

522 Section 5. Section 53-3-218 is amended to read:

523 **53-3-218. Court to report convictions and may recommend suspension of license**

524 **-- Severity of speeding violation defined.**

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

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

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

538 (c) A court may not forward to the division an abstract of a court record of a conviction  
539 for a violation described in Subsection 53-3-220(1)(c)(i) or (ii), unless the court found that the  
540 person convicted of the violation was an operator of a motor vehicle at the time of the  
541 violation.

542 (3) (a) A court may not order the division to suspend a person's driver's license based  
543 solely on the person's failure to pay a penalty accounts receivable.

544 (b) ~~§~~→ [(f)] ←~~§~~ The court may notify the division, and the division may, prior to  
545 sentencing,

suspend the driver license of a person who fails to appear if the person is charged with:

546 ~~§~~→ [(A) a class C misdemeanor or higher related to the operation of a motor vehicle;]

546a (i) an offense of any level that is a moving traffic violation; ←~~§~~

547 ~~§~~→ [(B)] (ii) ←~~§~~ an offense described in Title 41, Chapter 12a, Part 3, Owner's or  
548 Operator's

Security Requirement; or

549 ~~§~~→ [(C)] (iii) ←~~§~~ an offense described in Subsection 53-3-220(1)(a) or (b).

550 ~~§~~→ [(ii) For a person charged with an offense related to the operation of a motor vehicle  
551 that is an infraction or a class C misdemeanor not related to the operation of a motor vehicle;  
552 and the person fails to appear, the division may not suspend the person's driver license prior to⊕

553 **☛sentencing:] ←§**

554 [~~(3)~~] (4) The abstract shall be made in the form prescribed by the division and shall  
555 include:

- 556 (a) the name, date of birth, and address of the party charged;  
557 (b) the license certificate number of the party charged, if any;  
558 (c) the registration number of the motor vehicle or motorboat involved;  
559 (d) whether the motor vehicle was a commercial motor vehicle;  
560 (e) whether the motor vehicle carried hazardous materials;  
561 (f) whether the motor vehicle carried 16 or more occupants;  
562 (g) whether the driver presented a commercial driver license;  
563 (h) the nature of the offense;  
564 (i) whether the offense involved an accident;  
565 (j) the driver's blood alcohol content, if applicable;  
566 (k) if the offense involved a speeding violation:  
567 (i) the posted speed limit;  
568 (ii) the actual speed; and  
569 (iii) whether the speeding violation occurred on a highway that is part of the interstate  
570 system as defined in Section [72-1-102](#);
- 571 (l) the date of the hearing;  
572 (m) the plea;  
573 (n) the judgment or whether bail was forfeited; and  
574 (o) the severity of the violation, which shall be graded by the court as "minimum,"  
575 "intermediate," or "maximum" as established in accordance with Subsection [53-3-221](#)(4).

576 [~~(4)~~] (5) When a convicted person secures a judgment of acquittal or reversal in any  
577 appellate court after conviction in the court of first impression, the division shall reinstate the  
578 convicted person's license immediately upon receipt of a certified copy of the judgment of  
579 acquittal or reversal.

580 [~~(5)~~] (6) Upon a conviction for a violation of the prohibition on using a handheld  
581 wireless communication device for text messaging or electronic mail communication while  
582 operating a moving motor vehicle under Section [41-6a-1716](#), a judge may order a suspension  
583 of the convicted person's license for a period of three months.