

1 CRIMINAL JUSTICE PROGRAMS AND AMENDMENTS

2 2015 GENERAL SESSION

3 STATE OF UTAH

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5 Senate Sponsor: J. Stuart Adams

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**LONG TITLE**

26 **General Description:**

27 This bill amends Utah Code provisions regarding corrections, sentencing, probation and  
28 parole, controlled substance offenses, substance abuse and mental health treatment,

29 vehicle offenses, and related provisions to modify penalties and sentencing guidelines,  
30 treatment programs for persons in the criminal justice system, and probation and parole  
31 compliance and violations to address recidivism.

32 **Highlighted Provisions:**

33 This bill:

- 34 ▶ reduces penalties for specified offenses involving controlled substances and  
35 provides that specified penalties be increased for subsequent convictions for the  
36 same offenses;
- 37 ▶ reduces the penalties for motor vehicle and vessel offenses as specified;
- 38 ▶ defines criminal risk factors and requires that these factors be considered in  
39 providing mental health and substance abuse treatment through governmental  
40 programs to individuals involved in the criminal justice system;
- 41 ▶ requires the Division of Substance Abuse and Mental Health to establish standards  
42 for mental health and substance abuse treatment, and for treatment providers,  
43 concerning individuals who are incarcerated or who are required by a court or the  
44 Board of Pardons and Parole to participate in treatment;
- 45 ▶ requires that the Division of Substance Abuse and Mental Health, working with the  
46 courts and the Department of Corrections, establish performance goals and outcome  
47 measurements for treatment programs, including recidivism;
- 48 ▶ requires that the Division of Substance Abuse and Mental Health track the  
49 performance and outcome data and make this information available to the public;
- 50 ▶ requires that the collected data be submitted to the Commission on Criminal and  
51 Juvenile Justice and that the commission compile the data and make it available to  
52 specified legislative interim committees;
- 53 ▶ requires the Division of Substance Abuse and Mental Health, in collaboration with  
54 the Commission on Criminal and Juvenile Justice, to analyze specified programs  
55 and practices, and provide recommendations to the Legislature;
- 56 ▶ requires the Commission on Criminal and Juvenile Justice to study and report on

57 programs initiated by state and local agencies to address recidivism, including cost reductions  
58 and the costs and resources required to meet goals for providing treatment as an alternative to  
59 incarceration;

60       ▶ provides that the Commission on Criminal and Juvenile Justice administer a  
61 performance incentive grant program that allocates funds to counties for programs  
62 and practices that reduce recidivism;

63       ▶ requires that the Sentencing Commission modify sentencing guidelines, criminal  
64 history scores, and guidelines for periods of incarceration to implement the  
65 recommendations of the Commission on Criminal and Juvenile Justice regarding  
66 reducing recidivism;

67       ▶ requires that the Sentencing Commission establish graduated sanctions to provide  
68 prompt and effective responses to violations of probation or parole;

69       ▶ requires that the Sentencing Commission establish graduated incentives to provide  
70 prompt and effective responses to an offender's compliance and positive conduct;

71       ▶ requires that the Department of Corrections implement the graduated sanctions and  
72 incentives established by the Sentencing Commission;

73       ▶ requires that the Department of Corrections, in collaboration with the Commission  
74 on Criminal and Juvenile Justice, the Division of Substance Abuse and Mental  
75 Health, and the Utah Association of Counties gather information related to  
76 treatment and program outcomes, including recidivism reduction and cost savings  
77 based on the reduction in the number of inmates, and provide the information to the  
78 Commission on Criminal and Juvenile Justice;

79       ▶ provides payments to county jails for housing probation and parole violators as  
80 funding is available;

81       ▶ requires that the Department of Corrections develop case action plans for offenders,  
82 including a risk and needs assessment and treatment priorities;

83       ▶ provides that the Department of Corrections may impose a sanction of three to five  
84 days for violations of probation or parole as part of the program of graduated

85 sanctions;

86       ▶ requires that the Department of Corrections evaluate and update inmates' case action  
87 plans, including treatment resources and supervision levels to address reentry of

88 inmates into the community at the termination of incarceration;

89       ▶ requires that the Department of Corrections establish a program allowing offenders  
90 to earn credits of days for compliance with terms of probation or parole, which will  
91 reduce the time on probation or parole;

92       ▶ requires that the Department of Corrections report annually to the Commission on  
93 Criminal and Juvenile Justice the data collected regarding the earned credits  
94 program;

95       ▶ requires the Department of Corrections to establish standards, including best  
96 practices, for treatment programs provided in county jails;

97       ▶ requires the Department of Corrections to establish standards and a certification  
98 program for the public and private providers of the treatment programs;

99       ▶ requires the Department of Corrections to establish goals and outcome  
100 measurements regarding the treatment programs, collect related data, and analyze  
101 the data to determine effectiveness;

102       ▶ requires that the Department of Corrections collaborate with the Division of  
103 Substance Abuse and Mental Health to:

104             • track a group of program participants to determine net benefit from using  
105 treatment as an alternative to incarceration; and

106             • evaluate costs and resources needed to meet goals for using treatment as an  
107 alternative to incarceration;

108       ▶ requires that the Department of Corrections provide the data collected regarding the  
109 treatment programs to the Commission on Criminal and Juvenile Justice for the  
110 commission's use in preparing its annual report;

111       ▶ requires that the Department of Corrections establish an audit for compliance with  
112 the treatment standards;

- 113           ▶ provides that time served in confinement for a violation of probation is counted as
- 114 time served toward any term of incarceration imposed for the violation of probation;
- 115           ▶ requires that the Board of Pardons and Parole establish an earned time program that
- 116 reduces the period of incarceration for offenders who successfully complete
- 117 programs intended to reduce the risk of recidivism, collect data on the
- 118 implementation of the program, and report the data to the Commission on Criminal
- 119 and Juvenile Justice;
- 120           ▶ requires that if the Board of Pardons and Parole orders incarceration for a parole
- 121 violation, the board shall impose a period of incarceration that is consistent with the
- 122 guidelines established by the Sentencing Commission;
- 123           ▶ amends the offense of criminal trespass; and
- 124           ▶ modifies a description regarding restricted persons and dangerous weapons as
- 125 related to amendments made in this legislation regarding controlled substances.

126 **Money Appropriated in this Bill:**

127           None

128 **Other Special Clauses:**

129           This bill provides a special effective date.

130 **Utah Code Sections Affected:**

131 AMENDS:

- 132           **41-1a-201**, as last amended by Laws of Utah 2014, Chapter 237
- 133           **41-1a-205**, as last amended by Laws of Utah 2014, Chapter 229
- 134           **41-1a-214**, as renumbered and amended by Laws of Utah 1992, Chapter 1
- 135           **41-1a-218**, as last amended by Laws of Utah 2013, Chapter 91
- 136           **41-1a-220**, as renumbered and amended by Laws of Utah 1992, Chapter 1
- 137           **41-1a-221**, as last amended by Laws of Utah 1999, Chapter 238
- 138           **41-1a-229**, as last amended by Laws of Utah 2014, Chapter 237
- 139           **41-1a-301**, as last amended by Laws of Utah 2014, Chapter 237
- 140           **41-1a-401**, as last amended by Laws of Utah 2014, Chapters 61, 237, and 237

- 141 **41-1a-402**, as last amended by Laws of Utah 2008, Chapter 210
- 142 **41-1a-403**, as renumbered and amended by Laws of Utah 1992, Chapter 1
- 143 **41-1a-404**, as last amended by Laws of Utah 2008, Chapter 106
- 144 **41-1a-414**, as last amended by Laws of Utah 2003, Chapter 1
- 145 **41-1a-701**, as last amended by Laws of Utah 1993, Chapter 222
- 146 **41-1a-702**, as last amended by Laws of Utah 2012, Chapter 379
- 147 **41-1a-703**, as renumbered and amended by Laws of Utah 1992, Chapter 1
- 148 **41-1a-704**, as last amended by Laws of Utah 1992, Chapter 234 and renumbered and
- 149 amended by Laws of Utah 1992, Chapter 1
- 150 **41-1a-803**, as renumbered and amended by Laws of Utah 1992, Chapter 1
- 151 **41-1a-904**, as renumbered and amended by Laws of Utah 1992, Chapter 1
- 152 **41-1a-1206**, as last amended by Laws of Utah 2014, Chapters 61, 237, and 237
- 153 **41-1a-1302**, as enacted by Laws of Utah 1992, Chapter 1
- 154 **41-1a-1303**, as last amended by Laws of Utah 2013, Chapter 245
- 155 **41-1a-1303.5**, as enacted by Laws of Utah 2013, Chapter 245
- 156 **41-1a-1304**, as renumbered and amended by Laws of Utah 1992, Chapter 1
- 157 **41-1a-1307**, as last amended by Laws of Utah 2002, Chapter 56
- 158 **41-1a-1310**, as last amended by Laws of Utah 1992, Chapter 218 and renumbered and
- 159 amended by Laws of Utah 1992, Chapter 1
- 160 **41-6a-202**, as last amended by Laws of Utah 2013, Chapter 47
- 161 **41-6a-216**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 162 **41-6a-304**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 163 **41-6a-305**, as last amended by Laws of Utah 2014, Chapter 39
- 164 **41-6a-306**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 165 **41-6a-307**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 166 **41-6a-308**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 167 **41-6a-309**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 168 **41-6a-311**, as renumbered and amended by Laws of Utah 2005, Chapter 2

- 169            **41-6a-401**, as last amended by Laws of Utah 2011, Chapter 241
- 170            **41-6a-401.7**, as enacted by Laws of Utah 2007, Chapter 132
- 171            **41-6a-402**, as last amended by Laws of Utah 2013, Chapter 65
- 172            **41-6a-405**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 173            **41-6a-407**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 174            **41-6a-518**, as last amended by Laws of Utah 2011, Chapter 421
- 175            **41-6a-526**, as last amended by Laws of Utah 2010, Chapters 256 and 276
- 176            **41-6a-601**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 177            **41-6a-605**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 178            **41-6a-702**, as last amended by Laws of Utah 2013, Chapter 254
- 179            **41-6a-703**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 180            **41-6a-704**, as last amended by Laws of Utah 2008, Chapter 350
- 181            **41-6a-705**, as last amended by Laws of Utah 2013, Chapter 210
- 182            **41-6a-706**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 183            **41-6a-706.5**, as last amended by Laws of Utah 2013, Chapter 431
- 184            **41-6a-707**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 185            **41-6a-708**, as last amended by Laws of Utah 2013, Chapter 293
- 186            **41-6a-709**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 187            **41-6a-710**, as last amended by Laws of Utah 2013, Chapter 294
- 188            **41-6a-711**, as last amended by Laws of Utah 2007, Chapter 52
- 189            **41-6a-712**, as last amended by Laws of Utah 2011, Chapter 363
- 190            **41-6a-713**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 191            **41-6a-714**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 192            **41-6a-716**, as enacted by Laws of Utah 2005, Chapter 245
- 193            **41-6a-717**, as enacted by Laws of Utah 2013, Chapter 233
- 194            **41-6a-801**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 195            **41-6a-802**, as last amended by Laws of Utah 2012, Chapter 135
- 196            **41-6a-803**, as renumbered and amended by Laws of Utah 2005, Chapter 2

- 197            **41-6a-804**, as last amended by Laws of Utah 2007, Chapter 52
- 198            **41-6a-901**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 199            **41-6a-902**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 200            **41-6a-903**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 201            **41-6a-904**, as last amended by Laws of Utah 2012, Chapter 308
- 202            **41-6a-906**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 203            **41-6a-907**, as renumbered and amended by Laws of Utah 2005, Chapter 26
- 204            **41-6a-1001**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 205            **41-6a-1003**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 206            **41-6a-1004**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 207            **41-6a-1005**, as last amended by Laws of Utah 2012, Chapter 135
- 208            **41-6a-1009**, as last amended by Laws of Utah 2014, Chapter 306
- 209            **41-6a-1115**, as last amended by Laws of Utah 2007, Chapter 322
- 210            **41-6a-1116**, as last amended by Laws of Utah 2007, Chapter 86
- 211            **41-6a-1117**, as enacted by Laws of Utah 2005, Chapter 111
- 212            **41-6a-1201**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 213            **41-6a-1202**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 214            **41-6a-1203**, as last amended by Laws of Utah 2012, Chapter 135
- 215            **41-6a-1204**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 216            **41-6a-1205**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 217            **41-6a-1206**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 218            **41-6a-1301**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 219            **41-6a-1302**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 220            **41-6a-1307**, as last amended by Laws of Utah 2008, Chapter 382
- 221            **41-6a-1402**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 222            **41-6a-1404**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 223            **41-6a-1407**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 224            **41-6a-1408**, as last amended by Laws of Utah 2011, Chapter 386



- 225            **41-6a-1501**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 226            **41-6a-1502**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 227            **41-6a-1503**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 228            **41-6a-1504**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 229            **41-6a-1505**, as last amended by Laws of Utah 2010, Chapter 363
- 230            **41-6a-1506**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 231            **41-6a-1508**, as last amended by Laws of Utah 2010, Chapter 255
- 232            **41-6a-1509**, as last amended by Laws of Utah 2014, Chapters 104 and 229
- 233            **41-6a-1601**, as last amended by Laws of Utah 2008, Chapters 36 and 382
- 234            **41-6a-1602**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 235            **41-6a-1603**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 236            **41-6a-1604**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 237            **41-6a-1606**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 238            **41-6a-1607**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 239            **41-6a-1608**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 240            **41-6a-1609**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 241            **41-6a-1610**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 242            **41-6a-1611**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 243            **41-6a-1612**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 244            **41-6a-1613**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 245            **41-6a-1616**, as last amended by Laws of Utah 2006, Chapter 100
- 246            **41-6a-1618**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 247            **41-6a-1619**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 248            **41-6a-1623**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 249            **41-6a-1624**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 250            **41-6a-1625**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 251            **41-6a-1626**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 252            **41-6a-1627**, as renumbered and amended by Laws of Utah 2005, Chapter 2

