

HB0030S01 compared with HB0030

~~{deleted text}~~ shows text that was in HB0030 but was deleted in HB0030S01.

inserted text shows text that was not in HB0030 but was inserted into HB0030S01.

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

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

~~+Committee Note:~~

~~The Transportation Interim Committee recommended this bill.~~

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

~~+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;

HB0030S01 compared with HB0030

- ▶ 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;
- { → **clarifies the definition of a dangerous weapon;**
- } ▶ 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:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

{76-1-101.5}76-5-103, as last amended by Laws of Utah ~~2023~~2022, Chapter ~~16~~181

ENACTS:

76-3-203.17, Utah Code Annotated 1953

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

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

41-1a-102. Definitions.

As used in this chapter:

- (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- (2) "Actual weight" means the actual unladen weight of a vehicle or combination of

HB0030S01 compared with HB0030

vehicles as operated and certified to by a weighmaster.

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

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

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

(6) "Alternative fuel vehicle" means:

(a) an electric motor vehicle;

(b) a hybrid electric motor vehicle;

(c) a plug-in hybrid electric motor vehicle; or

(d) a motor vehicle powered exclusively by a fuel other than:

(i) motor fuel;

(ii) diesel fuel;

(iii) natural gas; or

(iv) propane.

(7) "Amateur radio operator" means a person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation on the amateur band radio frequencies.

(8) "Autocycle" means the same as that term is defined in Section 53-3-102.

(9) "Automated driving system" means the same as that term is defined in Section 41-26-102.1.

(10) "Branded title" means a title certificate that is labeled:

(a) rebuilt and restored to operation;

(b) flooded and restored to operation; or

(c) not restored to operation.

(11) "Camper" means a structure designed, used, and maintained primarily to be mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for camping.

(12) "Certificate of title" means a document issued by a jurisdiction to establish a

HB0030S01 compared with HB0030

record of ownership between an identified owner and the described vehicle, vessel, or outboard motor.

(13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a weighmaster.

(14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:

(a) as a carrier for hire, compensation, or profit; or

(b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

(15) "Commission" means the State Tax Commission.

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

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

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

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

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

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

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

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

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

HB0030S01 compared with HB0030

- (i) farm products, including livestock and its products, poultry and its products, floricultural and horticultural products;
 - (ii) farm supplies, including tile, fence, and any other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production; and
 - (iii) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm.
- (b) "Farm truck" does not include the operation of trucks by commercial processors of agricultural products.
- (25) "Fleet" means one or more commercial vehicles.
- (26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.
- (27) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped for operation, to which shall be added the maximum load to be carried.
- (28) "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.
- (29) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both:
- (a) an internal combustion engine or heat engine using consumable fuel; and
 - (b) a rechargeable energy storage system where energy for the storage system comes solely from sources onboard the vehicle.
- (30) (a) "Identification number" means the identifying number assigned by the manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard motor.
- (b) "Identification number" includes a vehicle identification number, state assigned identification number, hull identification number, and motor serial number.
- (31) "Implement of husbandry" means a vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.
- (32) (a) "In-state miles" means the total number of miles operated in this state during

HB0030S01 compared with HB0030

the preceding year by fleet power units.

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

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

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

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

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

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

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

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

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

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

(b) "Motor vehicle" does not include:

(i) an off-highway vehicle; or

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

HB0030S01 compared with HB0030

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

(43) "Motorcycle" means:

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

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

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

(b) A person who engages in intrastate business within this state and operates in that business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in interstate commerce, maintains a vehicle in this state as the home station of that vehicle is considered a resident of this state, insofar as that vehicle is concerned in administering this chapter.

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

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

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

(49) (a) "Operate" means:

- (i) to navigate a vessel; or
- (ii) collectively, the activities performed in order to perform the entire dynamic driving task for a given motor vehicle by:

- (A) a human driver as defined in Section 41-26-102.1; or
 - (B) an engaged automated driving system.

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

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

(51) "Outboard motor" means a detachable self-contained propulsion unit, excluding

HB0030S01 compared with HB0030

fuel supply, used to propel a vessel.

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0030S01 compared with HB0030

load.

