

## SB0187S01 compared with SB0187

~~deleted text~~ shows text that was in SB0187 but was deleted in SB0187S01.

inserted text shows text that was not in SB0187 but was inserted into SB0187S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Daniel W. Thatcher proposes the following substitute bill:

### RECLASSIFICATION OF MISDEMEANORS

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

#### General Description:

This bill modifies criminal penalties in the Utah Code.

#### Highlighted Provisions:

This bill:

- ▶ reduces the penalty for listed sections of the Utah Code from a misdemeanor to an infraction, except that the penalty for one section under the State Boating Act is increased from an infraction to a class C misdemeanor.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

#### Utah Code Sections Affected:

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AMENDS:

~~4-25-12.1, as last amended by Laws of Utah 2015, Chapter 105~~

~~4-26-101, as renumbered and amended by Laws of Utah 2012, Chapter 331~~

~~4-31-104, as renumbered and amended by Laws of Utah 2012, Chapter 331~~

10-9a-611, as renumbered and amended by Laws of Utah 2005, Chapter 254

10-9a-802, as last amended by Laws of Utah 2015, Chapter 327

13-32-106, as enacted by Laws of Utah 1999, Chapter 68

17-23-15, as last amended by Laws of Utah 2001, Chapter 241

17-23-17, as last amended by Laws of Utah 2015, Chapter 352

20A-1-604, as last amended by Laws of Utah 2008, Chapter 276

26-15-13, as last amended by Laws of Utah 2012, Chapter 409

32B-4-410, as last amended by Laws of Utah 2015, Chapter 165

32B-4-419, as enacted by Laws of Utah 2010, Chapter 276

32B-4-421, as enacted by Laws of Utah 2010, Chapter 276

32B-4-422, as last amended by Laws of Utah 2011, Chapter 307

41-1a-401, as last amended by Laws of Utah 2015, Chapter 412

41-1a-702, as last amended by Laws of Utah 2015, Chapter 412

41-1a-1206, as last amended by Laws of Utah 2015, Chapter 412

41-6a-601, as last amended by Laws of Utah 2015, Chapter 412

41-6a-609, as renumbered and amended by Laws of Utah 2005, Chapter 2

41-6a-904, as last amended by Laws of Utah 2015, Chapter 412

41-6a-1626, as last amended by Laws of Utah 2015, Chapters 15 and 412

41-6a-1630, as last amended by Laws of Utah 2015, Chapter 412

41-6a-1631, as last amended by Laws of Utah 2015, Chapter 412

41-12a-303.2, as last amended by Laws of Utah 2015, Chapter 412

53-1-116, as last amended by Laws of Utah 1997, Chapter 51

53-3-305, as enacted by Laws of Utah 2008, Chapter 88

53-3-412, as last amended by Laws of Utah 2015, Chapter 412

53-8-209, as renumbered and amended by Laws of Utah 1993, Chapters 26 and 234

53B-3-107, as last amended by Laws of Utah 2015, Chapter 412

72-7-403, as last amended by Laws of Utah 2015, Chapter 412

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72-7-404, as last amended by Laws of Utah 2015, Chapter 412  
72-7-405, as last amended by Laws of Utah 2015, Chapter 412  
72-7-406, as last amended by Laws of Utah 2015, Chapter 412  
72-7-407, as last amended by Laws of Utah 2015, Chapter 412  
72-7-408, as last amended by Laws of Utah 2015, Chapter 412  
72-7-409, as last amended by Laws of Utah 2015, Chapter 412  
73-18-6, as last amended by Laws of Utah 2015, Chapter 412  
73-18-7, as last amended by Laws of Utah 2015, Chapter 412  
73-18-8, as last amended by Laws of Utah 2015, Chapters 113 and 412  
73-18-8.1, as last amended by Laws of Utah 2015, Chapter 412  
73-18-15.1, as last amended by Laws of Utah 2015, Chapter 412  
73-18-15.2, as last amended by Laws of Utah 2015, Chapter 412  
73-18-15.3, as last amended by Laws of Utah 2015, Chapter 412  
73-18-16, as last amended by Laws of Utah 2015, Chapter 412  
76-9-702.3, as enacted by Laws of Utah 2012, Chapter 303  
76-9-706, as last amended by Laws of Utah 2008, Chapter 186  
78B-1-115, as renumbered and amended by Laws of Utah 2008, Chapter 3  
78B-8-304, as renumbered and amended by Laws of Utah 2008, Chapter 3