253 **41-6a-1628**, as renumbered and amended by Laws of Utah 2005, Chapter 2  
254 **41-6a-1630**, as renumbered and amended by Laws of Utah 2005, Chapter 2  
255 **41-6a-1631**, as renumbered and amended by Laws of Utah 2005, Chapter 2  
256 **41-6a-1632**, as last amended by Laws of Utah 2005, Chapter 26 and renumbered and  
257 amended by Laws of Utah 2005, Chapter 2  
258 **41-6a-1633**, as last amended by Laws of Utah 2009, Chapter 171  
259 **41-6a-1634**, as last amended by Laws of Utah 2013, Chapter 140  
260 **41-6a-1635**, as last amended by Laws of Utah 2005, Chapter 26 and renumbered and  
261 amended by Laws of Utah 2005, Chapter 2  
262 **41-6a-1636**, as last amended by Laws of Utah 2008, Chapter 382  
263 **41-6a-1637**, as renumbered and amended by Laws of Utah 2005, Chapter 2  
264 **41-6a-1638**, as renumbered and amended by Laws of Utah 2005, Chapter 2  
265 **41-6a-1639**, as last amended by Laws of Utah 2008, Chapter 382  
266 **41-6a-1641**, as renumbered and amended by Laws of Utah 2005, Chapter 2  
267 **41-6a-1713**, as last amended by Laws of Utah 2013, Chapter 365  
268 **41-8-1**, as last amended by Laws of Utah 2008, Chapters 36 and 250  
269 **41-8-2**, as last amended by Laws of Utah 2006, Chapter 234  
270 **41-8-3**, as last amended by Laws of Utah 2006, Chapter 234  
271 **41-12a-302**, as last amended by Laws of Utah 2007, Chapter 132  
272 **41-12a-303.2**, as last amended by Laws of Utah 2013, Chapters 91 and 138  
273 **41-22-3**, as last amended by Laws of Utah 2012, Chapter 319  
274 **41-22-4**, as last amended by Laws of Utah 2006, Chapter 160  
275 **41-22-5.5**, as last amended by Laws of Utah 2010, Chapter 308  
276 **41-22-10.1**, as last amended by Laws of Utah 1999, Chapter 73  
277 **41-22-10.2**, as last amended by Laws of Utah 2005, Chapter 2  
278 **41-22-10.3**, as last amended by Laws of Utah 2008, Chapter 36  
279 **41-22-10.7**, as last amended by Laws of Utah 2010, Chapter 77  
280 **41-22-11**, as last amended by Laws of Utah 1986, Second Special Session, Chapter 1

- 281 **41-22-12**, as last amended by Laws of Utah 2009, Chapters 289 and 344
- 282 **41-22-12.1**, as last amended by Laws of Utah 2002, Chapter 148
- 283 **41-22-12.2**, as enacted by Laws of Utah 2009, Chapter 289
- 284 **41-22-12.5**, as last amended by Laws of Utah 2009, Chapter 289
- 285 **41-22-12.7**, as enacted by Laws of Utah 2009, Chapter 289
- 286 **41-22-13**, as last amended by Laws of Utah 1986, Second Special Session, Chapter 1
- 287 **41-22-15**, as last amended by Laws of Utah 1989, Chapter 21
- 288 **41-22-17**, as last amended by Laws of Utah 2004, Chapter 159
- 289 **53-3-202**, as last amended by Laws of Utah 2009, Chapter 253
- 290 **53-3-203**, as last amended by Laws of Utah 1997, Chapter 51
- 291 **53-3-207**, as last amended by Laws of Utah 2014, Chapter 85
- 292 **53-3-208**, as renumbered and amended by Laws of Utah 1993, Chapter 234
- 293 **53-3-210.6**, as enacted by Laws of Utah 2008, Chapter 304
- 294 **53-3-213**, as last amended by Laws of Utah 2010, Chapter 324
- 295 **53-3-217**, as last amended by Laws of Utah 1997, Chapter 51
- 296 **53-3-218**, as last amended by Laws of Utah 2011, Chapter 190
- 297 **53-3-412**, as last amended by Laws of Utah 2013, Chapter 411
- 298 **53-8-205**, as last amended by Laws of Utah 2013, Chapter 453
- 299 **53B-3-107**, as last amended by Laws of Utah 2009, Chapter 388
- 300 **58-37-8**, as last amended by Laws of Utah 2014, Chapters 19 and 51
- 301 **62A-15-102**, as last amended by Laws of Utah 2011, Chapter 342
- 302 **62A-15-103**, as last amended by Laws of Utah 2014, Chapters 119, 205, and 240
- 303 **63M-7-204**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 304 **63M-7-404**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 305 **64-13-1**, as last amended by Laws of Utah 2003, Chapter 36
- 306 **64-13-6**, as last amended by Laws of Utah 2011, Chapter 51
- 307 **64-13-7.5**, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 8
- 308 **64-13-14.5**, as enacted by Laws of Utah 1987, Chapter 116

309 **64-13-21**, as last amended by Laws of Utah 2008, Chapter 382  
310 **64-13-25**, as last amended by Laws of Utah 2008, Chapter 382  
311 **64-13-26**, as last amended by Laws of Utah 1989, Chapter 224  
312 **64-13-29**, as last amended by Laws of Utah 1994, Chapter 13  
313 **64-13e-104**, as last amended by Laws of Utah 2014, Chapter 436  
314 **72-7-402**, as last amended by Laws of Utah 2008, Chapters 140 and 382  
315 **72-7-403**, as last amended by Laws of Utah 2012, Chapter 304  
316 **72-7-404**, as last amended by Laws of Utah 1999, Chapter 21  
317 **72-7-405**, as renumbered and amended by Laws of Utah 1998, Chapter 270  
318 **72-7-406**, as last amended by Laws of Utah 2012, Chapter 304  
319 **72-7-407**, as last amended by Laws of Utah 2008, Chapters 140 and 382  
320 **72-7-408**, as last amended by Laws of Utah 2001, Chapter 37  
321 **72-7-409**, as last amended by Laws of Utah 2013, Chapter 365  
322 **73-18-6**, as last amended by Laws of Utah 1987, Chapter 99  
323 **73-18-7**, as last amended by Laws of Utah 2009, Chapter 183  
324 **73-18-8**, as last amended by Laws of Utah 2010, Chapter 256  
325 **73-18-8.1**, as enacted by Laws of Utah 1990, Chapter 216  
326 **73-18-13**, as last amended by Laws of Utah 2012, Chapter 153  
327 **73-18-15.1**, as last amended by Laws of Utah 2010, Chapter 256  
328 **73-18-15.2**, as last amended by Laws of Utah 2009, Chapter 183  
329 **73-18-15.3**, as enacted by Laws of Utah 1998, Chapter 205  
330 **73-18-16**, as last amended by Laws of Utah 2012, Chapter 411  
331 **73-18-20.4**, as enacted by Laws of Utah 1990, Chapter 216  
332 **73-18-21**, as last amended by Laws of Utah 1987, Chapter 99  
333 **73-18c-302**, as last amended by Laws of Utah 2006, Chapter 211  
334 **73-18c-304**, as last amended by Laws of Utah 2011, Chapter 386  
335 **76-3-202**, as last amended by Laws of Utah 2013, Chapter 278  
336 **76-6-206**, as last amended by Laws of Utah 2013, Chapter 152

337 **76-10-503**, as last amended by Laws of Utah 2014, Chapters 299 and 428  
 338 **77-1-3**, as last amended by Laws of Utah 2008, Chapter 3  
 339 **77-18-1**, as last amended by Laws of Utah 2014, Chapters 120 and 170  
 340 **77-27-1**, as last amended by Laws of Utah 2013, Chapter 41  
 341 **77-27-10**, as last amended by Laws of Utah 2008, Chapters 294 and 382  
 342 **77-27-11**, as last amended by Laws of Utah 2010, Chapter 110  
 343 **78A-5-201**, as renumbered and amended by Laws of Utah 2008, Chapter 3

344 ENACTS:

345 **64-13-10.5**, Utah Code Annotated 1953  
 346 **77-27-5.4**, Utah Code Annotated 1953



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

349 Section 1. Section **41-1a-201** is amended to read:

350 **41-1a-201. Function of registration -- Registration required -- Penalty.**

351 (1) Unless exempted, a person may not operate and an owner may not give another  
 352 person permission to operate a motor vehicle, combination of vehicles, trailer, semitrailer,  
 353 vintage vehicle, off-highway vehicle, vessel, or park model recreational vehicle in this state  
 354 unless it has been registered in accordance with this chapter, Title 41, Chapter 22,  
 355 Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act.

356 (2) A violation of this section is an infraction.

357 Section 2. Section **41-1a-205** is amended to read:

358 **41-1a-205. Safety inspection certificate required for renewal or registration of**  
 359 **motor vehicle -- Exemptions.**

360 (1) If required in the current year, a safety inspection certificate, as required by Section  
 361 **53-8-205**, or proof of exemption from safety inspection shall be presented at the time of, and as  
 362 a condition of, registration or renewal of registration of a motor vehicle.

363 (2) (a) Except as provided in Subsections (2)(b), (c), and (d), the safety inspection  
 364 required under this section may be made no more than two months prior to the renewal of

365 registration.

366 (b) (i) If the title of a used motor vehicle is being transferred, a safety inspection  
367 certificate issued for the motor vehicle during the previous 11 months may be used to satisfy  
368 the requirement under Subsection (1).

369 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, a safety  
370 inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle  
371 dealer's name during the previous 11 months may be used to satisfy the requirement under  
372 Subsection (1).

373 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, a  
374 safety inspection certificate issued during the previous 11 months may be used to satisfy the  
375 requirement under Subsection (1).

376 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the safety inspection  
377 required under this section may be made no more than 11 months prior to the renewal of  
378 registration.

379 (e) If the application for renewal of registration is for a six-month registration period  
380 under Section [41-1a-215.5](#), a safety inspection certificate issued during the previous eight  
381 months may be used to satisfy the requirement under Subsection (1).

382 (3) (a) The following motor vehicles are exempt from this section:

383 (i) except as provided in Subsection (3)(b), a new motor vehicle when registered the  
384 first time, if:

385 (A) a new car predelivery inspection has been made by a dealer;

386 (B) the dealer provides a written disclosure statement listing any known deficiency,  
387 existing with the new motor vehicle at the time of delivery, that would cause the motor vehicle  
388 to fail a safety inspection given in accordance with Section [53-8-205](#); and

389 (C) the buyer signs the disclosure statement to acknowledge that the buyer has read and  
390 understands the listed deficiencies;

391 (ii) a motor vehicle required to be registered under this chapter that bears a dealer plate  
392 or other special plate under Title 41, Chapter 3, Part 5, Special Dealer License Plates, except

393 that if the motor vehicle is propelled by its own power and is not being moved for repair or  
394 dismantling, the motor vehicle shall comply with Section 41-6a-1601 regarding safe  
395 mechanical condition; and

396 (iii) a vintage vehicle as defined in Section 41-21-1.

397 (b) A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509  
398 is subject to a safety inspection:

399 (i) the first time that a person registers an off-highway vehicle as a street-legal  
400 all-terrain vehicle; and

401 (ii) subsequently, on the same frequency as described in Subsection 53-8-205(2) based  
402 on the age of the vehicle as determined by the model year identified by the manufacturer.

403 (4) (a) A safety inspection certificate shall be displayed on:

404 (i) all registered commercial motor vehicles with a gross vehicle weight rating of  
405 26,000 pounds or more;

406 (ii) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with  
407 multiple axles;

408 (iii) a combination unit; and

409 (iv) a bus or van for hire.

410 (b) A commercial vehicle under Subsection (4)(a) is exempt from the requirements of  
411 Subsection (1).

412 (5) A motor vehicle may be sold and the title assigned to the new owner without a  
413 valid safety inspection, but the motor vehicle may not be registered in the new owner's name  
414 until the motor vehicle complies with this section.

415 (6) A violation of this section is an infraction.

416 Section 3. Section 41-1a-214 is amended to read:

417 **41-1a-214. Registration card to be signed, carried, and exhibited.**

418 (1) A registration card shall be signed by the owner in ink in the space provided.

419 (2) A registration card shall be carried at all times in the vehicle to which it was issued.

420 (3) The person driving or in control of a vehicle shall display the registration card upon

421 demand of a peace officer or any officer or employee of the division.

422 (4) A violation of this section is an infraction.

423 Section 4. Section **41-1a-218** is amended to read:

424 **41-1a-218. Notice of change of address.**

425 (1) If a person after making application for or obtaining a vehicle registration moves  
426 from the address named in the application, the person shall within 10 days of moving notify the  
427 division of his old and new addresses.

428 (2) A violation of this section is an infraction.

429 Section 5. Section **41-1a-220** is amended to read:

430 **41-1a-220. Lost or damaged registration card.**

431 (1) If a registration card is lost, mutilated, or becomes illegible the owner of the vehicle  
432 for which the registration card was issued, as shown by the records of the division, shall  
433 immediately:

434 [~~(1)~~] (a) apply for a duplicate;

435 [~~(2)~~] (b) furnish the information satisfactory to the division; and

436 [~~(3)~~] (c) pay the proper fees.

437 (2) A violation of this section is an infraction.

438 Section 6. Section **41-1a-221** is amended to read:

439 **41-1a-221. Registration of vehicles of political subdivisions or state -- Renewal of**  
440 **registration -- Expiration of registration -- Certification of information -- Failure to**  
441 **comply.**

442 (1) (a) An entity referred to in Subsection **41-1a-407**(1) shall register by June 30 of  
443 each year each vehicle that it owns, operates, or leases.

444 (b) This section does not apply to unmarked vehicles referred to in Section **41-1a-407**,  
445 which shall be registered by the expiration date on the registration card.

446 (2) (a) The entity shall apply to the division to renew registration pursuant to Section  
447 **41-1a-217**.

448 (b) The division shall renew registration pursuant to Section **41-1a-216**.



449 (3) A registration card and license plate issued to an entity under this section are in full  
450 force and effect until:

451 (a) the registration expires;

452 (b) the vehicle is no longer owned or operated by that entity; or

453 (c) the division takes action as provided in Subsection (6).

454 (4) (a) If the owner of a vehicle subject to the provisions of this section transfers or  
455 assigns title or interest in the vehicle, the registration of that vehicle expires.

456 (b) The transferor shall remove the license plates and within 20 days from the date of  
457 transfer forward them to the division to be destroyed.

458 (5) Each entity shall:

459 (a) account to the division annually for all "EX" license plates issued to it; and

460 (b) certify to the division that the information is correct.

461 (6) If an entity fails to comply with this section, the division may:

462 (a) refuse to renew the registration of its vehicles;

463 (b) refuse to issue it additional license plates;

464 (c) suspend all its vehicle registrations; and

465 (d) recall license plates issued to an entity refusing to comply with this section.

466 (6) A violation of this section is an infraction.

467 Section 7. Section **41-1a-229** is amended to read:

468 **41-1a-229. Display of gross laden weight.**

469 (1) Each vehicle registered by gross laden weight and exceeding 12,000 pounds of  
470 gross laden weight shall have the gross laden weight for which it is registered painted,  
471 stenciled, or shown by decal upon both the left and right sides of the vehicle, in a conspicuous  
472 place, in letters of a reasonable size as determined by the commission.

473 (2) If vehicles are registered in combination, the gross laden weight for which the  
474 combination of vehicles is registered shall be displayed upon the power unit.

475 (3) An owner or operator of a vehicle or combination of vehicles may not display a  
476 gross laden weight other than that shown on the certificate of registration of the vehicle.

477 (4) A park model recreational vehicle is exempt from this section.

478 (5) A violation of this section is an infraction.