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

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

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

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

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

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

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

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

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

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

(67) "Replica vehicle" means:

- (a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or
- (b) a custom vehicle that meets the requirements under Subsection

HB0030S01 compared with HB0030

41-6a-1507(1)(a)(i)(B).

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

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

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

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

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

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

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

- (i) 20 years or older from the current year; or
- (ii) a make or model of motor vehicle recognized by the division director as having unique interest or historic value.

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

- (i) a make of motor vehicle that is no longer manufactured;
- (ii) a make or model of motor vehicle produced in limited or token quantities;
- (iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or
- (iv) a motor vehicle of any age or make that has not been substantially altered or modified from original specifications of the manufacturer and because of its significance is being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a

HB0030S01 compared with HB0030

leisure pursuit.

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

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

(ii) not designed to operate in traffic; and

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

(b) "Special mobile equipment" includes:

(i) farm tractors;

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

(iii) ditch-digging apparatus.

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

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

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

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

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

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

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

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

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

HB0030S01 compared with HB0030

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

(ii) "Criminal offense" includes:

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

HB0030S01 compared with HB0030

(B) an offense described in Title 53, Chapter 3, Part 2, Driver Licensing Act;
(C) an offense described in Title 73, Chapter 18, State Boating Act;
(D) an offense described in Title 76, Utah Criminal Code; and
(E) any local ordinance that is substantially similar to an offense listed in Subsections (1)(a)(ii)(A) through (D).

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

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

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

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

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

(d) "Roadway" means:

(i) a highway; or

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

[~~(1)~~] (2) The division or any peace officer, without a warrant, may seize and take possession of any vehicle, vessel, or outboard motor:

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

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

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

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

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

(f) that is being operated on a highway:

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

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

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

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

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

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

HB0030S01 compared with HB0030

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

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

(i) shall seize and take possession of any vehicle that is being operated on a highway without owner's or operator's security in effect for the vehicle as required under Section 41-12a-301 and the vehicle was involved in an accident; or

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

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

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

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

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

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

HB0030S01 compared with HB0030

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

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

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

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

(c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard unless the crusher, dismantler, or salvage dealer meets all of the requirements for a state impound yard set forth in this section and rules made in accordance with Subsection [~~(5)(a)~~] (7)(a).

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

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

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

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

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

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

- (a) the vehicle is equipped with an odometer; and
- (b) the odometer reading is accessible to the division or the peace officer.

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

HB0030S01 compared with HB0030

41-1a-1103. Sale.

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

- (i) the vehicle identification number assigned by the division; or
 - (ii) if the division has not assigned a vehicle identification number, the vehicle identification number assigned by the manufacturer.
- (b) To determine the age of a vehicle, vessel, or outboard motor as described in this section, the division shall use the date of the impoundment of the vehicle, vessel, or outboard motor.

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

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

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

HB0030S01 compared with HB0030

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

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

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

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

(i) an authorized representative of the division; or

(ii) a public garage, impound lot, or impound yard that:

(A) is authorized by the division;

(B) meets the standards under Subsection [41-1a-1101(5)] 41-1a-1101(7); and

(C) complies with the requirements of Section 72-9-603.

(5) At least five days prior to the date set for sale described in Subsection (4), the division shall publish a notice of sale setting forth the date, time, and place of sale and a description of the vehicle, vessel, or outboard motor to be sold:

(a) on the division's website; and

(b) as required in Section 45-1-101.

(6) At the time of sale described in Subsection (4) the division or other person authorized to conduct the sale shall tender to the highest bidder a certificate of sale conveying all rights, title, and interest in the vehicle, vessel, or outboard motor.

(7) The proceeds from the sale of a vehicle, vessel, or outboard motor under Subsection (4) shall be distributed as provided under Section 41-1a-1104.

(8) For a vehicle, vessel, or outboard motor with a model year seven years old or newer, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 60 days from the date of release, the division shall, 60 days from the date of the original notice described in Section 41-6a-1406, sell the vehicle, vessel, or outboard motor as described in Subsection (4).

