

1 **ROAD RAGE AMENDMENTS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul A. Cutler**

5 Senate Sponsor: Todd D. Weiler

6 Cosponsor: Andrew Stoddard



8 **LONG TITLE**

9 **Committee Note:**

10 The Transportation Interim Committee recommended this bill.

11 Legislative Vote: 12 voting for 3 voting against 3 absent

12 **General Description:**

13 This bill addresses road rage events.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ defines terms;
- 17 ▶ addresses the seizure and possession of a vehicle in which there is probable cause to
- 18 believe the operator or passenger of the vehicle engaged in a road rage event;
- 19 ▶ allows for an administrative impound fee when a vehicle involved in a road rage
- 20 event is seized and impounded;
- 21 ▶ allows for the suspension or revocation of an individual's driver license when the
- 22 individual is convicted of an offense that is enhanced for road rage;
- 23 ▶ clarifies the definition of a dangerous weapon;
- 24 ▶ creates an enhancement of an offense for road rage; and
- 25 ▶ makes technical and conforming changes.

26 **Money Appropriated in this Bill:**



27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-1a-102**, as last amended by Laws of Utah 2023, Chapters 33, 532

33 **41-1a-1101**, as last amended by Laws of Utah 2019, Chapter 373

34 **41-1a-1103**, as last amended by Laws of Utah 2022, Chapter 92

35 **41-6a-1406**, as last amended by Laws of Utah 2023, Chapter 335

36 **41-12a-806**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

37 **53-3-220**, as last amended by Laws of Utah 2023, Chapter 415

38 **76-1-101.5**, as last amended by Laws of Utah 2023, Chapter 16

39 ENACTS:

40 **76-3-203.17**, Utah Code Annotated 1953



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

43 Section 1. Section **41-1a-102** is amended to read:

44 **41-1a-102. Definitions.**

45 As used in this chapter:

46 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.

47 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of
48 vehicles as operated and certified to by a weighmaster.

49 (3) "All-terrain type I vehicle" means the same as that term is defined in Section
50 **41-22-2**.

51 (4) "All-terrain type II vehicle" means the same as that term is defined in Section
52 **41-22-2**.

53 (5) "All-terrain type III vehicle" means the same as that term is defined in Section
54 **41-22-2**.

55 (6) "Alternative fuel vehicle" means:

56 (a) an electric motor vehicle;

57 (b) a hybrid electric motor vehicle;

- 58 (c) a plug-in hybrid electric motor vehicle; or
- 59 (d) a motor vehicle powered exclusively by a fuel other than:
 - 60 (i) motor fuel;
 - 61 (ii) diesel fuel;
 - 62 (iii) natural gas; or
 - 63 (iv) propane.
- 64 (7) "Amateur radio operator" means a person licensed by the Federal Communications
- 65 Commission to engage in private and experimental two-way radio operation on the amateur
- 66 band radio frequencies.
- 67 (8) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 68 (9) "Automated driving system" means the same as that term is defined in Section
- 69 41-26-102.1.
- 70 (10) "Branded title" means a title certificate that is labeled:
 - 71 (a) rebuilt and restored to operation;
 - 72 (b) flooded and restored to operation; or
 - 73 (c) not restored to operation.
- 74 (11) "Camper" means a structure designed, used, and maintained primarily to be
- 75 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
- 76 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
- 77 camping.
- 78 (12) "Certificate of title" means a document issued by a jurisdiction to establish a
- 79 record of ownership between an identified owner and the described vehicle, vessel, or outboard
- 80 motor.
- 81 (13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
- 82 weighmaster.
- 83 (14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
- 84 maintained for the transportation of persons or property that operates:
 - 85 (a) as a carrier for hire, compensation, or profit; or
 - 86 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
 - 87 owner's commercial enterprise.
- 88 (15) "Commission" means the State Tax Commission.

89 (16) "Consumer price index" means the same as that term is defined in Section
90 59-13-102.

91 (17) "Dealer" means a person engaged or licensed to engage in the business of buying,
92 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on
93 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established
94 place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

95 (18) "Diesel fuel" means the same as that term is defined in Section 59-13-102.

96 (19) "Division" means the Motor Vehicle Division of the commission, created in
97 Section 41-1a-106.

98 (20) "Dynamic driving task" means the same as that term is defined in Section
99 41-26-102.1.

100 (21) "Electric motor vehicle" means a motor vehicle that is powered solely by an
101 electric motor drawing current from a rechargeable energy storage system.

102 (22) "Essential parts" means the integral and body parts of a vehicle of a type required
103 to be registered in this state, the removal, alteration, or substitution of which would tend to
104 conceal the identity of the vehicle or substantially alter the vehicle's appearance, model, type,
105 or mode of operation.

106 (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm
107 implement for drawing plows, mowing machines, and other implements of husbandry.

108 (24) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for
109 the owner's or operator's own use in the transportation of:

110 (i) farm products, including livestock and its products, poultry and its products,
111 floricultural and horticultural products;

112 (ii) farm supplies, including tile, fence, and any other thing or commodity used in
113 agricultural, floricultural, horticultural, livestock, and poultry production; and

114 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or
115 other purposes connected with the operation of a farm.

116 (b) "Farm truck" does not include the operation of trucks by commercial processors of
117 agricultural products.

118 (25) "Fleet" means one or more commercial vehicles.

119 (26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into

120 this state from another state, territory, or country other than in the ordinary course of business
121 by or through a manufacturer or dealer, and not registered in this state.

122 (27) "Gross laden weight" means the actual weight of a vehicle or combination of
123 vehicles, equipped for operation, to which shall be added the maximum load to be carried.

124 (28) "Highway" or "street" means the entire width between property lines of every way
125 or place of whatever nature when any part of it is open to the public, as a matter of right, for
126 purposes of vehicular traffic.

127 (29) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion
128 energy from onboard sources of stored energy that are both:

129 (a) an internal combustion engine or heat engine using consumable fuel; and

130 (b) a rechargeable energy storage system where energy for the storage system comes
131 solely from sources onboard the vehicle.

132 (30) (a) "Identification number" means the identifying number assigned by the
133 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard
134 motor.

135 (b) "Identification number" includes a vehicle identification number, state assigned
136 identification number, hull identification number, and motor serial number.

137 (31) "Implement of husbandry" means a vehicle designed or adapted and used
138 exclusively for an agricultural operation and only incidentally operated or moved upon the
139 highways.

140 (32) (a) "In-state miles" means the total number of miles operated in this state during
141 the preceding year by fleet power units.

142 (b) If a fleet is composed entirely of trailers or semitrailers, "in-state miles" means the
143 total number of miles that those vehicles were towed on Utah highways during the preceding
144 year.

145 (33) "Interstate vehicle" means a commercial vehicle operated in more than one state,
146 province, territory, or possession of the United States or foreign country.

147 (34) "Jurisdiction" means a state, district, province, political subdivision, territory, or
148 possession of the United States or any foreign country.

149 (35) "Lienholder" means a person with a security interest in particular property.

