Utah State Hospital be informed about and, if desired, provided assistance in completion of a declaration for mental health treatment in accordance with Section 62A-15-1002;

(c) (i) consult and coordinate with local substance abuse authorities and local mental health authorities regarding programs and services;

(ii) provide consultation and other assistance to public and private agencies and groups working on substance abuse and mental health issues;

(iii) promote and establish cooperative relationships with courts, hospitals, clinics, medical and social agencies, public health authorities, law enforcement agencies, education and research organizations, and other related groups;

(iv) promote or conduct research on substance abuse and mental health issues, and submit to the governor and the Legislature recommendations for changes in policy and legislation;

(v) receive, distribute, and provide direction over public funds for substance abuse and mental health services;

(vi) monitor and evaluate programs provided by local substance abuse authorities and local mental health authorities;

(vii) examine expenditures of any local, state, and federal funds;

(viii) monitor the expenditure of public funds by:
(A) local substance abuse authorities;
(B) local mental health authorities; and
(C) in counties where they exist, the private contract provider that has an annual or
otherwise ongoing contract to provide comprehensive substance abuse or mental health
programs or services for the local substance abuse authority or local mental health authorities;
(ix) contract with local substance abuse authorities and local mental health authorities
to provide a comprehensive continuum of services that include community-based services for
individuals involved in the criminal justice system, in accordance with division policy, contract
provisions, and the local plan;
(x) contract with private and public entities for special statewide or nonclinical
services, or services for individuals involved in the criminal justice system, according to
division rules;
(xi) review and approve each local substance abuse authority's plan and each local
mental health authority's plan in order to ensure:
(A) a statewide comprehensive continuum of substance abuse services;
(B) a statewide comprehensive continuum of mental health services;
(C) services result in improved overall health and functioning; [and]
(D) a statewide comprehensive continuum of community-based services designed to
reduce criminal risk factors for individuals who are determined to have substance abuse or
mental illness conditions or both, and who are involved in the criminal justice system;
(E) compliance, where appropriate, with the certification requirements in Subsection
(2)(i); and
(2)(i) (F) appropriate expenditure of public funds;
(xii) review and make recommendations regarding each local substance abuse
authority's contract with its provider of substance abuse programs and services and each local
mental health authority's contract with its provider of mental health programs and services to
ensure compliance with state and federal law and policy;
(xiii) monitor and ensure compliance with division rules and contract requirements;
and
(xiv) withhold funds from local substance abuse authorities, local mental health
authorities, and public and private providers for contract noncompliance, failure to comply
with division directives regarding the use of public funds, or for misuse of public funds or money;
(d) assure that the requirements of this part are met and applied uniformly by local substance abuse authorities and local mental health authorities across the state;
(e) require each local substance abuse authority and each local mental health authority to submit its plan to the division by May 1 of each year;
(f) conduct an annual program audit and review of each local substance abuse authority in the state and its contract provider and each local mental health authority in the state and its contract provider, including:
(i) a review and determination regarding whether:
(A) public funds allocated to local substance abuse authorities and local mental health authorities are consistent with services rendered and outcomes reported by them or their contract providers; and
(B) each local substance abuse authority and each local mental health authority is exercising sufficient oversight and control over public funds allocated for substance abuse and mental health programs and services; and
(ii) items determined by the division to be necessary and appropriate; and
(g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4, Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act[.];
(h) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, minimum standards and requirements for the provision of substance abuse and mental health treatment to individuals who are required to participate in treatment by the court or the Board of Pardons and Parole, or who are incarcerated, including:
(i) collaboration with the Department of Corrections and the Utah Substance Abuse Advisory Council to develop and coordinate the standards, including standards for county and state programs serving individuals convicted of class A and class B misdemeanors; and
(ii) determining that the standards ensure available treatment includes the most current practices and procedures demonstrated by recognized scientific research to reduce recidivism, including focus on the individual's criminal risk factors; and
(iii) requiring that all public and private treatment programs meet the standards established under this Subsection (2)(h) in order to receive public funds allocated to the
division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice for the costs of providing screening, assessment, prevention, treatment, and recovery support;

(i) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements and procedures for the certification of licensed public and private providers who provide, as part of their practice, substance abuse and mental health treatment to individuals involved in the criminal justice system, including:

(i) collaboration with the Department of Corrections, the Utah Substance Abuse Advisory Council, and the Utah Association of Counties to develop, coordinate, and implement the certification process;

(ii) basing the certification process on the standards developed under Subsection (2)(h) for the treatment of individuals involved in the criminal justice system; and

(iii) the requirement that all public and private providers of treatment to individuals involved in the criminal justice system shall obtain certification on or before July 1, 2016, and shall renew the certification every two years, in order to qualify for funds allocated to the division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice on or after July 1, 2016;

(j) collaboration with the Commission on Criminal and Juvenile Justice to analyze and provide recommendations to the Legislature regarding:

(i) pretrial services and the resources needed for the reduced recidivism efforts;

(ii) county jail and county behavioral health early-assessment resources needed for offenders convicted of a class A or class B misdemeanor; and

(iii) the replacement of federal dollars associated with drug interdiction law enforcement task forces that are reduced.

(k) establish performance goals and outcome measurements for all treatment programs for which minimum standards are established under Subsection (2)(h), including recidivism data and data regarding cost savings associated with recidivism reduction and the reduction in the number of inmates, that are obtained in collaboration with the Administrative Office of the Courts and the Department of Corrections; and

(ii) collect data to track and determine whether the goals and measurements are being attained and make this information available to the public;

in its discretion, use the data to make decisions regarding the use of funds allocated to the division, the Administrative Office of the Courts, and the Department of Corrections to provide treatment for which standards are established under Subsection (2)(h); and annually, on or before August 31, submit the data collected.
under Subsection (2)(j)
to the Commission on Criminal and Juvenile Justice, which shall compile a report of findings based on the data and provide the report to the legislative Judiciary Interim Committee, the Health and Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the related appropriations subcommittees.

(3) (a) The division may refuse to contract with and may pursue its legal remedies against any local substance abuse authority or local mental health authority that fails, or has
5043 failed, to expend public funds in accordance with state law, division policy, contract
5044 provisions, or directives issued in accordance with state law.
5045 (b) The division may withhold funds from a local substance abuse authority or local
5046 mental health authority if the authority's contract with its provider of substance abuse or mental
5047 health programs or services fails to comply with state and federal law or policy.
5048 (4) Before reissuing or renewing a contract with any local substance abuse authority or
5049 local mental health authority, the division shall review and determine whether the local
5050 substance abuse authority or local mental health authority is complying with its oversight and
5051 management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and
5052 17-43-309. Nothing in this Subsection (4) may be used as a defense to the responsibility and
5053 liability described in Section 17-43-303 and to the responsibility and liability described in
5054 Section 17-43-203.
5055 (5) In carrying out its duties and responsibilities, the division may not duplicate
5056 treatment or educational facilities that exist in other divisions or departments of the state, but
5057 shall work in conjunction with those divisions and departments in rendering the treatment or
5058 educational services that those divisions and departments are competent and able to provide.
5059 (6) The division may accept in the name of and on behalf of the state donations, gifts,
5060 devises, or bequests of real or personal property or services to be used as specified by the
5061 donor.
5062 (7) The division shall annually review with each local substance abuse authority and
5063 each local mental health authority the authority's statutory and contract responsibilities
5064 regarding:
5065 (a) the use of public funds;
5066 (b) oversight responsibilities regarding public funds; and
5067 (c) governance of substance abuse and mental health programs and services.
5068 (8) The Legislature may refuse to appropriate funds to the division upon the division's
5069 failure to comply with the provisions of this part.
5070 (9) If a local substance abuse authority contacts the division under Subsection
5071 17-43-201(9) for assistance in providing treatment services to a pregnant woman or pregnant
5072 minor, the division shall:
5073 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
capacity to provide the treatment services; or
(b) otherwise ensure that treatment services are made available to the pregnant woman
or pregnant minor.

Section 168. Section 63M-7-204 is amended to read:

63M-7-204. Duties of commission.
The State Commission on Criminal and Juvenile Justice administration shall:
(1) promote the commission's purposes as enumerated in Section 63M-7-201;
(2) promote the communication and coordination of all criminal and juvenile justice
agencies;
(3) study, evaluate, and report on the status of crime in the state and on the
effectiveness of criminal justice policies, procedures, and programs that are directed toward the
reduction of crime in the state;
(4) study, evaluate, and report on programs initiated by state and local agencies to
address reducing recidivism, including changes in penalties and sentencing guidelines intended
to reduce recidivism, costs savings associated with the reduction in the number of inmates,
and evaluation of expenses and resources needed to meet goals regarding the use of treatment
as an alternative to incarceration, as resources allow;
[()], study, evaluate, and report on policies, procedures, and programs of other
jurisdictions which have effectively reduced crime;
[()], identify and promote the implementation of specific policies and programs the
commision determines will significantly reduce crime in Utah;
[()], provide analysis and recommendations on all criminal and juvenile justice
legislation, state budget, and facility requests, including program and fiscal impact on all
components of the criminal and juvenile justice system;
[()], provide analysis, accountability, recommendations, and supervision for state
and federal criminal justice grant money;
[()], provide public information on the criminal and juvenile justice system and
give technical assistance to agencies or local units of government on methods to promote
public awareness;
[()], promote research and program evaluation as an integral part of the criminal
and juvenile justice system;
[()], provide a comprehensive criminal justice plan annually;
[()], review agency forecasts regarding future demands on the criminal and
juvenile justice systems, including specific projections for secure bed space;

[(13)] promote the development of criminal and juvenile justice information
systems that are consistent with common standards for data storage and are capable of
appropriately sharing information with other criminal justice information systems by:

(a) developing and maintaining common data standards for use by all state criminal
justice agencies;

(b) annually performing audits of criminal history record information maintained by
state criminal justice agencies to assess their accuracy, completeness, and adherence to
standards;

(c) defining and developing state and local programs and projects associated with the
improvement of information management for law enforcement and the administration of
justice; and

(d) establishing general policies concerning criminal and juvenile justice information
systems and making rules as necessary to carry out the duties under this Subsection [(13)]
and Subsection [(11)]:

[(14)] allocate and administer grants, from money made available, for approved
education programs to help prevent the sexual exploitation of children; [and]

[(15)] allocate and administer grants funded from money from the Law
Enforcement Operations Account created in Section 51-9-411 for law enforcement operations
and programs related to reducing illegal drug activity and related criminal activity[.];

(16) request, receive, and evaluate data and recommendations collected and reported by
agencies and contractors related to policies recommended by the commission regarding
recidivism reduction; and

(17) establish and administer a performance incentive grant program that allocates
funds appropriated by the Legislature to programs and practices implemented by counties that
reduce recidivism and reduce the number of offenders per capita who are incarcerated.

Section 169. Section 63M-7-404 is amended to read:

63M-7-404. Purpose -- Duties.

(1) The purpose of the commission shall be to develop guidelines and propose
recommendations to the Legislature, the governor, and the Judicial Council about the
sentencing and release of juvenile and adult offenders in order to:
[(+) (a)] respond to public comment;
[(+) (b)] relate sentencing practices and correctional resources;
[(+) (c)] increase equity in criminal sentencing;
[(+) (d)] better define responsibility in criminal sentencing; and
[(+) (e)] enhance the discretion of sentencing judges while preserving the role of the
Board of Pardons and Parole and the Youth Parole Authority.
(2) (a) The commission shall modify the sentencing guidelines for adult offenders to
implement the recommendations of the Commission on Criminal and Juvenile Justice for
reducing recidivism.
(b) The modifications under Subsection (2)(a) shall be for the purposes of protecting
the public and ensuring efficient use of state funds.
(3) (a) The commission shall modify the criminal history score in the sentencing
guidelines for adult offenders to implement the recommendations of the Commission on
Criminal and Juvenile Justice for reducing recidivism.
(b) The modifications to the criminal history score under Subsection (3)(a) shall
include factors in an offender's criminal history that are relevant to the accurate determination
of an individual's risk of offending again.
(4) (a) The commission shall establish sentencing guidelines for periods of
incarceration for individuals who are on probation and:
(i) who have violated one or more conditions of probation; and
(ii) whose probation has been revoked by the court.
(b) The guidelines shall consider the seriousness of the violation of the conditions of
probation, the probationer's conduct while on probation, and the probationer's criminal history.
(5) (a) The commission shall establish sentencing guidelines for periods of
incarceration for individuals who are on parole and:
(i) who have violated a condition of parole; and
(ii) whose parole has been revoked by the Board of Pardons and Parole.
(b) The guidelines shall consider the seriousness of the violation of the conditions of
parole, the individual's conduct while on parole, and the individual's criminal history.
(6) The commission shall establish graduated sanctions to facilitate the prompt and
effective response to an individual's violation of the terms of probation or parole by the adult
probation and parole section of the Department of Corrections in order to implement the
recommendations of the Commission on Criminal and Juvenile Justice for reducing recidivism,
including:
(a) sanctions to be used in response to a violation of the terms of probation or parole;
(b) when violations should be reported to the court or the Board of Pardons and Parole;
and
(c) a range of sanctions that may not exceed a period of incarceration of more than:
(i) three consecutive days; and
(ii) a total of five days in a period of 30 days.
(7) The commission shall establish graduated incentives to facilitate a prompt and
effective response by the adult probation and parole section of the Department of Corrections
to an offender's:
(a) compliance with the terms of probation or parole; and
(b) positive conduct that exceeds those terms.
Section 170. Section 64-13-1 is amended to read:
64-13-1. Definitions.
As used in this chapter:
(1) "Case action plan" means a document developed by the Department of Corrections
that identifies the program priorities for the treatment of the offender, including the criminal
risk factors as determined by a risk and needs assessment conducted by the department.
[(+) (2) "Community correctional center" means a nonsecure correctional facility
operated:
(a) by the department; or
(b) under a contract with the department.
[(2+) (3) "Correctional facility" means any facility operated to house offenders, either in
a secure or nonsecure setting:
(a) by the department; or
(b) under a contract with the department.
(4) "Criminal risk factors" means a person's characteristics and behaviors that:
(a) affect that person's risk of engaging in criminal behavior; and
(b) are diminished when addressed by effective treatment, supervision, and other
support resources, resulting in a reduced risk of criminal behavior.