HB0030S01 compared with HB0030

(9) For a vehicle, vessel, or outboard motor with a model year of seven years old or newer, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle, vessel, or outboard motor within 45 days of the original notice described in Section 41-6a-1406, the tow truck motor carrier shall notify the division, and the division shall renotify the owner or lienholder.

Section 4. Section **41-6a-1406** is amended to read:

41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.

(1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under Section 41-1a-1101, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person acting on behalf of a law enforcement agency or highway authority, the removal or impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner.

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

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

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

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

- (i) removed or impounded as described in Subsection (1); or
- (ii) removed or impounded by any law enforcement or government entity.

(b) Before noon on the next business day after the date of the removal of the vehicle, vessel, or outboard motor, a report of the removal shall be sent to the Motor Vehicle Division by:

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

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

HB0030S01 compared with HB0030

include:

- (i) the operator's name, if known;
 - (ii) a description of the vehicle, vessel, or outboard motor;
 - (iii) the vehicle identification number or vessel or outboard motor identification number;
 - (iv) the license number, temporary permit number, or other identification number issued by a state agency;
 - (v) the date, time, and place of impoundment;
 - (vi) the reason for removal or impoundment;
 - (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and
 - (viii) the place where the vehicle, vessel, or outboard motor is stored.
- (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax Commission shall make rules to establish proper format and information required on the form described in this Subsection (4).
- (e) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (4), a tow truck motor carrier or impound yard may not:
- (i) collect any fee associated with the removal; and
 - (ii) begin charging storage fees.
- (5) (a) Except as provided in Subsection (5)(e) and upon receipt of the report, the Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to the following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:
- (i) the registered owner;
 - (ii) any lien holder; or
 - (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor is currently operating under a temporary permit issued by the dealer, as described in Section 41-3-302.
- (b) The notice shall:
- (i) state the date, time, and place of removal, the name, if applicable, of the person operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, or outboard motor is stored;

HB0030S01 compared with HB0030

- (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor;
 - (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard motor is released; and
 - (iv) inform the parties described in Subsection (5)(a) of the division's intent to sell the vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or impoundment under this section, one of the parties fails to make a claim for release of the vehicle, vessel, or outboard motor.
- (c) Except as provided in Subsection (5)(e) and if the vehicle, vessel, or outboard motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort to notify the parties described in Subsection (5)(a) of the removal and the place where the vehicle, vessel, or outboard motor is stored.
- (d) The Motor Vehicle Division shall forward a copy of the notice to the place where the vehicle, vessel, or outboard motor is stored.
- (e) The Motor Vehicle Division is not required to give notice under this Subsection (5) if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
- (6) (a) The vehicle, vessel, or outboard motor shall be released after a party described in Subsection (5)(a):
- (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of the State Tax Commission;
 - (ii) presents identification sufficient to prove ownership of the impounded vehicle, vessel, or outboard motor;
 - (iii) completes the registration, if needed, and pays the appropriate fees;
 - (iv) if the impoundment was made under Section 41-6a-527 or Subsection 41-1a-1101(3), pays an administrative impound fee of \$400; and
 - (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is stored.
- (b) (i) [Twenty-nine dollars] \$29 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be dedicated credits to the Motor Vehicle Division;
- (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall

HB0030S01 compared with HB0030

be deposited into the Department of Public Safety Restricted Account created in Section 53-3-106;

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

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

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

(i) the Driver License Division determined that the arrested person's driver license should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter or other report from the Driver License Division presented within 180 days after the day on which the Driver License Division mailed the final notification; or

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

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

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

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

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

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

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

HB0030S01 compared with HB0030

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

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

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

(11) (a) The Motor Vehicle Division may specify that a report required under Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and retrieval of the information.

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

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

- (A) be reasonable and fair; and
- (B) reflect the cost of administering the database.