### REPEALS:

4-31-112, as enacted by Laws of Utah 2012, Chapter 331  
~~{ 10-9a-611, as renumbered and amended by Laws of Utah 2005, Chapter 254~~  
~~10-9a-802, as last amended by Laws of Utah 2015, Chapter 327~~  
~~13-32-106, as enacted by Laws of Utah 1999, Chapter 68~~  
~~17-23-15, as last amended by Laws of Utah 2001, Chapter 241~~  
~~17-23-17, as last amended by Laws of Utah 2015, Chapter 352~~  
~~20A-1-604, as last amended by Laws of Utah 2008, Chapter 276~~  
~~26-15-13, as last amended by Laws of Utah 2012, Chapter 409~~  
~~32B-4-410, as last amended by Laws of Utah 2015, Chapter 165~~  
~~32B-4-419, as enacted by Laws of Utah 2010, Chapter 276~~  
~~32B-4-421, as enacted by Laws of Utah 2010, Chapter 276~~  
~~32B-4-422, as last amended by Laws of Utah 2011, Chapter 307~~

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- ~~41-1a-401~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~41-1a-702~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~41-1a-803~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~41-1a-1206~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~41-6a-526~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~41-6a-601~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~41-6a-609~~, as renumbered and amended by Laws of Utah 2005, Chapter 2
- ~~41-6a-904~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~41-6a-1626~~, as last amended by Laws of Utah 2015, Chapters 15 and 412
- ~~41-6a-1630~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~41-6a-1631~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~41-12a-303.2~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~53-1-116~~, as last amended by Laws of Utah 1997, Chapter 51
- ~~53-3-305~~, as enacted by Laws of Utah 2008, Chapter 88
- ~~53-3-412~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~53-8-209~~, as renumbered and amended by Laws of Utah 1993, Chapters 26 and 234
- ~~53B-3-107~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~72-7-403~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~72-7-404~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~72-7-405~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~72-7-406~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~72-7-407~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~72-7-408~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~72-7-409~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~73-18-6~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~73-18-7~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~73-18-8~~, as last amended by Laws of Utah 2015, Chapters 113 and 412
- ~~73-18-8.1~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~73-18-15.1~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~73-18-15.2~~, as last amended by Laws of Utah 2015, Chapter 412
- ~~73-18-15.3~~, as last amended by Laws of Utah 2015, Chapter 412

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~~73-18-16~~, as last amended by Laws of Utah 2015, Chapter 412

~~76-9-702.3~~, as enacted by Laws of Utah 2012, Chapter 303

~~76-9-706~~, as last amended by Laws of Utah 2008, Chapter 186

~~78B-1-115~~, as renumbered and amended by Laws of Utah 2008, Chapter 3

~~78B-8-304~~, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section ~~{4-25-12.1}~~ 4-31-104 is amended to read:

~~{~~ ~~4-25-12.1. Release of swine or feral swine for any purpose.~~

~~(1) A person may not release a:~~

~~[(1)] (a) swine on public or private property for hunting purposes; or~~

~~[(2)] (b) feral swine on public or private property for any purpose.~~

~~(2) A person who violates this section is guilty of an infraction.~~

Section 2. Section ~~4-26-101~~ is amended to read:

~~4-26-101. Failure to close entrance to enclosure == Infraction == Damages.~~

~~A person who willfully throws down a fence or opens bars or gates into any enclosure other than the person's own enclosure or into any enclosure jointly owned or occupied by [such] the person and others, and leaves it open is guilty of [a class C misdemeanor] an infraction, and is liable in damage for any injury sustained by any person as a result of [such an] the act.~~

Section 3. Section ~~4-31-104~~ is amended to read:

~~}~~ ~~4-31-104. Penalty.~~

~~A person who violates Section 4-31-102 or 4-31-103 is guilty of [a class C misdemeanor] an infraction.~~

Section ~~{4}~~ 2. Section ~~{4-31-112}~~ 10-9a-611 is amended to read:

~~{~~ ~~4-31-112. Feeding garbage or plate waste to swine prohibited.~~

~~(1) As used in this section, "plate waste" means uneaten food from an establishment or institution that serves food.~~

~~(2) A person may not feed garbage or plate waste to a swine, unless the swine is slaughtered for home use.~~

~~(3) A person who violates this section is guilty of [a class C misdemeanor] an an~~

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infraction.

~~Section 5. Section 10-9a-611 is amended to read:~~

‡ **10-9a-611. Prohibited acts.**

(1) (a) (i) An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this part for each lot or parcel transferred or sold.

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

(b) The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.

(c) Notwithstanding any other provision of this Subsection (1), the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:

(i) does not affect the validity of the instrument or other document; and

(ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable municipal ordinances on land use and development.

(2) (a) A municipality may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted under the authority of this part.

(b) An action under this Subsection (2) may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.

(c) A municipality need only establish the violation to obtain the injunction.