150 (36) "Manufactured home" means a transportable factory built housing unit constructed

151 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards
152 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body
153 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more
154 square feet, and which is built on a permanent chassis and designed to be used as a dwelling
155 with or without a permanent foundation when connected to the required utilities, and includes
156 the plumbing, heating, air-conditioning, and electrical systems.

157 (37) "Manufacturer" means a person engaged in the business of constructing,
158 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or
159 outboard motors for the purpose of sale or trade.

160 (38) "Military vehicle" means a vehicle of any size or weight that was manufactured
161 for use by armed forces and that is maintained in a condition that represents the vehicle's
162 military design and markings regardless of current ownership or use.

163 (39) "Mobile home" means a transportable factory built housing unit built prior to June
164 15, 1976, in accordance with a state mobile home code which existed prior to the Federal
165 Manufactured Housing and Safety Standards Act (HUD Code).

166 (40) "Motor fuel" means the same as that term is defined in Section [59-13-102](#).

167 (41) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and
168 operation on the highways.

169 (b) "Motor vehicle" does not include:

170 (i) an off-highway vehicle; or

171 (ii) a motor assisted scooter as defined in Section [41-6a-102](#).

172 (42) "Motorboat" means the same as that term is defined in Section [73-18-2](#).

173 (43) "Motorcycle" means:

174 (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not
175 more than three wheels in contact with the ground; or

176 (b) an auticycle.

177 (44) "Natural gas" means a fuel of which the primary constituent is methane.

178 (45) (a) "Nonresident" means a person who is not a resident of this state as defined by
179 Section [41-1a-202](#), and who does not engage in intrastate business within this state and does
180 not operate in that business any motor vehicle, trailer, or semitrailer within this state.

181 (b) A person who engages in intrastate business within this state and operates in that

182 business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in
183 interstate commerce, maintains a vehicle in this state as the home station of that vehicle is
184 considered a resident of this state, insofar as that vehicle is concerned in administering this
185 chapter.

186 (46) "Odometer" means a device for measuring and recording the actual distance a
187 vehicle travels while in operation, but does not include any auxiliary odometer designed to be
188 periodically reset.

189 (47) "Off-highway implement of husbandry" means the same as that term is defined in
190 Section [41-22-2](#).

191 (48) "Off-highway vehicle" means the same as that term is defined in Section [41-22-2](#).

192 (49) (a) "Operate" means:

193 (i) to navigate a vessel; or

194 (ii) collectively, the activities performed in order to perform the entire dynamic driving
195 task for a given motor vehicle by:

196 (A) a human driver as defined in Section [41-26-102.1](#); or

197 (B) an engaged automated driving system.

198 (b) "Operate" includes testing of an automated driving system.

199 (50) "Original issue license plate" means a license plate that is of a format and type
200 issued by the state in the same year as the model year of a vehicle that is a model year 1973 or
201 older.

202 (51) "Outboard motor" means a detachable self-contained propulsion unit, excluding
203 fuel supply, used to propel a vessel.

204 (52) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,
205 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a
206 security interest.

207 (b) If a vehicle is the subject of an agreement for the conditional sale or installment
208 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions
209 stated in the agreement and with an immediate right of possession vested in the conditional
210 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the
211 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this
212 chapter.

213 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the
214 owner until the lessee exercises the lessee's option to purchase the vehicle.

215 (53) "Park model recreational vehicle" means a unit that:

216 (a) is designed and marketed as temporary living quarters for recreational, camping,
217 travel, or seasonal use;

218 (b) is not permanently affixed to real property for use as a permanent dwelling;

219 (c) requires a special highway movement permit for transit; and

220 (d) is built on a single chassis mounted on wheels with a gross trailer area not
221 exceeding 400 square feet in the setup mode.

222 (54) "Personalized license plate" means a license plate that has displayed on it a
223 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned
224 to the vehicle by the division.

225 (55) (a) "Pickup truck" means a two-axle motor vehicle with motive power
226 manufactured, remanufactured, or materially altered to provide an open cargo area.

227 (b) "Pickup truck" includes a motor vehicle with the open cargo area covered with a
228 camper, camper shell, tarp, removable top, or similar structure.

229 (56) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that
230 has the capability to charge the battery or batteries used for vehicle propulsion from an
231 off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle
232 while the vehicle is in motion.

233 (57) "Pneumatic tire" means a tire in which compressed air is designed to support the
234 load.

235 (58) "Preceding year" means a period of 12 consecutive months fixed by the division
236 that is within 16 months immediately preceding the commencement of the registration or
237 license year in which proportional registration is sought. The division in fixing the period shall
238 conform it to the terms, conditions, and requirements of any applicable agreement or
239 arrangement for the proportional registration of vehicles.

240 (59) "Public garage" means a building or other place where vehicles or vessels are kept
241 and stored and where a charge is made for the storage and keeping of vehicles and vessels.

242 (60) "Receipt of surrender of ownership documents" means the receipt of surrender of
243 ownership documents described in Section [41-1a-503](#).

244 (61) "Reconstructed vehicle" means a vehicle of a type required to be registered in this
245 state that is materially altered from its original construction by the removal, addition, or
246 substitution of essential parts, new or used.

247 (62) "Recreational vehicle" means the same as that term is defined in Section
248 [13-14-102](#).

249 (63) "Registration" means a document issued by a jurisdiction that allows operation of
250 a vehicle or vessel on the highways or waters of this state for the time period for which the
251 registration is valid and that is evidence of compliance with the registration requirements of the
252 jurisdiction.

253 (64) "Registration decal" means the decal issued by the division that is evidence of
254 compliance with the division's registration requirements.

255 (65) (a) "Registration year" means a 12 consecutive month period commencing with
256 the completion of the applicable registration criteria.

257 (b) For administration of a multistate agreement for proportional registration the
258 division may prescribe a different 12-month period.

259 (66) "Repair or replacement" means the restoration of vehicles, vessels, or outboard
260 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,
261 or outboard motor, or by correcting the inoperative part.

262 (67) "Replica vehicle" means:

263 (a) a street rod that meets the requirements under Subsection [41-21-1\(3\)\(a\)\(i\)\(B\)](#); or

264 (b) a custom vehicle that meets the requirements under Subsection
265 [41-6a-1507\(1\)\(a\)\(i\)\(B\)](#).

266 (68) "Restored-modified vehicle" means a motor vehicle that has been restored and
267 modified with modern parts and technology, including emission control technology and an
268 on-board diagnostic system.

269 (69) "Road tractor" means a motor vehicle designed and used for drawing other
270 vehicles and constructed so it does not carry any load either independently or any part of the
271 weight of a vehicle or load that is drawn.

272 (70) "Sailboat" means the same as that term is defined in Section [73-18-2](#).

273 (71) "Security interest" means an interest that is reserved or created by a security
274 agreement to secure the payment or performance of an obligation and that is valid against third

275 parties.

276 (72) "Semitrailer" means a vehicle without motive power designed for carrying persons
277 or property and for being drawn by a motor vehicle and constructed so that some part of its
278 weight and its load rests or is carried by another vehicle.

279 (73) "Special group license plate" means a type of license plate designed for a
280 particular group of people or a license plate authorized and issued by the division in accordance
281 with Section 41-1a-418 or Part 16, Sponsored Special Group License Plates.