[(3)] (5) "Department" means the Department of Corrections.

[(4)] (6) "Emergency" means any riot, disturbance, homicide, inmate violence occurring in any correctional facility, or any situation that presents immediate danger to the safety, security, and control of the department.

[(5)] (7) "Executive director" means the executive director of the Department of Corrections.

[(6)] (8) "Inmate" means any person who is committed to the custody of the department and who is housed at a correctional facility or at a county jail at the request of the department.

[(7)] (9) "Offender" means any person who has been convicted of a crime for which he may be committed to the custody of the department and is at least one of the following:

(a) committed to the custody of the department;
(b) on probation; or
(c) on parole.

(10) "Risk and needs assessment" means an actuarial tool validated on criminal offenders that determines:

(a) an individual's risk of reoffending; and
(b) the criminal risk factors that, when addressed, reduce the individual's risk of reoffending.

[(8)] (11) "Secure correctional facility" means any prison, penitentiary, or other institution operated by the department or under contract for the confinement of offenders, where force may be used to restrain them if they attempt to leave the institution without authorization.

Section 171. Section 64-13-6 is amended to read:

64-13-6. Department duties.

(1) The department shall:

(a) protect the public through institutional care and confinement, and supervision in the community of offenders where appropriate;
(b) implement court-ordered punishment of offenders;
(c) provide program opportunities for offenders;
(d) provide treatment for sex offenders who are found to be treatable based upon
criteria developed by the department;

(e) provide the results of ongoing assessment of sex offenders and objective diagnostic testing to sentencing and release authorities;

(f) manage programs that take into account the needs and interests of victims, where reasonable;

(g) supervise probationers and parolees as directed by statute and implemented by the courts and the Board of Pardons and Parole;

(h) subject to Subsection (2), investigate criminal conduct involving offenders incarcerated in a state correctional facility;

(i) cooperate and exchange information with other state, local, and federal law enforcement agencies to achieve greater success in prevention and detection of crime and apprehension of criminals; and

(j) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult Offender Supervision.

(k) establish a case action plan for each offender as follows:

(i) if an offender is to be supervised in the community, the case action plan shall be established for the offender not more than 90 days after supervision by the department begins;

and

(ii) if the offender is committed to the custody of the department, the case action plan shall be established for the offender not more than 120 days after the commitment.

(2) The department may in the course of supervising probationers and parolees:

(a) impose graduated sanctions, as established by the Utah Sentencing Commission under Subsection 63M-7-404(5) 63M-7-404(6), for an individual's violation of one or more terms of the probation or parole; and

(b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction for an individual's violation of the terms of probation or parole a period of incarceration of not more than three consecutive days and not more than a total of five days within a period of 30 days.

(3) (a) By following the procedures in Subsection (3)(b), the department may investigate the following occurrences at state correctional facilities:

(i) criminal conduct of departmental employees;
(ii) felony crimes resulting in serious bodily injury;
(iii) death of any person; or
(iv) aggravated kidnaping.

(b) Prior to investigating any occurrence specified in Subsection [(2)] (3)(a), the department shall:

(i) notify the sheriff or other appropriate law enforcement agency promptly after ascertaining facts sufficient to believe an occurrence specified in Subsection [(2)] (3)(a) has occurred; and
(ii) obtain consent of the sheriff or other appropriate law enforcement agency to conduct an investigation involving an occurrence specified in Subsection [(2)] (3)(a).

[(3)] (4) Upon request, the department shall provide copies of investigative reports of criminal conduct to the sheriff or other appropriate law enforcement agencies.

[(4)] (5) The department shall provide data to the Commission on Criminal and Juvenile Justice to show the criteria for determining sex offender treatability, the implementation and effectiveness of sex offender treatment, and the results of ongoing assessment and objective diagnostic testing. The Commission on Criminal and Juvenile Justice shall then report these data in writing to the Judiciary Interim Committee, if requested by the committee, and to the appropriate appropriations subcommittee annually.

[(5)] (6) The Department of Corrections shall collect accounts receivable ordered by the district court as a result of prosecution for a criminal offense according to the requirements and during the time periods established in Subsection 77-18-1(9).

Section 172. Section 64-13-7.5 is amended to read:

64-13-7.5. Persons in need of mental health services -- Contracts.

(1) Except as provided for in Subsection (2), when the department determines that a person in its custody is in need of mental health services, the department shall contract with the Division of Substance Abuse and Mental Health, local mental health authorities, or the state hospital to provide mental health services for that person. Those services may be provided at the Utah State Hospital or in community programs provided by or under contract with the Division of Substance Abuse and Mental Health, a local mental health authority, or other public or private mental health care providers.

(2) (a) If the Division of Substance Abuse and Mental Health, a local mental health
authority, or the state hospital notifies the department that it is unable to provide mental health
services under Subsection (1), the department may contract with other public or private mental
health care providers to provide mental health services for persons in its custody.

(b) The standards established by rule under Section 64-13-25 apply to the public or
private mental health care providers with whom the department contracts under this Subsection
(2).

(3) A person who provides mental health services for sex offender treatment as
required in Section 64-13-6 shall be licensed as a mental health professional in accordance with
Title 58, Chapter 60, Mental Health Professional Practice Act, or Title 58, Chapter 61,
Psychologist Licensing Act, and exhibit competency to practice in the area of sex offender
treatment based on education, training, and practice.

Section 173. Section 64-13-10.5 is enacted to read:

64-13-10.5. Transition and reentry of inmates at termination of incarceration.

(1) The department shall evaluate the case action plan as necessary to
prepare for the offender's transition from incarceration to release, including:

(a) establishing the supervision level and program needs, based on the offender's
criminal risk factors;

(b) identifying barriers to the offender's ability to obtain housing, food, clothing, and
transportation;

(c) identifying community-based treatment resources that are reasonably accessible to
the offender; and

(d) establishing the initial supervision procedures and strategy for the offender's parole
officer.

(2) The department shall notify the Board of Pardons and Parole not fewer than 30 days
prior to an offender's release of:

(a) the offender's case action plan; and

(b) any specific conditions of parole necessary to better facilitate transition to the
community.

Section 174. Section 64-13-14.5 is amended to read:

64-13-14.5. Limits of confinement place -- Release status -- Work release.

(1) The department may extend the limits of the place of confinement of an inmate
when, as established by department policies and procedures, there is cause to believe the
inmate will honor [his] the trust, by authorizing [him] the inmate under prescribed conditions:
(a) to leave temporarily for purposes specified by department policies and procedures
to visit specifically designated places for a period not to exceed 30 days;
(b) to participate in a voluntary training program in the community while housed at a
correctional facility or to work at paid employment;
(c) to be housed in a nonsecure community correctional center operated by the
department; or
(d) to be housed in any other facility under contract with the department.
(2) The department shall establish rules governing offenders on release status. A copy
of the rules shall be furnished to the offender and to any employer or other person participating
in the offender's release program. Any employer or other participating person shall agree in
writing to abide by the rules and to notify the department of the offender's discharge or other
release from a release program activity, or of any violation of the rules governing release status.
(3) The willful failure of an inmate to remain within the extended limits of his
confinement or to return within the time prescribed to an institution or facility designated by
the department is an escape from custody.
(4) If an offender is arrested for the commission of a crime, the arresting authority shall
immediately notify the department of the arrest.
(5) The department may impose appropriate sanctions pursuant to Section 64-13-21
upon offenders who violate [rules] guidelines established by the Utah Sentencing Commission,
including prosecution for escape under Section 76-8-309 and for unauthorized absence.
(6) An inmate who is housed at a nonsecure correctional facility and on work release
may not be required to work for less than the current federally established minimum wage, or
under substandard working conditions.
Section 175. Section 64-13-21 is amended to read:
64-13-21. Supervision of sentenced offenders placed in community -- Rulemaking
-- POST certified parole or probation officers and peace officers -- Duties -- Supervision
fee.
(1) (a) The department, except as otherwise provided by law, shall supervise sentenced
offenders placed in the community on probation by the courts, on parole by the Board of
Pardons and Parole, or upon acceptance for supervision under the terms of the Interstate Compact for the Supervision of Parolees and Probationers.

(b) Standards for the supervision of offenders shall be established by the department in accordance with [Title 63G, Chapter 3, Utah Administrative Rulemaking Act] sentencing guidelines, including the graduated sanctions matrix, established by the Utah Sentencing Commission, giving priority, based on available resources, to felony offenders and offenders sentenced pursuant to Subsection 58-37-8(2)(b)(ii).

(2) The department shall apply graduated sanctions established by the Utah Sentencing Commission to facilitate a prompt and appropriate response to an individual's violation of the terms of probation or parole, including:

(a) sanctions to be used in response to a violation of the terms of probation or parole; and

(b) requesting approval from the court or Board of Pardons and Parole to impose a sanction for an individual's violation of the terms of probation or parole, for a period of incarceration of not more than three consecutive days and not more than a total of five days within a period of 30 days.

(3) The department shall implement a program of graduated incentives as established by the Utah Sentencing Commission to facilitate the department's prompt and appropriate response to an offender's:

(a) compliance with the terms of probation or parole; or

(b) positive conduct that exceeds those terms.

(4) (a) The department shall, in collaboration with the Commission on Criminal and Juvenile Justice and the Division of Substance Abuse and Mental Health, create standards and procedures for the collection of information, including cost savings related to recidivism reduction and the reduction in the number of inmates, related to the use of the graduated sanctions and incentives, and offenders' outcomes.

(b) The collected information shall be provided to the Commission on Criminal and Juvenile Justice not less frequently than annually on or before August 31.

(5) (5) Employees of the department who are POST certified as law enforcement officers or correctional officers and who are designated as parole and probation officers by the executive director have the following duties:

(a) monitoring, investigating, and supervising a parolee's or probationer's compliance with the conditions of the parole or probation agreement;
(b) investigating or apprehending any offender who has escaped from the custody of the department or absconded from supervision;
(c) providing investigative services for the courts, the department, or the Board of Pardons and Parole;
(d) supervising any offender during transportation; or
(e) collecting DNA specimens when the specimens are required under Section 53-10-404.

[3] (6) (a) A monthly supervision fee of $30 shall be collected from each offender on probation or parole. The fee may be suspended or waived by the department upon a showing by the offender that imposition would create a substantial hardship or if the offender owes restitution to a victim.

(b) (i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying the criteria for suspension or waiver of the supervision fee and the circumstances under which an offender may request a hearing.

(ii) In determining whether the imposition of the supervision fee would constitute a substantial hardship, the department shall consider the financial resources of the offender and the burden that the fee would impose, with regard to the offender's other obligations.

(7) (a) The department shall establish a program allowing an offender on probation under Section 77-18-1 or on parole under Subsection 76-3-202(1)(a) to earn credits for the offender's compliance with the terms of the offender's probation or parole, which shall be applied to reducing the period of probation or parole as provided in this Subsection (7).

(b) The program shall provide that an offender earns a reduction credit of 30 days from the offender's period of probation or parole for each month the offender completes without any violation of the terms of the offender's probation or parole agreement, including the case action plan.

(c) The department shall maintain a record of credits earned by an offender under this Subsection (7) and shall request from the court or the Board of Pardons and Parole the termination of probation or parole not fewer than 30 days prior to the termination date that reflects the credits earned under this Subsection (7).

(d) This Subsection (7) does not prohibit the department from requesting a termination date earlier than the termination date established by earned credits under Subsection (7)(c).
(e) The court or the Board of Pardons and Parole shall terminate an offender's probation or parole upon completion of the period of probation or parole accrued by time served and credits earned under this Subsection (7) unless the court or the Board of Pardons and Parole finds that termination would interrupt the completion of a necessary treatment program, in which case the termination of probation or parole shall occur when the treatment program is completed.

(f) The department shall report annually to the Commission on Criminal and Juvenile Justice on or before August 31:

(i) the number of offenders who have earned probation or parole credits under this Subsection (7) in one or more months of the preceding fiscal year and the percentage of the offenders on probation or parole during that time that this number represents;

(ii) the average number of credits earned by those offenders who earned credits; and

(iii) the number of offenders who earned credits by county of residence while on probation or parole.

(iv) the cost savings associated with sentencing reform programs and practices; and

(v) a description of how the savings will be invested in treatment and early-intervention programs and practices at the county and state levels.

Section 176. Section 64-13-25 is amended to read:


(1) To promote accountability and to ensure safe and professional operation of correctional programs, the department shall establish minimum standards for the organization and operation of its programs, including collaborating with the Department of Human Services to establish minimum standards for programs providing assistance for individuals involved in the criminal justice system.

(a) The standards shall be promulgated according to state rulemaking provisions. Those standards that apply to offenders are exempt from the provisions of Title 63G, Chapter 3, the Utah Administrative Rulemaking Act. Offenders are not a class of persons under that act.

(b) Standards shall provide for inquiring into and processing offender complaints.

(c) (i) The department shall establish minimum standards and qualifications for treatment programs provided in county jails to which persons committed to the state prison are placed by jail contract under Section 64-13e-103.

(ii) In establishing the standards and qualifications for the treatment programs, the department shall:
(A) consult and collaborate with the county sheriffs and the Division of Substance Abuse and Mental Health; and

(B) include programs demonstrated by recognized scientific research to reduce recidivism by addressing an offender's criminal risk factors as determined by a risk and needs assessment.

(iii) All jails contracting to house offenders committed to the state prison shall meet the minimum standards for treatment programs as established under this Subsection (1)(c).

(d) (i) The department shall establish minimum standards of treatment for sex offenders, which shall include the requirements under Subsection 64-13-7.5(3) regarding licensure and competency.

(ii) The standards shall require the use of the most current best practices demonstrated by recognized scientific research to address an offender's criminal risk factors.

(iii) The department shall collaborate with the Division of Substance Abuse and Mental Health to develop and effectively distribute the standards to jails and to mental health professionals who desire to provide mental health treatment for sex offenders.

(iv) The department shall establish the standards by administrative rule pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) [There shall be] The department shall establish an audit for compliance with standards established under this section according to policies and procedures established by the department, for continued operation of correctional and treatment programs provided to offenders committed to the department's custody, including inmates housed in county jails by contract with the Department of Corrections.