Section ~~†6†~~3. Section **10-9a-802** is amended to read:

**10-9a-802. Enforcement.**

(1) (a) A municipality or any adversely affected owner of real estate within the municipality in which violations of this chapter or ordinances enacted under the authority of this chapter occur or are about to occur may, in addition to other remedies provided by law, institute:

(i) injunctions, mandamus, abatement, or any other appropriate actions; or

(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) A municipality need only establish the violation to obtain the injunction.

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(2) (a) A municipality may enforce the municipality's ordinance by withholding a building permit.

(b) It is [~~unlawful~~] an infraction to erect, construct, reconstruct, alter, or change the use of any building or other structure within a municipality without approval of a building permit.

(c) A municipality may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

(d) A municipality may not deny an applicant a building permit because the applicant has not completed an infrastructure improvement:

(i) that is not essential to meet the requirements for the issuance of a building permit under the building code and fire code; and

(ii) for which the municipality has accepted an infrastructure improvement assurance for infrastructure improvements for the development.

Section ~~{7}~~4. Section **13-32-106** is amended to read:

### **13-32-106. Penalties.**

A person who violates this chapter is guilty of [~~a class C misdemeanor~~] an infraction.

Section ~~{8}~~5. Section **17-23-15** is amended to read:

### **17-23-15. Removal, destruction, or defacement of monuments or corners as infraction -- Costs.**

(1) [~~No~~] A person [~~shall~~] may not willfully or negligently remove, destroy, or deface any government survey monument, corner, or witness corner.

(2) Any person who violates this section is guilty of [~~a class C misdemeanor~~] an infraction and is additionally responsible for:

(a) the costs of any necessary legal action; and

(b) the costs of reestablishing the survey monument, corner, or witness corner.

Section ~~{9}~~6. Section **17-23-17** is amended to read:

### **17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking of monuments -- Record of corner changes -- Penalties.**

(1) As used in this section:

(a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land

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Surveyors Licensing Act.

(b) (i) "Township" means a term used in the context of identifying a geographic area in common surveyor practice.

(ii) "Township" does not mean a metro township as that term is defined in Section 10-2a-403.

(2) (a) (i) Each land surveyor making a boundary survey of lands within this state to establish or reestablish a boundary line or to obtain data for constructing a map or plat showing a boundary line shall file a map of the survey that meets the requirements of this section with the county surveyor or designated office within 90 days of the establishment or reestablishment of a boundary.

(ii) A land surveyor who fails to file a map of the survey as required by Subsection (2)(a)(i) is guilty of [~~a class C misdemeanor~~] an infraction.

(iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a separate violation.

(b) The county surveyor or designated office shall file and index the map of the survey.

(c) The map shall be a public record in the office of the county surveyor or designated office.

(3) This type of map shall show:

(a) the location of survey by quarter section and township and range;

(b) the date of survey;

(c) the scale of drawing and north point;

(d) the distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision;

(e) all measured bearings, angles, and distances separately indicated from those of record;

(f) a written boundary description of property surveyed;

(g) all monuments set and their relation to older monuments found;

(h) a detailed description of monuments found and monuments set, indicated separately;

(i) the surveyor's seal or stamp; and



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(j) the surveyor's business name and address.

(4) (a) The map shall contain a written narrative that explains and identifies:

(i) the purpose of the survey;

(ii) the basis on which the lines were established; and

(iii) the found monuments and deed elements that controlled the established or reestablished lines.

(b) If the narrative is a separate document, it shall contain:

(i) the location of the survey by quarter section and by township and range;

(ii) the date of the survey;

(iii) the surveyor's stamp or seal; and

(iv) the surveyor's business name and address.

(c) The map and narrative shall be referenced to each other if they are separate documents.

(5) The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.

(6) (a) Any monument set by a licensed professional land surveyor to mark or reference a point on a property or land line shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the registration number of the surveyor in charge.

(b) If the monument is set by a licensed land surveyor who is a public officer, it shall be marked with the official title of the office.

(7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the section corner or quarter-section corner, or their accessories, the surveyor shall complete and submit to the county surveyor or designated office a record of the changes made.

(b) The record shall be submitted within 45 days of the corner visits and shall include the surveyor's seal, business name, and address.

(8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the license of any land surveyor who fails to comply with the requirements of this section, according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and Professional Licensing Act.

(9) Each federal or state agency, board, or commission, local district, special service

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district, or municipal corporation that makes a boundary survey of lands within this state shall comply with this section.

Section ~~{10}~~7. Section **20A-1-604** is amended to read:

### **20A-1-604. Destroying instruction cards, sample ballots, or election paraphernalia -- Penalties.**

(1) A person may not:

(a) willfully deface or destroy any list of candidates posted in accordance with the provisions of this title;

(b) willfully deface, tear down, remove or destroy any card of instruction or sample ballot, printed or posted for the instruction of voters during an election;

(c) willfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare the voter's ballot during an election; or

(d) willfully hinder the voting of others.