282 (74) (a) "Special interest vehicle" means a vehicle used for general transportation
283 purposes and that is:

284 (i) 20 years or older from the current year; or

285 (ii) a make or model of motor vehicle recognized by the division director as having
286 unique interest or historic value.

287 (b) In making a determination under Subsection (74)(a), the division director shall give
288 special consideration to:

289 (i) a make of motor vehicle that is no longer manufactured;

290 (ii) a make or model of motor vehicle produced in limited or token quantities;

291 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
292 designed exclusively for educational purposes or museum display; or

293 (iv) a motor vehicle of any age or make that has not been substantially altered or
294 modified from original specifications of the manufacturer and because of its significance is
295 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
296 leisure pursuit.

297 (75) (a) "Special mobile equipment" means a vehicle:

298 (i) not designed or used primarily for the transportation of persons or property;

299 (ii) not designed to operate in traffic; and

300 (iii) only incidentally operated or moved over the highways.

301 (b) "Special mobile equipment" includes:

302 (i) farm tractors;

303 (ii) off-road motorized construction or maintenance equipment including backhoes,
304 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

305 (iii) ditch-digging apparatus.

306 (c) "Special mobile equipment" does not include a commercial vehicle as defined
307 under Section [72-9-102](#).

308 (76) "Specially constructed vehicle" means a vehicle of a type required to be registered
309 in this state, not originally constructed under a distinctive name, make, model, or type by a
310 generally recognized manufacturer of vehicles, and not materially altered from its original
311 construction.

312 (77) (a) "Standard license plate" means a license plate for general issue described in
313 Subsection [41-1a-402](#)(1).

314 (b) "Standard license plate" includes a license plate for general issue that the division
315 issues before January 1, 2024.

316 (78) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard
317 motor that meets the requirements of rules made by the commission [~~pursuant to Subsection~~
318 ~~[41-1a-1101](#)(5)] as described in Subsection [41-1a-1101](#)(7).~~

319 (79) "Symbol decal" means the decal that is designed to represent a special group and
320 displayed on a special group license plate.

321 (80) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

322 (81) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions
323 during the preceding year by power units.

324 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means
325 the number of miles that those vehicles were towed on the highways of all jurisdictions during
326 the preceding year.

327 (82) "Tow truck motor carrier" means the same as that term is defined in Section
328 [72-9-102](#).

329 (83) "Tow truck operator" means the same as that term is defined in Section [72-9-102](#).

330 (84) "Trailer" means a vehicle without motive power designed for carrying persons or
331 property and for being drawn by a motor vehicle and constructed so that no part of its weight
332 rests upon the towing vehicle.

333 (85) "Transferee" means a person to whom the ownership of property is conveyed by
334 sale, gift, or any other means except by the creation of a security interest.

335 (86) "Transferor" means a person who transfers the person's ownership in property by
336 sale, gift, or any other means except by creation of a security interest.

337 (87) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle
338 without motive power, designed as a temporary dwelling for travel, recreational, or vacation
339 use that does not require a special highway movement permit when drawn by a self-propelled
340 motor vehicle.

341 (88) "Truck tractor" means a motor vehicle designed and used primarily for drawing
342 other vehicles and not constructed to carry a load other than a part of the weight of the vehicle
343 and load that is drawn.

344 (89) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
345 camper, park model recreational vehicle, manufactured home, and mobile home.

346 (90) "Vessel" means the same as that term is defined in Section [73-18-2](#).

347 (91) "Vintage vehicle" means the same as that term is defined in Section [41-21-1](#).

348 (92) "Waters of this state" means the same as that term is defined in Section [73-18-2](#).

349 (93) "Weighmaster" means a person, association of persons, or corporation permitted
350 to weigh vehicles under this chapter.

351 Section 2. Section **41-1a-1101** is amended to read:

352 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

353 (1) As used in this section:

354 (a) (i) "Criminal offense" means an offense that is a felony, a misdemeanor, an
355 infraction, or a violation of an ordinance, under municipal, state, or federal law.

356 (ii) "Criminal offense" includes:

357 (A) an offense described in Chapter 6a, Traffic Code;

358 (B) an offense described in Title 53, Chapter 3, Part 2, Driver Licensing Act;

359 (C) an offense described in Title 73, Chapter 18, State Boating Act;

360 (D) an offense described in Title 76, Utah Criminal Code; and

361 (E) any local ordinance that is substantially similar to an offense listed in Subsections
362 (1)(a)(ii)(A) through (D).

363 (b) "Operator" means the same as that term is defined in Section [41-6a-102](#).

364 (c) "Road rage event" means the commission of a criminal offense:

365 (i) by an operator or passenger of a vehicle;

366 (ii) in response to an incident that occurs or escalates upon a roadway; and

367 (iii) with the intent to endanger or intimidate an individual in another vehicle.

368 (d) "Roadway" means:

369 (i) a highway; or

370 (ii) a private road or driveway as defined in Section [41-6a-102](#).

371 ~~[(1)]~~ (2) The division or any peace officer, without a warrant, may seize and take

372 possession of any vehicle, vessel, or outboard motor:

373 (a) that the division or the peace officer has ~~[reason]~~ probable cause to believe has been
374 stolen;

375 (b) on which any identification number has been defaced, altered, or obliterated;

376 (c) that has been abandoned in accordance with Section [41-6a-1408](#);

377 (d) for which the applicant has written a check for registration or title fees that has not
378 been honored by the applicant's bank and that is not paid within 30 days;

379 (e) that is placed on the water with improper registration;

380 (f) that is being operated on a highway:

381 (i) with registration that has been expired for more than three months;

382 (ii) having never been properly registered by the current owner; or

383 (iii) with registration that is suspended or revoked; or

384 (g) (i) that the division or the peace officer has ~~[reason]~~ probable cause to believe has
385 been involved in an accident described in Section [41-6a-401](#), [41-6a-401.3](#), or [41-6a-401.5](#); and

386 (ii) whose operator did not remain at the scene of the accident until the operator
387 fulfilled the requirements described in Section [41-6a-401](#) or [41-6a-401.7](#).

388 (3) The division or a peace officer, without a warrant:

389 (a) may seize and take possession of a vehicle when the division or the peace officer
390 has probable cause to believe that an operator or passenger of the vehicle engaged in a road
391 rage event; and

392 (b) shall seize and take possession of a vehicle when the division or the peace officer
393 has probable cause to believe that an operator or passenger of the vehicle has engaged in a road
394 rage event in which a firearm was used in furtherance of the road rage event.

395 ~~[(2)]~~ (4) (a) Subject to the restriction in Subsection ~~[(2)(b)]~~ (4)(b), the division or any
396 peace officer, without a warrant:

397 (i) shall seize and take possession of any vehicle that is being operated on a highway
398 without owner's or operator's security in effect for the vehicle as required under Section

399 41-12a-301 and the vehicle was involved in an accident; or

400 (ii) may seize and take possession of any vehicle that is being operated on a highway
401 without owner's or operator's security in effect for the vehicle as required under Section
402 41-12a-301 after the division or any peace officer makes a reasonable determination whether
403 the vehicle would:

404 (A) present a public safety concern to the operator or any of the occupants in the
405 vehicle; or

406 (B) prevent the division or the peace officer from addressing other public safety
407 considerations.