(a) At least every three years, the department shall internally audit all programs for compliance with established standards.

(b) All financial statements and accounts of the department shall be reviewed during the audit. Written review shall be provided to the managers of the programs and the executive director of the department.

(c) The reports shall be classified as confidential internal working papers and access is available at the discretion of the executive director or the governor, or upon court order.

(3) The department shall establish a certification program for public and private providers of treatment for sex offenders on probation or parole that requires the providers' sex
offender treatment practices meet the standards and practices established under Subsection 5478 (1)(d) to reduce sex offender recidivism.

(a) The department shall collaborate with the Division of Substance Abuse and Mental Health to develop, coordinate, and implement the certification program.

(b) The certification program shall be based on the standards under Subsection (1)(d) and shall require renewal of certification every two years.

(c) All public and private providers of sex offender treatment, including those providing treatment to offenders housed in county jails by contract under Section 64-13e-103, shall comply with these standards on and after July 1, 2016, in order to begin receiving or continue receiving payment from the department to provide sex offender treatment on or after July 1, 2016.

(d) The department shall establish the certification program by administrative rule pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) The department shall establish performance goals and outcome measurements for all programs that are subject to the minimum standards established under this section and shall collect data to analyze and evaluate whether the goals and measurements are attained.

(a) The department shall collaborate with the Division of Substance Abuse and Mental Health to develop and coordinate the performance goals and outcome measurements, including recidivism rates and treatment success and failure rates.

(b) The department may use these data to make decisions on the use of funds to provide treatment for which standards are established under this section.

(c) The department shall collaborate with the Division of Substance Abuse and Mental Health to track a subgroup of participants to determine if there is a net positive result from the use of treatment as an alternative to incarceration.

(d) The department shall collaborate with the Division of Substance Abuse and Mental Health to evaluate the costs, including any additional costs, and the resources needed to attain the performance goals established for the use of treatment as an alternative to incarceration.

The department shall annually provide data collected under this Subsection (4) to the Commission on Criminal and Juvenile Justice on or before August 31. The commission shall compile a written report of the findings based on the data and shall provide the report to the legislative Judiciary Interim Committee, the Health and Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the related appropriations subcommittees.

Section 177. Section 64-13-26 is amended to read:

64-13-26. Private providers of services.

(1) The department may contract with private providers or other agencies for the provision of care, treatment, and supervision of offenders committed to the care and custody of
the department.

(2) (a) The department shall:

(i) establish standards for the operation of the programs; [and]

(ii) establish standards pursuant to Section 64-13-25 regarding program standards; and

[(iii)] (iii) annually review the programs for compliance.

(b) The reviews shall be classified as confidential internal working papers.

(c) Access to records regarding the reviews is available upon the discretion of the executive director or the governor, or upon court order.

Section 178. Section 64-13-29 is amended to read:

64-13-29. Violation of parole or probation -- Detention -- Hearing.

(1) (a) The department shall ensure that the court is notified of violations of the terms and conditions of probation in the case of probationers under the department's supervision, or the Board of Pardons and Parole in the case of parolees under the department's supervision[.]

when:

(i) a sanction of incarceration is recommended; or

(ii) the department determines that a graduated sanction is not an appropriate response to the offender's violation and recommends revocation of probation or parole.

(b) In cases where the department desires to detain an offender alleged to have violated his parole or probation and where it is unlikely that the Board of Pardons and Parole or court will conduct a hearing within a reasonable time to determine if the offender has violated his conditions of parole or probation, the department shall hold an administrative hearing within a reasonable time, unless the hearing is waived by the parolee or probationer, to determine if there is probable cause to believe that a violation has occurred.

(c) If there is a conviction for a crime based on the same charges as the probation or parole violation, or a finding by a federal or state court that there is probable cause to believe that an offender has committed a crime based on the same charges as the probation or parole violation, the department need not hold [its] an administrative hearing.

(2) The appropriate officer or officers of the department shall, as soon as practical following the department's administrative hearing, report to the court or the Board of Pardons and Parole, furnishing a summary of the hearing, and may make recommendations regarding the disposition to be made of the parolee or probationer. Pending any proceeding under this
section, the department may take custody of and detain the parolee or probationer involved for a period not to exceed 72 hours excluding weekends and holidays.

(3) If the hearing officer determines that there is probable cause to believe that the offender has violated the conditions of his parole or probation, the department may detain the offender for a reasonable period of time after the hearing or waiver, as necessary to arrange for the incarceration of the offender. Written order of the department is sufficient authorization for any peace officer to incarcerate the offender. The department may promulgate rules for the implementation of this section.

Section 179. Section 64-13e-104 is amended to read:

64-13e-104. Housing of state probationary inmates or state parole inmates -- Payments.

(1) (a) A county shall accept and house a state probationary inmate or a state parole inmate in a county correctional facility, subject to available resources.

(b) A county may release a number of inmates from a county correctional facility, but not to exceed the number of state probationary inmates and state parole inmates in excess of the number of inmates funded by the appropriation authorized in Subsection (2) if:

(i) the state does not fully comply with the provisions of Subsection (9) for the most current fiscal year; or

(ii) funds appropriated by the Legislature for this purpose are less than 50% of the average actual state daily incarceration rate.

(2) Within funds appropriated by the Legislature for this purpose, the Division of Finance shall pay a county that houses a state probationary inmate or a state parole inmate at a rate of 50% of the final state daily incarceration rate.

(3) Funds appropriated by the Legislature under Subsection (2):

(a) are nonlapsing;

(b) may only be used for the purposes described in Subsection (2) and Subsection (10);

and

(c) may not be used for:

(i) the costs of administering the payment described in this section; or

(ii) payment of contract costs under Section 64-13e-103.

(4) The costs described in Subsection (3)(c)(i) shall be covered by legislative
(5) (a) The Division of Finance shall administer the payment described in Subsection (2) and Subsection (10).

(b) In accordance with Subsection (9), CCJJ shall, by rule made pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish procedures for the calculation of the payment described in Subsection (2) and Subsection (10).

(c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total amount of the payments made does not exceed the amount appropriated by the Legislature for the payments.

(6) Counties that receive the payment described in Subsection (2) and Subsection (10) shall, on at least a monthly basis, submit a report to CCJJ that includes:

(a) the number of state probationary inmates and state parole inmates the county housed under this section; [and]

(b) the total number of state probationary inmate days of incarceration and state parole inmate days of incarceration that were provided by the county[;]

(c) the total number of offenders housed pursuant to Subsection 64-13-21(2)(b); and

(d) the total number of days of incarceration of offenders housed pursuant to Subsection 64-13-21(2)(b).

(7) (a) On or before September 30 of each year, CCJJ shall compile the information from the reports described in Subsection (6) that relate to the preceding state fiscal year and provide a copy of the compilation to each county that submitted a report.

(b) On or before October 15 of each year, CCJJ shall inform the Division of Finance and each county of the exact amount of the payment described in this section that shall be made to each county.

(8) On or before December 15 of each year, the Division of Finance shall distribute the payment described in Subsection (7)(b) in a single payment to each county.

(9) (a) The amount paid to each county under Subsection (8) shall be calculated on a pro rata basis, based on the average number of state probationary inmate days of incarceration and the average state parole inmate days of incarceration that were provided by each county for the preceding five state fiscal years[;] and
(b) if funds are available, the total number of days of incarceration of offenders housed pursuant to Subsection 64-13-21(2)(b).

(10) If funds appropriated under Subsection (2) remain after payments are made pursuant to Subsection (8), the Division of Finance shall pay a county that houses in its jail a person convicted of a felony who is on probation or parole and who is incarcerated pursuant to Subsection 64-13-21(2)(b) on a pro rata basis not to exceed 50% of the final state daily incarceration rate.

Section 180. Section 72-7-402 is amended to read:

72-7-402. Limitations as to vehicle width, height, length, and load extensions.

(1) (a) Except as provided by statute, all state or federally approved safety devices and any other lawful appurtenant devices, including refrigeration units, hitches, air line connections, and load securing devices related to the safe operation of a vehicle are excluded for purposes of measuring the width and length of a vehicle under the provisions of this part, if the devices are not designed or used for carrying cargo.

(b) Load-induced tire bulge is excluded for purposes of measuring the width of vehicles under the provisions of this part.

(c) Appurtenances attached to the sides or rear of a recreational vehicle that is not a commercial motor vehicle are excluded for purposes of measuring the width and length of the recreational vehicle if the additional width or length of the appurtenances does not exceed six inches.

(2) A vehicle unladen or with a load may not exceed a width of 8-1/2 feet.

(3) A vehicle unladen or with a load may not exceed a height of 14 feet.

(4) (a) (i) A single-unit vehicle, unladen or with a load, may not exceed a length of 45 feet including front and rear bumpers.

(ii) In this section, a truck tractor coupled to one or more semitrailers or trailers is not considered a single-unit vehicle.

(b) (i) Except as provided under Subsection (4)(b)(iii), a semitrailer, unladen or with a load, may not exceed a length of 48 feet excluding refrigeration units, hitches, air line connections, and safety appurtenances.

(ii) There is no overall length limitation on a truck tractor and semitrailer combination when the semitrailer length is 48 feet or less.
(iii) A semitrailer that exceeds a length of 48 feet but does not exceed a length of 53 feet may operate on a route designated by the department or within one mile of that route.

(c) (i) Two trailers coupled together, unladen or with a load, may not exceed an overall length of 61 feet, measured from the front of the first trailer to the rear of the second trailer.

(ii) There is no overall length limitation on a truck tractor and double trailer combination when the trailers coupled together measure 61 feet or less.

(d) All other combinations of vehicles, unladen or with a load, when coupled together, may not exceed a total length of 65 feet, except the length limitations do not apply to combinations of vehicles operated at night by a public utility when required for emergency repair of public service facilities or properties, or when operated under a permit under Section 72-7-406.

(5) (a) Subject to Subsection (4), a vehicle or combination of vehicles may not carry any load extending more than three feet beyond the front of the body of the vehicle or more than six feet beyond the rear of the bed or body of the vehicle.

(b) A passenger vehicle may not carry any load extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side of the vehicle.

(6) Any exception to this section must be authorized by a permit as provided under Section 72-7-406.

(7) Any person who violates this section is guilty of a class [B] C misdemeanor.

Section 181. Section 72-7-403 is amended to read:

72-7-403. Towing requirements and limitations on towing.

(1) (a) The draw-bar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, may not exceed 15 feet in length from one vehicle to the other except:

(i) in the case of a connection between any two vehicles transporting poles, pipe, machinery, or structural material that cannot be dismembered when transported upon a pole trailer as defined in Section 41-6a-102; or

(ii) when operated under a permit under Section 72-7-406.

(b) When the connection between the two vehicles is a chain, rope, or cable, a red flag or other signal or cloth not less than 12 inches both in length and width shall be displayed on or
near the midpoint of the connection.

(2) A person may not operate a combination of vehicles when any trailer, semitrailer, or other vehicle being towed:

(a) whips or swerves from side to side dangerously or unreasonably; or
(b) fails to follow substantially in the path of the towing vehicle.

(3) A person who violates this section is guilty of a class [B] C misdemeanor.

Section 182. Section 72-7-404 is amended to read:

72-7-404. Maximum gross weight limitation for vehicles -- Bridge formula for weight limitations -- Minimum mandatory fines.

(1) (a) As used in this section:

(i) "Axle load" means the total load on all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart.
(ii) "Tandem axle" means two or more axles spaced not less than 40 inches nor more than 96 inches apart and having at least one common point of weight suspension.

(b) The tire load rating shall be marked on the tire sidewall. A tire, wheel, or axle may not carry a greater weight than the manufacturer's rating.

(2) (a) A vehicle may not be operated or moved on any highway in the state with:

(i) a gross weight in excess of 10,500 pounds on one wheel;
(ii) a single axle load in excess of 20,000 pounds; or
(iii) a tandem axle load in excess of 34,000 pounds.

(b) Subject to the limitations of Subsection (3), the gross vehicle weight of any vehicle or combination of vehicles may not exceed 80,000 pounds.

(3) (a) Subject to the limitations in Subsection (2), no group of two or more consecutive axles between the first and last axle of a vehicle or combination of vehicles and no vehicle or combination of vehicles may carry a gross weight in excess of the weight provided by the following bridge formula, except as provided in Subsection (3)(b):

\[ W = 500 \left\{ \frac{LN}{(N-1) + 12N+36} \right\} \]

(i) W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds.
(ii) L = distance in feet between the extreme of any group of two or more consecutive axles. When the distance in feet includes a fraction of a foot of one inch or more
(iii) \( N \) = number of axles in the group under consideration.

(b) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

(4) Any exception to this section must be authorized by an overweight permit as provided in Section 72-7-406.

(5) (a) Any person who violates this section is guilty of a class \([B] \) misdemeanor except that, notwithstanding Sections 76-3-301 and 76-3-302, the violator shall pay the largest minimum mandatory fine of either:

(i) \$50 plus the sum of the overweight axle fines calculated under Subsection (5)(b); or

(ii) \$50 plus the gross vehicle weight fine calculated under Subsection (5)(b).

(b) The fine for each axle and a gross vehicle weight violation shall be calculated according to the following schedule:

<table>
<thead>
<tr>
<th>Number of Pounds Overweight</th>
<th>Axle Fine (Cents per Pound for Each Overweight Axle)</th>
<th>Gross Vehicle Weight Fine (Cents per Pound)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 2,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2,001 - 5,000</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5,001 - 8,000</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>8,001 - 12,000</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>12,001 - 16,000</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>16,001 - 20,000</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>20,001 - 25,000</td>
<td>11</td>
<td>5</td>
</tr>
<tr>
<td>25,001 or more</td>
<td>13</td>
<td>5</td>
</tr>
</tbody>
</table>

Section 183. Section 72-7-405 is amended to read:

72-7-405. Measuring vehicles for size and weight compliance -- Summary powers of peace officers -- Penalty for violations.

(1) Any peace officer having reason to believe that the height, width, length, or weight of a vehicle and load is unlawful may require the operator to stop the vehicle and submit to a
measurement or weighing of the vehicle and load.

(2) A peace officer may require that the vehicle be driven to the nearest scales or port-of-entry if the scales or port-of-entry is within three miles.