479 Section 8. Section **41-1a-301** is amended to read:

480 **41-1a-301. Apportioned registration and licensing of interstate vehicles.**

481 (1) (a) An owner or operator of a fleet of commercial vehicles based in this state and  
482 operating in two or more jurisdictions may register commercial vehicles for operation under the  
483 International Registration Plan or the Uniform Vehicle Registration Proration and Reciprocity  
484 Agreement by filing an application with the division.

485 (b) The application shall include information that identifies the vehicle owner, the  
486 vehicle, the miles traveled in each jurisdiction, and other information pertinent to the  
487 registration of apportioned vehicles.

488 (c) Vehicles operated exclusively in this state may not be apportioned.

489 (2) (a) If no operations were conducted during the preceding year, the application shall  
490 contain a statement of the proposed operations and an estimate of annual mileage for each  
491 jurisdiction.

492 (b) The division may adjust the estimate if the division is not satisfied with its  
493 correctness.

494 (c) At renewal, the registrant shall use the actual mileage from the preceding year in  
495 computing fees due each jurisdiction.

496 (3) The registration fee for apportioned vehicles shall be determined as follows:

497 (a) divide the in-jurisdiction miles by the total miles generated during the preceding  
498 year;

499 (b) total the fees for each vehicle based on the fees prescribed in Section [41-1a-1206](#);  
500 and

501 (c) multiply the sum obtained under Subsection (3)(b) by the quotient obtained under  
502 Subsection (3)(a).

503 (4) Trailers or semitrailers of apportioned fleets may be listed separately as "trailer  
504 fleets" with the fees paid according to the total distance those trailers were towed in all

505 jurisdictions during the preceding year mileage reporting period.

506 (5) (a) (i) When the proper fees have been paid and the property tax or in lieu fee has  
507 been cleared under Section [41-1a-206](#) or [41-1a-207](#), a registration card, annual decal, and  
508 where necessary, license plate, will be issued for each unit listed on the application.

509 (ii) An original registration must be carried in each vehicle at all times.

510 (b) Original registration cards for trailers or semitrailers may be carried in the power  
511 unit.

512 (c) (i) In lieu of a permanent registration card or license plate, the division may issue  
513 one temporary permit authorizing operation of new or unlicensed vehicles until the permanent  
514 registration is completed.

515 (ii) Once a temporary permit is issued, the registration process may not be cancelled.  
516 Registration must be completed and the fees and any property tax or in lieu fee due must be  
517 paid for the vehicle for which the permit was issued.

518 (iii) Temporary permits may not be issued for renewals.

519 (d) (i) The division shall issue one distinctive license plate that displays the letters APP  
520 for apportioned vehicles.

521 (ii) The plate shall be displayed on the front of an apportioned truck tractor or power  
522 unit or on the rear of any apportioned vehicle.

523 (iii) Distinctive decals displaying the word "apportioned" and the month and year of  
524 expiration shall be issued for each apportioned vehicle.

525 (e) A nonrefundable administrative fee, determined by the commission pursuant to  
526 Section [63J-1-504](#), shall be charged for each temporary permit, registration, or both.

527 (6) Vehicles that are apportionally registered are fully registered for intrastate and  
528 interstate movements, providing the proper interstate and intrastate authority has been secured.

529 (7) (a) Vehicles added to an apportioned fleet after the beginning of the registration  
530 year shall be registered by applying the quotient under Subsection (3)(a) for the original  
531 application to the fees due for the remainder of the registration year.

532 (b) (i) The owner shall maintain and submit complete annual mileage for each vehicle

533 in each jurisdiction, showing all miles operated by the lessor and lessee.

534 (ii) The fiscal mileage reporting period begins July 1, and continues through June 30 of  
535 the year immediately preceding the calendar year in which the registration year begins.

536 (c) (i) An owner-operator, who is a lessor, may be the registrant and the vehicle may be  
537 registered in the name of the owner-operator.

538 (ii) The identification plates and registration card shall be the property of the lessor and  
539 may reflect both the owner-operator's name and that of the carrier as lessee.

540 (iii) The allocation of fees shall be according to the operational records of the  
541 owner-operator.

542 (d) (i) The lessee may be the registrant of a leased vehicle at the option of the lessor.

543 (ii) If a lessee is the registrant of a leased vehicle, both the lessor's and lessee's name  
544 shall appear on the registration.

545 (iii) The allocation of fees shall be according to the records of the carrier.

546 (8) (a) Any registrant whose application for apportioned registration has been accepted  
547 shall preserve the records on which the application is based for a period of three years after the  
548 close of the registration year.

549 (b) The records shall be made available to the division upon request for audit as to  
550 accuracy of computations, payments, and assessments for deficiencies, or allowances for  
551 credits.

552 (c) An assessment for deficiency or claim for credit may not be made for any period for  
553 which records are no longer required.

554 (d) Interest in the amount prescribed by Section 59-1-402 shall be assessed or paid  
555 from the date due until paid on deficiencies found due after audit.

556 (e) Registrants with deficiencies are subject to the penalties under Section 59-1-401.

557 (f) The division may enter into agreements with other International Registration Plan  
558 jurisdictions for joint audits.

559 (9) (a) Except as provided in Subsection (9)(b), all state fees collected under this  
560 section shall be deposited in the Transportation Fund.

561 (b) The following fees may be used by the commission as a dedicated credit to cover  
562 the costs of electronic credentialing as provided in Section 41-1a-303:

563 (i) \$5 of each temporary registration permit fee paid under Subsection (12)(a)(i) for a  
564 single unit; and

565 (ii) \$10 of each temporary registration permit fee paid under Subsection (12)(a)(ii) for  
566 multiple units.

567 (10) If registration is for less than a full year, fees for apportioned registration shall be  
568 assessed according to Section 41-1a-1207.

569 (a) (i) If the registrant is replacing a vehicle for one withdrawn from the fleet and the  
570 new vehicle is of the same weight category as the replaced vehicle, the registrant must file a  
571 supplemental application.

572 (ii) A registration card that transfers the license plate to the new vehicle shall be issued.

573 (iii) When a replacement vehicle is of greater weight than the replaced vehicle,  
574 additional registration fees are due.

575 (b) If a vehicle is withdrawn from an apportioned fleet during the period for which it is  
576 registered, the registrant shall notify the division and surrender the registration card and license  
577 plate of the withdrawn vehicle.

578 (11) (a) An out-of-state carrier with an apportionally registered vehicle who has not  
579 presented a certificate of property tax or in lieu fee as required by Section 41-1a-206 or  
580 41-1a-207, shall pay, at the time of registration, a proportional part of an equalized highway  
581 use tax computed as follows:

582 (i) Multiply the number of vehicles or combination vehicles registered in each weight  
583 class by the equivalent tax figure from the following tables:

584 Vehicle or Combination

Registered Weight	Age of Vehicle	Equivalent Tax
585 12,000 pounds or less	12 or more years	\$10
586 12,000 pounds or less	9 or more years but less than 12 years	\$50

587	12,000 pounds or less	6 or more years but less than 9 years	\$80
588	12,000 pounds or less	3 or more years but less than 6 years	\$110
589	12,000 pounds or less	Less than 3 years	\$150

590	Vehicle or Combination	Equivalent
	Registered Weight	Tax
591	12,001 - 18,000 pounds	\$150
592	18,001 - 34,000 pounds	200
593	34,001 - 48,000 pounds	300
594	48,001 - 64,000 pounds	450
595	64,001 pounds and over	600

596 (ii) Multiply the equivalent tax value for the total fleet determined under Subsection  
597 (11)(a)(i) by the fraction computed under Subsection (3) for the apportioned fleet for the  
598 registration year.

599 (b) Fees shall be assessed as provided in Section [41-1a-1207](#).

600 (12) (a) Commercial vehicles meeting the registration requirements of another  
601 jurisdiction may, as an alternative to full or apportioned registration, secure a temporary  
602 registration permit for a period not to exceed 96 hours or until they leave the state, whichever is  
603 less, for a fee of:

- 604 (i) \$25 for a single unit; and
- 605 (ii) \$50 for multiple units.

606 (b) A state temporary permit or registration fee is not required from nonresident owners  
607 or operators of vehicles or combination of vehicles having a gross laden weight of 26,000  
608 pounds or less for each single unit or combination.

609 (13) A park model recreational vehicle may not be registered under this section.

610 (14) A violation of this section is an infraction.

611 Section 9. Section **41-1a-401** is amended to read:

612 **41-1a-401. License plates -- Number of plates -- Reflectorization -- Indicia of**

613 **registration in lieu of or used with plates.**

614 (1) (a) The division upon registering a vehicle shall issue to the owner:

615 (i) one license plate for a motorcycle, trailer, or semitrailer;

616 (ii) one decal for a park model recreational vehicle, in lieu of a license plate, which  
617 shall be attached in plain sight to the rear of the park model recreational vehicle;

618 (iii) one decal for a camper, in lieu of a license plate, which shall be attached in plain  
619 sight to the rear of the camper; and

620 (iv) two identical license plates for every other vehicle.

621 (b) The license plate or decal issued under Subsection (1)(a) is for the particular  
622 vehicle registered and may not be removed during the term for which the license plate or decal  
623 is issued or used upon any other vehicle than the registered vehicle.

624 (2) The division may receive applications for registration renewal, renew registration,  
625 and issue new license plates or decals at any time prior to the expiration of registration.

626 (3) (a) All license plates to be manufactured and issued by the division shall be treated  
627 with a fully reflective material on the plate face that provides effective and dependable  
628 reflective brightness during the service period of the license plate.

629 (b) The division shall prescribe all license plate material specifications and establish  
630 and implement procedures for conforming to the specifications.

631 (c) The specifications for the materials used such as the aluminum plate substrate, the  
632 reflective sheeting, and glue shall be drawn in a manner so that at least two manufacturers may  
633 qualify as suppliers.

634 (d) The granting of contracts for the materials shall be by public bid.

635 (4) (a) The commission may issue, adopt, and require the use of indicia of registration  
636 it considers advisable in lieu of or in conjunction with license plates as provided in this part.

637 (b) All provisions of this part relative to license plates apply to these indicia of  
638 registration, so far as the provisions are applicable.

639 (5) A violation of this section is an infraction, except that a violation of Subsection  
640 (1)(b) is a class C misdemeanor.

641 Section 10. Section **41-1a-402** is amended to read:

642 **41-1a-402. Required colors, numerals, and letters -- Expiration.**

643 (1) Each license plate shall have displayed on it:

644 (a) the registration number assigned to the vehicle for which it is issued;

645 (b) the name of the state; and

646 (c) a registration decal showing the date of expiration displayed in accordance with

647 Subsection (6).

648 (2) If registration is extended by affixing a registration decal to the license plate, the  
649 expiration date of the decal governs the expiration date of the license plate.

650 (3) Except as provided in Subsection (4), each original license plate that is not one of  
651 the special group license plates issued under Section **41-1a-418** shall be a:

652 (a) statehood centennial license plate with the same color, design, and slogan as the  
653 plates issued in conjunction with the statehood centennial; or

654 (b) Ski Utah license plate.

655 (4) Beginning on the date that the division determines the existing inventories of  
656 statehood centennial license plates and Ski Utah license plates are exhausted, each license plate  
657 that is not one of the special group license plates issued under Section **41-1a-418** shall:

658 (a) display the "Life Elevated" slogan; and

659 (b) have a color and design approved by the 57th Legislature in the 2007 General  
660 Session that features:

661 (i) a skier with the "Greatest Snow on Earth" slogan; or

662 (ii) Delicate Arch.

663 (5) (a) Except as provided under Subsection **41-1a-215(2)**, license plates shall be  
664 renewed annually.

665 (b) (i) The division shall issue the vehicle owner a month decal and a year decal upon  
666 the vehicle's first registration with the division.

667 (ii) The division shall issue the vehicle owner only a year decal upon subsequent  
668 renewals of registration to validate registration renewal.



669 (6) The decals issued in accordance with Subsection (5) shall be applied as follows:

670 (a) for license plates issued beginning in 1974 through 1985, decals displayed on  
671 license plates with black lettering on a white background shall be applied to the lower left-hand  
672 corner of the rear of the license plate vehicles;

673 (b) decals displayed on statehood centennial license plates and on Ski Utah license  
674 plates issued in accordance with Subsection (3) shall be applied to the upper left-hand corner of  
675 the rear license plate;

676 (c) decals displayed on special group license plates issued in accordance with Section  
677 41-1a-418 shall be applied to the upper right-hand corner of the license plate unless there is a  
678 plate indentation on the upper left-hand corner of the license plate;

679 (d) decals displayed on license plates with the "Life Elevated" slogan issued in  
680 accordance with Subsection (4) shall be applied in the upper left-hand corner for the month  
681 decal and the upper right-hand corner for the year decal;

682 (e) decals issued for truck tractors shall be applied to the front license plate in the  
683 position described in Subsection (6)(a), (b), or (d);

684 (f) decals issued for motorcycles shall be applied to the upper corner of the license  
685 plate opposite the word "Utah"; and

686 (g) decals displayed on license plates issued under Section 41-1a-416 shall be applied  
687 as appropriate for the year of the plate.

688 (7) (a) The month decal issued in accordance with Subsection (5) shall be displayed on  
689 the license plate in the left position.

690 (b) The year decal issued in accordance with Subsection (5) shall be displayed on the  
691 license plate in the right position.

692 (8) The current year decal issued in accordance with Subsection (5) shall be placed  
693 over the previous year decal.

694 (9) If a license plate, month decal, or year decal is lost or destroyed, a replacement shall  
695 be issued upon application and payment of the fees required under Section 41-1a-1211 or  
696 41-1a-1212.

697           (10) A violation of this section is an infraction.

698           Section 11. Section **41-1a-403** is amended to read:

699           **41-1a-403. Plates to be legible from 100 feet.**

700           (1) License plates and the required letters and numerals on them, except the decals and  
701 the slogan, shall be of sufficient size to be plainly readable from a distance of 100 feet during  
702 daylight.

703           (2) A violation of this section is an infraction.

704           Section 12. Section **41-1a-404** is amended to read:

705           **41-1a-404. Location and position of plates.**

706           (1) License plates issued for a vehicle other than a motorcycle, trailer, or semitrailer  
707 shall be attached to the vehicle, one in the front and the other in the rear.

708           (2) The license plate issued for a motorcycle, trailer, or semitrailer shall be attached to  
709 the rear of the motorcycle, trailer, or semitrailer.

710           (3) Every license plate shall at all times be:

711           (a) securely fastened:

712           (i) in a horizontal position to the vehicle for which it is issued to prevent the plate from  
713 swinging;

714           (ii) at a height of not less than 12 inches from the ground, measuring from the bottom  
715 of the plate; and

716           (iii) in a place and position to be clearly visible; and

717           (b) maintained:

718           (i) free from foreign materials; and

719           (ii) in a condition to be clearly legible.

720           (4) Enforcement by a state or local law enforcement officer of the requirement under  
721 Subsection (1) to attach a license plate to the front of a vehicle shall be only as a secondary  
722 action when the vehicle has been detained for a suspected violation by any person in the  
723 vehicle of Title 41, Motor Vehicles, other than the requirement under Subsection (1) to attach a  
724 license plate to the front of the vehicle, or for another offense.

