

Representative Paul A. Cutler proposes the following substitute bill:

ROAD RAGE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul A. Cutler

Senate Sponsor: Todd D. Weiler

Cosponsor: Andrew Stoddard

LONG TITLE

General Description:

This bill addresses road rage events.

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ addresses the seizure and possession of a vehicle in which there is probable cause to believe the operator or passenger of the vehicle engaged in a road rage event;
 - ▶ allows for an administrative impound fee when a vehicle involved in a road rage event is seized and impounded;
 - ▶ allows for the suspension or revocation of an individual's driver license when the individual is convicted of an offense that is enhanced for road rage;
 - ▶ creates an enhancement of an offense for road rage;
 - ▶ modifies the elements of aggravated assault to address the use of a motor vehicle;
- and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



25 None

26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **41-1a-102**, as last amended by Laws of Utah 2023, Chapters 33, 532

31 **41-1a-1101**, as last amended by Laws of Utah 2019, Chapter 373

32 **41-1a-1103**, as last amended by Laws of Utah 2022, Chapter 92

33 **41-6a-1406**, as last amended by Laws of Utah 2023, Chapter 335

34 **41-12a-806**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

35 **53-3-220**, as last amended by Laws of Utah 2023, Chapter 415

36 **76-5-103**, as last amended by Laws of Utah 2022, Chapter 181

37 ENACTS:

38 **76-3-203.17**, Utah Code Annotated 1953



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

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

42 **41-1a-102. Definitions.**

43 As used in this chapter:

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

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

47 (3) "All-terrain type I vehicle" means the same as that term is defined in Section
48 **41-22-2**.

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

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

53 (6) "Alternative fuel vehicle" means:

54 (a) an electric motor vehicle;

55 (b) a hybrid electric motor vehicle;

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

87 (16) "Consumer price index" means the same as that term is defined in Section
88 59-13-102.

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

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

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

96 (20) "Dynamic driving task" means the same as that term is defined in Section
97 41-26-102.1.

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

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

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

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

108 (i) farm products, including livestock and its products, poultry and its products,
109 floricultural and horticultural products;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

161 (39) "Mobile home" means a transportable factory built housing unit built prior to June
162 15, 1976, in accordance with a state mobile home code which existed prior to the Federal
163 Manufactured Housing and Safety Standards Act (HUD Code).

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

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

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

168 (i) an off-highway vehicle; or

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

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

171 (43) "Motorcycle" means:

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

174 (b) an autocytle.

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

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

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

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

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

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

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

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

191 (i) to navigate a vessel; or

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

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

195 (B) an engaged automated driving system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

245 (62) "Recreational vehicle" means the same as that term is defined in Section
246 [13-14-102](#).

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

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

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

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

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

260 (67) "Replica vehicle" means:

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

262 (b) a custom vehicle that meets the requirements under Subsection
263 [41-6a-1507\(1\)\(a\)\(i\)\(B\)](#).

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

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

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

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

273 parties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

299 (b) "Special mobile equipment" includes:

300 (i) farm tractors;

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

303 (iii) ditch-digging apparatus.

304 (c) "Special mobile equipment" does not include a commercial vehicle as defined
305 under Section 72-9-102.

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

310 (77) (a) "Standard license plate" means a license plate for general issue described in
311 Subsection 41-1a-402(1).

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

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

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

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

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

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

325 (82) "Tow truck motor carrier" means the same as that term is defined in Section
326 72-9-102.

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

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

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

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

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

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

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

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

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

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

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

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

350 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

351 (1) As used in this section:

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

354 (ii) "Criminal offense" includes:

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

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

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

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

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

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

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

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

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

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

366 (d) "Roadway" means:

367 (i) a highway; or

368 (ii) a private road or driveway as defined in Section 41-6a-102.

369 ~~[(1)]~~ (2) The division or any peace officer, without a warrant, may seize and take

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

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

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

374 (c) that has been abandoned in accordance with Section 41-6a-1408;

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

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

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

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

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

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

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

384 (ii) whose operator did not remain at the scene of the accident until the operator
385 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7.