(3) (a) A peace officer, special function officer, or port-of-entry agent may measure or weigh a vehicle and vehicle load for compliance with this chapter.

(b) If, upon measuring or weighing a vehicle and load, it is determined that the height, width, length, or weight is unlawful, the measuring or weighing peace officer, special function officer, or port-of-entry agent may require the operator to park the vehicle in a suitable place. The vehicle shall remain parked until the vehicle or its load is adjusted or a portion of the load is removed to conform to legal limits. All materials unloaded shall be cared for by the owner or operator of the vehicle at his risk.

(4) An operator who fails or refuses to stop and submit the vehicle and load to a measurement or weighing, or who fails or refuses when directed by a peace officer, special function officer, or port-of-entry agent to comply with this section is guilty of a class [B] C misdemeanor.

(5) Any driver or owner of a vehicle who violates Section 72-7-404 or 72-7-406 is guilty of a class [B] C misdemeanor.

Section 184. Section 72-7-406 is amended to read:

72-7-406. Oversize permits and oversize and overweight permits for vehicles of excessive size or weight -- Applications -- Restrictions -- Fees -- Rulemaking provisions -- Penalty.

(1) (a) The department may, upon receipt of an application and good cause shown, issue in writing an oversize permit or an oversize and overweight permit. The oversize permit or oversize and overweight permit may authorize the applicant to operate or move upon a highway:

(i) a vehicle or combination of vehicles, unladen or with a load weighing more than the maximum weight specified in Section 72-7-404 for any wheel, axle, group of axles, or total gross weight; or

(ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or length provisions under Section 72-7-402 or draw-bar length restriction under Subsection 72-7-403(1)(a).
(b) Except as provided under Subsection (8), an oversize and overweight permit may not be issued under this section to allow the transportation of a load that is reasonably divisible.

(c) The maximum size or weight authorized by a permit under this section shall be within limits that do not impair the state's ability to qualify for federal-aid highway funds.

(d) The department may deny or issue a permit under this section to protect the safety of the traveling public and to protect highway foundation, surfaces, or structures from undue damage by one or more of the following:

(i) limiting the number of trips the vehicle may make;

(ii) establishing seasonal or other time limits within which the vehicle may operate or move on the highway indicated;

(iii) requiring security in addition to the permit to compensate for any potential damage by the vehicle to any highway; and

(iv) otherwise limiting the conditions of operation or movement of the vehicle.

(e) Prior to granting a permit under this section, the department shall approve the route of any vehicle or combination of vehicles.

(2) An application for a permit under this section shall state:

(a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of each vehicle or combination of vehicles;

(b) the proposed maximum load size and maximum size of each vehicle or combination of vehicles;

(c) the specific roads requested to be used under authority of the permit; and

(d) if the permit is requested for a single trip or if other seasonal limits or time limits apply.

(3) Each oversize permit or oversize and overweight permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be available for inspection by any peace officer, special function officer, port of entry agent, or other personnel authorized by the department.

(4) A permit under this section may not be issued or is not valid unless the vehicle or combination of vehicles is:

(a) properly registered for the weight authorized by the permit; or

(b) registered for a gross laden weight of 78,001 pounds or over, if the gross laden
weight authorized by the permit exceeds 80,000 pounds.

(5) (a) (i) An oversize permit may be issued under this section for a vehicle or combination of vehicles that exceeds one or more of the maximum width, height, or length provisions under Section 72-7-402.

(ii) Except for an annual oversize permit for an implement of husbandry under Section 72-7-407 or for an annual oversize permit issued under Subsection (5)(a)(iii), only a single trip oversize permit may be issued for a vehicle or combination of vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long.

(iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the issuance of an annual oversize permit for a vehicle or combination of vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long if the department determines that the permit is needed to accommodate highway transportation needs for multiple trips on a specified route.

(b) The fee is $30 for a single trip oversize permit under this Subsection (5). This permit is valid for not more than 96 continuous hours.

(c) The fee is $75 for a semiannual oversize permit under this Subsection (5). This permit is valid for not more than 180 continuous days.

(d) The fee is $90 for an annual oversize permit under this Subsection (5). This permit is valid for not more than 365 continuous days.

(6) (a) An oversize and overweight permit may be issued under this section for a vehicle or combination of vehicles carrying a nondivisible load that exceeds one or more of the maximum weight provisions of Section 72-7-404 up to a gross weight of 125,000 pounds.

(b) The fee is $60 for a single trip oversize and overweight permit under this Subsection (6). This permit is valid for not more than 96 continuous hours.

(c) A semiannual oversize and overweight permit under this Subsection (6) is valid for not more than 180 continuous days. The fee for this permit is:

(i) $180 for a vehicle or combination of vehicles with gross vehicle weight of more than 80,000 pounds, but not exceeding 84,000 pounds;

(ii) $320 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and

(iii) $420 for a vehicle or combination of vehicles with gross vehicle weight of more
than 112,000 pounds, but not exceeding 125,000 pounds.

(d) An annual oversize and overweight permit under this Subsection (6) is valid for not more than 365 continuous days. The fee for this permit is:

(i) $240 for a vehicle or combination of vehicles with gross vehicle weight of more than 80,000 pounds, but not exceeding 84,000 pounds;
(ii) $480 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and
(iii) $540 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 125,000 pounds.

(7) (a) A single trip oversize and overweight permit may be issued under this section for a vehicle or combination of vehicles carrying a nondivisible load that exceeds:

(i) one or more of the maximum weight provisions of Section 72-7-404; or
(ii) a gross weight of 125,000 pounds.

(b) (i) The fee for a single trip oversize and overweight permit under this Subsection (7), which is valid for not more than 96 continuous hours, is $.012 per mile for each 1,000 pounds above 80,000 pounds subject to the rounding described in Subsection (7)(c).

(ii) The minimum fee that may be charged under this Subsection (7) is $80.

(iii) The maximum fee that may be charged under this Subsection (7) is $540.

(c) (i) The miles used to calculate the fee under this Subsection (7) shall be rounded up to the nearest 50 mile increment.

(ii) The pounds used to calculate the fee under this Subsection (7) shall be rounded up to the nearest 25,000 pound increment.

(iii) The dollar amount used to calculate the fee under this Subsection (7) shall be rounded to the nearest $10 increment.

(8) (a) An oversize and overweight permit may be issued under this section for a vehicle or combination of vehicles carrying a divisible load if:

(i) the bridge formula under Subsection 72-7-404(3) is not exceeded; and
(ii) the length of the vehicle or combination of vehicles is:

(A) more than the limitations specified under Subsections 72-7-402(4)(c) and (d) or Subsection 72-7-403(1)(a) but not exceeding 81 feet in cargo carrying length and the application is for a single trip, semiannual trip, or annual trip permit; or
(B) more than 81 feet in cargo carrying length but not exceeding 95 feet in cargo carrying length and the application is for an annual trip permit.

(b) The fee is $60 for a single trip oversize and overweight permit under this Subsection (8). The permit is valid for not more than 96 continuous hours.

(c) The fee for a semiannual oversize and overweight permit under this Subsection (8), which permit is valid for not more than 180 continuous days is:

(i) $180 for a vehicle or combination of vehicles with gross vehicle weight of more than 80,000 pounds, but not exceeding 84,000 pounds;

(ii) $320 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and

(iii) $420 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 129,000 pounds.

(d) The fee for an annual oversize and overweight permit under this Subsection (8), which permit is valid for not more than 365 continuous days is:

(i) $240 for a vehicle or combination of vehicles with gross vehicle weight of more than 80,000 pounds, but not exceeding 84,000 pounds;

(ii) $480 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and

(iii) $540 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 129,000 pounds.

(9) Permit fees collected under this section shall be credited monthly to the Transportation Fund.

(10) The department shall prepare maps, drawings, and instructions as guidance when issuing permits under this section.

(11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the issuance and revocation of all permits under this section and Section 72-7-407.

(12) Any person who violates any of the terms or conditions of a permit issued under this section:

(a) may have the person's permit revoked; and

(b) is guilty of a class [B] misdemeanor, except that a violation of any rule made
under Subsection (11) is not subject to a criminal penalty.

Section 185. Section 72-7-407 is amended to read:

72-7-407. Implements of husbandry -- Escort vehicle requirements -- Oversize permit -- Penalty.

(1) As used in this section, "escort vehicle" means a motor vehicle, as defined under Section 41-1a-102, that has its emergency warning lights operating, and that is being used to warn approaching motorists by either preceding or following a slow or oversized vehicle, object, or implement of husbandry being moved on the highway.

(2) An implement of husbandry being moved on a highway shall be accompanied by:

(a) front and rear escort vehicles when the implement of husbandry is 16 feet in width or greater unless the implement of husbandry is moved by a farmer or rancher or the farmer or rancher's employees in connection with an agricultural operation; or

(b) one or more escort vehicles when the implement of husbandry is traveling on a highway where special hazards exist related to weather, pedestrians, other traffic, or highway conditions.

(3) In addition to the requirements of Subsection (2), a person may not move an implement of husbandry on a highway during hours of darkness without lights and reflectors as required under Section 41-6a-1608 or 41-6a-1609.

(4) (a) Except for an implement of husbandry moved by a farmer or rancher or the farmer's or rancher's employees in connection with an agricultural operation, a person may not move an implement of husbandry on the highway without:

(i) an oversize permit obtained under Section 72-7-406 if required;

(ii) trained escort vehicle drivers and approved escort vehicles when required under Subsection (2); and

(iii) compliance with the vehicle weight requirements of Section 72-7-404.

(b) (i) The department shall issue an annual oversize permit for the purpose of allowing the movement of implements of husbandry on the highways in accordance with this chapter.

(ii) The permit shall require the applicant to obtain verbal permission from the department for each trip involving the movement of an implement of husbandry 16 feet or greater in width.

(5) Any person who violates this section is guilty of a class [B] C misdemeanor.
Section 186. Section 72-7-408 is amended to read:

72-7-408. Highway authority -- Restrictions on highway use -- Erection and maintenance of signs designating restrictions -- Penalty.

(1) (a) Subject to Subsection (1)(b), a highway authority may by rule or ordinance prescribe procedures and criteria which prohibit the operation of any vehicle or impose restrictions on the weight of a vehicle upon any highway under its jurisdiction.

(b) A highway authority may impose restrictions for a highway under Subsection (1)(a) if an engineering inspection concludes that, due to deterioration caused by climatic conditions, a highway will be seriously damaged or destroyed unless certain vehicles are prohibited or vehicle weights are restricted.

(2) The highway authority imposing restrictions under this section shall erect signs citing the provisions of the rule or ordinance at each end of that portion of any highway affected. The restriction is effective only when the signs are erected and maintained.

(3) Any person who violates any restriction imposed under the authority of this section is guilty of a class [B] C misdemeanor.

Section 187. Section 72-7-409 is amended to read:

72-7-409. Loads on vehicles -- Limitations -- Confining, securing, and fastening load required -- Penalty.

(1) As used in this section:

(a) "Agricultural product" means any raw product which is derived from agriculture, including silage, hay, straw, grain, manure, and other similar product.

(b) "Vehicle" has the same meaning set forth in Section 41-1a-102.

(2) A vehicle may not be operated or moved on any highway unless the vehicle is constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise escaping.

(3) (a) In addition to the requirements under Subsection (2), a vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or scrap metal shall have a covering over the entire load unless:

(i) the highest point of the load does not extend above the top of any exterior wall or sideboard of the cargo compartment of the vehicle; and

(ii) the outer edges of the load are at least six inches below the top inside edges of the
exterior walls or sideboards of the cargo compartment of the vehicle.

(b) In addition to the requirements under Subsection (2), a vehicle carrying trash or garbage shall have a covering over the entire load.

(c) The following material is exempt from the provisions of Subsection (3)(a):

(i) hot mix asphalt;

(ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form not susceptible to being blown out of the vehicle;

(iii) material being transported across a highway between two parcels of property that would be contiguous but for the highway that is being crossed; and

(iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers, bags, or packaging.

(d) A chemical substance capable of coating or bonding a load so that the load is confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a) so long as the chemical substance remains effective at confining the load.

(4) Subsections (2) and (3) do not apply to a vehicle or implement of husbandry carrying an agricultural product, if the agricultural product is:

(a) being transported in a manner which is not a hazard or a potential hazard to the safe operation of the vehicle or to other highway users; and

(b) loaded in a manner that only allows minimal spillage.

(5) (a) An authorized vehicle performing snow removal services on a highway is exempt from the requirements of this section.

(b) This section does not prohibit the necessary spreading of any substance connected with highway maintenance, construction, securing traction, or snow removal.

(6) A person may not operate a vehicle with a load on any highway unless the load and any load covering is fastened, secured, and confined to prevent the covering or load from becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to other highway users.

(7) Before entering a highway, the operator of a vehicle carrying any material listed under Subsection (3), shall remove all loose material on any portion of the vehicle not designed to carry the material.

(8) (a) Any person who violates this section is guilty of a class [B] misdemeanor.
(b) A person who violates a provision of this section shall be fined not less than:
   (i) $200 for a violation; or
   (ii) $500 for a second or subsequent violation within three years of a previous violation of this section.
   (c) A person who violates a provision of this section while operating a commercial vehicle as defined in Section 72-9-102 shall be fined:
      (i) not less than $500 for a violation; or
      (ii) $1,000 for a second or subsequent violation within three years of a previous violation of this section.

Section 188. Section 73-18-6 is amended to read:


(1) Every motorboat and sailboat on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any motorboat or sailboat on the waters of this state unless the motorboat or sailboat is numbered in accordance with:
   (a) this chapter;
   (b) applicable federal law; or
   (c) a federally-approved numbering system of another state, if the owner is a resident of that state and his motorboat or sailboat has not been in this state in excess of 60 days for the calendar year.
   (2) The number assigned to a motorboat or sailboat in accordance with this chapter, applicable federal law, or a federally-approved numbering system of another state shall be displayed on each side of the bow of the motorboat or sailboat, except this requirement does not apply to any vessel which has a valid marine document issued by the United States Coast Guard.
   (3) A violation of this section is a class C misdemeanor.

Section 189. Section 73-18-7 is amended to read:

73-18-7. Registration requirements -- Exemptions -- Fee -- Agents -- Records -- Period of registration and renewal -- Expiration -- Notice of transfer of interest or change of address -- Duplicate registration card -- Invalid registration -- Powers of board.