725 (5) A violation of this section is an infraction.

726 Section 13. Section **41-1a-414** is amended to read:

727 **41-1a-414. Parking privileges for persons with disabilities.**

728 (1) As used in this section, "accessible parking space" means a parking space that is  
729 clearly identified as reserved for use by a person with a disability and includes:

730 (a) vertical signage, including the international symbol of accessibility, that is visible  
731 from a passing vehicle; and

732 (b) a clearly marked access aisle, if provided, that is adjacent to and considered part of  
733 the parking space.

734 (2) Except in parking areas designated for emergency use, a person with a disability,  
735 qualifying under rules made in accordance with Section **41-1a-420**, may park an appropriately  
736 marked vehicle for reasonable periods without charge in metered parking zones and restricted  
737 parking areas, in a manner that allows proper access to the vehicle by the person with a  
738 disability.

739 (3) (a) Only those vehicles carrying a person with a disability special group license  
740 plate, temporary removable windshield placard, or removable windshield placard and  
741 transporting a qualifying person with a disability may park in an accessible parking space.

742 (b) A violation of Subsection (3)(a) is a class C misdemeanor.

743 (4) This section applies to and may be enforced on public property and on private  
744 property that is used or intended for use by the public.

745 (5) The parking privileges granted by this section also apply to vehicles displaying a  
746 person with a disability special group license plate, temporary removable windshield placard,  
747 or removable windshield placard issued by another jurisdiction if displayed on a vehicle being  
748 used by a person with a disability.

749 Section 14. Section **41-1a-701** is amended to read:

750 **41-1a-701. Transfer by owner -- Removal of plates.**

751 (1) If the owner of a registered vehicle transfers his title or interest to the vehicle the  
752 registration of the vehicle expires. The owner shall remove the license plates from the

753 transferred vehicle.

754 (2) Within 20 days from the date of transfer the owner shall forward the plates to the  
755 division to be destroyed or may have the plates and the registration number assigned to another  
756 vehicle, subject to the rules of the division.

757 (3) A violation of this section is an infraction.

758 Section 15. Section **41-1a-702** is amended to read:

759 **41-1a-702. Endorsement of assignment and warranty of title -- Co-owners.**

760 (1) (a) To transfer a vehicle, vessel, or outboard motor the owner shall endorse the  
761 certificate of title issued for the vehicle, vessel, or outboard motor in the space for assignment  
762 and warranty of title.

763 (b) The endorsement and assignment shall include a statement of all liens or  
764 encumbrances on the vehicle, vessel, or outboard motor.

765 (c) Upon the endorsement and assignment of a certificate of title, the same certificate  
766 of title may not be reendorsed and reassigned to a new owner except as provided in Section  
767 [41-1a-705](#).

768 (2) (a) If a title certificate reflects the names of two or more people as co-owners in the  
769 alternative by use of the word "or" or "and/or," each co-owner is considered to have granted the  
770 other co-owners the absolute right to endorse and deliver title and to dispose of the vehicle,  
771 vessel, or outboard motor.

772 (b) If the title certificate reflects the names of two or more people as co-owners in the  
773 conjunctive by use of the word "and," or the title does not reflect any alternative or conjunctive  
774 word, the endorsement of each co-owner is required to transfer title to the vehicle, vessel, or  
775 outboard motor.

776 (3) The owner shall deliver the certificate of title containing the odometer disclosure  
777 statement required under Section [41-1a-902](#) and the certificate of registration to the purchaser  
778 or transferee at the time of, or within 48 hours after delivering the vehicle, vessel, or outboard  
779 motor, as applicable, except as provided for under Sections [41-3-301](#), [41-1a-519](#), and  
780 [41-1a-709](#).

781 (4) A violation of this section is an infraction, except that a violation of Subsection (3)  
782 is a class C misdemeanor.

783 Section 16. Section **41-1a-703** is amended to read:

784 **41-1a-703. New owner to secure new registration and new certificate of title.**

785 (1) The transferee before operating or permitting the operation of a transferred vehicle  
786 on a highway shall present to the division the certificate of registration and the certificate of  
787 title, properly endorsed, and shall apply for a new certificate of title and obtain a new  
788 registration for the transferred vehicle, as upon an original registration, except as permitted  
789 under Sections [41-1a-223](#), [41-1a-520](#), and [41-1a-704](#).

790 (2) A violation of this section is an infraction.

791 Section 17. Section **41-1a-704** is amended to read:

792 **41-1a-704. Transfer by operation of law.**

793 (1) Except as provided under Subsection (2), if the title or interest of an owner in or to  
794 a registered vehicle passes to another person other than by voluntary transfer:

795 (a) the registration of the vehicle expires; and

796 (b) the vehicle may not be operated upon a highway until the person entitled to  
797 possession of the vehicle applies for and obtains a valid registration or temporary permit.

798 (2) (a) A vehicle under Subsection (1) may be operated on the highways by the person  
799 entitled to its possession or his legal representative, for a distance not exceeding 75 miles, upon  
800 displaying on the vehicle the license plates issued to the former owner.

801 (b) If title is vested in a person holding a lien or encumbrance on the vehicle, the new  
802 title holder may apply to the Motor Vehicle Enforcement Division for special plates issued  
803 under Section [41-3-505](#) to transporters and may operate the repossessed vehicle under the  
804 special plate for the purposes of:

805 (i) transporting the vehicle to a garage or warehouse; or

806 (ii) demonstrating the vehicle for sale.

807 (3) A violation of this section is an infraction.

808 Section 18. Section **41-1a-803** is amended to read:

809           **41-1a-803. Identification numbers -- Assigning numbers -- Requirement for sale.**

810           (1) (a) If a vehicle, vessel, or outboard motor has a permanent manufacturer's  
811 identification number, the number shall be used as the vehicle's, vessel's, or outboard motor's  
812 identification number.

813           (b) If it has no permanent manufacturer's identification number, the division shall  
814 assign an identification number to it.

815           (c) An identification number assigned by the division shall be permanently affixed or  
816 imprinted on the vehicle, vessel, or outboard motor as directed by the division.

817           (2) A person may not sell or offer for sale in this state a new vehicle, vessel, or  
818 outboard motor without an identification number.

819           (3) (a) Each permanent manufacturer's identification number for a vehicle shall be  
820 clearly marked in an accessible place on a vehicle.

821           (b) (i) Each permanent manufacturer's identification number for a vessel shall be  
822 clearly marked in an accessible place on the starboard outboard side of the transom or to the  
823 starboard outboard side of the hull.

824           (ii) If the permanent manufacturer's identification number is displayed in a location  
825 other than on or near the starboard outboard side of the transom, the manufacturer shall notify  
826 the division of its location.

827           (4) A person may not destroy, remove, alter, or cover an identification number.

828           (5) A violation of this section is an infraction, except that Subsection (4) is a class C  
829 misdemeanor.

830           Section 19. Section **41-1a-904** is amended to read:

831           **41-1a-904. Retention of statements by dealers -- Inspection.**

832           (1) Each dealer required to execute and furnish an odometer mileage disclosure  
833 statement under Section **41-1a-902** shall retain at its primary place of business for four years  
834 after each transfer of a motor vehicle each statement that he receives and a legible copy of each  
835 statement that he issues in connection with those transfers.

836           (2) These statements shall be available for inspection by, and copies shall be furnished

837 to, any peace officer during reasonable business hours.

838 (3) A violation of this section is an infraction.

839 Section 20. Section **41-1a-1206** is amended to read:

840 **41-1a-1206. Registration fees -- Fees by gross laden weight.**

841 (1) Except as provided in Subsections (2) and (3), at the time application is made for  
842 registration or renewal of registration of a vehicle or combination of vehicles under this  
843 chapter, a registration fee shall be paid to the division as follows:

844 (a) \$44.50 for each motorcycle;

845 (b) \$43 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding  
846 motorcycles;

847 (c) unless the semitrailer or trailer is exempt from registration under Section [41-1a-202](#)  
848 or is registered under Section [41-1a-301](#):

849 (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

850 (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less  
851 gross unladen weight;

852 (d) (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds  
853 gross laden weight; plus

854 (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;

855 (e) (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm  
856 trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

857 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;

858 (f) (i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not  
859 exceeding 14,000 pounds gross laden weight; plus

860 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight; and

861 (g) \$45 for each vintage vehicle that is less than 40 years old.

862 (2) At the time application is made for registration or renewal of registration of a  
863 vehicle under this chapter for a six-month registration period under Section [41-1a-215.5](#), a  
864 registration fee shall be paid to the division as follows:

- 865 (a) \$33.50 for each motorcycle; and
- 866 (b) \$32.50 for each motor vehicle of 12,000 pounds or less gross laden weight,  
867 excluding motorcycles.
- 868 (3) (a) The initial registration fee for a vintage vehicle that is 40 years old or older is  
869 \$40.
- 870 (b) A vintage vehicle that is 40 years old or older is exempt from the renewal of  
871 registration fees under Subsection (1).
- 872 (c) A vehicle with a Purple Heart special group license plate issued in accordance with  
873 Section 41-1a-421 is exempt from the registration fees under Subsection (1).
- 874 (d) A camper is exempt from the registration fees under Subsection (1).
- 875 (4) If a motor vehicle is operated in combination with a semitrailer or trailer, each  
876 motor vehicle shall register for the total gross laden weight of all units of the combination if the  
877 total gross laden weight of the combination exceeds 12,000 pounds.
- 878 (5) (a) Registration fee categories under this section are based on the gross laden  
879 weight declared in the licensee's application for registration.
- 880 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part  
881 of 2,000 pounds is a full unit.
- 882 (6) The owner of a commercial trailer or commercial semitrailer may, as an alternative  
883 to registering under Subsection (1)(c), apply for and obtain a special registration and license  
884 plate for a fee of \$130.
- 885 (7) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm  
886 truck unless:
- 887 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and
- 888 (b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or
- 889 (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner  
890 submits to the division a certificate of emissions inspection or a waiver in compliance with  
891 Section 41-6a-1642.
- 892 (8) A violation of Subsection (7) is a class [B] C misdemeanor that shall be punished



893 by a fine of not less than \$200.

894 (9) Trucks used exclusively to pump cement, bore wells, or perform crane services  
895 with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees  
896 required for those vehicles under this section.

897 Section 21. Section **41-1a-1302** is amended to read:

898 **41-1a-1302. Infraction.**

899 A violation of any provision of this chapter is [~~a class C misdemeanor~~] an infraction,  
900 unless otherwise provided.

901 Section 22. Section **41-1a-1303** is amended to read:

902 **41-1a-1303. Driving without registration or certificate of title.**

903 (1) Except as provided in Section **41-1a-211** or **41-1a-1303.5**, a person may not drive  
904 or move, or an owner may not knowingly permit to be driven or moved upon any highway any  
905 vehicle of a type required to be registered in this state:

906 [~~(+)~~] (a) that is not properly registered or for which a certificate of title has not been  
907 issued or applied for; or

908 [~~(2)~~] (b) for which the required fee has not been paid.

909 (2) A violation of this section is an infraction.

910 Section 23. Section **41-1a-1303.5** is amended to read:

911 **41-1a-1303.5. Driving without registration or certificate of title -- Class C**  
912 **misdemeanor.**

913 (1) (a) A violation of Subsection **41-1a-202(3)**, related to registration of vehicles after  
914 establishing residency, is a class [~~B~~] C misdemeanor and, except as provided in Subsection  
915 (1)(b), has a minimum fine of \$1,000.

916 (b) A court may not dismiss an action brought for a violation of Subsection  
917 **41-1a-202(3)** merely because the defendant has obtained the appropriate registration  
918 subsequent to violating the section. The court may, however, reduce the fine to \$200 if the  
919 violator presents evidence at the time of the hearing that:

920 (i) the vehicle is currently registered properly; and

921 (ii) the violation has not existed for more than one year.

922 (2) A court may require proof of proper motor vehicle registration as part of any  
923 sentence imposed under this section.

924 Section 24. Section **41-1a-1304** is amended to read:

925 **41-1a-1304. Operating motor vehicle, trailer, or semitrailer in excess of registered**  
926 **gross laden weight -- Infraction.**

927 It is [~~a class C misdemeanor~~] an infraction for a person to operate, or cause to be  
928 operated, a motor vehicle, trailer, or semitrailer, or combination of them the gross laden weight  
929 of which is in excess of the gross laden weight for which the motor vehicle, trailer, or  
930 semitrailer, or combination of vehicles is registered.

931 Section 25. Section **41-1a-1307** is amended to read:

932 **41-1a-1307. Operation of motor vehicles, trailers, or semitrailers without**  
933 **payment of fees -- Infraction.**

934 (1) It is [~~a class C misdemeanor~~] an infraction for a person to operate a motor vehicle,  
935 trailer, or semitrailer upon the highways without having paid the title and registration or  
936 transfer fees and taxes required by law.

937 (2) In addition to any other penalty, the owner of a motor vehicle, trailer, or semitrailer  
938 operated in violation of this section shall pay a penalty equal to title and registration fees in  
939 addition to any other fee required under this chapter.

940 (3) A court may require proof of proper vehicle registration as part of any sentence  
941 imposed under this section.

942 Section 26. Section **41-1a-1310** is amended to read:

943 **41-1a-1310. Failure to deliver title -- Odometer offenses.**

944 (1) It is [~~a class B misdemeanor~~] an infraction for any person to:

945 ~~(+)~~ (a) fail to properly endorse and deliver a valid certificate of title to a vehicle,  
946 vessel, or outboard motor to a transferee or owner lawfully entitled to it in accordance with  
947 Section **41-1a-702**, except as provided for under Sections **41-3-301**, **41-1a-519**, and **41-1a-709**;  
948 or

949            ~~[(2)]~~ (b) fail to give an odometer disclosure statement to the transferee as required by  
950 Section [41-1a-902](#)~~;~~].

951            (2) It is a class B misdemeanor to:

952            ~~[(3)]~~ (a) operate, or cause to be operated, a motor vehicle knowing that the odometer is  
953 disconnected or nonfunctional, except while moving the motor vehicle to a place of repair;

954            ~~[(4)]~~ (b) offer for sale, sell, use, or install on any part of a motor vehicle or on an  
955 odometer in a motor vehicle any device that causes the odometer to register miles or kilometers  
956 other than the true miles or kilometers driven as registered by the odometer within the  
957 manufacturer's designed tolerance;

958            ~~[(5)]~~ (c) fail to adjust an odometer or affix a notice as required by Section [41-1a-906](#)  
959 regarding the adjustment;

960            ~~[(6)]~~ (d) remove, alter, or cause to be removed or altered any notice of adjustment  
961 affixed to a motor vehicle as required by Section [41-1a-906](#); or

962            (e) accept or give an incomplete odometer statement when an odometer statement is  
963 required under Section [41-1a-902](#).