(2) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (1) is guilty of [~~a class C misdemeanor~~] an infraction.

Section ~~{11}~~8. Section **26-15-13** is amended to read:

### **26-15-13. Regulation of tanning facilities.**

(1) For purposes of this section:

(a) "Minor" means a person under 18 years of age.

(b) "Phototherapy device" means equipment that emits ultraviolet radiation used by a health care professional in the treatment of disease.

(c) (i) "Tanning device" means equipment to which a tanning facility provides access that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers used for tanning of the skin, including:

(A) a sunlamp; and

(B) a tanning booth or bed.

(ii) "Tanning device" does not include a phototherapy device.

(d) "Tanning facility" means a commercial location, place, area, structure, or business that provides access to a tanning device.

(2) A tanning facility shall:

(a) annually obtain a permit to do business as a tanning facility from the local health

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department with jurisdiction over the location in which the facility is located; and

(b) in accordance with Subsection (3) post a warning sign in a conspicuous location that is readily visible to a person about to use a tanning device.

(3) The posted warning and written consent required by Subsections (2) and (5) shall be developed by the department through administrative rules and shall include:

(a) that there are health risks associated with the use of a tanning device;

(b) that the facility may not allow a minor to use a tanning device unless the minor:

(i) has a written order from a physician; or

(ii) at each time of use is accompanied at the tanning facility by a parent or legal guardian who provides written consent authorizing the minor to use the tanning device.

(4) It is unlawful for any operator of a tanning facility to allow a minor to use a tanning device unless:

(a) the minor has a written order from a physician as defined in Section 58-67-102, to use a tanning device as a medical treatment; or

(b) (i) the minor's parent or legal guardian appears in person at the tanning facility each time that the minor uses a tanning device, except that the minor's parent or legal guardian is not required to remain at the facility for the duration of the use; and

(ii) the minor's parent or legal guardian signs the consent form required in Subsection (5).

(5) The written consent required by Subsection (4) shall be signed and dated each time the minor uses a tanning device at the facility, and shall include at least:

(a) information concerning the health risks associated with the use of a tanning device; and

(b) a statement that:

(i) the parent or legal guardian of the minor has read and understood the warnings given by the tanning facility, and consents to the minor's use of a tanning device; and

(ii) the parent or legal guardian agrees that the minor will use protective eye wear.

(6) The department shall adopt administrative rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying:

(a) minimum requirements a tanning facility shall satisfy to obtain a permit under Subsection (2);

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(b) the written information concerning health risks a facility should include in the posted signs required by Subsection (3) and in the consent form required by Subsection (5);

(c) procedures a tanning facility shall implement to ensure a minor and the minor's parent or legal guardian comply with Subsections (4) and (5), including use of a statewide uniform form:

(i) for a parent or legal guardian to certify and give consent under Subsection (5); and

(ii) that clearly identifies the department's seal or other means to indicate that the form is an official form of the department; and

(d) the size, placement, and content of the sign a tanning facility must post under Subsection (2).

(7) (a) A violation of this section:

(i) is [~~a class C misdemeanor~~] an infraction; and

(ii) may result in the revocation of a permit to do business as a tanning facility.

(b) If a person misrepresents to a tanning facility that the person is 18 years of age or older, the person is guilty of [~~a class C misdemeanor~~] an infraction.

(8) This section supercedes any ordinance enacted by the governing body of a political subdivision that:

(a) imposes restrictions on access to a tanning device by a person younger than age 18 that is not essentially identical to the provisions of this section; or

(b) that require the posting of warning signs at the tanning facility that are not essentially identical to the provisions of this section.

Section ~~{12}9~~. Section **32B-4-410** is amended to read:

### **32B-4-410. Unlawful admittance or attempt to gain admittance by minor.**

(1) It is unlawful for a minor to gain admittance or attempt to gain admittance to the premises of:

(a) a tavern; or

(b) a social club licensee, except to the extent authorized by Section 32B-6-406.1.

(2) A minor who violates this section is guilty of [~~a class C misdemeanor~~] an infraction.

(3) (a) If a minor is found by a court to have violated this section and the violation is the minor's first violation of this section, the court may:

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(i) order the minor to complete a screening as defined in Section 41-6a-501;

(ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and

(iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance abuse treatment as indicated by an assessment.

(b) If a minor is found by a court to have violated this section and the violation is the minor's second or subsequent violation of this section, the court shall:

(i) order the minor to complete a screening as defined in Section 41-6a-501;

(ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and

(iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance abuse treatment as indicated by an assessment.