408 (b) The division or any peace officer may not seize and take possession of a vehicle
409 under Subsection [~~(2)~~ (a)] (4)(a):

410 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's
411 security as defined in Section 41-12a-303.2 in the vehicle unless the division or peace officer
412 verifies that owner's or operator's security is not in effect for the vehicle through the Uninsured
413 Motorist Identification Database created in accordance with Section 41-12a-803; or

414 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security
415 as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist Identification
416 Database created in accordance with Section 41-12a-803 indicates that the owner's or operator's
417 security is not in effect for the vehicle, unless the division or a peace officer makes a
418 reasonable attempt to independently verify that owner's or operator's security is not in effect for
419 the vehicle.

420 [~~(3)~~ (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be
421 seized to transport and store the vessel.

422 [~~(4)~~ (6) Any peace officer seizing or taking possession of a vehicle, vessel, or
423 outboard motor under this section shall comply with the provisions of Section 41-6a-1406.

424 [~~(5)~~ (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
425 Act, the commission shall make rules setting standards for public garages, impound lots, and
426 impound yards that may be used by peace officers and the division.

427 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of
428 public garages, impound lots, or impound yards per geographical area.

429 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard

430 unless the crusher, dismantler, or salvage dealer meets all of the requirements for a state
431 impound yard set forth in this section and rules made in accordance with Subsection [~~(5)(a)~~]
432 (7)(a).

433 (d) (i) Rules made by the commission shall include a requirement that a state impound
434 yard have opaque fencing on any side of the state impound yard that has frontage with a
435 highway.

436 (ii) The opaque fencing described in Subsection [~~(5)(d)(i)~~] (7)(d)(i) may be opaque
437 chain link fencing.

438 [~~(6)~~] (8) (a) Except as provided under Subsection [~~(6)(b)~~] (8)(b), a person may not
439 operate or allow to be operated a vehicle stored in a public garage, impound lot, or impound
440 yard regulated under this part without prior written permission of the owner of the vehicle.

441 (b) Incidental and necessary operation of a vehicle to move the vehicle from one
442 parking space to another within the facility and that is necessary for the normal management of
443 the facility is not prohibited under Subsection [~~(6)(a)~~] (8)(a).

444 [~~(7)~~] (9) A person who violates the provisions of Subsection [~~(6)~~] (8) is guilty of a
445 class C misdemeanor.

446 [~~(8)~~] (10) The division or the peace officer who seizes a vehicle shall record the
447 mileage shown on the vehicle's odometer at the time of seizure, if:

448 (a) the vehicle is equipped with an odometer; and

449 (b) the odometer reading is accessible to the division or the peace officer.

450 Section 3. Section **41-1a-1103** is amended to read:

451 **41-1a-1103. Sale.**

452 (1) (a) To determine the model year of a vehicle, vessel, or outboard motor as
453 described in this section, the division shall use the model year assigned to a vehicle, vessel, or
454 outboard motor based on:

455 (i) the vehicle identification number assigned by the division; or

456 (ii) if the division has not assigned a vehicle identification number, the vehicle
457 identification number assigned by the manufacturer.

458 (b) To determine the age of a vehicle, vessel, or outboard motor as described in this
459 section, the division shall use the date of the impoundment of the vehicle, vessel, or outboard
460 motor.

461 (2) (a) For a vehicle, vessel, or outboard motor with a model year of eight years old or
462 older, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not recover
463 the vehicle, vessel, or outboard motor within 30 days from the date of the original notice
464 described in Section 41-6a-1406, or if the division is unable to determine the owner or
465 lienholder through reasonable efforts, the division shall issue a certificate of sale for the
466 vehicle, vessel, or outboard motor to the tow truck motor carrier in possession of the vehicle,
467 vessel, or outboard motor upon request by the tow truck motor carrier.

468 (i) For a vehicle, vessel, or outboard motor with a model year of eight years old or
469 older, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section
470 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,
471 vessel, or outboard motor and satisfy the amount due to the place of storage within 30 days
472 from the date of release, the division shall, 30 days from the date of the original notice
473 described in Section 41-6a-1406, issue a certificate of sale for the vehicle, vessel, or outboard
474 motor to the tow truck motor carrier in possession of the vehicle, vessel, or outboard motor
475 upon request by the tow truck motor carrier, in accordance with this section.

476 (ii) For a vehicle, vessel, or outboard motor with a model year of eight years old or
477 older, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section
478 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,
479 vessel, or outboard motor and satisfy the amount due to the place of storage within 20 days
480 from the original notice described in Section 41-6a-1406, the tow truck motor carrier shall
481 notify the division, and the division shall renotify the owner or lienholder.

482 (3) For a vehicle, vessel, or outboard motor with a model year seven years old or
483 newer, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not
484 recover the vehicle, vessel, or outboard motor within 60 days from the date of the original
485 notice described in Section 41-6a-1406, or if the division is unable to determine the owner or
486 lienholder through reasonable efforts, the division shall sell the vehicle, vessel, or outboard
487 motor as described in Subsection (4).

488 (4) The sale of a vehicle, vessel, or outboard motor described in Subsection (3) shall:

489 (a) be held in the form of a public auction at the place of storage; and

490 (b) at the discretion of the division, be conducted by:

491 (i) an authorized representative of the division; or

- 492 (ii) a public garage, impound lot, or impound yard that:
- 493 (A) is authorized by the division;
- 494 (B) meets the standards under Subsection [~~41-1a-1101(5)~~] 41-1a-1101(7); and
- 495 (C) complies with the requirements of Section 72-9-603.
- 496 (5) At least five days prior to the date set for sale described in Subsection (4), the
- 497 division shall publish a notice of sale setting forth the date, time, and place of sale and a
- 498 description of the vehicle, vessel, or outboard motor to be sold:
- 499 (a) on the division's website; and
- 500 (b) as required in Section 45-1-101.
- 501 (6) At the time of sale described in Subsection (4) the division or other person
- 502 authorized to conduct the sale shall tender to the highest bidder a certificate of sale conveying
- 503 all rights, title, and interest in the vehicle, vessel, or outboard motor.
- 504 (7) The proceeds from the sale of a vehicle, vessel, or outboard motor under
- 505 Subsection (4) shall be distributed as provided under Section 41-1a-1104.
- 506 (8) For a vehicle, vessel, or outboard motor with a model year seven years old or
- 507 newer, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section
- 508 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,
- 509 vessel, or outboard motor and satisfy the amount due to the place of storage within 60 days
- 510 from the date of release, the division shall, 60 days from the date of the original notice
- 511 described in Section 41-6a-1406, sell the vehicle, vessel, or outboard motor as described in
- 512 Subsection (4).
- 513 (9) For a vehicle, vessel, or outboard motor with a model year of seven years old or
- 514 newer, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section
- 515 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,
- 516 vessel, or outboard motor within 45 days of the original notice described in Section
- 517 41-6a-1406, the tow truck motor carrier shall notify the division, and the division shall renotify
- 518 the owner or lienholder.
- 519 Section 4. Section **41-6a-1406** is amended to read:
- 520 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**
- 521 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**
- 522 (1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under

523 Section 41-1a-1101, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace
524 officer or by an order of a person acting on behalf of a law enforcement agency or highway
525 authority, the removal or impoundment of the vehicle, vessel, or outboard motor shall be at the
526 expense of the owner.