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

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

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

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

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

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

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

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

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

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

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

HB0030S01 compared with HB0030

- (b) the department to offset the costs to state and local law enforcement agencies of using the information for the purposes authorized under this part;
 - (c) the Tax Commission to offset the costs to the Motor Vehicle Division for revoking and reinstating vehicle registrations under Subsection 41-1a-110(2)(a)(ii); and
 - (d) the department to reimburse a person for the costs of towing and storing the person's vehicle if:
 - (i) the person's vehicle was impounded in accordance with Subsection [41-1a-1101(2)] 41-1a-1101(4);
 - (ii) the impounded vehicle had owner's or operator's security in effect for the vehicle at the time of the impoundment;
 - (iii) the database indicated that owner's or operator's security was not in effect for the impounded vehicle; and
 - (iv) the department determines that the person's vehicle was wrongfully impounded.
- (5) The Legislature may appropriate not more than \$1,500,000 annually from the account to the Peace Officer Standards and Training Division, created under Section 53-6-103, for use in law enforcement training, including training on the use of the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program.
- (6) (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the department shall hold a hearing to determine whether a person's vehicle was wrongfully impounded under Subsection [41-1a-1101(2)] 41-1a-1101(4).
- (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing procedures for a person to apply for a reimbursement under Subsection (4)(d).
- (c) A person is not eligible for a reimbursement under Subsection (4)(d) unless the person applies for the reimbursement within six months from the date that the motor vehicle was impounded.
- Section 6. Section **53-3-220** is amended to read:
- 53-3-220. Offenses requiring mandatory revocation, denial, suspension, or disqualification of license -- Offense requiring an extension of period -- Hearing -- Limited driving privileges.**

HB0030S01 compared with HB0030

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

- (i) manslaughter or negligent homicide resulting from driving a motor vehicle, negligently operating a vehicle resulting in death under Section 76-5-207, or automobile homicide involving using a handheld wireless communication device while driving under Section 76-5-207.5;
- (ii) driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or combination of them to a degree that renders the person incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- (iii) driving or being in actual physical control of a motor vehicle while having a blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- (iv) perjury or the making of a false affidavit to the division under this chapter, Title 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or regulating driving on highways;
- (v) any felony under the motor vehicle laws of this state;
- (vi) any other felony in which a motor vehicle is used to facilitate the offense;
- (vii) failure to stop and render aid as required under the laws of this state if a motor vehicle accident results in the death or personal injury of another;
- (viii) two charges of reckless driving, impaired driving, or any combination of reckless driving and impaired driving committed within a period of 12 months; but if upon a first conviction of reckless driving or impaired driving the judge or justice recommends suspension of the convicted person's license, the division may after a hearing suspend the license for a period of three months;
- (ix) failure to bring a motor vehicle to a stop at the command of a law enforcement officer as required in Section 41-6a-210;
- (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that requires disqualification;

HB0030S01 compared with HB0030

- (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or allowing the discharge of a firearm from a vehicle;
 - (xii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);
 - (xiii) operating or being in actual physical control of a motor vehicle while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517;
 - (xiv) operating or being in actual physical control of a motor vehicle while having any measurable or detectable amount of alcohol in the person's body in violation of Section 41-6a-530;
 - (xv) engaging in a motor vehicle speed contest or exhibition of speed on a highway in violation of Section 41-6a-606;
 - (xvi) operating or being in actual physical control of a motor vehicle in this state without an ignition interlock system in violation of Section 41-6a-518.2; [~~or~~]
 - (xvii) refusal of a chemical test under Subsection 41-6a-520.1(1)[~~:-~~]; or
 - (xviii) two or more offenses that:
 - (A) are committed within a period of one year;
 - (B) are enhanced under Section 76-3-203.17; and
 - (C) arose from separate incidents.
- (b) The division shall immediately revoke the license of a person upon receiving a record of an adjudication under Section 80-6-701 for:
- (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or allowing the discharge of a firearm from a vehicle; or
 - (ii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).
- (c) (i) Except when action is taken under Section 53-3-219 for the same offense, upon receiving a record of conviction, the division shall immediately suspend for six months the license of the convicted person if the person was convicted of violating any one of the following offenses while the person was an operator of a motor vehicle, and the court finds that a driver license suspension is likely to reduce recidivism and is in the interest of public safety:
- (A) Title 58, Chapter 37, Utah Controlled Substances Act;

HB0030S01 compared with HB0030

(B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
(C) Title 58, Chapter 37b, Imitation Controlled Substances Act;
(D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;
(E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or
(F) any criminal offense that prohibits possession, distribution, manufacture, cultivation, sale, or transfer of any substance that is prohibited under the acts described in Subsections (1)(c)(i)(A) through (E), or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance that is prohibited under the acts described in Subsections (1)(c)(i)(A) through (E).