964            ~~[(7)]~~ (3) It is a class C misdemeanor to fail to record the odometer reading on the  
965 certificate of title at the time of transfer~~;~~or].

966            ~~[(8) accept or give an incomplete odometer statement when an odometer statement is~~  
967 ~~required under Section [41-1a-902](#).]~~

968            Section 27. Section **41-6a-202** is amended to read:

969            **41-6a-202. Violations of chapter -- Penalties -- Acceptance of plea of guilty.**

970            (1) As used in this section, "serious bodily injury" is as defined in Section [41-6a-401.3](#).

971            (2) A violation of any provision of this chapter is ~~[a class C misdemeanor]~~ an  
972 infraction, unless otherwise provided.

973            (3) A violation of any provision of Parts 2, 11, 17, and 18 of this chapter is an  
974 infraction, unless otherwise provided.

975            (4) (a) If a person has received a citation for a moving traffic violation under this  
976 chapter that resulted in a collision and any person involved in the collision sustained serious

977 bodily injury or death as a proximate result of the collision, a court may not accept a plea of  
978 guilty or no contest to a charge for the moving traffic violation unless the prosecutor agrees to  
979 the plea:

- 980 (i) in open court;
- 981 (ii) in writing; or
- 982 (iii) by another means of communication which the court finds adequate to record the  
983 prosecutor's agreement.

984 (b) A peace officer that issues a citation for a moving traffic violation under this  
985 chapter shall record on the citation whether the moving traffic violation resulted in a collision  
986 in which any person involved in the collision sustained serious bodily injury or death as a  
987 proximate result of the traffic collision.

988 Section 28. Section **41-6a-216** is amended to read:

989 **41-6a-216. Removal of plants or other obstructions impairing view -- Notice to**  
990 **owner -- Penalty.**

991 (1) The owner of real property shall remove from his property any tree, plant, shrub, or  
992 other obstruction, or part of it that constitutes a traffic hazard by obstructing the view of an  
993 operator of a vehicle on a highway.

994 (2) When a highway authority determines on the basis of an engineering and traffic  
995 investigation that a traffic hazard exists, it shall notify the owner and order that the hazard be  
996 removed within 10 days.

997 (3) The failure of the owner to remove the traffic hazard within 10 days is [~~a class C~~  
998 ~~misdemeanor~~] an infraction.

999 Section 29. Section **41-6a-304** is amended to read:

1000 **41-6a-304. Obeying devices -- Effect of improper position, illegibility, or absence**  
1001 **-- Presumption of lawful placement and compliance with chapter.**

1002 (1) (a) Except as otherwise directed by a peace officer or other authorized personnel  
1003 under Section **41-6a-209** and except as provided under Section **41-6a-212** for authorized  
1004 emergency vehicles, the operator of a vehicle shall obey the instructions of any traffic-control

1005 device placed or held in accordance with this chapter.

1006 (b) A violation of Subsection (1)(a) is an infraction.

1007 (2) (a) Any provision of this chapter, for which a traffic-control device is required, may  
1008 not be enforced if at the time and place of the alleged violation the traffic-control device is not  
1009 in proper position and sufficiently legible to be seen by an ordinarily observant person.

1010 (b) The provisions of this chapter are effective independently of the placement of a  
1011 traffic-control device unless the provision requires the placement of a traffic-control device  
1012 prior to its enforcement.

1013 (3) A traffic-control device placed or held in a position approximately conforming to  
1014 the requirements of this chapter is presumed to have been placed or held by the official act or  
1015 direction of a highway authority or other lawful authority, unless the contrary is established by  
1016 competent evidence.

1017 (4) A traffic-control device placed or held under this chapter and purporting to conform  
1018 to the lawful requirements of the device is presumed to comply with the requirements of this  
1019 chapter, unless the contrary is established by competent evidence.

1020 Section 30. Section **41-6a-305** is amended to read:

1021 **41-6a-305. Traffic-control signal -- At intersections -- At place other than**  
1022 **intersection -- Color of light signal -- Inoperative traffic-control signals -- Affirmative**  
1023 **defense.**

1024 (1) (a) Green, red, and yellow are the only colors that may be used in a traffic-control  
1025 signal, except for a:

1026 (i) pedestrian traffic-control signal that may use white and orange; and

1027 (ii) rail vehicle that may use white.

1028 (b) Traffic-control signals apply to the operator of a vehicle and to a pedestrian as  
1029 provided in this section.

1030 (2) (a) (i) Except as provided in Subsection (2)(a)(ii), the operator of a vehicle facing a  
1031 circular green signal may:

1032 (A) proceed straight through the intersection;

1033 (B) turn right; or

1034 (C) turn left.

1035 (ii) The operator of a vehicle facing a circular green signal, including an operator  
1036 turning right or left:

1037 (A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the  
1038 intersection or an adjacent crosswalk at the time the signal is exhibited; and

1039 (B) may not turn right or left if a sign at the intersection prohibits the turn.

1040 (b) The operator of a vehicle facing a green arrow signal shown alone or in  
1041 combination with another indication:

1042 (i) may cautiously enter the intersection only to make the movement indicated by the  
1043 arrow or other indication shown at the same time; and

1044 (ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk  
1045 and to other traffic lawfully using the intersection.

1046 (c) Unless otherwise directed by a pedestrian traffic-control signal under Section  
1047 41-6a-306, a pedestrian facing any green signal other than a green turn arrow may proceed  
1048 across the roadway within any marked or unmarked crosswalk.

1049 (3) (a) The operator of a vehicle facing a steady circular yellow or yellow arrow signal  
1050 is warned that the allowable movement related to a green signal is being terminated.

1051 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section  
1052 41-6a-306, a pedestrian facing a steady circular yellow or yellow arrow signal is advised that  
1053 there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian  
1054 may not start to cross the roadway.

1055 (4) (a) Except as provided in Subsection (4)(c), the operator of a vehicle facing a  
1056 steady circular red or red arrow signal:

1057 (i) may not enter the intersection unless entering the intersection to make a movement  
1058 is permitted by another indication; and

1059 (ii) shall stop at a clearly marked stop line, but if none, before entering the marked or  
1060 unmarked crosswalk on the near side of the intersection and shall remain stopped until an

1061 indication to proceed is shown.

1062 (b) Unless otherwise directed by a pedestrian traffic-control signal under Section  
1063 41-6a-306, a pedestrian facing a steady red signal alone may not enter the roadway.

1064 (c) (i) (A) The operator of a vehicle facing a steady circular red signal may cautiously  
1065 enter the intersection to turn right, or may turn left from a one-way street into a one-way street,  
1066 after stopping as required by Subsection (4)(a).

1067 (B) If permitted by a traffic control device on the state highway system, the operator of  
1068 a vehicle facing a steady red arrow signal may cautiously enter the intersection to turn left from  
1069 a one-way street into a one-way street after stopping as required by Subsection (4)(a).

1070 (ii) The operator of a vehicle under Subsection (4)(c)(i) shall yield the right-of-way to:

1071 (A) another vehicle moving through the intersection in accordance with an official  
1072 traffic-control signal; and

1073 (B) a pedestrian lawfully within an adjacent crosswalk.

1074 (5) (a) This section applies to a highway or rail line where a traffic-control signal is  
1075 erected and maintained.

1076 (b) Any stop required shall be made at a sign or marking on the highway pavement  
1077 indicating where the stop shall be made, but, in the absence of any sign or marking, the stop  
1078 shall be made at the signal.

1079 (6) The operator of a vehicle approaching an intersection that has an inoperative  
1080 traffic-control signal shall:

1081 (a) stop before entering the intersection; and

1082 (b) yield the right-of-way to any vehicle as required under Section 41-6a-901.

1083 (7) (a) For an operator of a motorcycle, moped, or bicycle who is 16 years of age or  
1084 older, it is an affirmative defense to a violation of Subsection (4)(a) if the operator of a  
1085 motorcycle, moped, or bicycle facing a steady circular red signal or red arrow:

1086 (i) brings the motorcycle, moped, or bicycle to a complete stop at the intersection or  
1087 stop line;

1088 (ii) determines that:

1089 (A) the traffic-control signal has not detected the operator's presence by waiting a  
1090 reasonable period of time of not less than 90 seconds at the intersection or stop line before  
1091 entering the intersection;

1092 (B) no other vehicle that is entitled to have the right-of-way under applicable law is  
1093 sitting at, traveling through, or approaching the intersection; and

1094 (C) no pedestrians are attempting to cross at or near the intersection in the direction of  
1095 travel of the operator; and

1096 (iii) cautiously enters the intersection and proceeds across the roadway.

1097 (b) The affirmative defense under this section does not apply at an active railroad grade  
1098 crossing as defined in Section [41-6a-1005](#).

1099 (8) A violation of this section is an infraction.

1100 Section 31. Section **41-6a-306** is amended to read:

1101 **41-6a-306. Pedestrian traffic-control signals -- Rights and duties.**

1102 (1) A pedestrian facing a steady "Walk" or symbol of "Walking Person" of a pedestrian  
1103 traffic-control signal has the right-of-way and may proceed across the roadway in the direction  
1104 of the signal.

1105 (2) A pedestrian facing a flashing "Don't Walk" or "Upraised Hand" of a pedestrian  
1106 traffic-control signal may not start to cross the roadway in the direction of the signal, but a  
1107 pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk  
1108 or safety island.

1109 (3) A pedestrian facing a steady "Don't Walk" or "Upraised Hand" of a pedestrian  
1110 traffic-control signal may not enter the roadway in the direction of the signal.

1111 (4) A violation of this section is an infraction.

1112 Section 32. Section **41-6a-307** is amended to read:

1113 **41-6a-307. Flashing red or yellow signals -- Rights and duties of operators --**  
1114 **Railroad grade crossings excluded.**

1115 (1) Except as provided under Section [41-6a-1203](#) regarding railroad grade [~~crossing~~]  
1116 crossings, the:



1117            [~~(1)~~] (a) operator of a vehicle facing an illuminated flashing red stop signal used in a  
1118 traffic-control signal or with a traffic sign shall stop at a clearly marked stop line, but if none,  
1119 before entering the crosswalk on the nearest side of the intersection, or if none, then at a point  
1120 nearest the intersecting roadway where the operator has a view of approaching traffic on the  
1121 intersecting roadway before entering;

1122            [~~(2)~~] (b) right to proceed is subject to the rules applicable after making a stop at a stop  
1123 sign; and

1124            [~~(3)~~] (c) operator of a vehicle facing an illuminated flashing yellow caution signal may  
1125 cautiously proceed through the intersection or cautiously proceed past the signal.

1126            (2) A violation of this section is an infraction.

1127            Section 33. Section **41-6a-308** is amended to read:

1128            **41-6a-308. Lane use control signals -- Colors.**

1129            (1) The operator of a vehicle facing a traffic-control signal placed to control individual  
1130 lane use shall obey the signal as follows:

1131            [~~(1)~~] (a) Green signal -- vehicular traffic may travel in any lane over which a green  
1132 signal is shown.

1133            [~~(2)~~] (b) Steady yellow signal -- vehicular traffic is warned that a lane control change is  
1134 being made.

1135            [~~(3)~~] (c) Steady red signal -- vehicular traffic may not enter or travel in any lane over  
1136 which a red signal is shown.

1137            [~~(4)~~] (d) Flashing yellow signal -- vehicular traffic may use the lane only for the  
1138 purpose of approaching and making a left turn.

1139            (2) A violation of this section is an infraction.

1140            Section 34. Section **41-6a-309** is amended to read:

1141            **41-6a-309. Prohibition of unauthorized signs, signals, lights, or markings --**  
1142 **Commercial advertising -- Public nuisance -- Removal.**

1143            (1) Except as provided in Section **41-6a-310**, a person may not place, maintain, or  
1144 display upon or in view of any highway any unauthorized sign, signal, light, marking, or device

1145 which:

1146 (a) purports to be or which resembles a traffic-control device or railroad sign or signal,  
1147 or authorized emergency vehicle flashing light;

1148 (b) attempts to direct the movement of traffic;

1149 (c) hides from view or interferes with the effectiveness of a traffic-control device or  
1150 any railroad sign or signal; or

1151 (d) blinds or dazzles an operator on any adjacent highway.

1152 (2) Except as provided under Section 72-7-504 regarding logo advertising, a person  
1153 may not place or maintain any commercial advertising on any traffic-control device.

1154 (3) The provisions of Subsections (1) and (2) do not prohibit a sign on private property  
1155 adjacent to a highway providing directional information in a manner that may not be mistaken  
1156 for a traffic-control device.

1157 (4) Every prohibited sign, signal, or light, or marking is a public nuisance and the  
1158 highway authority having jurisdiction over the highway may remove it or cause it to be  
1159 removed without notice.

1160 (5) A violation of this section is an infraction.

1161 Section 35. Section 41-6a-311 is amended to read:

1162 **41-6a-311. Interference with traffic-control devices prohibited -- Traffic signal**  
1163 **preemption device prohibited -- Exceptions -- Defense.**

1164 (1) Except as provided in Subsection (3), a person may not alter, deface, damage,  
1165 knock down, or remove any:

1166 (a) traffic-control device;

1167 (b) traffic-monitoring device; or

1168 (c) railroad traffic-control device.

1169 (2) Except as provided in Subsection (3), a person may not:

1170 (a) knowingly use a traffic signal preemption device to interfere with the authorized  
1171 operation or the authorized cycle of a traffic-control signal; or

1172 (b) operate a motor vehicle on a highway while in possession of a traffic signal

1173 preemption device.

1174 (3) The provisions of Subsections (1) and (2) do not apply to a person authorized by  
1175 the highway authority or railroad authority with jurisdiction over the device.

1176 (4) A violation of Subsection (1) or (2) is a class C misdemeanor.

1177 [~~(4)~~] (5) It is an affirmative defense to a charge under Subsection (2)(b) that the traffic  
1178 signal preemption device was inoperative and could not be readily used at the time of the  
1179 citation or arrest.

1180 Section 36. Section **41-6a-401** is amended to read:

1181 **41-6a-401. Accident involving property damage -- Duties of operator, occupant,**  
1182 **and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

1183 (1) As used in this section, "reason to believe" means information from which a  
1184 reasonable person would believe that the person may have been involved in an accident.

1185 (2) (a) The operator of a vehicle who has reason to believe that the operator may have  
1186 been involved in an accident resulting only in damage to another vehicle or other property:

1187 (i) may move the vehicle as soon as possible off the roadway or freeway main lines,  
1188 shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp shoulder, a  
1189 frontage road, the nearest suitable cross street, or other suitable location that does not obstruct  
1190 traffic; and

1191 (ii) shall remain at the scene of the accident or the location described in Subsection  
1192 (2)(a)(i) until the operator has fulfilled the requirements of this section.

1193 (b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the  
1194 determination of fault for an accident.

1195 (c) If the operator has reason to believe that the operator may have been involved in an  
1196 accident resulting in damage to another vehicle or other property only after leaving the scene of  
1197 the accident, the operator shall immediately comply as nearly as possible with the requirements  
1198 of this section.

