

SB0053S05 compared with SB0053S03

~~text~~ shows text that was in SB0053S03 but was deleted in SB0053S05.

text shows text that was not in SB0053S03 but was inserted into SB0053S05.

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Senator Jani Iwamoto proposes the following substitute bill:

DRIVER SPEEDING AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill amends the offense of reckless driving to include certain speeding violations.

Highlighted Provisions:

This bill:

- ~~prohibits a person from being spectator or making preparations for a speed contest or exhibition of speed on a highway;~~
- ▶ amends penalties for a violation related to speed races on a highway;
- ▶ allows the seizure of a vehicle that is not street legal that is engaged with a speed race or exhibition of speed on a highway;
- ▶ provides a minimum fine for a speeding violation where the individual was traveling at a speed of 100 miles per hour or more;
- ▶ amends the offense of reckless driving to include traveling on a highway at a speed

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of 105 miles-per-hour or greater; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-528, as last amended by Laws of Utah 2009, Chapter 292

41-6a-601, as last amended by Laws of Utah 2019, Chapter 149

41-6a-606, as last amended by Laws of Utah 2017, Chapter 181

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

Section 1. Section **41-6a-528** is amended to read:

41-6a-528. Reckless driving -- Penalty.

(1) A person is guilty of reckless driving who operates a vehicle[~~:(a)~~] in willful or wanton disregard for the safety of persons or property[~~;~~~~or~~].

~~[(b) while committing three or more moving traffic violations under Title 41, Chapter 6a, Traffic Code, in a series of acts occurring within a single continuous period of driving covering three miles or less in total distance.]~~

(2) For purposes of this section, "willful or wanton disregard for the safety of persons or property" includes:

(a) traveling on a highway at a speed of 105 miles-per-hour or greater; or

(b) committing three or more traffic violations under Title 41, Chapter 6a, Traffic Code, in a series of acts occurring within a single continuous period of driving covering three miles or less in total distance.

~~[(2)]~~ (3) A person who violates Subsection (1) is guilty of a class B misdemeanor.

Section 2. 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

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prudent under the existing conditions, giving regard to the actual and potential hazards then existing, including when:

- (a) approaching and crossing an intersection or railroad grade crossing;
- (b) approaching and going around a curve;
- (c) approaching a hill crest;
- (d) traveling upon any narrow or winding roadway;
- (e) traveling in, through, or approaching other hazards that exist due to pedestrians,

other traffic, weather, or highway conditions; and

(f) the speed causes the person to fail to maintain control of the vehicle or stay within a single lane of travel.

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

(b) For an individual convicted of a speed violation where the individual was operating at a speed of 100 miles per hour or more, the court shall impose a fine not less than 150% of the suggested fine in the uniform fine schedule authorized in Section 76-3-301.5 and in effect at the time of the citation.

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

Section 3. Section **41-6a-606** is amended to read:

41-6a-606. Speed contest or exhibition on highway -- Barricade or obstruction -- Spectators of a speed contest -- Seizure of non-street legal vehicles.

(1) A person may not engage in any motor vehicle speed contest or exhibition of speed on a highway.

(2) A person may not, in any manner, obstruct or place any barricade or obstruction or

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assist or participate in placing any barricade or obstruction upon any highway for any purpose prohibited under Subsection (1).

~~{(3) A person may not knowingly or intentionally be present as a spectator at a motor vehicle speed contest or exhibition of speed.~~

~~———{(3)}{(4)}~~{(3)} (a) A person who violates Subsection (1) is guilty of a class ~~[B]~~A misdemeanor.

(b) A person who violates Subsection (2) is guilty of a class B misdemeanor.

~~{(c) A person who violates Subsection (3):~~

~~———(i) is guilty of an infraction for a first offense; and~~

~~———(ii) upon a second or subsequent conviction is guilty of a class B misdemeanor.~~

~~‡~~ ~~{(4)}{(5)}~~ (a) In addition to the penalty provided under this section or any other section, a person who violates Subsection (1) shall have the person's driver license suspended under Subsection 53-3-220(1)(a)(xv) for a period of:

(i) 60 days for a first offense; and

(ii) 90 days for a second offense within three years of a prior offense.

(b) The court shall forward the report of the conviction to the Driver License Division in accordance with Section 53-3-218.

~~{(6)}{5}~~ {(6)}{5} A motor vehicle that is not street legal that is operated or used in a manner that violates this section is subject to seizure in accordance with Title 24, Chapter 2, Seizure of Property.