(1) (a) Except as provided by Section 73-18-9, the owner of each motorboat and sailboat on the waters of this state shall register it with the division as provided in this chapter.
A person may not place, give permission for the placement of, operate, or give permission for the operation of a motorboat or sailboat on the waters of this state, unless the motorboat or sailboat is registered as provided in this chapter.

(2) (a) The owner of a motorboat or sailboat required to be registered shall file an application for registration with the division on forms approved by the division.

(b) The owner of the motorboat or sailboat shall sign the application and pay the fee set by the board in accordance with Section 63J-1-504.

(c) Before receiving a registration card and registration decals, the applicant shall provide the division with a certificate from the county assessor of the county in which the motorboat or sailboat has situs for taxation, stating that:

(i) the property tax on the motorboat or sailboat for the current year has been paid;

(ii) in the county assessor's opinion, the property tax is a lien on real property sufficient to secure the payment of the property tax; or

(iii) the motorboat or sailboat is exempt by law from payment of property tax for the current year.

(d) If the board modifies the fee under Subsection (2)(b), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the board provides the State Tax Commission:

(i) notice from the board stating that the board will modify the fee; and

(ii) a copy of the fee modification.

(3) (a) Upon receipt of the application in the approved form, the division shall record the receipt and issue to the applicant registration decals and a registration card that state the number assigned to the motorboat or sailboat and the name and address of the owner.

(b) The registration card shall be available for inspection on the motorboat or sailboat for which it was issued, whenever that motorboat or sailboat is in operation.

(4) The assigned number shall:

(a) be painted or permanently attached to each side of the forward half of the motorboat or sailboat;

(b) consist of plain vertical block characters not less than three inches in height;

(c) contrast with the color of the background and be distinctly visible and legible;

(d) have spaces or hyphens equal to the width of a letter between the letter and numeral
groupings; and

(e) read from left to right.

(5) A motorboat or sailboat with a valid marine document issued by the United States Coast Guard is exempt from the number display requirements of Subsection (4).

(6) The nonresident owner of any motorboat or sailboat already covered by a valid number that has been assigned to it according to federal law or a federally approved numbering system of the owner's resident state is exempt from registration while operating the motorboat or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity period provided for in Subsection 73-18-9(1).

(7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a new application form and fee with the division, and the division shall issue a new registration card and registration decals in the same manner as provided for in Subsections (2) and (3).

(b) The division shall reassign the current number assigned to the motorboat or sailboat to the new owner to display on the motorboat or sailboat.

(8) If the United States Coast Guard has in force an overall system of identification numbering for motorboats or sailboats within the United States, the numbering system employed under this chapter by the board shall conform with that system.

(9) (a) The division may authorize any person to act as its agent for the registration of motorboats and sailboats.

(b) A number assigned, a registration card, and registration decals issued by an agent of the division in conformity with this chapter and rules of the board are valid.

(10) (a) The Motor Vehicle Division shall classify all records of the division made or kept according to this section in the same manner that motor vehicle records are classified under Section 41-1a-116.

(b) Division records are available for inspection in the same manner as motor vehicle records pursuant to Section 41-1a-116.

(11) (a) (i) Each registration, registration card, and decal issued under this chapter shall continue in effect for 12 months, beginning with the first day of the calendar month of registration.

(ii) A registration may be renewed by the owner in the same manner provided for in the initial application.
(iii) The division shall reassign the current number assigned to the motorboat or sailboat when the registration is renewed.

(b) Each registration, registration card, and registration decal expires the last day of the month in the year following the calendar month of registration.

(c) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the motorboat or sailboat is extended to 12 midnight of the next business day.

(d) The division may receive applications for registration renewal and issue new registration cards at any time before the expiration of the registration, subject to the availability of renewal materials.

(e) The new registration shall retain the same expiration month as recorded on the original registration even if the registration has expired.

(f) The year of registration shall be changed to reflect the renewed registration period.

(g) If the registration renewal application is an application generated by the division through its automated system, the owner is not required to surrender the last registration card or duplicate.

12 (a) An owner shall notify the division of:

(i) the transfer of all or any part of the owner's interest, other than creation of a security interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

(ii) the destruction or abandonment of the owner's motorboat or sailboat.

(b) Notification must take place within 15 days of the transfer, destruction, or abandonment.

(c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates its registration.

(ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not affect the owner's right to operate a motorboat or sailboat does not terminate the registration.

13 (a) A registered owner shall notify the division within 15 days if the owner's address changes from the address appearing on the registration card and shall, as a part of this notification, furnish the division with the owner's new address.

(b) The board may provide in its rules for:

(i) the surrender of the registration card bearing the former address; and
(ii) (A) the replacement of the card with a new registration card bearing the new
address; or
(B) the alteration of an existing registration card to show the owner's new address.

(14) (a) If a registration card is lost or stolen, the division may collect a fee of $4 for
the issuance of a duplicate card.
(b) If a registration decal is lost or stolen, the division may collect a fee of $3 for the
issuance of a duplicate decal.

(15) A number other than the number assigned to a motorboat or sailboat or a number
for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached,
or otherwise displayed on either side of the bow of a motorboat or sailboat.

(16) A motorboat or sailboat registration and number are invalid if obtained by
knowingly falsifying an application for registration.

(17) The board may designate the suffix to assigned numbers, and by following the
procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
make rules for:
(a) the display of registration decals;
(b) the issuance and display of dealer numbers and registrations; and
(c) the issuance and display of temporary registrations.

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

Section 190. Section 73-18-8 is amended to read:

73-18-8. Safety equipment required to be on board vessels.

(1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person
on board, one personal flotation device that is approved for the type of use by the commandant
of the United States Coast Guard.
(b) Each personal flotation device shall be:
(i) in serviceable condition;
(ii) legally marked with the United States Coast Guard approval number; and
(iii) of an appropriate size for the person for whom it is intended.
(c) (i) Sailboards are exempt from the provisions of Subsection (1)(a).
(ii) The board may exempt certain types of vessels from the provisions of Subsection
(1)(a) under certain conditions or upon certain waters.
(d) The board may require by rule for personal flotation devices to be worn:

(i) while a person is on board a certain type of vessel;

(ii) by a person under a certain age; or

(iii) on certain waters of the state.

(e) For vessels 16 feet or more in length, there shall also be on board, one Type IV throwable personal flotation device which is approved for this use by the commandant of the United States Coast Guard.

(2) The operator of a vessel operated between sunset and sunrise shall display lighted navigation lights approved by the division.

(3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in any enclosure for any purpose, the vessel shall be equipped with an efficient natural or mechanical ventilation system that is capable of removing resulting gases before and during the time the vessel is occupied by any person.

(4) Each vessel shall have fire extinguishing equipment on board.

(5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame control device.

(6) The board may:

(a) require additional safety equipment by rule; and

(b) adopt rules conforming with the requirements of this section which govern specifications for and the use of safety equipment.

(7) A person may not operate or give permission for the operation of a vessel that is not equipped as required by this section or rules promulgated under this section.

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

Section 191. Section 73-18-8.1 is amended to read:


(1) Each vessel manufactured after November 1, 1972, which is less than 20 feet in length, except a sailboat, canoe, kayak, inflatable vessel, or homemade motor boat must have a United States Coast Guard capacity and certification label permanently affixed to the vessel and clearly visible to the operator when boarding or operating the vessel. The capacity and certification information may be combined together and displayed on one label.

(2) No person shall operate, or give permission for the operation of, any vessel on the
waters of this state if it is loaded or powered in excess of the maximum capacity information on the United States Coast Guard capacity label.

(3) No person shall alter, deface, or remove any United States Coast Guard capacity or certification information label affixed to a vessel.

(4) No person shall operate, or give permission for the operation of, a vessel on the waters of this state if the required United States Coast Guard capacity or certification information label has been altered, defaced, or removed.

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

Section 192. Section 73-18-13 is amended to read:


(1) As used in this section, "agent" has the same meaning as provided in Section 41-6a-404.

(2) (a) It is the duty of the operator of a vessel involved in an accident, if the operator can do so without seriously endangering the operator's own vessel, crew, or passengers, to render aid to those affected by the accident as may be practicable.

(b) The operator shall also give the operator's name, address, and identification of the operator's vessel in writing to:

(i) any person injured; or

(ii) the owner of any property damaged in the accident.

(c) A violation of this Subsection (2) is a class B misdemeanor.

(3) (a) The board shall adopt rules governing the notification and reporting procedure for vessels involved in accidents.

(b) The rules shall be consistent with federal requirements.

(4) (a) Except as provided in Subsection (4)(b), all accident reports:

(i) are protected and shall be for the confidential use of the division or other state, local, or federal agencies having use for the records for official governmental statistical, investigative, and accident prevention purposes; and

(ii) may be disclosed only in a statistical form that protects the privacy of any person involved in the accident.

(b) The division shall disclose a written accident report and its accompanying data to:
(i) a person involved in the accident, excluding a witness to the accident;
(ii) a person suffering loss or injury in the accident;
(iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i) and (ii);
(iv) a member of the press or broadcast news media;
(v) a state, local, or federal agency that uses the records for official governmental, investigative, or accident prevention purposes;
(vi) law enforcement personnel when acting in their official governmental capacity; and
(vii) a licensed private investigator.

(c) Information provided to a member of the press or broadcast news media under Subsection (4)(b)(iv) may only include:
(i) the name, age, sex, and city of residence of each person involved in the accident;
(ii) the make and model year of each vehicle involved in the accident;
(iii) whether or not each person involved in the accident was covered by a vehicle insurance policy;
(iv) the location of the accident; and
(v) a description of the accident that excludes personal identifying information not listed in Subsection (4)(c)(i).

(5) (a) Except as provided in Subsection (5)(c), an accident report may not be used as evidence in any civil or criminal trial, arising out of an accident.
(b) Upon demand of any person who has, or claims to have, made the report, or upon demand of any court, the division shall furnish a certificate showing that a specified accident report has or has not been made to the division solely to prove a compliance or a failure to comply with the requirement that a report be made to the division.
(c) Accident reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of Subsection (6).

(6) Any person who gives false information, knowingly or having reason to believe it is false, in an oral or written report as required in this chapter, is guilty of a class [A] B misdemeanor.

Section 193. Section 73-18-15.1 is amended to read:

(1) The operator of a vessel shall maintain a proper lookout by sight and hearing at all times to avoid the risk of collision.

(2) When the operators of two motorboats approach each other where there is risk of collision, each operator shall alter course to the right and pass on the left side of the other.

(3) When the operators of two motorboats are crossing paths and are at risk of a collision, the operator of the vessel that has the other vessel on its right side shall keep out of the way and yield right-of-way if necessary.

(4) The operator of any vessel overtaking any other vessel shall keep out of the way of the vessel being overtaken.

(5) The operator of a vessel underway shall keep out of the way of a:
   (a) vessel not under command;
   (b) vessel restricted in its ability to maneuver;
   (c) vessel engaged in fishing; and
   (d) sailing vessel.

(6) If the operator of one of two vessels is to keep out of the way, the other vessel operator shall maintain his course and speed unless it becomes apparent the other vessel is not taking the appropriate action.

(7) In narrow channels an operator of a vessel underway shall keep to the right of the middle of the channel.

(8) The operator of a vessel shall proceed at a safe speed at all times so that the operator can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances or conditions.

(9) (a) When the operators of two sailboats are approaching one another so as to involve risk of collision, one of the operators shall keep out of the way of the other as follows:
   (i) when each has the wind on a different side, the operator of the vessel that has the wind on the left side shall keep out of the way of the other;
   (ii) when both have the wind on the same side, the operator of the vessel that is to the windward shall keep out of the way of the vessel that is to leeward; and
   (iii) if the operator of a vessel with the wind on the left side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the left or on the

...
right side, the operator shall keep out of way of the other vessel.

(b) For purposes of this Subsection (9), the windward side shall be the side opposite that on which the mainsail is carried.

(10) The operator of any vessel may not exceed a wakeless speed when within 150 feet of:

(a) another vessel;
(b) a person in or floating on the water;
(c) a water skier being towed by another boat;
(d) a water skier that had been towed behind the operator's vessel unless the skier is still surfing or riding in an upright stance on the wake created by the vessel;
(e) a water skier that had been towed behind another vessel and the skier is still surfing or riding in an upright stance on the wake created by the other vessel;
(f) a shore fisherman;
(g) a launching ramp;
(h) a dock; or
(i) a designated swimming area.

(11) The operator of a motorboat is responsible for any damage or injury caused by the wake produced by the operator's motorboat.

(12) (a) Except as provided in Subsection (12)(b), the operator of a motorboat that is less than 65 feet in length may not exceed a wakeless speed while any person is riding upon the bow decking, gunwales, transom, seatbacks, or motor cover.
(b) Subsection (12)(a) does not apply if the motorboat is:
(i) between 16 feet and 65 feet in length; and
(ii) the motorboat is equipped with adequate rails or other safeguards to prevent a person from falling overboard.

(13) If a person is riding upon the bow decking of a motorboat that does not have designed seating for passengers, the person shall straddle one of the upright supports of the bow rail and may not block the vision of the operator.

(14) The operator of a vessel may not tow a water skier or a person on another device:
(a) unless an onboard observer, who is at least eight years of age, is designated by the operator to watch the person being towed; or
(b) between sunset and sunrise.

(15) A person who violates this section is guilty of [a class C misdemeanor] an infraction.

Section 194. Section 73-18-15.2 is amended to read:


(1) (a) A person under 16 years of age may not operate a motorboat on the waters of this state unless the person is under the on-board and direct supervision of a person who is at least 18 years of age.

(b) A person under 16 years of age may operate a sailboat, if the person is under the direct supervision of a person who is at least 18 years of age.

(2) A person who is at least 12 years of age or older but under 16 years of age may operate a personal watercraft provided he:

(a) is under the direct supervision of a person who is at least 18 years of age;

(b) completes a boating safety course approved by the division; and

(c) has in his possession a boating safety certificate issued by the boating safety course provider.

(3) A person who is at least 16 years of age but under 18 years of age may operate a personal watercraft, if the person:

(a) completes a boating safety course approved by the division; and

(b) has in his possession a boating safety certificate issued by the boating safety course provider.