1199 (3) Except as provided under Subsection (6), if the vehicle or other property is  
1200 operated, occupied, or attended by any person or if the owner of the vehicle or property is

1201 present, the operator of the vehicle involved in the accident shall:

1202 (a) give to the persons involved:

1203 (i) the operator's name, address, and the registration number of the vehicle being  
1204 operated; and

1205 (ii) the name of the insurance provider covering the vehicle being operated including  
1206 the phone number of the agent or provider; and

1207 (b) upon request and if available, exhibit the operator's license to:

1208 (i) any investigating peace officer present;

1209 (ii) the operator, occupant of, or person attending the vehicle or other property  
1210 damaged in the accident; and

1211 (iii) the owner of property damaged in the accident, if present.

1212 (4) The operator of a vehicle involved in an accident shall immediately and by the  
1213 quickest means of communication available give notice or cause to give notice of the accident  
1214 to the nearest office of a law enforcement agency if the accident resulted in property damage to  
1215 an apparent extent of \$1,500 or more.

1216 (5) Except as provided under Subsection (6), if the vehicle or other property damaged  
1217 in the accident is unattended, the operator of the vehicle involved in the accident shall:

1218 (a) locate and notify the operator or owner of the vehicle or the owner of other property  
1219 damaged in the accident of the operator's name, address, and the registration number of the  
1220 vehicle causing the damage; or

1221 (b) attach securely in a conspicuous place on the vehicle or other property a written  
1222 notice giving the operator's name, address, and the registration number of the vehicle causing  
1223 the damage.

1224 (6) The operator of a vehicle that provides the information required under this section  
1225 to an investigating peace officer at the scene of the accident is exempt from providing the  
1226 information to other persons required under this section.

1227 [~~(7) (a) A person who violates the provisions of Subsection (2) is guilty of a class B~~  
1228 ~~misdemeanor.~~]

1229           ~~[(b) A person who violates the provision of Subsection (5) is guilty of a class B~~  
1230 ~~misdemeanor.]~~

1231           (7) A violation of this section is a class C misdemeanor.

1232           Section 37. Section **41-6a-401.7** is amended to read:

1233           **41-6a-401.7. Accident involving injury, death, or property damage -- Duties of**  
1234 **operator, occupant, and owner -- Exchange of information -- Notification of law**  
1235 **enforcement -- Penalties.**

1236           (1) The operator of a vehicle involved in an accident under Section [41-6a-401.3](#) or  
1237 [41-6a-401.5](#) shall:

1238           (a) give to the persons involved:

1239           (i) the operator's name, address, and the registration number of the vehicle being  
1240 operated; and

1241           (ii) the name of the insurance provider covering the vehicle being operated including  
1242 the phone number of the agent or provider;

1243           (b) upon request and if available, exhibit the operator's license to:

1244           (i) any investigating peace officer present;

1245           (ii) the person struck;

1246           (iii) the operator, occupant of, or person attending the vehicle or other property  
1247 damaged in the accident; and

1248           (iv) the owner of property damaged in the accident, if present; and

1249           (c) render to any person injured in the accident reasonable assistance, including  
1250 transporting or making arrangements for transporting, of the injured person to a physician or  
1251 hospital for medical treatment if:

1252           (i) it is apparent that treatment is necessary; or

1253           (ii) transportation is requested by the injured person.

1254           (2) The operator of a vehicle involved in an accident under Section [41-6a-401.3](#) or  
1255 [41-6a-401.5](#) shall immediately and by the quickest means of communication available give  
1256 notice or cause to give notice of the accident to the nearest office of a law enforcement agency.

1257 (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 or  
1258 41-6a-401.5 who is not the operator of the vehicle shall give or cause to give the immediate  
1259 notice required under Subsection (2) if:

1260 (a) the operator of a vehicle involved in an accident is physically incapable of giving  
1261 the notice; and

1262 (b) the occupant is capable of giving an immediate notice.

1263 (4) Except as provided under Subsection (5), if a vehicle or other property damaged in  
1264 the accident is unattended, the operator of the vehicle involved in the accident shall:

1265 (a) locate and notify the operator or owner of the vehicle or the owner of other property  
1266 damaged in the accident of the operator's name, address, and the registration number of the  
1267 vehicle causing the damage; or

1268 (b) attach securely in a conspicuous place on the vehicle or other property a written  
1269 notice giving the operator's name, address, and the registration number of the vehicle causing  
1270 the damage.

1271 (5) The operator of a vehicle that provides the information required under this section  
1272 to an investigating peace officer at the scene of the accident is exempt from providing the  
1273 information to other persons required under this section.

1274 [~~(6) A person who violates Subsection (4) is guilty of a class B misdemeanor.~~]

1275 (6) A violation of this section is a class C misdemeanor.

1276 Section 38. Section 41-6a-402 is amended to read:

1277 **41-6a-402. Accident reports -- Duty of operator and investigative officer to file.**

1278 (1) The department may require any operator of a vehicle involved in an accident  
1279 resulting in injury to or death of any person or total property damage to the apparent extent of  
1280 \$1,500 or more to file within 10 days after the request:

1281 (a) a report of the accident to the department in a manner specified by the department;  
1282 and

1283 (b) a supplemental report when the original report is insufficient in the opinion of the  
1284 department.

1285 (2) The department may require witnesses of accidents to file reports to the department.

1286 (3) (a) An accident report is not required under this section from any person who is  
1287 physically incapable of making a report, during the period of incapacity.

1288 (b) If the operator is physically incapable of making an accident report under this  
1289 section and the operator is not the owner of the vehicle, the owner of the vehicle involved in  
1290 the accident shall within 15 days after becoming aware of the accident make the report required  
1291 of the operator under this section.

1292 (4) (a) The department shall, upon request, supply to law enforcement agencies, justice  
1293 court judges, sheriffs, garages, and other appropriate agencies or individuals forms for accident  
1294 reports required under this part.

1295 (b) A request for an accident report form under Subsection (4)(a) shall be made in a  
1296 manner specified by the division.

1297 (c) The accident reports shall:

1298 (i) provide sufficient detail to disclose the cause, conditions then existing, and the  
1299 persons and vehicles involved in the accident; and

1300 (ii) contain all of the information required that is available.

1301 (5) (a) A person shall file an accident report if required under this section.

1302 (b) The department shall suspend the license or permit to operate a motor vehicle and  
1303 any nonresident operating privileges of any person failing to file an accident report in  
1304 accordance with this section.

1305 (c) The suspension under Subsection (5)(b) shall be in effect until the report has been  
1306 filed except that the department may extend the suspension not to exceed 30 days.

1307 (6) (a) A peace officer who, in the regular course of duty, investigates a motor vehicle  
1308 accident described under Subsection (1) shall file an electronic copy of the report of the  
1309 accident with the department within 10 days after completing the investigation.

1310 (b) The accident report shall be made either at the time of and at the scene of the  
1311 accident or later by interviewing participants or witnesses.

1312 (7) The accident reports required to be filed with the department under this section and

1313 the information in them are protected and confidential and may be disclosed only as provided  
1314 in Section 41-6a-404.

1315 (8) (a) In addition to the reports required under this part, a local highway authority  
1316 may, by ordinance, require that for each accident that occurs within its jurisdiction, the operator  
1317 of a vehicle involved in an accident, or the owner of the vehicle involved in an accident, shall  
1318 file with the local law enforcement agency a report of the accident or a copy of any report  
1319 required to be filed with the department under this part.

1320 (b) All reports are for the confidential use of the municipal department and are subject  
1321 to the provisions of Section 41-6a-404.

1322 (9) A violation of this section is an infraction.

1323 Section 39. Section 41-6a-405 is amended to read:

1324 **41-6a-405. Garage keeper to report damaged vehicle without damage sticker.**

1325 (1) (a) The person in charge of any garage or repair shop shall make a report to the  
1326 nearest law enforcement agency within 24 hours of receiving a vehicle which shows evidence  
1327 of having been:

1328 (i) involved in an accident for which an accident report may be requested under Section  
1329 41-6a-402; or

1330 (ii) struck by any bullet.

1331 (b) The report required under Subsection (1)(a) shall include the:

1332 (i) vehicle identification number;

1333 (ii) registration number; and

1334 (iii) name and address of the owner or operator of the vehicle.

1335 (2) If a damaged vehicle sticker describing the damage is affixed to the vehicle by a  
1336 peace officer, a report under Subsection (1) is not required.

1337 (3) A violation of Subsection (1) is an infraction.

1338 Section 40. Section 41-6a-407 is amended to read:

1339 **41-6a-407. Livestock on highway -- Restrictions -- Collision, action for damages.**

1340 (1) (a) A person who owns or is in possession or control of any livestock may not



1341 willfully or negligently permit any of the livestock to stray or remain unaccompanied on a  
1342 highway, if both sides of the highway are separated from adjoining property by a fence, wall,  
1343 hedge, sidewalk, curb, lawn, or building.

1344 (b) Subsection (1)(a) does not apply to range stock drifting onto any highway moving  
1345 to or from their accustomed ranges.

1346 (2) (a) A person may not drive any livestock upon, over, or across any highway during  
1347 the period from half an hour after sunset to half an hour before sunrise.

1348 (b) Subsection (2)(a) does not apply if the person has a sufficient number of herders  
1349 with warning lights on continual duty to open the road to permit the passage of vehicles.

1350 (3) A violation of Subsection (1) or (2) is an infraction.

1351 [~~3~~] (4) In any civil action brought for damages caused by collision with any domestic  
1352 animal or livestock on a highway, there is no presumption that the collision was due to  
1353 negligence on behalf of the owner or the person in possession of the domestic animal or  
1354 livestock.

1355 Section 41. Section **41-6a-518** is amended to read:

1356 **41-6a-518. Ignition interlock devices -- Use -- Probationer to pay cost --**

1357 **Impecuniosity -- Fee.**

1358 (1) As used in this section:

1359 (a) "Commissioner" means the commissioner of the Department of Public Safety.

1360 (b) "Ignition interlock system" or "system" means a constant monitoring device or any  
1361 similar device certified by the commissioner that prevents a motor vehicle from being started  
1362 or continuously operated without first determining the driver's breath alcohol concentration.

1363 (c) "Probation provider" means the supervisor and monitor of the ignition interlock  
1364 system required as a condition of probation who contracts with the court in accordance with  
1365 Subsections [41-6a-507\(2\)](#) and (3).

1366 (2) (a) In addition to any other penalties imposed under Sections [41-6a-503](#) and  
1367 [41-6a-505](#), and in addition to any requirements imposed as a condition of probation, the court  
1368 may require that any person who is convicted of violating Section [41-6a-502](#) and who is

1369 granted probation may not operate a motor vehicle during the period of probation unless that  
1370 motor vehicle is equipped with a functioning, certified ignition interlock system installed and  
1371 calibrated so that the motor vehicle will not start or continuously operate if the operator's blood  
1372 alcohol concentration exceeds a level ordered by the court.

1373 (b) If a person convicted of violating Section 41-6a-502 was under the age of 21 when  
1374 the violation occurred, the court shall order the installation of the ignition interlock system as a  
1375 condition of probation.

1376 (c) The division shall post the ignition interlock restriction on the electronic record  
1377 available to law enforcement.

1378 (d) This section does not apply to a person convicted of a violation of Section  
1379 41-6a-502 whose violation involves drugs other than alcohol.

1380 (3) If the court imposes the use of an ignition interlock system as a condition of  
1381 probation, the court shall:

1382 (a) stipulate on the record the requirement for and the period of the use of an ignition  
1383 interlock system;

1384 (b) order that an ignition interlock system be installed on each motor vehicle owned or  
1385 operated by the probationer, at the probationer's expense;

1386 (c) immediately notify the Driver License Division and the person's probation provider  
1387 of the order; and

1388 (d) require the probationer to provide proof of compliance with the court's order to the  
1389 probation provider within 30 days of the order.

1390 (4) (a) The probationer shall provide timely proof of installation within 30 days of an  
1391 order imposing the use of a system or show cause why the order was not complied with to the  
1392 court or to the probationer's probation provider.

1393 (b) The probation provider shall notify the court of failure to comply under Subsection  
1394 (4)(a).

1395 (c) For failure to comply under Subsection (4)(a) or upon receiving the notification  
1396 under Subsection (4)(b), the court shall order the Driver License Division to suspend the

1397 probationer's driving privileges for the remaining period during which the compliance was  
1398 imposed.

1399 (d) Cause for failure to comply means any reason the court finds sufficiently justifiable  
1400 to excuse the probationer's failure to comply with the court's order.

1401 (5) (a) Any probationer required to install an ignition interlock system shall have the  
1402 system monitored by the manufacturer or dealer of the system for proper use and accuracy at  
1403 least semiannually and more frequently as the court may order.

1404 (b) (i) A report of the monitoring shall be issued by the manufacturer or dealer to the  
1405 court or the person's probation provider.

1406 (ii) The report shall be issued within 14 days following each monitoring.

1407 (6) (a) If an ignition interlock system is ordered installed, the probationer shall pay the  
1408 reasonable costs of leasing or buying and installing and maintaining the system.

1409 (b) A probationer may not be excluded from this section for inability to pay the costs,  
1410 unless:

1411 (i) the probationer files an affidavit of impecuniosity; and

1412 (ii) the court enters a finding that the probationer is impecunious.

1413 (c) In lieu of waiver of the entire amount of the cost, the court may direct the  
1414 probationer to make partial or installment payments of costs when appropriate.

1415 (d) The ignition interlock provider shall cover the costs of waivers by the court under  
1416 this Subsection (6).

1417 (7) (a) If a probationer is required in the course and scope of employment to operate a  
1418 motor vehicle owned by the probationer's employer, the probationer may operate that motor  
1419 vehicle without installation of an ignition interlock system only if:

1420 (i) the motor vehicle is used in the course and scope of employment;

1421 (ii) the employer has been notified that the employee is restricted; and

1422 (iii) the employee has proof of the notification in the employee's possession while  
1423 operating the employer's motor vehicle.

1424 (b) (i) To the extent that an employer-owned motor vehicle is made available to a

1425 probationer subject to this section for personal use, no exemption under this section shall apply.

1426 (ii) A probationer intending to operate an employer-owned motor vehicle for personal  
1427 use and who is restricted to the operation of a motor vehicle equipped with an ignition interlock  
1428 system shall notify the employer and obtain consent in writing from the employer to install a  
1429 system in the employer-owned motor vehicle.

1430 (c) A motor vehicle owned by a business entity that is all or partly owned or controlled  
1431 by a probationer subject to this section is not a motor vehicle owned by the employer and does  
1432 not qualify for an exemption under this Subsection (7).

1433 (8) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1434 the commissioner shall make rules setting standards for the certification of ignition interlock  
1435 systems.