527 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be removed or
528 impounded to a state impound yard.

529 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be
530 removed by a tow truck motor carrier that meets standards established:

- 531 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
- 532 (b) by the department under Subsection (10).

533 (4) (a) A report described in this Subsection (4) is required for a vehicle, vessel, or
534 outboard motor that is:

- 535 (i) removed or impounded as described in Subsection (1); or
 - 536 (ii) removed or impounded by any law enforcement or government entity.
- 537 (b) Before noon on the next business day after the date of the removal of the vehicle,
538 vessel, or outboard motor, a report of the removal shall be sent to the Motor Vehicle Division
539 by:

- 540 (i) the peace officer or agency by whom the peace officer is employed; and
- 541 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
542 operator is employed.

543 (c) The report shall be in a form specified by the Motor Vehicle Division and shall
544 include:

- 545 (i) the operator's name, if known;
- 546 (ii) a description of the vehicle, vessel, or outboard motor;
- 547 (iii) the vehicle identification number or vessel or outboard motor identification
548 number;
- 549 (iv) the license number, temporary permit number, or other identification number
550 issued by a state agency;
- 551 (v) the date, time, and place of impoundment;
- 552 (vi) the reason for removal or impoundment;
- 553 (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, or

554 outboard motor; and

555 (viii) the place where the vehicle, vessel, or outboard motor is stored.

556 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
557 State Tax Commission shall make rules to establish proper format and information required on
558 the form described in this Subsection (4).

559 (e) Until the tow truck operator or tow truck motor carrier reports the removal as
560 required under this Subsection (4), a tow truck motor carrier or impound yard may not:

561 (i) collect any fee associated with the removal; and

562 (ii) begin charging storage fees.

563 (5) (a) Except as provided in Subsection (5)(e) and upon receipt of the report, the
564 Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to the
565 following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:

566 (i) the registered owner;

567 (ii) any lien holder; or

568 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor
569 is currently operating under a temporary permit issued by the dealer, as described in Section
570 41-3-302.

571 (b) The notice shall:

572 (i) state the date, time, and place of removal, the name, if applicable, of the person
573 operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal,
574 and the place where the vehicle, vessel, or outboard motor is stored;

575 (ii) state that the registered owner is responsible for payment of towing, impound, and
576 storage fees charged against the vehicle, vessel, or outboard motor;

577 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard
578 motor is released; and

579 (iv) inform the parties described in Subsection (5)(a) of the division's intent to sell the
580 vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or
581 impoundment under this section, one of the parties fails to make a claim for release of the
582 vehicle, vessel, or outboard motor.

583 (c) Except as provided in Subsection (5)(e) and if the vehicle, vessel, or outboard
584 motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort

585 to notify the parties described in Subsection (5)(a) of the removal and the place where the
586 vehicle, vessel, or outboard motor is stored.

587 (d) The Motor Vehicle Division shall forward a copy of the notice to the place where
588 the vehicle, vessel, or outboard motor is stored.

589 (e) The Motor Vehicle Division is not required to give notice under this Subsection (5)
590 if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck
591 service in accordance with Subsection [72-9-603\(1\)\(a\)\(i\)](#).

592 (6) (a) The vehicle, vessel, or outboard motor shall be released after a party described
593 in Subsection (5)(a):

594 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of
595 the State Tax Commission;

596 (ii) presents identification sufficient to prove ownership of the impounded vehicle,
597 vessel, or outboard motor;

598 (iii) completes the registration, if needed, and pays the appropriate fees;

599 (iv) if the impoundment was made under Section [41-6a-527](#) or Subsection
600 [41-1a-1101\(3\)](#), pays an administrative impound fee of \$400; and

601 (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard
602 motor is stored.

603 (b) (i) [~~Twenty-nine dollars~~] [\\$29](#) of the administrative impound fee assessed under
604 Subsection (6)(a)(iv) shall be dedicated credits to the Motor Vehicle Division;

605 (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
606 be deposited into the Department of Public Safety Restricted Account created in Section
607 [53-3-106](#);

608 (iii) \$20 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
609 be deposited into the Neuro-Rehabilitation Fund created in Section [26B-1-319](#); and

610 (iv) the remainder of the administrative impound fee assessed under Subsection
611 (6)(a)(iv) shall be deposited into the General Fund.

612 (c) The administrative impound fee assessed under Subsection (6)(a)(iv) shall be
613 waived or refunded by the State Tax Commission if the registered owner, lien holder, or
614 owner's agent presents written evidence to the State Tax Commission that:

615 (i) the Driver License Division determined that the arrested person's driver license

616 should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter
617 or other report from the Driver License Division presented within 180 days after the day on
618 which the Driver License Division mailed the final notification; or

619 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the
620 stolen vehicle report presented within 180 days after the day of the impoundment.

621 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
622 payment by cash and debit or credit card for a removal or impoundment under Subsection (1)
623 or any service rendered, performed, or supplied in connection with a removal or impoundment
624 under Subsection (1).

625 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the
626 impounded vehicle, vessel, or outboard motor if:

627 (i) the vehicle, vessel, or outboard motor is being held as evidence; and

628 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in
629 Subsection (5)(a), even if the party satisfies the requirements to release the vehicle, vessel, or
630 outboard motor under this Subsection (6).

631 (7) (a) For an impounded vehicle, vessel, or outboard motor not claimed by a party
632 described in Subsection (5)(a) within the time prescribed by Section 41-1a-1103, the Motor
633 Vehicle Division shall issue a certificate of sale for the impounded vehicle, vessel, or outboard
634 motor as described in Section 41-1a-1103.

635 (b) The date of impoundment is considered the date of seizure for computing the time
636 period provided under Section 41-1a-1103.

637 (8) A party described in Subsection (5)(a) that pays all fees and charges incurred in the
638 impoundment of the owner's vehicle, vessel, or outboard motor has a cause of action for all the
639 fees and charges, together with damages, court costs, and attorney fees, against the operator of
640 the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.

641 (9) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel,
642 or outboard motor.

643 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
644 the department shall make rules setting the performance standards for towing companies to be
645 used by the department.

646 (11) (a) The Motor Vehicle Division may specify that a report required under

647 Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and
648 retrieval of the information.

649 (b) (i) Unless otherwise provided by statute, the Motor Vehicle Division or the
650 administrator of the database may adopt a schedule of fees assessed for utilizing the database.

651 (ii) The fees under this Subsection (11)(b) shall:

652 (A) be reasonable and fair; and

653 (B) reflect the cost of administering the database.

654 Section 5. Section **41-12a-806** is amended to read:

655 **41-12a-806. Restricted account -- Creation -- Funding -- Interest -- Purposes.**

656 (1) There is created within the Transportation Fund a restricted account known as the
657 "Uninsured Motorist Identification Restricted Account."