(4) A person required to attend a boating safety course under Subsection (3)(a) need not be accompanied by a parent or legal guardian while completing a boating safety course.

(5) A person may not give permission to another person to operate a vessel in violation of this section.

(6) As used in this section, "direct supervision" means oversight at a distance within which visual contact is maintained.

(7) (a) The division may collect fees set by the board in accordance with Section 63J-1-504 from each person who takes the division's boating safety course to help defray the cost of the boating safety course.
Money collected from the fees collected under Subsection (7)(a) shall be deposited in the Boating Account.

A violation of this section is a class C misdemeanor.

Section 195. Section 73-18-15.3 is amended to read:


(1) A person may not operate a personal watercraft on the waters of this state between sunset and sunrise.

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

Section 196. Section 73-18-16 is amended to read:


(1) The division may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments, or exhibitions on any waters of this state.

(2) The board may adopt rules concerning the safety of vessels and persons, either as observers or participants, that do not conflict with the provisions of Subsections (3) and (4).

(3) A person may elect, at the person's own risk, to wear a non-Coast Guard approved personal floatation device if the person is on an American Water Ski Association regulation tournament slalom course and is:

   (a) engaged in barefoot water skiing;
   (b) water skiing in an American Water Ski Association regulation competition;
   (c) a performer participating in a professional exhibition or other tournament; or
   (d) practicing for an event described in Subsection (3)(b) or (c).

(4) If a person is water skiing in an American Water Ski Association regulation tournament slalom course, an observer and flag are not required if the vessel is:

   (a) equipped with a wide angle mirror with a viewing surface of at least 48 square inches; and
   (b) operated by a person who is at least 18 years of age.

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

Section 197. Section 73-18-20.4 is amended to read:

73-18-20.4. Duty to report falsified vessel or motor number.

(1) Any person owning or operating a marina, marine dealership, service station, public
garage, paint shop, or a vessel repair shop shall immediately notify the local police authorities of any vessel or outboard motor that has any numbers that have apparently been altered, obliterated, or removed.

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

Section 198.  Section 73-18-21 is amended to read:

73-18-21.  Violation of chapter as class C misdemeanor.

Unless otherwise specified, any person who violates any provision of this chapter or rule promulgated under this chapter is guilty of a class [B] C misdemeanor.

Section 199.  Section 73-18c-302 is amended to read:

73-18c-302.  Operating motorboats without owner's or operator's security -- Penalty.

   (1) Any owner of a motorboat on which owner's or operator's security is required under Section 73-18c-301, who operates the motorboat or permits it to be operated on waters of the state without owner's security being in effect is guilty of a class [B] C misdemeanor.

   (2) Any other person who operates a motorboat upon waters of the state with the knowledge that the owner does not have owner's security in effect for the motorboat is also guilty of a class [B] C misdemeanor, unless that person has in effect owner's or operator's security on a Utah-registered motorboat or its equivalent that covers the operation, by him or her, of the motorboat in question.

Section 200.  Section 73-18c-304 is amended to read:

73-18c-304.  Evidence of owner's or operator's security to be carried when operating motorboat -- Defense -- Penalties.

   (1) (a) (i) Except as provided in Subsection (1)(a)(ii), a person operating a motorboat shall:

   (A) have in the person's immediate possession evidence of owner's or operator's security for the motorboat the person is operating; and

   (B) display it upon demand of a peace officer.

   (ii) A person operating a government-owned or government-leased motorboat is exempt from the requirements of Subsection (1)(a)(i).

   (b) Evidence of owner's or operator's security includes any one of the following:

   (i) the operator's:
(A) insurance policy;
(B) binder notice;
(C) renewal notice; or
(D) card issued by an insurance company as evidence of insurance;
(ii) a copy of a surety bond, certified by the surety, which conforms to Section 73-18c-102;
(iii) a certificate of the state treasurer issued under Section 73-18c-305; or
(iv) a certificate of self-funded coverage issued under Section 73-18c-306.
(2) It is an affirmative defense to a charge under this section that the person had owner's or operator's security in effect for the motorboat the person was operating at the time of the person's citation or arrest.
(3) (a) A letter from an insurance producer or company verifying that the person had the required liability insurance coverage on the date specified is considered proof of owner's or operator's security for purposes of Subsection (2).
(b) The court considering a citation issued under this section shall allow the letter under Subsection (3)(a) and a copy of the citation to be faxed or mailed to the clerk of the court to satisfy Subsection (2).
(4) A violation of this section is a class [B] C misdemeanor.
(5) If a person is convicted of a violation of this section and if the person is the owner of a motorboat, the court shall:
(a) require the person to surrender the person's registration materials to the court; and
(b) forward the registration materials, together with a copy of the conviction, to the division.
(6) (a) Upon receiving notification from a court of a conviction for a violation of this section, the division shall revoke the person's motorboat registration.
(b) Any registration revoked shall be renewed in accordance with Section 73-18-7.
Section 201. Section 76-3-202 is amended to read:
76-3-202. Paroled persons -- Termination or discharge from sentence -- Time served on parole -- Discretion of Board of Pardons and Parole.
(1) (a) Except as provided in Subsection (1)(b), every person committed to the state prison to serve an indeterminate term and later released on parole shall, upon completion of
three years on parole outside of confinement and without violation, be terminated from the
person's sentence unless the parole is earlier terminated by the Board of Pardons and Parole or
is terminated pursuant to Section 64-13-21.

(b) Every person committed to the state prison to serve an indeterminate term and later
released on parole on or after July 1, 2008, and who was convicted of any felony offense under
Title 76, Chapter 5, Offenses Against the Person, or any attempt, conspiracy, or solicitation to
commit any of these felony offenses, shall complete a term of parole that extends through the
expiration of the person's maximum sentence, unless the parole is earlier terminated by the
Board of Pardons and Parole.

(2) Every person convicted of a second degree felony for violating Section 76-5-404, forcible sexual abuse, or 76-5-404.1, sexual abuse of a child and aggravated sexual abuse of a child, or attempting, conspiring, or soliciting the commission of a violation of any of those sections, and who is paroled before July 1, 2008, shall, upon completion of 10 years parole outside of confinement and without violation, be terminated from the sentence unless the person is earlier terminated by the Board of Pardons and Parole.

(3) (a) Every person convicted of a first degree felony for committing any offense listed in Subsection (3)(b), or attempting, conspiring, or soliciting the commission of a violation of any of those sections, shall complete a term of lifetime parole outside of confinement and without violation unless the person is earlier terminated by the Board of Pardons and Parole.

(b) The offenses referred to in Subsection (3)(a) are:

(i) Section 76-5-301.1, child kidnapping;
(ii) Subsection 76-5-302(1)(b)(vi), aggravated kidnapping involving a sexual offense;
(iii) Section 76-5-402, rape;
(iv) Section 76-5-402.1, rape of a child;
(v) Section 76-5-402.2, object rape;
(vi) Section 76-5-402.3, object rape of a child;
(vii) Subsection 76-5-403(2), forcible sodomy;
(viii) Section 76-5-403.1, sodomy on a child;
(ix) Section 76-5-404.1, sexual abuse of a child and aggravated sexual abuse of a child;

or

(x) Section 76-5-405, aggravated sexual assault.
(4) Any person who violates the terms of parole, while serving parole, for any offense under Subsection (1), (2), or (3), shall at the discretion of the Board of Pardons and Parole be recommitted to prison to serve the portion of the balance of the term as determined by the Board of Pardons and Parole, but not to exceed the maximum term.

(5) In order for a parolee convicted on or after May 5, 1997, to be eligible for early termination from parole, the parolee must provide to the Board of Pardons and Parole:

(a) evidence that the parolee has completed high school classwork and has obtained a high school graduation diploma, a GED certificate, or a vocational certificate; or

(b) documentation of the inability to obtain one of the items listed in Subsection (5)(a) because of:

(i) a diagnosed learning disability; or

(ii) other justified cause.

(6) Any person paroled following a former parole revocation may not be discharged from the person's sentence until:

(a) the person has served the applicable period of parole under this section outside of confinement and without violation;

(b) the person's maximum sentence has expired; or

(c) the Board of Pardons and Parole orders the person to be discharged from the sentence.

(7) (a) All time served on parole, outside of confinement and without violation, constitutes service of the total sentence but does not preclude the requirement of serving the applicable period of parole under this section, outside of confinement and without violation.

(b) Any time a person spends outside of confinement after commission of a parole violation does not constitute service of the total sentence unless the person is exonerated at a parole revocation hearing.

(c) (i) Any time a person spends in confinement awaiting a hearing before the Board of Pardons and Parole or a decision by the board concerning revocation of parole constitutes service of the sentence.

(ii) In the case of exoneration by the board, the time spent is included in computing the total parole term.

(8) When any parolee without authority from the Board of Pardons and Parole absents
himself from the state or avoids or evades parole supervision, the period of absence, avoidance, or evasion tolls the parole period.

(9) (a) While on parole, time spent in confinement outside the state may not be credited toward the service of any Utah sentence.

(b) Time in confinement outside the state or in the custody of any tribal authority or the United States government for a conviction obtained in another jurisdiction tolls the expiration of the Utah sentence.

(10) This section does not preclude the Board of Pardons and Parole from paroling or discharging an inmate at any time within the discretion of the Board of Pardons and Parole unless otherwise specifically provided by law.

(11) A parolee sentenced to lifetime parole may petition the Board of Pardons and Parole for termination of lifetime parole.

Section 202. Section 76-6-206 is amended to read:

76-6-206. Criminal trespass.

(1) As used in this section, "enter" means intrusion of the entire body.

(2) A person is guilty of criminal trespass if, under circumstances not amounting to burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section 76-10-2402 regarding commercial obstruction:

(a) the person enters or remains unlawfully on property and:

(i) intends to cause annoyance or injury to any person or damage to any property, including the use of graffiti as defined in Section 76-6-107;

(ii) intends to commit any crime, other than theft or a felony; or

(iii) is reckless as to whether his presence will cause fear for the safety of another;

(b) knowing the person's entry or presence is unlawful, the person enters or remains on property as to which notice against entering is given by:

(i) personal communication to the actor by the owner or someone with apparent authority to act for the owner;

(ii) fencing or other enclosure obviously designed to exclude intruders; or

(iii) posting of signs reasonably likely to come to the attention of intruders; or

(c) the person enters a condominium unit in violation of Subsection 57-8-7(8).

(3) (a) A violation of Subsection (2)(a) or (b) is a class B misdemeanor unless it was committed in a dwelling, in which event it is a class A misdemeanor.

(b) A violation of Subsection (2)(c) is an infraction.

(4) It is a defense to prosecution under this section that:

(a) the property was at the time open to the public [when the actor entered or remained];
Section 202. Section 76-10-503 is amended to read:

Section 76-10-503. Restrictions on possession, purchase, transfer, and ownership of dangerous weapons by certain persons -- Exceptions.

(1) For purposes of this section:

(a) A Category I restricted person is a person who:

(i) has been convicted of any violent felony as defined in Section 76-3-203.5;
(ii) is on probation or parole for any felony;
(iii) is on parole from a secure facility as defined in Section 62A-7-101;
(iv) within the last 10 years has been adjudicated delinquent for an offense which if committed by an adult would have been a violent felony as defined in Section 76-3-203.5;
(v) is an alien who is illegally or unlawfully in the United States;
(vi) is on probation for a conviction of possessing a substance classified in Schedule I or II in Section 58-37-8, or a controlled substance analog or a substance listed in Section 58-37-4.2.

(b) A Category II restricted person is a person who:

(i) has been convicted of any felony;
(ii) within the last seven years has been adjudicated delinquent for an offense which if committed by an adult would have been a felony;
(iii) is an unlawful user of a controlled substance as defined in Section 58-37-2;
(iv) is in possession of a dangerous weapon and is knowingly and intentionally in unlawful possession of a Schedule I or II controlled substance as defined in Section 58-37-2;
(v) has been found not guilty by reason of insanity for a felony offense;
(vi) has been found mentally incompetent to stand trial for a felony offense;
(vii) has been adjudicated as mentally defective as provided in the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed to a mental institution;
(viii) has been dishonorably discharged from the armed forces; or
(ix) has renounced his citizenship after having been a citizen of the United States.

(c) As used in this section, a conviction of a felony or adjudication of delinquency for an offense which would be a felony if committed by an adult does not include:

(i) a conviction or adjudication of delinquency for an offense pertaining to antitrust.
violations, unfair trade practices, restraint of trade, or other similar offenses relating to the regulation of business practices not involving theft or fraud; or

(ii) a conviction or adjudication of delinquency which, according to the law of the jurisdiction in which it occurred, has been expunged, set aside, reduced to a misdemeanor by court order, pardoned or regarding which the person's civil rights have been restored unless the pardon, reduction, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

It is the burden of the defendant in a criminal case to provide evidence that a conviction or adjudication of delinquency is subject to an exception provided in Subsection (1)(c), after which it is the burden of the state to prove beyond a reasonable doubt that the conviction or adjudication of delinquency is not subject to that exception.

(2) A Category I restricted person who intentionally or knowingly agrees, consents, offers, or arranges to purchase, transfer, possess, use, or have under the person's custody or control, or who intentionally or knowingly purchases, transfers, possesses, uses, or has under the person's custody or control:

(a) any firearm is guilty of a second degree felony; or

(b) any dangerous weapon other than a firearm is guilty of a third degree felony.

(3) A Category II restricted person who intentionally or knowingly purchases, transfers, possesses, uses, or has under the person's custody or control:

(a) any firearm is guilty of a third degree felony; or

(b) any dangerous weapon other than a firearm is guilty of a class A misdemeanor.

(4) A person may be subject to the restrictions of both categories at the same time.

(5) If a higher penalty than is prescribed in this section is provided in another section for one who purchases, transfers, possesses, uses, or has under this custody or control any dangerous weapon, the penalties of that section control.

(6) It is an affirmative defense to a charge based on the definition in Subsection (1)(b)(iv) that the person was:

(a) in possession of a controlled substance pursuant to a lawful order of a practitioner for use of a member of the person's household or for administration to an animal owned by the person or a member of the person's household; or

(b) otherwise authorized by law to possess the substance.