(4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is found by a court to have violated this section, except as provided in Section 32B-4-411, the court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.

(b) Notwithstanding the provision in Subsection (4)(a), the court may reduce the suspension period required under Section 53-3-219 if:

(i) the violation is the minor's first violation of this section; and

(ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or

(B) the minor demonstrates substantial progress in substance abuse treatment.

(c) Notwithstanding the requirement in Subsection (4)(a) and in accordance with the requirements of Section 53-3-219, the court may reduce the suspension period required under Section 53-3-219 if:

(i) the violation is the minor's second or subsequent violation of this section;

(ii) the minor has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance abuse treatment; and

(iii) (A) the person is 18 years of age or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (4)(a); or

(B) the person is under 18 years of age and has the person's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal

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guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (4)(a).

(5) When a minor who is at least 13 years old, but younger than 18 years old, is found by a court to have violated this section, Section 78A-6-606 applies to the violation.

(6) When a court issues an order suspending a person's driving privileges for a violation of this section, the Driver License Division shall suspend the person's license under Section 53-3-219.

(7) When the Department of Public Safety receives the arrest or conviction record of a person for a driving offense committed while the person's license is suspended pursuant to this section, the Department of Public Safety shall extend the suspension for an additional like period of time.

Section ~~{13}~~10. Section **32B-4-419** is amended to read:

### **32B-4-419. Unlawful permitting of intoxication.**

(1) A person may not permit another person to become intoxicated or an intoxicated person to consume an alcoholic product in:

- (a) premises of which the person is the owner, tenant, or occupant; or
  - (b) a chartered bus or limousine of which the person is the owner or operator.
- (2) A violation of Subsection (1) is [~~a class C misdemeanor~~] an infraction.

Section ~~{14}~~11. Section **32B-4-421** is amended to read:

### **32B-4-421. Unlawful consumption in public place.**

(1) A person may not consume liquor in a public building, park, or stadium, except as provided by this title.

(2) A violation of this section is [~~a class C misdemeanor~~] an infraction.

Section ~~{15}~~12. Section **32B-4-422** is amended to read:

### **32B-4-422. Unlawful dispensing.**

(1) For purposes of this section:

- (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
- (b) "Primary spirituous liquor" does not include a secondary alcoholic product used as a flavoring in conjunction with the primary distilled spirit in a beverage.

(2) A retail licensee licensed under this title to sell, offer for sale, or furnish spirituous liquor for consumption on the licensed premises, or staff of the retail licensee may not:

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(a) sell, offer for sale, or furnish a primary spirituous liquor to a person on the licensed premises except in a quantity that does not exceed 1.5 ounces per beverage dispensed through a calibrated metered dispensing system approved by the department;

(b) sell, offer for sale, or furnish more than a total of 2.5 ounces of spirituous liquor per beverage;

(c) allow a person on the licensed premises to have more than a total of 2.5 ounces of spirituous liquor at a time; or

(d) (i) except as provided in Subsection (2)(d)(ii), allow a person to have more than two spirituous liquor beverages at a time; or

(ii) allow a person on the premises of the following to have more than one spirituous liquor beverage at a time:

(A) a full-service restaurant licensee;

(B) a person operating under a full-service restaurant sublicense;

(C) an on-premise banquet licensee;

(D) a person operating under an on-premise banquet sublicense; or

(E) a single event permittee.

(3) A violation of this section is [~~a class C misdemeanor~~] an infraction.

Section ~~41-1a-13~~ 13. 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 sight to the rear of the camper; and

(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,

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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 ~~{17}~~14. 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



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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 ~~{18}~~15. Section ~~{41-1a-803}~~41-1a-1206 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~~

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~~misdemeanor~~].

~~Section 19. 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, excluding motorcycles.

(3) (a) The initial registration fee for a vintage vehicle that is 40 years old or older is

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\$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 C misdemeanor~~] an infraction 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 ~~{20}~~ 16. Section ~~{41-6a-526}~~ 41-6a-601 is amended to read:

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

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- ~~(1) 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.~~
- ~~(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.~~
- ~~(3) 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.~~
- ~~(4) 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.~~
- ~~(5) Subsection (3) does not apply to passengers traveling in any licensed taxicab or bus.~~
- ~~(6) A violation of Subsection (2) or (3) is [a class C misdemeanor] an infraction.~~
- ~~Section 21. 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

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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~~] an infraction.

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

Section ~~22~~17. Section **41-6a-609** is amended to read:

**41-6a-609. Radar jamming devices and jamming radar prohibited -- Defense -- Exceptions -- Penalties.**

(1) As used in this section, "radar jamming device" means any instrument or mechanism designed or intended to interfere with the radar or any laser that is used by law enforcement personnel to measure the speed of a motor vehicle on a highway.