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

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

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

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

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

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

(B) a record of the conviction.

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

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

HB0030S01 compared with HB0030

- (A) conviction for the first time for a violation under Section 32B-4-411; or
 - (B) an adjudication under Section 80-6-701 for a violation under Section 32B-4-411.
- (ii) The division shall immediately suspend for a period of two years the license of a person upon receiving a record of:
- (A) (I) conviction for a second or subsequent violation under Section 32B-4-411; and
 - (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior conviction for a violation under Section 32B-4-411; or
- (B) (I) a second or subsequent adjudication under Section 80-6-701 for a violation under Section 32B-4-411; and
- (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior adjudication under Section 80-6-701 for a violation under Section 32B-4-411.
- (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:
- (A) for a conviction or adjudication described in Subsection (1)(e)(i):
 - (I) impose a suspension for one year beginning on the date of conviction; or
 - (II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for one year beginning on the date of eligibility for a driver license; or
 - (B) for a conviction or adjudication described in Subsection (1)(e)(ii):
 - (I) impose a suspension for a period of two years; or
 - (II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for two years beginning on the date of eligibility for a driver license.
- (iv) Upon receipt of the first order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(i) if ordered by the court in accordance with Subsection 32B-4-411(3)(a).
- (v) Upon receipt of the second or subsequent order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection 32B-4-411(3)(b).
- (f) The division shall immediately suspend a person's driver license for the conviction of an offense that is enhanced under Section 76-3-203.17 if the division receives:
- (i) an order from the sentencing court requiring the person's driver license to be

HB0030S01 compared with HB0030

suspended; and

(ii) a record of the conviction.

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

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

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

(c) a report of an arrest of the person for any violation of the motor vehicle law in which the person was involved as a driver; or

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

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

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

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

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

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

(B) the division receives written verification from the person's primary care physician

HB0030S01 compared with HB0030

that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0030S01 compared with HB0030

76-1-101.5. Definitions:

Unless otherwise provided, as used in this title:

- (1) "Act" means a voluntary bodily movement and includes speech.
- (2) "Actor" means a person whose criminal responsibility is in issue in a criminal action.
- (3) "Affinity" means a relationship by marriage.
- (4) "Bodily injury" means physical pain, illness, or any impairment of physical condition.
- (5) "Conduct" means an act or omission.
- (6) "Consanguinity" means a relationship by blood to the first or second degree, including an individual's parent, grandparent, sibling, child, aunt, uncle, niece, or nephew.
- (7) (a) "Dangerous weapon" means:
 - [(a)] (i) any item capable of causing death or serious bodily injury, or
 - [(b)] (ii) a facsimile or representation of the item, if:
 - [(i)] (A) the actor's use or apparent intended use of the item leads the victim to reasonably believe the item is likely to cause death or serious bodily injury, or
 - [(ii)] (B) the actor represents to the victim verbally or in any other manner that the actor is in control of such an item.
- (b) "Dangerous weapon" includes an automobile, a truck, a truck tractor, a bus, or any other self-propelled vehicle.
- (8) "Grievous sexual offense" means:
 - (a) rape, Section 76-5-402;
 - (b) rape of a child, Section 76-5-402.1;
 - (c) object rape, Section 76-5-402.2;
 - (d) object rape of a child, Section 76-5-402.3;
 - (e) forcible sodomy, Subsection 76-5-403(2);
 - (f) sodomy on a child, Section 76-5-403.1;
 - (g) aggravated sexual abuse of a child, Section 76-5-404.3;
 - (h) aggravated sexual assault, Section 76-5-405;
 - (i) any felony attempt to commit an offense described in Subsections (8)(a) through (h); or