(7) (a) It is an affirmative defense to transferring a firearm or other dangerous weapon by a person restricted under Subsection (2) or (3) that the firearm or dangerous weapon:

(i) was possessed by the person or was under the person's custody or control before the person became a restricted person;

(ii) was not used in or possessed during the commission of a crime or subject to disposition under Section 24-3-103;
(iii) is not being held as evidence by a court or law enforcement agency;
(iv) was transferred to a person not legally prohibited from possessing the weapon; and
(v) unless a different time is ordered by the court, was transferred within 10 days of the person
becoming a restricted person.
(b) Subsection (7)(a) is not a defense to the use, purchase, or possession on the person of a
firearm or other dangerous weapon by a restricted person.

(8) (a) A person may not sell, transfer, or otherwise dispose of any firearm or dangerous
weapon to any person, knowing that the recipient is a person described in Subsection (1)(a) or (b).
(b) A person who violates Subsection (8)(a) when the recipient is:
(i) a person described in Subsection (1)(a) and the transaction involves a firearm, is guilty of a
second degree felony;
(ii) a person described in Subsection (1)(a) and the transaction involves any dangerous weapon
other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon
for any unlawful purpose, is guilty of a third degree felony;
(iii) a person described in Subsection (1)(b) and the transaction involves a firearm, is guilty of
a third degree felony; or
(iv) a person described in Subsection (1)(b) and the transaction involves any dangerous
weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the
weapon for any unlawful purpose, is guilty of a class A misdemeanor.

(9) (a) A person may not knowingly solicit, persuade, encourage or entice a dealer or other
person to sell, transfer or otherwise dispose of a firearm or dangerous weapon under circumstances
which the person knows would be a violation of the law.
(b) A person may not provide to a dealer or other person any information that the person
knows to be materially false information with intent to deceive the dealer or other person about the
legality of a sale, transfer or other disposition of a firearm or dangerous weapon.
(c) "Materially false information" means information that portrays an illegal transaction as
legal or a legal transaction as illegal.
(d) A person who violates this Subsection (9) is guilty of:
(i) a third degree felony if the transaction involved a firearm; or
(ii) a class A misdemeanor if the transaction involved a dangerous weapon other than a
firearm.

Section 77-1-3 is amended to read:

For the purpose of this act:
(1) "Criminal action" means the proceedings by which a person is charged, accused,
brought to trial for a public offense.
(2) "Indictment" means an accusation in writing presented by a grand jury to the
district court charging a person with a public offense.
(3) "Information" means an accusation, in writing, charging a person with a public
offense which is presented, signed, and filed in the office of the clerk where the prosecution is
commenced pursuant to Section 77-2-1.1.

(4) "Magistrate" means a justice or judge of a court of record or not of record or a
commissioner of such a court appointed in accordance with Section 78A-5-107, except that the
authority of a court commissioner to act as a magistrate shall be limited by rule of the judicial
council. The judicial council rules shall not exceed constitutional limitations upon the
delegation of judicial authority.

(5) "Risk and needs assessment" means an actuarial tool validated on offenders that
determines:

(a) an individual's risk of reoffending; and

(b) the criminal risk factors that, when addressed, reduce the individual's risk of
reoffending.

Section 203. Section 77-18-1 is amended to read:

77-18-1. Suspension of sentence -- Pleas held in abeyance -- Probation -- Supervision -- Presentence investigation -- Standards -- Confidentiality -- Terms and conditions -- Termination, revocation, modification, or extension -- Hearings -- Electronic monitoring.

(1) On a plea of guilty or no contest entered by a defendant in conjunction with a plea in abeyance agreement, the court may hold the plea in abeyance as provided in Title 77, Chapter 2a, Pleas in Abeyance, and under the terms of the plea in abeyance agreement.

(2) (a) On a plea of guilty, guilty with a mental illness, no contest, or conviction of any crime or offense, the court may, after imposing sentence, suspend the execution of the sentence and place the defendant on probation. The court may place the defendant:

(i) on probation under the supervision of the Department of Corrections except in cases of class C misdemeanors or infractions;
(ii) on probation with an agency of local government or with a private organization; or
(iii) on bench probation under the jurisdiction of the sentencing court.

(b) (i) The legal custody of all probationers under the supervision of the department is with the department.

(ii) The legal custody of all probationers under the jurisdiction of the sentencing court is vested as ordered by the court.

(iii) The court has continuing jurisdiction over all probationers.

(3) (a) The department shall establish supervision and presentence investigation standards for all individuals referred to the department. These standards shall be based on:

(i) the type of offense;
(ii) the results of a risk and needs assessment;

[(iii)] the demand for services;

[(iv)] the availability of agency resources;

[(v)] public safety; and

[(vi)] other criteria established by the department to determine what level of services shall be provided.

(b) Proposed supervision and investigation standards shall be submitted to the Judicial
Council and the Board of Pardons and Parole on an annual basis for review and comment prior to adoption by the department.

(c) The Judicial Council and the department shall establish procedures to implement the supervision and investigation standards.

(d) The Judicial Council and the department shall annually consider modifications to the standards based upon criteria in Subsection (3)(a) and other criteria as they consider appropriate.

(e) The Judicial Council and the department shall annually prepare an impact report and submit it to the appropriate legislative appropriations subcommittee.

(4) Notwithstanding other provisions of law, the department is not required to supervise the probation of persons convicted of class B or C misdemeanors or infractions or to conduct presentence investigation reports on class C misdemeanors or infractions. However, the department may supervise the probation of class B misdemeanants in accordance with department standards.

(5) (a) Before the imposition of any sentence, the court may, with the concurrence of the defendant, continue the date for the imposition of sentence for a reasonable period of time for the purpose of obtaining a presentence investigation report from the department or information from other sources about the defendant.

(b) The presentence investigation report shall include:

(i) a victim impact statement according to guidelines set in Section 77-38a-203 describing the effect of the crime on the victim and the victim's family;

(ii) a specific statement of pecuniary damages, accompanied by a recommendation from the department regarding the payment of restitution with interest by the defendant in accordance with Title 77, Chapter 38a, Crime Victims Restitution Act;

(iii) findings from any screening and any assessment of the offender conducted under Section 77-18-1.1;

(iv) recommendations for treatment of the offender; and

(v) the number of days since the commission of the offense that the offender has spent in the custody of the jail and the number of days, if any, the offender was released to a supervised release or alternative incarceration program under Section 17-22-5.5.

(c) The contents of the presentence investigation report are protected and are not
available except by court order for purposes of sentencing as provided by rule of the Judicial Council or for use by the department.

6561 (6) (a) The department shall provide the presentence investigation report to the defendant's attorney, or the defendant if not represented by counsel, the prosecutor, and the court for review, three working days prior to sentencing. Any alleged inaccuracies in the presentence investigation report, which have not been resolved by the parties and the department prior to sentencing, shall be brought to the attention of the sentencing judge, and the judge may grant an additional 10 working days to resolve the alleged inaccuracies of the report with the department. If after 10 working days the inaccuracies cannot be resolved, the court shall make a determination of relevance and accuracy on the record.

6569 (b) If a party fails to challenge the accuracy of the presentence investigation report at the time of sentencing, that matter shall be considered to be waived.

6571 (7) At the time of sentence, the court shall receive any testimony, evidence, or information the defendant or the prosecuting attorney desires to present concerning the appropriate sentence. This testimony, evidence, or information shall be presented in open court on record and in the presence of the defendant.

6575 (8) While on probation, and as a condition of probation, the court may require that the defendant:

6577 (a) perform any or all of the following:
6578 (i) pay, in one or several sums, any fine imposed at the time of being placed on probation;
6579 (ii) pay amounts required under Title 77, Chapter 32a, Defense Costs;
6580 (iii) provide for the support of others for whose support the defendant is legally liable;
6581 (iv) participate in available treatment programs, including any treatment program in which the defendant is currently participating, if the program is acceptable to the court;
6582 (v) serve a period of time, not to exceed one year, in a county jail designated by the department, after considering any recommendation by the court as to which jail the court finds most appropriate;
6583 (vi) serve a term of home confinement, which may include the use of electronic monitoring;
6584 (vii) participate in compensatory service restitution programs, including the
compensatory service program provided in Section 76-6-107.1;
(viii) pay for the costs of investigation, probation, and treatment services;
(ix) make restitution or reparation to the victim or victims with interest in accordance
with Title 77, Chapter 38a, Crime Victims Restitution Act; and
(x) comply with other terms and conditions the court considers appropriate; and
(b) if convicted on or after May 5, 1997:
(i) complete high school classwork and obtain a high school graduation diploma, a
GED certificate, or a vocational certificate at the defendant's own expense if the defendant has
not received the diploma, GED certificate, or vocational certificate prior to being placed on
probation; or
(ii) provide documentation of the inability to obtain one of the items listed in
Subsection (8)(b)(i) because of:
(A) a diagnosed learning disability; or
(B) other justified cause.
(9) The department shall collect and disburse the account receivable as defined by
Section 76-3-201.1, with interest and any other costs assessed under Section 64-13-21 during:
(a) the parole period and any extension of that period in accordance with Subsection
77-27-6(4); and
(b) the probation period in cases for which the court orders supervised probation and
any extension of that period by the department in accordance with Subsection (10).

(10) (a) (i) Probation may be terminated at any time at the discretion of the court or
upon completion without violation of 36 months probation in felony or class A misdemeanor
cases, [or] 12 months in cases of class B or C misdemeanors or infractions, or as allowed
pursuant to Section 64-13-21 regarding earned credits.
(ii) (A) If, upon expiration or termination of the probation period under Subsection
10(a)(i), there remains an unpaid balance upon the account receivable as defined in Section
76-3-201.1, the court may retain jurisdiction of the case and continue the defendant on bench
probation for the limited purpose of enforcing the payment of the account receivable. If the
court retains jurisdiction for this limited purpose, the court may order the defendant to pay to
the court the costs associated with continued probation under this Subsection (10).
(B) In accordance with Section 77-18-6, the court shall record in the registry of civil
judgments any unpaid balance not already recorded and immediately transfer responsibility to
collect the account to the Office of State Debt Collection.

(iii) Upon motion of the Office of State Debt Collection, prosecutor, victim, or upon its
own motion, the court may require the defendant to show cause why the defendant's failure to
pay should not be treated as contempt of court.

(b) (i) The department shall notify the sentencing court, the Office of State Debt
Collection, and the prosecuting attorney in writing in advance in all cases when termination of
supervised probation will occur by law.

(ii) The notification shall include a probation progress report and complete report of
details on outstanding accounts receivable.

(11) (a) (i) Any time served by a probationer outside of confinement after having been
charged with a probation violation and prior to a hearing to revoke probation does not
constitute service of time toward the total probation term unless the probationer is exonerated
at a hearing to revoke the probation.

(ii) Any time served in confinement awaiting a hearing or decision concerning
revocation of probation does not constitute service of time toward the total probation term
unless the probationer is exonerated at the hearing.

(iii) Any time served in confinement awaiting a hearing or decision concerning
revocation of probation constitutes service of time toward a term of incarceration imposed as a
result of the revocation of probation.

(b) The running of the probation period is tolled upon the filing of a violation report
with the court alleging a violation of the terms and conditions of probation or upon the issuance
of an order to show cause or warrant by the court.

(12) (a) (i) Probation may not be modified or extended except upon waiver of a hearing
by the probationer or upon a hearing and a finding in court that the probationer has violated the
conditions of probation.

(ii) Probation may not be revoked except upon a hearing in court and a finding that the
conditions of probation have been violated.

(b) (i) Upon the filing of an affidavit alleging with particularity facts asserted to
constitute violation of the conditions of probation, the court that authorized probation shall
determine if the affidavit establishes probable cause to believe that revocation, modification, or
extension of probation is justified.

(ii) If the court determines there is probable cause, it shall cause to be served on the defendant a warrant for the defendant's arrest or a copy of the affidavit and an order to show cause why the defendant's probation should not be revoked, modified, or extended.

(c) (i) The order to show cause shall specify a time and place for the hearing and shall be served upon the defendant at least five days prior to the hearing.

(ii) The defendant shall show good cause for a continuance.

(iii) The order to show cause shall inform the defendant of a right to be represented by counsel at the hearing and to have counsel appointed if the defendant is indigent.

(iv) The order shall also inform the defendant of a right to present evidence.

(d) (i) At the hearing, the defendant shall admit or deny the allegations of the affidavit.

(ii) If the defendant denies the allegations of the affidavit, the prosecuting attorney shall present evidence on the allegations.

(iii) The persons who have given adverse information on which the allegations are based shall be presented as witnesses subject to questioning by the defendant unless the court for good cause otherwise orders.

(iv) The defendant may call witnesses, appear and speak in the defendant's own behalf, and present evidence.

(e) (i) After the hearing the court shall make findings of fact.

(ii) Upon a finding that the defendant violated the conditions of probation, the court may order the probation revoked, modified, continued, or that the entire probation term commence anew.

(iii) If probation is revoked, the defendant shall be sentenced or the sentence previously imposed shall be executed:

(iii) If a period of incarceration is imposed for a violation, the defendant shall be sentenced within the guidelines established by the Utah Sentencing Commission pursuant to Section 63M-7-404 Subsection 63M-7-404(4), unless the judge determines that:

(A) the defendant needs substance abuse or mental health treatment, as determined by a risk and needs assessment, that warrants treatment services that are immediately available in the community; or

(B) the sentence previously imposed shall be executed.
(iv) If the defendant had, prior to the imposition of a term of incarceration or the execution of the previously imposed sentence under this Subsection (12), served time in jail as a condition of probation or due to a violation of probation under Subsection 77-18-1(12)(c)(iii), the time the probationer served in jail constitutes service of time toward the sentence previously imposed.

(13) The court may order the defendant to commit himself or herself to the custody of the Division of Substance Abuse and Mental Health for treatment at the Utah State Hospital as a condition of probation or stay of sentence, only after the superintendent of the Utah State Hospital or the superintendent's designee has certified to the court that:

(a) the defendant is appropriate for and can benefit from treatment at the state hospital;
(b) treatment space at the hospital is available for the defendant; and
(c) persons described in Subsection 62A-15-610(2)(g) are receiving priority for treatment over the defendants described in this Subsection (13).