(2) (a) A person may not operate a motor vehicle on a highway with a radar jamming device in the motor vehicle.

(b) A person may not knowingly use a radar jamming device to interfere with the radar signals or lasers used by law enforcement personnel to measure the speed of a motor vehicle on a highway.

(3) It is an affirmative defense to a charge under Subsection (2)(a) that the radar jamming device was in an inoperative condition or could not be readily used at the time of the

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arrest or citation.

(4) This section does not apply to law enforcement personnel acting in their official capacity.

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

Section ~~{23}~~18. Section **41-6a-904** is amended to read:

### **41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary emergency vehicle -- 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 Subsection (7), a person who

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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~~] an infraction.

Section ~~{24}~~19. 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.

(c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.

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(2) (a) Except while the engine is being warmed to the recommended operating temperature, the engine and power mechanism of a gasoline-powered motor vehicle may not emit visible contaminants during operation.

(b) (i) As used in this Subsection (2)(b), "heavy tow" means a tow that exceeds the vehicle's maximum tow weight.

(ii) A diesel engine manufactured on or after January 1, 2008, may not emit visible contaminants during operation:

(A) except while the engine is being warmed to the recommended operating temperature or under a heavy tow; or

(B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight rating in excess of 26,000 pounds.

(iii) A diesel engine manufactured before January 1, 2008, may not emit visible contaminants of a shade or density that obscures a contrasting background by more than 20%, for more than five consecutive seconds:

(A) except while the engine is being warmed to the recommended operating temperature or under a heavy tow; or

(B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight rating in excess of 26,000 pounds.

(c) A person who violates the provisions of Subsection (2)(a) is guilty of an infraction and shall be fined:

(i) not less than \$50 for a violation; or

(ii) not less than \$100 for a second or subsequent violation within three years of a previous violation of this section.

(3) (a) If a motor vehicle is equipped by a manufacturer with air pollution control devices, the devices shall be maintained in good working order and in constant operation.

(b) 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.

(c) A person who renders inoperable an air pollution control device on a motor vehicle



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is guilty of [~~a class C misdemeanor~~] an infraction.

(4) 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.

(5) A violation of [~~this section~~] Subsection (1), (2), or (3) is an infraction[~~, except that a violation of Subsection (3) is a class C misdemeanor~~].

Section ~~{25}~~20. 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

(ii) 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

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violation of Sections 41-6a-1629 through 41-6a-1633.

(4) A violation of this section is [~~a class C misdemeanor~~] an infraction.

Section ~~426~~21. 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~~] an infraction.

Section ~~427~~22. 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:

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(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, Uninsured Motorist Identification Database Program.

(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

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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, Uninsured Motorist Identification Database Program, 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.

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(5) A violation of this section is [~~a class C misdemeanor~~] an infraction, 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.

(i) This proof of owner's or operator's security shall be given by any of the ways required under Section 41-12a-401.

(ii) 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 ~~{28}~~23. Section **53-1-116** is amended to read:

### **53-1-116. Violations.**

A violation of this title, except for a violation under Chapter 3, Part 2, Driver Licensing Act, is [~~a class C misdemeanor~~] an infraction, unless otherwise provided.

Section ~~{29}~~24. Section **53-3-305** is amended to read:

### **53-3-305. Notification of impaired person to the division -- Confidentiality of notification -- Rulemaking -- Penalty.**

(1) A person who is aware of a physical, mental, or emotional impairment of another person that appears to present an imminent threat to driving safety may notify the division of

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the impairment.

(2) If the division determines that the notification made under Subsection (1) was made in good faith, the division may require the person who is the subject of the notification to submit to:

- (a) one or more medical reports under Subsection 53-3-304(1);
- (b) a physical and mental fitness test under Section 53-3-206;
- (c) the knowledge test required by the division; or
- (d) the skills test approved by the division.

(3) (a) A person making a notification under Subsection (1) may request that the notification be confidential.

(b) If requested by the person notifying the division, the notification provided under this section relating to a physical, mental, or emotional impairment is classified as a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, and the identity of the person notifying the division may not be disclosed by the division.

(c) The division may not accept an anonymous notification under this section.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing procedures for making a protected notification under this section to ensure that the notification is made in good faith.

(5) A person who makes a notification with the intent to annoy, intimidate, or harass the person that is the subject of the notification is guilty of [~~a class C misdemeanor~~] an infraction.

Section ~~30~~25. 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

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(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

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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



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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~~] an infraction.