658 (2) The account consists of money generated from the following revenue sources:

659 (a) money received by the state under Section [41-1a-1218](#), the uninsured motorist
660 identification fee;

661 (b) money received by the state under Section [41-1a-1220](#), the registration
662 reinstatement fee; and

663 (c) appropriations made to the account by the Legislature.

664 (3) (a) The account shall earn interest.

665 (b) All interest earned on account money shall be deposited into the account.

666 (4) The Legislature shall appropriate money from the account to:

667 (a) the department to fund the contract with the designated agent;

668 (b) the department to offset the costs to state and local law enforcement agencies of
669 using the information for the purposes authorized under this part;

670 (c) the Tax Commission to offset the costs to the Motor Vehicle Division for revoking
671 and reinstating vehicle registrations under Subsection [41-1a-110\(2\)\(a\)\(ii\)](#); and

672 (d) the department to reimburse a person for the costs of towing and storing the
673 person's vehicle if:

674 (i) the person's vehicle was impounded in accordance with Subsection [~~41-1a-1101(2)~~]
675 [41-1a-1101\(4\)](#);

676 (ii) the impounded vehicle had owner's or operator's security in effect for the vehicle at
677 the time of the impoundment;

678 (iii) the database indicated that owner's or operator's security was not in effect for the
679 impounded vehicle; and

680 (iv) the department determines that the person's vehicle was wrongfully impounded.

681 (5) The Legislature may appropriate not more than \$1,500,000 annually from the
682 account to the Peace Officer Standards and Training Division, created under Section 53-6-103,
683 for use in law enforcement training, including training on the use of the Uninsured Motorist
684 Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured
685 Motorist Identification Database Program.

686 (6) (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
687 Act, the department shall hold a hearing to determine whether a person's vehicle was
688 wrongfully impounded under Subsection [~~41-1a-1101(2)~~] 41-1a-1101(4).

689 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
690 division shall make rules establishing procedures for a person to apply for a reimbursement
691 under Subsection (4)(d).

692 (c) A person is not eligible for a reimbursement under Subsection (4)(d) unless the
693 person applies for the reimbursement within six months from the date that the motor vehicle
694 was impounded.

695 Section 6. Section 53-3-220 is amended to read:

696 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
697 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
698 **Limited driving privileges.**

699 (1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter
700 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or
701 disqualification, the division shall deny, suspend, or disqualify the license of a person upon
702 receiving a record of the person's conviction for:

703 (i) manslaughter or negligent homicide resulting from driving a motor vehicle,
704 negligently operating a vehicle resulting in death under Section 76-5-207, or automobile
705 homicide involving using a handheld wireless communication device while driving under
706 Section 76-5-207.5;

707 (ii) driving or being in actual physical control of a motor vehicle while under the
708 influence of alcohol, any drug, or combination of them to a degree that renders the person

709 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited
710 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

711 (iii) driving or being in actual physical control of a motor vehicle while having a blood
712 or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance
713 that complies with the requirements of Subsection 41-6a-510(1);

714 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
715 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
716 regulating driving on highways;

717 (v) any felony under the motor vehicle laws of this state;

718 (vi) any other felony in which a motor vehicle is used to facilitate the offense;

719 (vii) failure to stop and render aid as required under the laws of this state if a motor
720 vehicle accident results in the death or personal injury of another;

721 (viii) two charges of reckless driving, impaired driving, or any combination of reckless
722 driving and impaired driving committed within a period of 12 months; but if upon a first
723 conviction of reckless driving or impaired driving the judge or justice recommends suspension
724 of the convicted person's license, the division may after a hearing suspend the license for a
725 period of three months;

726 (ix) failure to bring a motor vehicle to a stop at the command of a law enforcement
727 officer as required in Section 41-6a-210;

728 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
729 requires disqualification;

730 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
731 allowing the discharge of a firearm from a vehicle;

732 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
733 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);

734 (xiii) operating or being in actual physical control of a motor vehicle while having any
735 measurable controlled substance or metabolite of a controlled substance in the person's body in
736 violation of Section 41-6a-517;

737 (xiv) operating or being in actual physical control of a motor vehicle while having any
738 measurable or detectable amount of alcohol in the person's body in violation of Section
739 41-6a-530;

740 (xv) engaging in a motor vehicle speed contest or exhibition of speed on a highway in
741 violation of Section [41-6a-606](#);

742 (xvi) operating or being in actual physical control of a motor vehicle in this state
743 without an ignition interlock system in violation of Section [41-6a-518.2](#); ~~[or]~~

744 (xvii) refusal of a chemical test under Subsection [41-6a-520.1\(1\)](#)~~[-];~~ or

745 (xviii) two or more offenses that:

746 (A) are committed within a period of one year;

747 (B) are enhanced under Section [76-3-203.17](#); and

748 (C) arose from separate incidents.

749 (b) The division shall immediately revoke the license of a person upon receiving a
750 record of an adjudication under Section [80-6-701](#) for:

751 (i) a felony violation of Section [76-10-508](#) or [76-10-508.1](#) involving discharging or
752 allowing the discharge of a firearm from a vehicle; or

753 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
754 incendiary device from a vehicle in violation of Subsection [76-10-306\(4\)\(b\)](#).

755 (c) (i) Except when action is taken under Section [53-3-219](#) for the same offense, upon
756 receiving a record of conviction, the division shall immediately suspend for six months the
757 license of the convicted person if the person was convicted of violating any one of the
758 following offenses while the person was an operator of a motor vehicle, and the court finds that
759 a driver license suspension is likely to reduce recidivism and is in the interest of public safety:

760 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

761 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

762 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

763 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;

764 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

765 (F) any criminal offense that prohibits possession, distribution, manufacture,
766 cultivation, sale, or transfer of any substance that is prohibited under the acts described in
767 Subsections (1)(c)(i)(A) through (E), or the attempt or conspiracy to possess, distribute,
768 manufacture, cultivate, sell, or transfer any substance that is prohibited under the acts described
769 in Subsections (1)(c)(i)(A) through (E).

770 (ii) Notwithstanding the provisions in Subsection (1)(c)(i), the division shall reinstate a

771 person's driving privilege before completion of the suspension period imposed under
772 Subsection (1)(c)(i) if the reporting court notifies the Driver License Division, in a manner
773 specified by the division, that the defendant is participating in or has successfully completed a
774 drug court program as defined in Section 78A-5-201.

775 (iii) If a person's driving privilege is reinstated under Subsection (1)(c)(ii), the person is
776 required to pay the license reinstatement fees under Subsection 53-3-105(26).

777 (iv) The court shall notify the division, in a manner specified by the division, if a
778 person fails to complete all requirements of the drug court program.

779 (v) Upon receiving the notification described in Subsection (1)(c)(iv), the division shall
780 suspend the person's driving privilege for a period of six months from the date of the notice,
781 and no days shall be subtracted from the six-month suspension period for which a driving
782 privilege was previously suspended under Subsection (1)(c)(i).

783 (d) (i) The division shall immediately suspend a person's driver license for conviction
784 of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:

785 (A) an order from the sentencing court requiring that the person's driver license be
786 suspended; and

787 (B) a record of the conviction.