HB0030S01 compared with HB0030

- (j) ~~an offense in another state, territory, or district of the United States that, if committed in Utah, would constitute an offense described in Subsections (8)(a) through (i).~~
- (9) ~~"Offense"~~ means a violation of any penal statute of this state.
- (10) ~~"Omission"~~ means a failure to act when there is a legal duty to act and the actor is capable of acting.
- (11) ~~"Person"~~ means an individual, public or private corporation, government, partnership, or unincorporated association.
- (12) ~~"Possess"~~ means to have physical possession of or to exercise dominion or control over tangible property.
- (13) ~~"Public entity"~~ means:
 - (a) ~~the state, or an agency, bureau, office, department, division, board, commission, institution, laboratory, or other instrumentality of the state;~~
 - (b) ~~a political subdivision of the state, including a county, municipality, interlocal entity, special district, special service district, school district, or school board;~~
 - (c) ~~an agency, bureau, office, department, division, board, commission, institution, laboratory, or other instrumentality of a political subdivision of the state; or~~
 - (d) ~~another entity that:
 - (i) performs a public function; and
 - (ii) is authorized to hold, spend, transfer, disburse, use, or receive public money.~~
- (14) (a) ~~"Public money" or "public funds"~~ means money, funds, or accounts, regardless of the source from which they are derived, that:
 - (i) ~~are owned, held, or administered by an entity described in Subsections (13)(a) through (c); or~~
 - (ii) ~~are in the possession of an entity described in Subsection (13)(d)(i) for the purpose of performing a public function.~~
- (b) ~~"Public money" or "public funds"~~ includes money, funds, or accounts described in Subsection (14)(a) after the money, funds, or accounts are transferred by a public entity to an independent contractor of the public entity.
- (c) ~~"Public money" or "public funds"~~ remains public money or public funds while in the possession of an independent contractor of a public entity for the purpose of providing a program or service for, or on behalf of, the public entity.

HB0030S01 compared with HB0030

- ____ (15) "Public officer" means:
- ____ (a) an elected official of a public entity;
- ____ (b) an individual appointed to, or serving an unexpired term of, an elected official of a public entity;
- ____ (c) a judge of a court of record or not of record, including justice court judges; or
- ____ (d) a member of the Board of Pardons and Parole.
- ____ (16) (a) "Public servant" means:
- ____ (i) a public officer;
- ____ (ii) an appointed official, employee, consultant, or independent contractor of a public entity, or
- ____ (iii) a person hired or paid by a public entity to perform a government function.
- ____ (b) Public servant includes a person described in Subsection (16)(a) upon the person's election, appointment, contracting, or other selection, regardless of whether the person has begun to officially occupy the position of a public servant.
- ____ (17) "Serious bodily injury" means bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.
- ____ (18) "Substantial bodily injury" means bodily injury, not amounting to serious bodily injury, that creates or causes protracted physical pain, temporary disfigurement, or temporary loss or impairment of the function of any bodily member or organ.
- ____ (19) "Writing" or "written" includes any handwriting, typewriting, printing, electronic storage or transmission, or any other method of recording information or fixing information in a form capable of being preserved.
- ____ Section 8. Section 76-3-203.17 is enacted to read:
- 76-3-203.17. Enhancement of an offense for road rage.**
- (1) As used in this section:
- (a) "Roadway" means the same as that term is defined in Section 41-1a-1101.
- (b) "Operator" means the same as that term is defined in Section 41-6a-102.
- (c) "Vehicle" means the same as that term is defined in Section 41-1a-102.
- (2) {An} If the trier of fact finds that an actor was an operator or passenger of a vehicle and the actor committed an offense in response to an incident that occurred or escalated upon a

HB0030S01 compared with HB0030

roadway and with the intent to endanger or intimidate an individual in another vehicle, the actor is guilty of:

- (a) ~~(i)~~^a a class C misdemeanor if the actor is charged with an offense that is designated by law as an infraction;
 - (~~ii~~^b) a class B misdemeanor if the actor is charged with an offense that is designated by law as a class C misdemeanor;
 - (~~iii~~^c) a class A misdemeanor if the actor is charged with an offense that is designated by law as a class B misdemeanor;
 - (~~iv~~^d) a third degree felony if the actor is charged with an offense that is designated by law as a class A misdemeanor;
 - (~~v~~^e) a third degree felony if the actor is charged with an offense that is designated by law as a third degree felony; or
 - (~~vi~~^f) a second degree felony if the actor is charged with an offense that is designated by law as a second degree felony~~f~~; and
- (b) the trier of fact finds:
- (i) the actor committed the offense;
 - (ii) the actor was an operator or passenger of a vehicle;
 - (iii) the actor committed the offense in response to an incident that occurred or escalated upon a roadway; and
 - (iv) the actor committed the offense with the intent to endanger or intimidate an individual in another vehicle.