Section ~~31-26~~. Section **53-8-209** is amended to read:

### **53-8-209. Inspection by officers -- Certificate of inspection.**

(1) A peace officer may stop, inspect, and test a vehicle at any time upon reasonable cause to believe that:

(a) a vehicle is unsafe or not equipped as required by law; or

(b) that its equipment is not in proper adjustment or repair.

(2) (a) (i) If a vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver and shall send a copy to the division.

(ii) The notice shall:

(A) require that the vehicle be placed in safe condition and its equipment in proper

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repair and adjustment;

(B) specify the repairs and adjustments needed; and

(C) require that a safety inspection certificate be obtained within five days.

(b) If a vehicle is, in the reasonable judgment of the peace officer, hazardous to operate, the peace officer may require that the vehicle:

(i) not be operated under its own power; or

(ii) be driven to the nearest garage or other place of safety.

(c) (i) If the owner or driver does not comply with the notice requirements and secure a safety inspection certificate within five days, the vehicle may not be operated on the highways of this state.

(ii) A violation of Subsection (2)(c)(i) is an infraction.

Section ~~{32}~~27. 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~~] an infraction.

(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 ~~{33}~~28. 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

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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 C misdemeanor~~] an infraction.

Section ~~{34}~~29. 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):

$$W = 500 \{LN/(N-1) + 12N+36\}$$

(i) W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds.

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(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 the next larger number of feet shall be used.

(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 C misdemeanor~~] an infraction 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:

Number of Pounds Overweight	Axle Fine (Cents per Pound for Each Overweight Axle)	Gross Vehicle Weight Fine(Cents per Pound)
1 - 2,000	0	0
2,001 - 5,000	4	5
5,001 - 8,000	5	5
8,001 - 12,000	6	5
12,001 - 16,000	7	5
16,001 - 20,000	9	5
20,001 - 25,000	11	5
25,001 or more	13	5

Section ~~35~~30. 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.**

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(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 C misdemeanor]~~ an infraction.

~~[(5) Any driver or owner of a vehicle who violates Section 72-7-404 or 72-7-406 is guilty of a class C misdemeanor.]~~

Section ~~36~~31. 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

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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:

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(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

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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



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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:

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(a) may have the person's permit revoked; and

(b) is guilty of [~~a class C misdemeanor~~] an infraction, except that a violation of any rule made under Subsection (11) is not subject to a criminal penalty.

Section ~~37~~32. 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

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greater in width.

(5) Any person who violates this section is guilty of [~~a class C misdemeanor~~] an infraction.

Section ~~38~~33. 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 C misdemeanor~~] an infraction.

Section ~~39~~34. 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:

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(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

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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 C misdemeanor~~] an infraction.

(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 ~~{40}~~35. Section **73-18-6** is amended to read:

### **73-18-6. Numbering of motorboats and sailboats required -- Exception.**

(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~~] an infraction.

Section ~~{41}~~36. Section **73-18-7** is amended to read:

### **73-18-7. Registration requirements -- Exemptions -- Fee -- Agents -- Records --**

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### **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.

(b) 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

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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

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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



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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~~] an infraction.

Section ~~{42}~~37. Section **73-18-8** is amended to read:

### **73-18-8. Safety equipment required to be on board vessels -- Penalties.**

(1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person on board, one wearable 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

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(iii) of an appropriate size for the person for whom it is intended.

(c) (i) Sailboards and racing shells are exempt from the provisions of Subsections (1)(a) and (e).

(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 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~~] an infraction.

Section ~~{43}~~38. Section **73-18-8.1** is amended to read:

### **73-18-8.1. Capacity and certification label.**

(1) Each vessel manufactured after November 1, 1972, which is less than 20 feet in

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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~~] an infraction.

Section ~~{44}~~39. Section **73-18-15.1** is amended to read:

### **73-18-15.1. Vessel navigation and steering laws.**

(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

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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

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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 [~~an infraction~~] a class C misdemeanor.

Section ~~{45}~~40. Section **73-18-15.2** is amended to read:

**73-18-15.2. Minimum age of operators -- Boating safety course for youth to operate personal watercraft.**

(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.

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(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.

(b) Money collected from the fees collected under Subsection (7)(a) shall be deposited in the Boating Account.

(8) A violation of this section is [~~a class C misdemeanor~~] an infraction.

Section ~~{46}~~41. Section **73-18-15.3** is amended to read:

**73-18-15.3. Personal watercraft -- Prohibition on operation between sunset and sunrise.**

(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~~] an infraction.

Section ~~{47}~~42. Section **73-18-16** is amended to read:

**73-18-16. Regattas, races, exhibitions -- Rules.**

(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

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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~~] an infraction.