788 (ii) An order of suspension under this section is at the discretion of the sentencing
789 court, and may not be for more than 90 days for each offense.

790 (e) (i) The division shall immediately suspend for one year the license of a person upon
791 receiving a record of:

792 (A) conviction for the first time for a violation under Section 32B-4-411; or

793 (B) an adjudication under Section 80-6-701 for a violation under Section 32B-4-411.

794 (ii) The division shall immediately suspend for a period of two years the license of a
795 person upon receiving a record of:

796 (A) (I) conviction for a second or subsequent violation under Section 32B-4-411; and

797 (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior
798 conviction for a violation under Section 32B-4-411; or

799 (B) (I) a second or subsequent adjudication under Section 80-6-701 for a violation
800 under Section 32B-4-411; and

801 (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior

802 adjudication under Section 80-6-701 for a violation under Section 32B-4-411.

803 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:

804 (A) for a conviction or adjudication described in Subsection (1)(e)(i):

805 (I) impose a suspension for one year beginning on the date of conviction; or

806 (II) if the person is under the age of eligibility for a driver license, impose a suspension
807 that begins on the date of conviction and continues for one year beginning on the date of
808 eligibility for a driver license; or

809 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):

810 (I) impose a suspension for a period of two years; or

811 (II) if the person is under the age of eligibility for a driver license, impose a suspension
812 that begins on the date of conviction and continues for two years beginning on the date of
813 eligibility for a driver license.

814 (iv) Upon receipt of the first order suspending a person's driving privileges under
815 Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(i) if
816 ordered by the court in accordance with Subsection 32B-4-411(3)(a).

817 (v) Upon receipt of the second or subsequent order suspending a person's driving
818 privileges under Section 32B-4-411, the division shall reduce the suspension period under
819 Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection 32B-4-411(3)(b).

820 (f) The division shall immediately suspend a person's driver license for the conviction
821 of an offense that is enhanced under Section 76-3-203.17 if the division receives:

822 (i) an order from the sentencing court requiring the person's driver license to be
823 suspended; and

824 (ii) a record of the conviction.

825 (2) The division shall extend the period of the first denial, suspension, revocation, or
826 disqualification for an additional like period, to a maximum of one year for each subsequent
827 occurrence, upon receiving:

828 (a) a record of the conviction of any person on a charge of driving a motor vehicle
829 while the person's license is denied, suspended, revoked, or disqualified;

830 (b) a record of a conviction of the person for any violation of the motor vehicle law in
831 which the person was involved as a driver;

832 (c) a report of an arrest of the person for any violation of the motor vehicle law in

833 which the person was involved as a driver; or

834 (d) a report of an accident in which the person was involved as a driver.

835 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
836 driving while the person's license is denied, suspended, disqualified, or revoked, the person is
837 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,
838 or revocation originally imposed under Section [53-3-221](#).

839 (4) (a) The division may extend to a person the limited privilege of driving a motor
840 vehicle to and from the person's place of employment or within other specified limits on
841 recommendation of the judge in any case where a person is convicted of any of the offenses
842 referred to in Subsections (1) and (2) except:

843 (i) those offenses referred to in Subsections (1)(a)(i), (ii), (iii), (xi), (xii), (xiii), (1)(b),
844 and (1)(c)(i); and

845 (ii) those offenses referred to in Subsection (2) when the original denial, suspension,
846 revocation, or disqualification was imposed because of a violation of Section [41-6a-502](#),
847 [41-6a-517](#), a local ordinance that complies with the requirements of Subsection [41-6a-510\(1\)](#),
848 Section [41-6a-520](#), [41-6a-520.1](#), [76-5-102.1](#), or [76-5-207](#), or a criminal prohibition that the
849 person was charged with violating as a result of a plea bargain after having been originally
850 charged with violating one or more of these sections or ordinances, unless:

851 (A) the person has had the period of the first denial, suspension, revocation, or
852 disqualification extended for a period of at least three years;

853 (B) the division receives written verification from the person's primary care physician
854 that:

855 (I) to the physician's knowledge the person has not used any narcotic drug or other
856 controlled substance except as prescribed by a licensed medical practitioner within the last
857 three years; and

858 (II) the physician is not aware of any physical, emotional, or mental impairment that
859 would affect the person's ability to operate a motor vehicle safely; and

860 (C) for a period of one year prior to the date of the request for a limited driving
861 privilege:

862 (I) the person has not been convicted of a violation of any motor vehicle law in which
863 the person was involved as the operator of the vehicle;

864 (II) the division has not received a report of an arrest for a violation of any motor
865 vehicle law in which the person was involved as the operator of the vehicle; and

866 (III) the division has not received a report of an accident in which the person was
867 involved as an operator of a vehicle.

868 (b) (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege
869 authorized in this Subsection (4):

870 (A) is limited to when undue hardship would result from a failure to grant the
871 privilege; and

872 (B) may be granted only once to any person during any single period of denial,
873 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
874 or disqualification.

875 (ii) The discretionary privilege authorized in Subsection (4)(a)(ii):

876 (A) is limited to when the limited privilege is necessary for the person to commute to
877 school or work; and

878 (B) may be granted only once to any person during any single period of denial,
879 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
880 or disqualification.

881 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
882 Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or
883 denied under this chapter.

884 Section 7. Section **76-1-101.5** is amended to read:

885 **76-1-101.5. Definitions.**

886 Unless otherwise provided, as used in this title:

887 (1) "Act" means a voluntary bodily movement and includes speech.

888 (2) "Actor" means a person whose criminal responsibility is in issue in a criminal
889 action.

890 (3) "Affinity" means a relationship by marriage.

891 (4) "Bodily injury" means physical pain, illness, or any impairment of physical
892 condition.

893 (5) "Conduct" means an act or omission.

894 (6) "Consanguinity" means a relationship by blood to the first or second degree,

895 including an individual's parent, grandparent, sibling, child, aunt, uncle, niece, or nephew.

896 (7) (a) "Dangerous weapon" means:

897 ~~[(a)]~~ (i) any item capable of causing death or serious bodily injury; or

898 ~~[(b)]~~ (ii) a facsimile or representation of the item, if:

899 ~~[(i)]~~ (A) the actor's use or apparent intended use of the item leads the victim to
900 reasonably believe the item is likely to cause death or serious bodily injury; or

901 ~~[(ii)]~~ (B) the actor represents to the victim verbally or in any other manner that the
902 actor is in control of such an item.

903 (b) "Dangerous weapon" includes an automobile, a truck, a truck tractor, a bus, or any
904 other self-propelled vehicle.

905 (8) "Grievous sexual offense" means:

906 (a) rape, Section 76-5-402;

907 (b) rape of a child, Section 76-5-402.1;

908 (c) object rape, Section 76-5-402.2;

909 (d) object rape of a child, Section 76-5-402.3;

910 (e) forcible sodomy, Subsection 76-5-403(2);

911 (f) sodomy on a child, Section 76-5-403.1;

912 (g) aggravated sexual abuse of a child, Section 76-5-404.3;

913 (h) aggravated sexual assault, Section 76-5-405;

914 (i) any felony attempt to commit an offense described in Subsections (8)(a) through
915 (h); or

916 (j) an offense in another state, territory, or district of the United States that, if
917 committed in Utah, would constitute an offense described in Subsections (8)(a) through (i).