1436 (b) The standards under Subsection (8)(a) shall require that the system:

1437 (i) not impede the safe operation of the motor vehicle;

1438 (ii) have features that make circumventing difficult and that do not interfere with the  
1439 normal use of the motor vehicle;

1440 (iii) require a deep lung breath sample as a measure of breath alcohol concentration;

1441 (iv) prevent the motor vehicle from being started if the driver's breath alcohol  
1442 concentration exceeds a specified level;

1443 (v) work accurately and reliably in an unsupervised environment;

1444 (vi) resist tampering and give evidence if tampering is attempted;

1445 (vii) operate reliably over the range of motor vehicle environments; and

1446 (viii) be manufactured by a party who will provide liability insurance.

1447 (c) The commissioner may adopt in whole or in part, the guidelines, rules, studies, or  
1448 independent laboratory tests relied upon in certification of ignition interlock systems by other  
1449 states.

1450 (d) A list of certified systems shall be published by the commissioner and the cost of  
1451 certification shall be borne by the manufacturers or dealers of ignition interlock systems  
1452 seeking to sell, offer for sale, or lease the systems.

1453 (e) (i) In accordance with Section 63J-1-504, the commissioner may establish an  
1454 annual dollar assessment against the manufacturers of ignition interlock systems distributed in  
1455 the state for the costs incurred in certifying.

1456 (ii) The assessment under Subsection (8)(e)(i) shall be apportioned among the  
1457 manufacturers on a fair and reasonable basis.

1458 (f) The commissioner shall require a provider of an ignition interlock system certified  
1459 in accordance with this section to comply with the requirements of Title 53, Chapter 3, Part 10,  
1460 Ignition Interlock System Program Act.

1461 (9) A violation of this section is a class C misdemeanor.

1462 [~~9~~] (10) There shall be no liability on the part of, and no cause of action of any nature  
1463 shall arise against, the state or its employees in connection with the installation, use, operation,  
1464 maintenance, or supervision of an interlock ignition system as required under this section.

1465 Section 42. Section 41-6a-526 is amended to read:

1466 **41-6a-526. Drinking alcoholic beverage and open containers in motor vehicle**  
1467 **prohibited -- Definitions -- Exceptions.**

1468 (1) As used in this section:

1469 (a) "Alcoholic beverage" has the same meaning as defined in Section 32B-1-102.

1470 (b) "Chartered bus" has the same meaning as defined in Section 32B-1-102.

1471 (c) "Limousine" has the same meaning as defined in Section 32B-1-102.

1472 (d) (i) "Passenger compartment" means the area of the vehicle normally occupied by  
1473 the operator and passengers.

1474 (ii) "Passenger compartment" includes areas accessible to the operator and passengers  
1475 while traveling, including a utility or glove compartment.

1476 (iii) "Passenger compartment" does not include a separate front or rear trunk  
1477 compartment or other area of the vehicle not accessible to the operator or passengers while  
1478 inside the vehicle.

1479 (e) "Waters of the state" has the same meaning as defined in Section 73-18-2.

1480 (2) A person may not drink any alcoholic beverage while operating a motor vehicle or

1481 while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any  
1482 highway or waters of the state.

1483 (3) A person may not keep, carry, possess, transport, or allow another to keep, carry,  
1484 possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on  
1485 any highway or waters of the state, any container which contains any alcoholic beverage if the  
1486 container has been opened, its seal broken, or the contents of the container partially consumed.

1487 (4) Subsections (2) and (3) do not apply to a passenger:

1488 (a) in the living quarters of a motor home or camper;

1489 (b) who has carried an alcoholic beverage onto a limousine or chartered bus that is in  
1490 compliance with Subsections 32B-4-415(4)(b) and (c); or

1491 (c) in a motorboat on the waters of the state.

1492 (5) Subsection (3) does not apply to passengers traveling in any licensed taxicab or bus.

1493 (6) A violation of Subsection (2) or (3) is a class C misdemeanor.

1494 Section 43. Section 41-6a-601 is amended to read:

1495 **41-6a-601. Speed regulations -- Safe and appropriate speeds at certain locations**  
1496 **-- Prima facie speed limits -- Emergency power of the governor.**

1497 (1) A person may not operate a vehicle at a speed greater than is reasonable and  
1498 prudent under the existing conditions, giving regard to the actual and potential hazards then  
1499 existing, including when:

1500 (a) approaching and crossing an intersection or railroad grade crossing;

1501 (b) approaching and going around a curve;

1502 (c) approaching a hill crest;

1503 (d) traveling upon any narrow or winding roadway; and

1504 (e) approaching other hazards that exist due to pedestrians, other traffic, weather, or  
1505 highway conditions.

1506 (2) Subject to Subsections (1) and (4) and Sections 41-6a-602 and 41-6a-603, the  
1507 following speeds are lawful:

1508 (a) 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303;

1509 (b) 25 miles per hour in any urban district; and

1510 (c) 55 miles per hour in other locations.

1511 (3) Except as provided in Section 41-6a-604, any speed in excess of the limits provided  
1512 in this section or established under Sections 41-6a-602 and 41-6a-603 is prima facie evidence  
1513 that the speed is not reasonable or prudent and that it is unlawful.

1514 (4) A violation of Subsection (1) is a class C misdemeanor.

1515 [~~4~~] (5) The governor by proclamation in time of war or emergency may change the  
1516 speed limits on the highways of the state.

1517 Section 44. Section 41-6a-605 is amended to read:

1518 **41-6a-605. Minimum speed regulations.**

1519 (1) A person may not operate a motor vehicle at a speed so slow as to impede or block  
1520 the normal and reasonable movement of traffic except when:

1521 (a) a reduced speed is necessary for safe operation;

1522 (b) upon a grade; or

1523 (c) in compliance with a traffic-control device.

1524 (2) Operating a motor vehicle on a limited access highway at less than the speed limit  
1525 side by side with and at the same speed as a vehicle operated in the adjacent right lane is  
1526 evidence of a violation of Subsection (1).

1527 (3) (a) If, based on an engineering and traffic investigation, a highway authority  
1528 determines that slow speeds on any part of a highway under its jurisdiction consistently impede  
1529 the normal and reasonable movement of traffic, the highway authority may post a minimum  
1530 speed limit.

1531 (b) If a minimum speed limit is posted under this Subsection (3), a person may not  
1532 operate a vehicle at a speed below the posted minimum speed limit except:

1533 (i) when necessary for safe operation; or

1534 (ii) in accordance with Section 41-6a-205.

1535 (c) The minimum speed limit is effective when appropriate signs giving notice are  
1536 erected along the highway or section of the highway.

1537 (4) A violation of this section is an infraction.

1538 Section 45. Section **41-6a-702** is amended to read:

1539 **41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --**

1540 **Penalties.**

1541 (1) As used in this section and Section **41-6a-704**, "general purpose lane" means a  
1542 highway lane open to vehicular traffic but does not include a designated:

1543 (a) high occupancy vehicle (HOV) lane; or

1544 (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway  
1545 off-ramp.

1546 (2) On a freeway or section of a freeway which has three or more general purpose lanes  
1547 in the same direction, a person may not operate a vehicle in the left most general purpose lane  
1548 if the person's:

1549 (a) vehicle is drawing a trailer or semitrailer regardless of size; or

1550 (b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more  
1551 pounds.

1552 (3) Subsection (2) does not apply to a person operating a vehicle who is:

1553 (a) preparing to turn left or taking a different highway split or an exit on the left;

1554 (b) responding to emergency conditions;

1555 (c) avoiding actual or potential traffic moving onto the highway from an acceleration or  
1556 merging lane; or

1557 (d) following direction signs that direct use of a designated lane.

1558 (4) (a) A highway authority may designate a specific lane or lanes of travel for any type  
1559 of vehicle on a highway or portion of a highway under its jurisdiction for the:

1560 (i) safety of the public;

1561 (ii) efficient maintenance of a highway; or

1562 (iii) use of high occupancy vehicles.

1563 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs  
1564 giving notice are erected on the highway or portion of the highway.



1565 (c) If a highway authority establishes an HOV lane, the highway authority shall  
1566 annually report to the Transportation Interim Committee no later than November 30 of each  
1567 year regarding:

- 1568 (i) the types of vehicles that may access the lane;
- 1569 (ii) where, when, and how a vehicle may access the lane;
- 1570 (iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of  
1571 persons specified for the lane;
- 1572 (iv) the usage of the HOV lane as compared to the usage of the general purpose lanes  
1573 along the same stretch of highway; and
- 1574 (v) the compliance issues, safety risks, and impacts of the lane parameters described  
1575 under Subsections (4)(c)(i), (ii), and (iii).

1576 (5) (a) Subject to Subsection (5)(b) and beginning on July 1, 2011, the lane designation  
1577 under Subsection (4)(a)(iii) shall allow a vehicle with a clean fuel vehicle decal issued in  
1578 accordance with Section 72-6-121 to travel in lanes designated for the use of high occupancy  
1579 vehicles regardless of the number of occupants as permitted by federal law or federal  
1580 regulation.

1581 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1582 the Department of Transportation may make rules to allow a vehicle with a clean fuel vehicle  
1583 decal to travel in lanes designated for the use of high occupancy vehicles regardless of the  
1584 number of occupants as permitted by federal law or federal regulation.

1585 (ii) Except as provided in Subsection (5)(b)(iii), the Department of Transportation may  
1586 not issue more than 6,000 clean fuel vehicle decals under Section 72-6-121.

1587 (iii) The Department of Transportation may, through rules made under Subsection  
1588 (5)(b)(i), increase the number of clean fuel vehicle decals issued in accordance with Section  
1589 72-6-121 beyond the minimum described in Subsection (5)(b)(ii) if the increased issuance will  
1590 allow the Department of Transportation to continue to meet its goals for operational  
1591 management of the lane designated under Subsection (4)(a)(iii).

1592 (6) A person who operates a vehicle in violation of Subsection (2) or in violation of the

1593 restrictions made under Subsection (4) is guilty of [~~a class C misdemeanor~~] an infraction.

1594 Section 46. Section **41-6a-703** is amended to read:

1595 **41-6a-703. Passing vehicles proceeding in opposite directions.**

1596 (1) In accordance with Section **41-6a-701**, a person operating a vehicle proceeding in  
1597 an opposite direction from another vehicle shall pass the other vehicle to the right.

1598 (2) On a roadway having width for not more than one line of traffic in each direction,  
1599 the operator of a vehicle shall, as nearly as possible, give to the other at least 1/2 of the main  
1600 traveled portion of the roadway.

1601 (3) A violation of this section is an infraction.

1602 Section 47. Section **41-6a-704** is amended to read:

1603 **41-6a-704. Overtaking and passing vehicles proceeding in same direction.**

1604 (1) (a) On any highway:

1605 (i) the operator of a vehicle overtaking another vehicle proceeding in the same  
1606 direction shall:

1607 (A) except as provided under Section **41-6a-705**, promptly pass the overtaken vehicle  
1608 on the left at a safe distance; and

1609 (B) enter a right-hand lane or the right side of the roadway only when safely clear of the  
1610 overtaken vehicle;

1611 (ii) the operator of an overtaken vehicle:

1612 (A) shall give way to the right in favor of the overtaking vehicle; and

1613 (B) may not increase the speed of the vehicle until completely passed by the overtaking  
1614 vehicle.

1615 (b) The exemption from the minimum speed regulations for a vehicle operating on a  
1616 grade under Section **41-6a-605** does not exempt the vehicle from promptly passing a vehicle as  
1617 required under Subsection (1)(a)(i)(A).

1618 (2) On a highway having more than one lane in the same direction, the operator of a  
1619 vehicle traveling in the left general purpose lane:

1620 (a) shall, upon being overtaken by another vehicle in the same lane, yield to the

1621 overtaking vehicle by moving safely to a lane to the right; and

1622 (b) may not impede the movement or free flow of traffic in the left general purpose  
1623 lane.

1624 (3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle  
1625 following directly behind the operator's vehicle at a distance so that less than two seconds  
1626 elapse before reaching the location of the operator's vehicle when space is available for the  
1627 operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie  
1628 evidence that the operator is violating Subsection (2).

1629 (4) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling  
1630 in the left general purpose lane when:

1631 (a) overtaking and passing another vehicle proceeding in the same direction in  
1632 accordance with Subsection (1)(a)(i);

1633 (b) preparing to turn left or taking a different highway or an exit on the left;

1634 (c) responding to emergency conditions;

1635 (d) avoiding actual or potential traffic moving onto the highway from an acceleration  
1636 or merging lane; or

1637 (e) following the direction of a traffic-control device that directs the use of a designated  
1638 lane.

1639 (5) A violation of Subsection (1) or (2) is an infraction.

1640 Section 48. Section **41-6a-705** is amended to read:

1641 **41-6a-705. Passing upon right -- When permissible.**

1642 (1) The operator of a vehicle may overtake and pass on the right of another vehicle  
1643 only:

1644 (a) when the vehicle overtaken is making or preparing to make a left turn; or

1645 (b) on a roadway with unobstructed pavement of sufficient width for two or more lines  
1646 of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

1647 (2) The operator of a vehicle may overtake and pass another vehicle on the right only  
1648 under conditions permitting the movement with safety.

1649 (3) Except for a person operating a bicycle, the operator of a vehicle may not overtake  
1650 and pass another vehicle if the movement is made by driving off the roadway.

1651 (4) A violation of this section is an infraction.

1652 Section 49. Section **41-6a-706** is amended to read:

1653 **41-6a-706. Limitation on passing -- Prohibitions.**

1654 (1) Subject to the provisions of Section **41-6a-707**, on a two-way highway, a person  
1655 may not operate a vehicle to the left side of the center of the roadway to pass another vehicle  
1656 proceeding in the same direction unless the left side is:

1657 (a) clearly visible; and

1658 (b) free of oncoming traffic for a sufficient distance to permit the passing movement to  
1659 be completed without interfering with the operation of any vehicle approaching from the  
1660 opposite direction in accordance with Subsection (2).

1661 (2) The person operating the overtaking vehicle shall return the vehicle to an  
1662 authorized lane of travel:

1663 (a) as soon as practical; and

1664 (b) if the passing movement involves the use of a lane authorized for vehicles  
1665 approaching in the opposite direction, before coming within 200 feet of any vehicle  
1666 approaching from the opposite direction.

1667 (3) A violation of this section is an infraction.