(14) Presentence investigation reports are classified protected in accordance with Title 63G, Chapter 2, Government Records Access and Management Act. Notwithstanding Sections 63G-2-403 and 63G-2-404, the State Records Committee may not order the disclosure of a presentence investigation report. Except for disclosure at the time of sentencing pursuant to this section, the department may disclose the presentence investigation only when:

(a) ordered by the court pursuant to Subsection 63G-2-202(7);
(b) requested by a law enforcement agency or other agency approved by the department for purposes of supervision, confinement, and treatment of the offender;
(c) requested by the Board of Pardons and Parole;
(d) requested by the subject of the presentence investigation report or the subject's authorized representative; or
(e) requested by the victim of the crime discussed in the presentence investigation report or the victim's authorized representative, provided that the disclosure to the victim shall include only information relating to statements or materials provided by the victim, to the circumstances of the crime including statements by the defendant, or to the impact of the crime on the victim or the victim's household.

(15) (a) The court shall consider home confinement as a condition of probation under the supervision of the department, except as provided in Sections 76-3-406 and 76-5-406.5.
(b) The department shall establish procedures and standards for home confinement, including electronic monitoring, for all individuals referred to the department in accordance with Subsection (16).

(16) (a) If the court places the defendant on probation under this section, it may order the defendant to participate in home confinement through the use of electronic monitoring as described in this section until further order of the court.

(b) The electronic monitoring shall alert the department and the appropriate law enforcement unit of the defendant's whereabouts.

(c) The electronic monitoring device shall be used under conditions which require:

(i) the defendant to wear an electronic monitoring device at all times; and

(ii) that a device be placed in the home of the defendant, so that the defendant's compliance with the court's order may be monitored.

(d) If a court orders a defendant to participate in home confinement through electronic monitoring as a condition of probation under this section, it shall:

(i) place the defendant on probation under the supervision of the Department of Corrections;

(ii) order the department to place an electronic monitoring device on the defendant and install electronic monitoring equipment in the residence of the defendant; and

(iii) order the defendant to pay the costs associated with home confinement to the department or the program provider.

(e) The department shall pay the costs of home confinement through electronic monitoring only for those persons who have been determined to be indigent by the court.

(f) The department may provide the electronic monitoring described in this section either directly or by contract with a private provider.

Section 204. Section 77-27-1 is amended to read:

77-27-1. Definitions.

As used in this chapter:

(1) "Appearance" means any opportunity to address the board, a board member, a panel, or hearing officer, including an interview.

(2) "Board" means the Board of Pardons and Parole.

(3) "Case action plan" means a document developed by the Department of Corrections
that identifies the program priorities for the treatment of the offender, including the criminal risk factors as determined by a risk and needs assessment conducted by the department.

[(3)] (4) "Commission" means the Commission on Criminal and Juvenile Justice.

[(4)] (5) "Commutation" is the change from a greater to a lesser punishment after conviction.

(6) "Criminal risk factors" means a person's characteristics and behaviors that:
(a) affect that person's risk of engaging in criminal behavior; and
(b) are diminished when addressed by effective treatment, supervision, and other support resources resulting in reduced risk of criminal behavior.

[(5)] (7) "Department" means the Department of Corrections.

[(6)] (8) "Expiration" occurs when the maximum sentence has run.

[(7)] (9) "Family" means persons related to the victim as a spouse, child, sibling, parent, or grandparent, or the victim's legal guardian.

[(8)] (10) "Hearing" means an appearance before the board, a panel, a board member or hearing examiner, at which an offender or inmate is afforded an opportunity to be present and address the board, and encompasses the term "full hearing."

[(9)] (11) "Location," in reference to a hearing, means the physical location at which the board, a panel, a board member, or a hearing examiner is conducting the hearing, regardless of the location of any person participating by electronic means.

[(10)] (12) "Open session" means any hearing before the board, a panel, a board member, or a hearing examiner which is open to the public, regardless of the location of any person participating by electronic means.

[(11)] (13) "Panel" means members of the board assigned by the chairperson to a particular case.

[(12)] (14) "Pardon" is an act of grace that forgives a criminal conviction and restores the rights and privileges forfeited by or because of the criminal conviction. A pardon releases an offender from the entire punishment prescribed for a criminal offense and from disabilities that are a consequence of the criminal conviction. A pardon reinstates any civil rights lost as a consequence of conviction or punishment for a criminal offense.

[(13)] (15) "Parole" is a release from imprisonment on prescribed conditions which, if satisfactorily performed by the parolee, enables the parolee to obtain a termination of his
"Probation" is an act of grace by the court suspending the imposition or execution of a convicted offender's sentence upon prescribed conditions.

"Reprieve or respite" is the temporary suspension of the execution of the sentence.

"Termination" is the act of discharging from parole or concluding the sentence of imprisonment prior to the expiration of the sentence.

"Victim" means:
(a) a person against whom the defendant committed a felony or class A misdemeanor offense, and regarding which offense a hearing is held under this chapter; or
(b) the victim's family, if the victim is deceased as a result of the offense for which a hearing is held under this chapter.

Section 205. Section 77-27-5.4 is enacted to read:

77-27-5.4. Earned time program.
(1) The board shall establish an earned time program that reduces the period of incarceration for offenders who successfully complete specified programs, the purpose of which is to reduce the risk of recidivism.
(2) The earned time program shall:
(a) provide not less than four months of earned time credit for the completion of the highest ranked priority in the offender's case action plan;
(b) provide not less than four months of earned time credit for completion of one of the recommended programs in the offender's case action plan; or
(c) allow the board to grant in its discretion earned time credit in addition to the earned time credit provided under Subsections (2)(a) and (b).
(3) The program may not provide earned time credit for offenders:
(a) whose previously ordered release date does not provide enough time for the Board of Pardons and Parole to grant the earned time credit;
(b) who have been sentenced by the court to a term of life without the possibility of parole; or
(c) who have been ordered by the Board of Pardons and Parole to serve a life sentence.
(4) The board may order the forfeiture of earned time credits under this section if the
offender commits a major disciplinary infraction.

(5) The department shall notify the board not more than 30 days after an offender completes a priority in the case action plan.

(6) The board shall collect data for the fiscal year regarding the operation of the earned time credit program, including:

(a) the number of offenders who have earned time credit under this section in the prior year;

(b) the amount of time credit earned in the prior year;

(c) the number of offenders who forfeited earned time credit; and

(d) additional related information as requested by the Commission on Criminal and Juvenile Justice.

(7) The board shall collaborate with the Department of Corrections in the establishment of the earned time credit program.

(8) To the extent possible, programming and hearings shall be provided early enough in an offender's incarceration to allow the offender to earn time credit.

Section 206. Section 77-27-10 is amended to read:


(1) (a) When the Board of Pardons and Parole releases an offender on parole, it shall issue to the parolee a certificate setting forth the conditions of parole, including the use of graduated sanctions pursuant to Section 64-13-21, which the offender shall accept and agree to as evidenced by the offender's signature affixed to the agreement.

(b) The parole agreement shall require that the inmate agree in writing that the board may issue a warrant and conduct a parole revocation hearing if:

(i) the board determines after the grant of parole that the inmate willfully provided to the board false or inaccurate information that the board finds was significant in the board's determination to grant parole; or

(ii) (A) the inmate has engaged in criminal conduct prior to the granting of parole; and

(B) the board did not have information regarding the conduct at the time parole was granted.

(c) A copy of the agreement shall be delivered to the Department of Corrections and a
copy shall be given to the parolee. The original shall remain with the board's file.

(2) (a) If an offender convicted of violating or attempting to violate Section 76-5-301.1, Subsection 76-5-302(1), Section 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404, 76-5-404.1, or 76-5-405, is released on parole, the board shall order outpatient mental health counseling and treatment as a condition of parole.

(b) The board shall develop standards and conditions of parole under this Subsection (2) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(c) This Subsection (2) does not apply to intensive early release parole.

(3) (a) In addition to the conditions set out in Subsection (1), the board may place offenders in an intensive early release parole program. The board shall determine the conditions of parole which are reasonably necessary to protect the community as well as to protect the interests of the offender and to assist the offender to lead a law-abiding life.

(b) The offender is eligible for this program only if the offender:

(i) has not been convicted of a sexual offense; or

(ii) has not been sentenced pursuant to Section 76-3-406.

(c) The department shall:

(i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for operation of the program;

(ii) adopt and implement internal management policies for operation of the program;

(iii) determine whether or not to refer an offender into this program within 120 days from the date the offender is committed to prison by the sentencing court; and

(iv) make the final recommendation to the board regarding the placement of an offender into the program.

(d) The department may not consider credit for time served in a county jail awaiting trial or sentencing when calculating the 120-day period.

(e) The prosecuting attorney or sentencing court may refer an offender for consideration by the department for participation in the program.

(f) The board shall determine whether or not to place an offender into this program within 30 days of receiving the department's recommendation.

(4) This program shall be implemented by the department within the existing budget.

(5) During the time the offender is on parole, the department shall collect from the
offender the monthly supervision fee authorized by Section 64-13-21.

(6) When a parolee commits a violation of the parole agreement, the department may:

(a) impose a graduated sanction pursuant to Section 64-13-21; or

(b) when the graduated sanctions matrix under Subsection $\hat{H}$\rightarrow 63M-7-405(5)]

indicates,

refer the parolee to the Board of Pardons and Parole for revocation of parole.

Section 207. Section 77-27-11 is amended to read:


(1) The board may revoke the parole of any person who is found to have violated any condition of his parole.

(2) (a) If a parolee is [detained] confined by the Department of Corrections or any law enforcement official for a suspected violation of parole, the Department of Corrections shall immediately report the alleged violation to the board, by means of an incident report, and make any recommendation regarding the incident.

(b) No parolee may be held for a period longer than 72 hours, excluding weekends and holidays, without first obtaining a warrant.

(3) Any member of the board may issue a warrant based upon a certified warrant request to a peace officer or other persons authorized to arrest, detain, and return to actual custody a parolee, and may upon arrest or otherwise direct the Department of Corrections to determine if there is probable cause to believe that the parolee has violated the conditions of his parole.

(4) Upon a finding of probable cause, a parolee may be further detained or imprisoned again pending a hearing by the board or its appointed examiner.

(5) (a) The board or its appointed examiner shall conduct a hearing on the alleged violation, and the parolee shall have written notice of the time and location of the hearing, the alleged violation of parole, and a statement of the evidence against him.

(b) The board or its appointed examiner shall provide the parolee the opportunity:

(i) to be present;

(ii) to be heard;

(iii) to present witnesses and documentary evidence;

(iv) to confront and cross-examine adverse witnesses, absent a showing of good cause for not allowing the confrontation; and
(v) to be represented by counsel when the parolee is mentally incompetent or pleading not guilty.

(c) If heard by an appointed examiner, the examiner shall make a written decision which shall include a statement of the facts relied upon by the examiner in determining the guilt or innocence of the parolee on the alleged violation and a conclusion as to whether the alleged violation occurred. The appointed examiner shall then refer the case to the board for disposition.

(d) Final decisions shall be reached by majority vote of the members of the board sitting and the parolee shall be promptly notified in writing of the board's findings and decision.

(6) (a) Parolees found to have violated the conditions of parole may, at the discretion of the board, be returned to parole, have restitution ordered, or be imprisoned again as determined by the board, not to exceed the maximum term, or be subject to any other conditions the board may impose within its discretion.

(b) If the board revokes parole for a violation and orders incarceration, the board shall impose a period of incarceration consistent with the guidelines under Subsection 63M-7-404(5).

(c) the following periods of time constitute service of time toward the period of incarceration imposed under Subsection (6)(b):

(i) time served in jail by a parolee awaiting a hearing or decision concerning revocation of parole; and

(ii) time served in jail by a parolee due to a violation of parole under Subsection 64-13-6(2).

Section 208. Section 78A-5-201 is amended to read:

78A-5-201. Creation and expansion of existing drug court programs -- Definition of drug court program -- Criteria for participation in drug court programs -- Reporting requirements.

(1) There may be created a drug court program in any judicial district that demonstrates:

(a) the need for a drug court program; and

(b) the existence of a collaborative strategy between the court, prosecutors, defense counsel, corrections, and substance abuse treatment services to reduce substance abuse by offenders.

(2) The collaborative strategy in each drug court program shall:

(a) include monitoring and evaluation components to measure program effectiveness; and

(b) be submitted to, for the purpose of coordinating the disbursement of funding, the:
(i) executive director of the Department of Human Services;
(ii) executive director of the Department of Corrections; and
(iii) state court administrator.

(3) (a) Funds disbursed to a drug court program shall be allocated as follows:
   (i) 87% to the Department of Human Services for testing, treatment, and case
   management; and
   (ii) 13% to the Administrative Office of the Courts for increased judicial and court
   support costs.

   (b) This provision does not apply to federal block grant funds.

(4) A drug court program shall include continuous judicial supervision using a
cooperative approach with prosecutors, defense counsel, corrections, substance abuse treatment
services, juvenile court probation, and the Division of Child and Family Services as appropriate
to promote public safety, protect participants' due process rights, and integrate substance abuse
treatment with justice system case processing.

(5) Screening criteria for participation in a drug court program shall include:
   (a) a plea to, conviction of, or adjudication for a nonviolent drug offense or
drug-related offense;
   (b) an agreement to frequent alcohol and other drug testing;
   (c) participation in one or more substance abuse treatment programs; and
   (d) an agreement to submit to sanctions for noncompliance with drug court program
requirements.

(6) (a) The Judicial Council shall develop rules prescribing eligibility requirements for
participation in adult criminal drug courts.
   (b) Acceptance of an offender into a drug court shall be based on a risk and needs
assessment, without regard to the nature of the offense.

Section 209. Effective date.

(1) Except as provided in Subsections (2) and (3), this bill takes effect on May 12,
2015.

(2) Section 64-13e-104 takes effect on July 1, 2015; and

(3) The following sections take effect on October 1, 2015
   (a) Section 58-37-8;
(b) Section 64-13-6;
(c) Section 4-13-10.5;
(d) Section 64-13-14.5;
(e) Section 64-13-21;
(f) Section 64-13-29;
(g) Section 76-3-202;
(h) Section 77-18-1;
(i) Section 77-27-10; and
(j) Section 77-27-11.