918 (9) "Offense" means a violation of any penal statute of this state.

919 (10) "Omission" means a failure to act when there is a legal duty to act and the actor is
920 capable of acting.

921 (11) "Person" means an individual, public or private corporation, government,
922 partnership, or unincorporated association.

923 (12) "Possess" means to have physical possession of or to exercise dominion or control
924 over tangible property.

925 (13) "Public entity" means:

926 (a) the state, or an agency, bureau, office, department, division, board, commission,
927 institution, laboratory, or other instrumentality of the state;

928 (b) a political subdivision of the state, including a county, municipality, interlocal
929 entity, special district, special service district, school district, or school board;

930 (c) an agency, bureau, office, department, division, board, commission, institution,
931 laboratory, or other instrumentality of a political subdivision of the state; or

932 (d) another entity that:

933 (i) performs a public function; and

934 (ii) is authorized to hold, spend, transfer, disburse, use, or receive public money.

935 (14) (a) "Public money" or "public funds" means money, funds, or accounts, regardless
936 of the source from which they are derived, that:

937 (i) are owned, held, or administered by an entity described in Subsections (13)(a)
938 through (c); or

939 (ii) are in the possession of an entity described in Subsection (13)(d)(i) for the purpose
940 of performing a public function.

941 (b) "Public money" or "public funds" includes money, funds, or accounts described in
942 Subsection (14)(a) after the money, funds, or accounts are transferred by a public entity to an
943 independent contractor of the public entity.

944 (c) "Public money" or "public funds" remains public money or public funds while in
945 the possession of an independent contractor of a public entity for the purpose of providing a
946 program or service for, or on behalf of, the public entity.

947 (15) "Public officer" means:

948 (a) an elected official of a public entity;

949 (b) an individual appointed to, or serving an unexpired term of, an elected official of a
950 public entity;

951 (c) a judge of a court of record or not of record, including justice court judges; or

952 (d) a member of the Board of Pardons and Parole.

953 (16) (a) "Public servant" means:

954 (i) a public officer;

955 (ii) an appointed official, employee, consultant, or independent contractor of a public
956 entity; or

957 (iii) a person hired or paid by a public entity to perform a government function.

958 (b) Public servant includes a person described in Subsection (16)(a) upon the person's
959 election, appointment, contracting, or other selection, regardless of whether the person has
960 begun to officially occupy the position of a public servant.

961 (17) "Serious bodily injury" means bodily injury that creates or causes serious
962 permanent disfigurement, protracted loss or impairment of the function of any bodily member
963 or organ, or creates a substantial risk of death.

964 (18) "Substantial bodily injury" means bodily injury, not amounting to serious bodily
965 injury, that creates or causes protracted physical pain, temporary disfigurement, or temporary
966 loss or impairment of the function of any bodily member or organ.

967 (19) "Writing" or "written" includes any handwriting, typewriting, printing, electronic
968 storage or transmission, or any other method of recording information or fixing information in
969 a form capable of being preserved.

970 Section 8. Section **76-3-203.17** is enacted to read:

971 **76-3-203.17. Enhancement of an offense for road rage.**

972 (1) As used in this section:

973 (a) "Roadway" means the same as that term is defined in Section [41-1a-1101](#).

974 (b) "Operator" means the same as that term is defined in Section [41-6a-102](#).

975 (c) "Vehicle" means the same as that term is defined in Section [41-1a-102](#).

976 (2) An actor is guilty of:

977 (a) (i) a class C misdemeanor if the actor is charged with an offense that is designated
978 by law as an infraction;

979 (ii) a class B misdemeanor if the actor is charged with an offense that is designated by
980 law as a class C misdemeanor;

981 (iii) a class A misdemeanor if the actor is charged with an offense that is designated by
982 law as a class B misdemeanor;

983 (iv) a third degree felony if the actor is charged with an offense that is designated by
984 law as a class A misdemeanor;

985 (v) a third degree felony if the actor is charged with an offense that is designated by
986 law as a third degree felony; or

987 (vi) a second degree felony if the actor is charged with an offense that is designated by

988 law as a second degree felony; and

989 (b) the trier of fact finds:

990 (i) the actor committed the offense;

991 (ii) the actor was an operator or passenger of a vehicle;

992 (iii) the actor committed the offense in response to an incident that occurred or
993 escalated upon a roadway; and

994 (iv) the actor committed the offense with the intent to endanger or intimidate an
995 individual in another vehicle.

996 (3) (a) If an actor is guilty of a class C misdemeanor as described in Subsection
997 (2)(a)(i), the court shall impose a mandatory fine of no less than \$500 in addition to any other
998 penalty the court may impose for a class C misdemeanor.

999 (b) If an actor is guilty of a class B misdemeanor as described in Subsection (2)(a)(ii),
1000 the court shall impose a mandatory fine of no less than \$500 in addition to any other penalty
1001 the court may impose for a class B misdemeanor.

1002 (c) If an actor is guilty of a class A misdemeanor as described in Subsection (2)(a)(iii),
1003 the court shall impose a mandatory fine of no less than \$750 in addition to any other penalty
1004 the court may impose for a class A misdemeanor.

1005 (d) If an actor is guilty of a third degree felony as described in Subsection (2)(a)(iv),
1006 the court shall impose a mandatory fine of no less than \$1,000 in addition to any other penalty
1007 the court may impose for a third degree felony.

1008 (e) If an actor is guilty of a third degree felony as described in Subsection (2)(a)(v):

1009 (i) the court shall impose a mandatory fine of no less than \$1,000; and

1010 (ii) the court may impose an indeterminate term of imprisonment for no less than one
1011 year and no more than five years in addition to any other penalty the court may impose for a
1012 third degree felony.

1013 (f) If an actor is guilty of a second degree felony as described in Subsection (2)(a)(vi):

1014 (i) the court shall impose a mandatory fine of no less than \$1,000; and

1015 (ii) the court may impose an indeterminate term of imprisonment for no less than two
1016 years and no more than 15 years in addition to any other penalty the court may impose for a
1017 second degree felony.

1018 (4) The prosecuting attorney, or the grand jury if an indictment is returned, shall

1019 include notice in the information or indictment that the offense is subject to an enhancement
1020 under this section.

1021 (5) (a) If an actor is convicted of an offense and the offense is enhanced under this
1022 section, the court may order the suspension of the actor's driver license for a period of no
1023 longer than one year, except that the court may not order a suspension of an actor's driver
1024 license if the actor's driver license is required to be revoked under Subsection [53-3-220](#)(1).

1025 (b) If the court orders the suspension of the actor's driver license, the court shall:

1026 (i) specify the length of the suspension in the order as described in Section [53-3-225](#);

1027 and

1028 (ii) forward the order of suspension to the Driver License Division.

1029 (6) If an offense is enhanced under this section, the court shall forward a record of
1030 conviction for the offense to the Driver License Division.

1031 **Section 9. Effective date.**

1032 This bill takes effect on July 1, 2024.