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

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

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

393 ~~[(2)]~~ (4) (a) Subject to the restriction in Subsection ~~[(2)(b)]~~ (4)(b), the division or any
394 peace officer, without a warrant:

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

397 41-12a-301 and the vehicle was involved in an accident; or

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

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

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

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

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

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

418 [~~(3)~~] (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be
419 seized to transport and store the vessel.

420 [~~(4)~~] (6) Any peace officer seizing or taking possession of a vehicle, vessel, or
421 outboard motor under this section shall comply with the provisions of Section 41-6a-1406.

422 [~~(5)~~] (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
423 Act, the commission shall make rules setting standards for public garages, impound lots, and
424 impound yards that may be used by peace officers and the division.

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

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

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

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

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

436 [~~(6)~~] (8) (a) Except as provided under Subsection [~~(6)(b)~~] (8)(b), a person may not
437 operate or allow to be operated a vehicle stored in a public garage, impound lot, or impound
438 yard regulated under this part without prior written permission of the owner of the vehicle.

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

442 [~~(7)~~] (9) A person who violates the provisions of Subsection [~~(6)~~] (8) is guilty of a
443 class C misdemeanor.

444 [~~(8)~~] (10) The division or the peace officer who seizes a vehicle shall record the
445 mileage shown on the vehicle's odometer at the time of seizure, if:

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

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

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

449 **41-1a-1103. Sale.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 533 (i) removed or impounded as described in Subsection (1); or
 - 534 (ii) removed or impounded by any law enforcement or government entity.
- 535 (b) Before noon on the next business day after the date of the removal of the vehicle,
536 vessel, or outboard motor, a report of the removal shall be sent to the Motor Vehicle Division
537 by:
- 538 (i) the peace officer or agency by whom the peace officer is employed; and
 - 539 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
540 operator is employed.

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

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

552 outboard motor; and

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

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

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

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

560 (ii) begin charging storage fees.

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

564 (i) the registered owner;

565 (ii) any lien holder; or

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

569 (b) The notice shall:

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

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

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

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

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

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

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

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

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

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

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

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

597 (iv) if the impoundment was made under Section [41-6a-527](#) or Subsection
598 [41-1a-1101\(3\)](#), pays an administrative impound fee of \$400; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

650 (A) be reasonable and fair; and

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

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

653 **41-12a-806. Restricted account -- Creation -- Funding -- Interest -- Purposes.**

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

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

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

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

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

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

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

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

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

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

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

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

672 (i) the person's vehicle was impounded in accordance with Subsection [~~[41-1a-1101\(2\)](#)~~]
673 [41-1a-1101\(4\)](#);

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

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

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

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

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

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

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

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

694 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
695 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
696 **Limited driving privileges.**

697 (1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter
698 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or
699 disqualification, the division shall deny, suspend, or disqualify the license of a person upon
700 receiving a record of the person's conviction for:

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

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

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

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

712 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
713 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
714 regulating driving on highways;

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

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

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

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

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

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

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

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

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

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

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

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

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

743 (xviii) two or more offenses that:

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

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

746 (C) arose from separate incidents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

785 (B) a record of the conviction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

822 (ii) a record of the conviction.

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

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

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

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

831 which the person was involved as a driver; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

882 Section 7. Section **76-3-203.17** is enacted to read:

883 **76-3-203.17. Enhancement of an offense for road rage.**

884 (1) As used in this section:

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

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

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

888 (2) If the trier of fact finds that an actor was an operator or passenger of a vehicle and
889 the actor committed an offense in response to an incident that occurred or escalated upon a
890 roadway and with the intent to endanger or intimidate an individual in another vehicle, the
891 actor is guilty of:

892 (a) a class C misdemeanor if the actor is charged with an offense that is designated by

893 law as an infraction;

894 (b) a class B misdemeanor if the actor is charged with an offense that is designated by

895 law as a class C misdemeanor;

896 (c) a class A misdemeanor if the actor is charged with an offense that is designated by

897 law as a class B misdemeanor;

898 (d) a third degree felony if the actor is charged with an offense that is designated by

899 law as a class A misdemeanor;

900 (e) a third degree felony if the actor is charged with an offense that is designated by law

901 as a third degree felony; or

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

903 law as a second degree felony.