~~5.~~

- (3) (a) If an actor is guilty of a class C misdemeanor as described in Subsection (2)(a)~~(i)~~^a, the court shall impose a mandatory fine of no less than \$500 in addition to any other penalty the court may impose for a class C misdemeanor.
- (b) If an actor is guilty of a class B misdemeanor as described in Subsection (2)(~~(a)(ii)~~^b), the court shall impose a mandatory fine of no less than \$500 in addition to any other penalty the court may impose for a class B misdemeanor.
- (c) If an actor is guilty of a class A misdemeanor as described in Subsection (2)(~~(a)(iii)~~^c), the court shall impose a mandatory fine of no less than \$750 in addition to any other penalty the court may impose for a class A misdemeanor.

HB0030S01 compared with HB0030

- (d) If an actor is guilty of a third degree felony as described in Subsection (2)(~~a~~(iv)~~d~~^d), the court shall impose a mandatory fine of no less than \$1,000 in addition to any other penalty the court may impose for a third degree felony.
- (e) If an actor is guilty of a third degree felony as described in Subsection (2)(~~a~~(v)~~e~~^e), the court shall impose:
- (i) ~~{the court shall impose }~~ a mandatory fine of no less than \$1,000; and
- (ii) ~~{the court may impose }~~ an indeterminate term of imprisonment for no less than one year and no more than five years in addition to any other penalty the court may impose for a third degree felony.
- (f) If an actor is guilty of a second degree felony as described in Subsection (2)(~~a~~(vi)~~f~~^f), the court shall impose:
- (i) ~~{the court shall impose }~~ a mandatory fine of no less than \$1,000; and
- (ii) ~~{the court may impose }~~ an indeterminate term of imprisonment for no less than two years and no more than 15 years in addition to any other penalty the court may impose for a second degree felony.
- (4) Except as otherwise provided by another provision of the Utah Code, the court may suspend the execution of an indeterminate term of imprisonment described in Subsection (3)(e)(ii) or (3)(f)(ii) in accordance with Section 77-18-105.
- (~~4~~⁵) The prosecuting attorney, or the grand jury if an indictment is returned, shall include notice in the information or indictment that the offense is subject to an enhancement under this section.
- (~~5~~⁶) (a) If an actor is convicted of an offense and the offense is enhanced under this section, the court may order the suspension of the actor's driver license for a period of no longer than one year, except that the court may not order a suspension of an actor's driver license if the actor's driver license is required to be revoked under Subsection 53-3-220(1).
- (b) If the court orders the suspension of the actor's driver license, the court shall:
- (i) specify the length of the suspension in the order as described in Section 53-3-225; and
- (ii) forward the order of suspension to the Driver License Division.
- (~~6~~⁷) If an offense is enhanced under this section, the court shall forward a record of conviction for the offense to the Driver License Division.

HB0030S01 compared with HB0030

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

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

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

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

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

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

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

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

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

(i) the use of:

[+] (A) a dangerous weapon; or

(B) a motor vehicle;

(ii) any act that impedes the breathing or the circulation of blood of another individual by the actor's use of unlawful force or violence that is likely to produce a loss of consciousness by:

(A) applying pressure to the neck or throat of an individual; or

(B) obstructing the nose, mouth, or airway of an individual; or

(iii) other means or force likely to produce death or serious bodily injury.

(3) (a) A violation of Subsection (2) is a third degree felony.

(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree felony if:

(i) the act results in serious bodily injury; or

(ii) an act under Subsection (2)(b)(ii) produces a loss of consciousness.

(c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a first degree felony if the conduct constitutes targeting a law enforcement officer and results in serious bodily injury.

Section 9. Effective date.

HB0030S01 compared with HB0030

This bill takes effect on July 1, 2024.