

DRIVER LICENSE MODIFICATIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Lee B. Perry

LONG TITLE

General Description:

This bill modifies the Uniform Driver License Act by amending provisions relating to court reporting of convictions to the Driver License Division.

Highlighted Provisions:

This bill:

- ▶ provides that a court is not required to forward to the Driver License Division within five days an abstract of the court record of the conviction for certain drug violations and the Driver License Division is not required to suspend a person's license for certain drug violations if the person convicted of the violation was not an operator of a motor vehicle at the time of the violation; and

- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-218, as last amended by Laws of Utah 2011, Chapter 190

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

Section 1. Section **53-3-218** is amended to read:

53-3-218. Court to report convictions and may recommend suspension of license

30 -- Severity of speeding violation defined.

31 (1) As used in this section, "conviction" means conviction by the court of first
32 impression or final administrative determination in an administrative traffic proceeding.

33 (2) (a) Except as provided in Subsection (2)(c), a court having jurisdiction over offenses
34 committed under this chapter or any other law of this state, or under any municipal ordinance
35 regulating driving motor vehicles on highways or driving motorboats on the water, shall
36 forward to the division within five days, an abstract of the court record of the conviction or
37 plea held in abeyance of any person in the court for a reportable traffic or motorboating
38 violation of any laws or ordinances, and may recommend the suspension of the license of the
39 person convicted.

40 (b) When the division receives a court record of a conviction or plea in abeyance for a
41 motorboat violation, the division may only take action against a person's driver license if the
42 motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the
43 Influence and Reckless Driving.

44 (c) (i) A court is not required to forward to the division within five days an abstract of
45 the court record of the conviction for a violation described in Subsection 53-3-220(1)(c) and
46 the Driver License Division is not required to suspend a person's license for a violation
47 described in Subsection 53-3-220(1)(c) if the person:

48 [~~(A) the violation did not involve a motor vehicle; and~~]

49 [~~(B) the person~~] (A) convicted of a violation described in Subsection 53-3-220(1)(c) [:-]
50 was not an operator of a motor vehicle at the time of the violation; and

51 (B) (I) is participating in or has successfully completed substance abuse treatment at a
52 licensed substance abuse treatment program that is approved by the Division of Substance
53 Abuse and Mental Health in accordance with Section 62A-15-105; or

54 (II) is participating in or has successfully completed probation through the Department
55 of Corrections Adult Probation and Parole in accordance with Section 77-18-1.

56 (ii) If the person convicted of a violation described in Subsection 53-3-220(1)(c) fails
57 to comply with the terms of a substance abuse treatment program under Subsection

58 (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II):

59 (A) the substance abuse treatment program licensed by the Division of Substance
60 Abuse and Mental Health or the Department of Corrections Adult Probation and Parole shall
61 immediately provide an affidavit or other sworn information to the court notifying the court
62 that the person has failed to comply with the terms of a substance abuse treatment program
63 under Subsection (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II);

64 (B) upon receipt of an affidavit or sworn statement under Subsection (2)(c)(ii)(A), the
65 court shall immediately forward an abstract of the court record of the conviction for a violation
66 described in Subsection 53-3-220(1)(c) to the division; and

67 (C) the division shall immediately suspend the person's license in accordance with
68 Subsection 53-3-220(1)(c).

69 (3) The abstract shall be made in the form prescribed by the division and shall include:

70 (a) the name, date of birth, and address of the party charged;

71 (b) the license certificate number of the party charged, if any;

72 (c) the registration number of the motor vehicle or motorboat involved;

73 (d) whether the motor vehicle was a commercial motor vehicle;

74 (e) whether the motor vehicle carried hazardous materials;

75 (f) whether the motor vehicle carried 16 or more occupants;

76 (g) whether the driver presented a commercial driver license;

77 (h) the nature of the offense;

78 (i) whether the offense involved an accident;

79 (j) the driver's blood alcohol content, if applicable;

80 (k) if the offense involved a speeding violation:

81 (i) the posted speed limit;

82 (ii) the actual speed; and

83 (iii) whether the speeding violation occurred on a highway that is part of the interstate
84 system as defined in Section 72-1-102;

85 (l) the date of the hearing;

86 (m) the plea;

87 (n) the judgment or whether bail was forfeited; and

88 (o) the severity of the violation, which shall be graded by the court as "minimum,"
89 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

90 (4) When a convicted person secures a judgment of acquittal or reversal in any
91 appellate court after conviction in the court of first impression, the division shall reinstate the
92 convicted person's license immediately upon receipt of a certified copy of the judgment of
93 acquittal or reversal.

94 (5) Upon a conviction for a violation of the prohibition on using a handheld wireless
95 communication device for text messaging or electronic mail communication while operating a
96 moving motor vehicle under Section 41-6a-1716, a judge may order a suspension of the
97 convicted person's license for a period of three months.

98 (6) Upon a conviction for a violation of careless driving under Section 41-6a-1715 that
99 causes or results in the death of another person, a judge may order a revocation of the convicted
100 person's license for a period of one year.