904 (3) (a) If an actor is guilty of a class C misdemeanor as described in Subsection (2)(a),

905 the court shall impose a mandatory fine of no less than \$500 in addition to any other penalty

906 the court may impose for a class C misdemeanor.

907 (b) If an actor is guilty of a class B misdemeanor as described in Subsection (2)(b), the

908 court shall impose a mandatory fine of no less than \$500 in addition to any other penalty the

909 court may impose for a class B misdemeanor.

910 (c) If an actor is guilty of a class A misdemeanor as described in Subsection (2)(c), the

911 court shall impose a mandatory fine of no less than \$750 in addition to any other penalty the

912 court may impose for a class A misdemeanor.

913 (d) If an actor is guilty of a third degree felony as described in Subsection (2)(d), the

914 court shall impose a mandatory fine of no less than \$1,000 in addition to any other penalty the

915 court may impose for a third degree felony.

916 (e) If an actor is guilty of a third degree felony as described in Subsection (2)(e), the

917 court shall impose:

918 (i) a mandatory fine of no less than \$1,000; and

919 (ii) an indeterminate term of imprisonment for no less than one year and no more than

920 five years in addition to any other penalty the court may impose for a third degree felony.

921 (f) If an actor is guilty of a second degree felony as described in Subsection (2)(f), the

922 court shall impose:

923 (i) a mandatory fine of no less than \$1,000; and

924 (ii) an indeterminate term of imprisonment for no less than two years and no more than
925 15 years in addition to any other penalty the court may impose for a second degree felony.

926 (4) Except as otherwise provided by another provision of the Utah Code, the court may
927 suspend the execution of an indeterminate term of imprisonment described in Subsection
928 (3)(e)(ii) or (3)(f)(ii) in accordance with Section [77-18-105](#).

929 (5) The prosecuting attorney, or the grand jury if an indictment is returned, shall
930 include notice in the information or indictment that the offense is subject to an enhancement
931 under this section.

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

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

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

938 and

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

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

942 Section 8. Section **76-5-103** is amended to read:

943 **76-5-103. Aggravated assault -- Penalties.**

944 (1) (a) As used in this section, "targeting a law enforcement officer" means the same as
945 that term is defined in Section [76-5-202](#).

946 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

947 (2) An actor commits aggravated assault if [~~the actor~~]:

948 (a) (i) the actor attempts, with unlawful force or violence, to do bodily injury to
949 another;

950 (ii) the actor makes a threat, accompanied by a show of immediate force or violence, to
951 do bodily injury to another; or

952 (iii) the actor commits an act, committed with unlawful force or violence, that causes
953 bodily injury to another or creates a substantial risk of bodily injury to another; and

954 (b) [~~includes in~~] the actor's conduct [~~under~~] described in Subsection (2)(a) includes:

955 (i) the use of:
956 ~~[(+)]~~ (A) a dangerous weapon; or
957 (B) a motor vehicle;
958 (ii) any act that impedes the breathing or the circulation of blood of another individual
959 by the actor's use of unlawful force or violence that is likely to produce a loss of consciousness
960 by:
961 (A) applying pressure to the neck or throat of an individual; or
962 (B) obstructing the nose, mouth, or airway of an individual; or
963 (iii) other means or force likely to produce death or serious bodily injury.
964 (3) (a) A violation of Subsection (2) is a third degree felony.
965 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree
966 felony if:
967 (i) the act results in serious bodily injury; or
968 (ii) an act under Subsection (2)(b)(ii) produces a loss of consciousness.
969 (c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a first
970 degree felony if the conduct constitutes targeting a law enforcement officer and results in
971 serious bodily injury.
972 Section 9. **Effective date.**
973 This bill takes effect on July 1, 2024.