Section ~~{48}~~43. Section **76-9-702.3** is amended to read:

### **76-9-702.3. Public urination.**

(1) A person is guilty of public urination if the person urinates or defecates:

- (a) in a public place, other than a public rest room; and
- (b) under circumstances which the person should know will likely cause affront or

alarm to another.

(2) Public urination is [~~a class C misdemeanor~~] an infraction.

Section ~~{49}~~44. Section **76-9-706** is amended to read:

**76-9-706. False representation of military award -- False wearing or use of medal, name, title, insignia, ritual, or ceremony of a military related organization.**

(1) As used in this section:

(a) "Military related organization" means a public or private society, order, or

organization that:

(i) only accepts as a member, a person, or the relative of a person, who is:

- (A) a member of the military; or
- (B) an honorably discharged member of the military; and

(ii) is organized for the purpose of:

- (A) recognizing or honoring a person for military service;
- (B) assisting a person described in Subsection (1)(a)(i) to lawfully associate with, or

provide service with, other people described in Subsection (1)(a)(i); or

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(C) provide support for, or assistance to, a person described in Subsection (1)(a)(i).

(b) "Service medal" means:

(i) a congressional medal of honor, as defined in 18 U.S.C. 704(c)(2);

(ii) a distinguished service cross, as defined in 10 U.S.C. 3742;

(iii) a Navy cross, as defined in 10 U.S.C. 6242;

(iv) an Air Force cross, as defined in 10 U.S.C. 8742;

(v) a silver star, as defined in 10 U.S.C. 3746, 6244, or 8746;

(vi) a bronze star, as defined in 10 U.S.C. 1133;

(vii) a purple heart, as defined in 10 U.S.C. 1129;

(viii) any decoration or medal authorized by the Congress of the United States for the armed forces of the United States;

(ix) any service medal or badge awarded to members of the armed forces of the United States;

(x) any of the following Utah National Guard medals or ribbons:

(A) medal of valor;

(B) Utah cross;

(C) joint medal of merit;

(D) Utah medal of merit;

(E) joint commendation medal;

(F) commendation medal;

(G) achievement ribbon;

(H) joint staff service ribbon;

(I) state partnership service ribbon;

(J) service ribbon;

(K) military funeral honors service ribbon;

(L) emergency service ribbon; or

(M) recruiting ribbon;

(xi) any ribbon, button, or rosette for a decoration, medal, or badge described in Subsections (1)(b)(i) through (x); or

(xii) an imitation of a decoration, medal, badge, ribbon, button, or rosette described in Subsections (1)(b)(i) through (xi).



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(2) Any person who intentionally makes a false representation, verbally or in writing, that the person has been awarded a service medal is guilty of [~~a class C misdemeanor~~] an infraction.

(3) Any person who wears, purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value a service medal, or any colorable imitation thereof, except when authorized by federal law, or under regulations made pursuant to federal law, with the intent to defraud, or with the intent to falsely represent that the person or another person has been awarded a service medal, is guilty of [~~a class C misdemeanor~~] an infraction.

(4) A person is guilty of [~~a class C misdemeanor~~] an infraction if the person wears or uses a medal of a military related organization:

(a) that the person is not entitled to wear or use; and

(b) with the intent to defraud or with the intent to falsely represent that the person or another person has been awarded the medal.

(5) A person is guilty of [~~a class C misdemeanor~~] an infraction if the person uses the name, an officer title, an insignia, a ritual, or a ceremony of a military related organization:

(a) that the person is not entitled to use; and

(b) with the intent to defraud, or with the intent to falsely represent that the person or another person was or is a member, representative, or officer of the military related organization.

Section ~~50~~45. Section **78B-1-115** is amended to read:

### **78B-1-115. Jurors -- Penalties.**

(1) A person who fails to respond timely to questions regarding qualification for jury service shall be in contempt of court and subject to penalties under Title 78B, Chapter 6, Part 3, Contempt.

(2) A person summoned for jury service who fails to appear or to complete jury service as directed shall be in contempt of court and subject to penalties under Title 78B, Chapter 6, Part 3, Contempt.

(3) Any person who willfully misrepresents a material fact regarding qualification for, excuse from, or postponement of jury service is guilty of [~~a class C misdemeanor~~] an

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infraction.

Section ~~{51}~~46. Section **78B-8-304** is amended to read:

**78B-8-304. Violations of service of process authority.**

(1) It is a class A misdemeanor for a person serving process to falsify a return of service.

(2) It is [~~a class C misdemeanor~~] an infraction for a person to bill falsely for process service.

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### **Legislative Review Note**

~~Office of Legislative Research and General Counsel~~ **Section 47. Repealer.**

This bill repeals:

**Section 4-31-112, Feeding garbage or plate waste to swine prohibited.**