1668 Section 50. Section **41-6a-706.5** is amended to read:

1669 **41-6a-706.5. Definitions -- Operation of motor vehicle near a vulnerable user of a**  
1670 **highway prohibited -- Endangering a vulnerable user of a highway prohibited.**

1671 (1) As used in this section, "vulnerable user of a highway" means:

1672 (a) a pedestrian, including a person engaged in work upon a highway or upon utilities  
1673 facilities along a highway or providing emergency services within the right-of-way of a  
1674 highway;

1675 (b) a person riding an animal; or

1676 (c) a person operating any of the following on a highway:

- 1677 (i) a farm tractor or implement of husbandry, without an enclosed shell;
  - 1678 (ii) a skateboard;
  - 1679 (iii) roller skates;
  - 1680 (iv) in-line skates;
  - 1681 (v) a bicycle;
  - 1682 (vi) an electric-assisted bicycle;
  - 1683 (vii) an electric personal assistive mobility device;
  - 1684 (viii) a moped;
  - 1685 (ix) a motor-driven cycle;
  - 1686 (x) a motorized scooter;
  - 1687 (xi) a motorcycle; or
  - 1688 (xii) a manual wheelchair.
- 1689 (2) An operator of a motor vehicle may not knowingly, intentionally, or recklessly:
- 1690 (a) operate a motor vehicle within three feet of a vulnerable user of a highway;
  - 1691 (b) distract or attempt to distract a vulnerable user of a highway for the purpose of
  - 1692 causing violence or injury to the vulnerable user of a highway; or
  - 1693 (c) force or attempt to force a vulnerable user of a highway off of the roadway for a
  - 1694 purpose unrelated to public safety.
- 1695 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is [~~a class~~
- 1696 ~~C misdemeanor~~] an infraction.
- 1697 (b) A violation of Subsection (2) that results in bodily injury to the vulnerable user of a
- 1698 highway is a class [~~B~~] C misdemeanor.
- 1699 Section 51. Section **41-6a-707** is amended to read:
- 1700 **41-6a-707. Limitations on driving on left side of road -- Exceptions.**
- 1701 (1) A person may not operate a vehicle on the left side of the roadway:
- 1702 (a) when approaching or on a crest of a grade or a curve on the highway where the
  - 1703 person's view is obstructed within a distance which creates a hazard if another vehicle
  - 1704 approached from the opposite direction;

1705 (b) when approaching within 100 feet of or traversing any intersection or railroad grade  
1706 crossing unless otherwise indicated by a traffic-control device or a peace officer; or

1707 (c) when the view is obstructed while approaching within 100 feet of any bridge,  
1708 viaduct, or tunnel.

1709 (2) Subsection (1) does not apply:

1710 (a) on a one-way roadway;

1711 (b) under the conditions described in Subsection 41-6a-701(1)(b); or

1712 (c) to a person operating a vehicle turning left onto or from an alley, private road, or  
1713 driveway.

1714 (3) A violation of Subsection (1) is an infraction.

1715 Section 52. Section 41-6a-708 is amended to read:

1716 **41-6a-708. Signs and markings on roadway -- No-passing zones -- Exceptions.**

1717 (1) (a) A highway authority may designate no-passing zones on any portion of a  
1718 highway under its jurisdiction if the highway authority determines passing is especially  
1719 hazardous.

1720 (b) A highway authority shall designate a no-passing zone under Subsection (1)(a) by  
1721 placing appropriate traffic-control devices on the highway.

1722 (2) A person operating a vehicle may not drive on the left side of:

1723 (a) the roadway within the no-passing zone; or

1724 (b) any pavement striping designed to mark the no-passing zone.

1725 (3) Subsection (2) does not apply:

1726 (a) under the conditions described under Subsections 41-6a-701(1)(b) and (c); or

1727 (b) to a person operating a vehicle turning left onto or from an alley, private road, or  
1728 driveway.

1729 (3) A violation of Subsection (2) is an infraction.

1730 Section 53. Section 41-6a-709 is amended to read:

1731 **41-6a-709. One-way traffic.**

1732 (1) A highway authority may designate any highway, roadway, part of a roadway, or

1733 specific lanes under the highway authority's jurisdiction for one direction of vehicle travel at all  
1734 times as indicated by traffic-control devices.

1735 (2) On a roadway designated for one-way traffic, a person operating a vehicle shall  
1736 operate the vehicle in the direction indicated by traffic-control devices.

1737 (3) A person operating a vehicle in a roundabout shall operate the vehicle only to the  
1738 right of the roundabout island.

1739 (4) A violation of Subsection (2) or (3) is an infraction.

1740 Section 54. Section **41-6a-710** is amended to read:

1741 **41-6a-710. Roadway divided into marked lanes -- Provisions -- Traffic-control**  
1742 **devices.**

1743 On a roadway divided into two or more clearly marked lanes for traffic the following  
1744 provisions apply and any violation of this section is an infraction:

1745 (1) (a) A person operating a vehicle:

1746 (i) shall keep the vehicle as nearly as practical entirely within a single lane; and

1747 (ii) may not move the vehicle from the lane until the operator has reasonably  
1748 determined the movement can be made safely.

1749 (b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person  
1750 acting under the same conditions and having regard for actual and potential hazards then  
1751 existing would determine that the movement could be made safely.

1752 (2) (a) On a roadway divided into three or more lanes and providing for two-way  
1753 movement of traffic, a person operating a vehicle may not drive in the center lane except:

1754 (i) when overtaking and passing another vehicle traveling in the same direction, and  
1755 when the center lane is:

1756 (A) clear of traffic within a safe distance; and

1757 (B) not a two-way left turn lane;

1758 (ii) in preparation of making or completing a left turn in compliance with Section  
1759 **41-6a-801**; or

1760 (iii) where the center lane is allocated exclusively to traffic moving in the same

1761 direction that the vehicle is proceeding as indicated by traffic-control devices.

1762 (b) Notwithstanding Subsection (2)(a)(i) and in accordance with Subsection (1)(a), a  
1763 person operating a vehicle may drive in a center lane that is a two-way left turn lane if:

1764 (i) the center lane is:

1765 (A) on a roadway divided into three or more lanes that provides for two-way  
1766 movement of traffic; and

1767 (B) clear of traffic within a safe distance;

1768 (ii) there is only one lane of travel in the direction the person operating the vehicle is  
1769 traveling; and

1770 (iii) the person operating the vehicle is overtaking and passing a bicycle or moped that  
1771 is moving at less than the reasonable speed of traffic that is present.

1772 (3) (a) A highway authority may erect traffic-control devices directing specified traffic  
1773 to use a designated lane or designating those lanes to be used by traffic moving in a particular  
1774 direction regardless of the center of the roadway.

1775 (b) An operator of a vehicle shall obey the directions of a traffic-control device erected  
1776 under Subsection (3)(a).

1777 Section 55. Section **41-6a-711** is amended to read:

1778 **41-6a-711. Following another vehicle -- Safe distance -- Exceptions.**

1779 (1) The operator of a vehicle:

1780 (a) may not follow another vehicle more closely than is reasonable and prudent, having  
1781 regard for the:

1782 (i) speed of the vehicles;

1783 (ii) traffic upon the highway; and

1784 (iii) condition of the highway; and

1785 (b) shall follow at a distance so that at least two seconds elapse before reaching the  
1786 location of the vehicle directly in front of the operator's vehicle.

1787 (2) Subsection (1)(b) does not apply to funeral processions or to congested traffic  
1788 conditions resulting in prevailing vehicle speeds of less than 35 miles per hour.



1789 (3) A violation of Subsection (1) is an infraction.

1790 Section 56. Section **41-6a-712** is amended to read:

1791 **41-6a-712. Divided highway -- Use of right-hand side -- Crossing only where**  
1792 **permitted.**

1793 (1) A person operating a vehicle on a divided highway shall use the right-hand roadway  
1794 unless directed or permitted to use another roadway by a traffic-control device or a peace  
1795 officer.

1796 (2) A person operating a vehicle may not operate the vehicle over, across, or within any  
1797 dividing space, median, or barrier of a divided highway, except when:

1798 (a) authorized by a traffic-control device or a peace officer; or

1799 (b) operating a tow truck in response to a customer service call and the tow truck motor  
1800 carrier has already received authorization from the local law enforcement agency in the  
1801 jurisdiction where the vehicle to be towed is located.

1802 (3) A violation of this section is an infraction.

1803 Section 57. Section **41-6a-713** is amended to read:

1804 **41-6a-713. Driving over gore area or island prohibited -- Exceptions -- Penalties.**

1805 (1) (a) A person may not operate a vehicle over, across, or within any part of a gore  
1806 area or an island.

1807 (b) Subsection (1)(a) does not apply to:

1808 (i) a person operating a vehicle that is disabled; or

1809 (ii) an operator of an authorized emergency vehicle under conditions described under  
1810 Section [41-6a-208](#).

1811 (2) A person who violates Subsection (1) is guilty of [~~class C misdemeanor~~] an  
1812 infraction.

1813 Section 58. Section **41-6a-714** is amended to read:

1814 **41-6a-714. Freeway and controlled-access highways -- Driving onto and from**  
1815 **highways where permitted.**

1816 (1) A person may not operate a vehicle onto or from any freeway or other

1817 controlled-access highway except at entrances and exits established by the highway authority  
1818 having jurisdiction over the highway.

1819 (2) A violation of Subsection (1) is an infraction.

1820 Section 59. Section **41-6a-716** is amended to read:

1821 **41-6a-716. Driving on tollway without paying toll prohibited.**

1822 (1) As used in this section, "tollway" has the same meaning as defined in Section  
1823 72-6-118.

1824 (2) The operator of a vehicle traveling on a tollway shall pay the toll imposed by the  
1825 department or other entity for that tollway under Section 72-6-118.

1826 (3) A person who violates Subsection (2) is guilty of [~~a class C misdemeanor~~] an  
1827 infraction.

1828 Section 60. Section **41-6a-717** is amended to read:

1829 **41-6a-717. Use of runaway vehicle ramps.**

1830 (1) A person may not use a runaway vehicle ramp unless the person is in an emergency  
1831 situation requiring the use of the ramp to stop the person's vehicle.

1832 (2) A person may not stop, stand, or park a vehicle on a runaway vehicle ramp or in the  
1833 pathway of the runaway vehicle ramp.

1834 (3) A violation of this section is an infraction.

1835 Section 61. Section **41-6a-801** is amended to read:

1836 **41-6a-801. Turning -- Manner -- Traffic-control devices.**

1837 The operator of a vehicle shall make turns as follows, and a violation of this section is  
1838 an infraction:

1839 (1) Right turns: both a right turn and an approach for a right turn shall be made as close  
1840 as practical to the right-hand curb or edge of the roadway.

1841 (2) Left turns:

1842 (a) the operator of a vehicle intending to turn left shall approach the turn from the  
1843 extreme left-hand lane for traffic moving in the same direction;

1844 (b) whenever practicable, shall be made by turning onto the roadway being entered in

1845 the extreme left-hand lane for traffic moving in the new direction, unless otherwise directed by  
1846 a traffic-control device; and

1847 (c) may be made on a highway across solid double yellow line pavement markings  
1848 indicating a two-direction, no-passing zone.

1849 (3) Two-way left turn lanes:

1850 (a) where a two-way left turn lane is provided, a left turn may not be made from any  
1851 other lane;

1852 (b) a vehicle may not be driven in the two-way left turn lane except when preparing for  
1853 or making:

1854 (i) a left turn from or into the roadway; or

1855 (ii) a U-turn except when prohibited by a traffic-control device;

1856 (c) (i) except as provided under Subsection (3)(c)(ii), the operator of a vehicle  
1857 intending to turn left may not enter a two-way left turn lane more than 500 feet prior to making  
1858 the turn;

1859 (ii) if traffic in the two-way left turn lane extends beyond 500 feet, the operator of a  
1860 vehicle intending to turn left may enter the two-way left turn lane immediately upon reaching  
1861 the last vehicle in the two-way left turn lane;

1862 (d) the operator of a vehicle that has turned left into the two-way left turn lane may not  
1863 travel in the lane more than 500 feet unless the operator intends to turn left and Subsection  
1864 (3)(c)(ii) applies; and

1865 (e) the operator of a vehicle may not travel straight through an intersection in a  
1866 two-way left turn lane.

1867 (4) (a) A highway authority in its jurisdiction may provide exceptions to the provisions  
1868 of this section by erecting traffic-control devices directing a different course to be traveled by  
1869 turning vehicles.

1870 (b) The operator of a vehicle may not turn a vehicle in violation of a traffic-control  
1871 device erected under Subsection (4)(a).

1872 Section 62. Section **41-6a-802** is amended to read:

1873 **41-6a-802. Turning around -- Where prohibited -- Visibility.**

1874 (1) As used in this section, "railroad grade crossing" means the area between the  
1875 passive or active warning signs where a railroad track and roadway intersect.

1876 (2) The operator of a vehicle may not make a U-turn or turn the vehicle to proceed in  
1877 the opposite direction:

1878 (a) unless the movement can be made safely and without interfering with other traffic;

1879 (b) on any curve, or upon the approach to, or near the crest of a grade, if the vehicle is  
1880 not visible at a distance of 500 feet by the operator of any other vehicle approaching from  
1881 either direction; and

1882 (c) on a railroad track or railroad grade crossing.

1883 (3) A violation of Subsection (2) is an infraction.

1884 Section 63. Section **41-6a-803** is amended to read:

1885 **41-6a-803. Moving a vehicle -- Safety.**

1886 (1) A person may not move a vehicle which is stopped, standing, or parked until the  
1887 movement may be made with reasonable safety.

1888 (2) A violation of this section is an infraction.

1889 Section 64. Section **41-6a-804** is amended to read:

1890 **41-6a-804. Turning or changing lanes -- Safety -- Signals -- Stopping or sudden**  
1891 **decrease in speed -- Signal flashing -- Where prohibited.**

1892 (1) (a) A person may not turn a vehicle or move right or left on a roadway or change  
1893 lanes until:

1894 (i) the movement can be made with reasonable safety; and

1895 (ii) an appropriate signal has been given as provided under this section.

1896 (b) A signal of intention to turn right or left or to change lanes shall be given  
1897 continuously for at least the last two seconds preceding the beginning of the movement.

1898 (2) A person may not stop or suddenly decrease the speed of a vehicle without first  
1899 giving an appropriate signal to the operator of any vehicle immediately to the rear when there is  
1900 opportunity to give a signal.

1901 (3) (a) A stop or turn signal when required shall be given either by the hand and arm or  
1902 by signal lamps.

1903 (b) If hand and arm signals are used, a person operating a vehicle shall give the  
1904 required hand and arm signals from the left side of the vehicle as follows:

1905 (i) left turn: hand and arm extended horizontally;

1906 (ii) right turn: hand and arm extended upward; and

1907 (iii) stop or decrease speed: hand and arm extended downward.

1908 (c) (i) A person operating a bicycle or device propelled by human power may give the  
1909 required hand and arm signals for a right turn by extending the right hand and arm horizontally  
1910 to the right.

1911 (ii) This Subsection (3)(c) is an exception to the provision of Subsection (3)(b)(ii).

1912 (4) A person required to make a signal under this section may not flash a signal:

1913 (a) on one side only on a disabled vehicle;

1914 (b) as a courtesy or "do pass" to operators of other vehicles approaching from the rear;

1915 or

1916 (c) on one side only of a parked vehicle.

1917 (5) A violation of this section is an infraction.

1918 Section 65. Section **41-6a-901** is amended to read:

1919 **41-6a-901. Right-of-way between vehicles -- Unregulated intersection.**

1920 (1) The operator of a vehicle approaching an intersection not regulated by a  
1921 traffic-control device shall yield the right-of-way to any vehicle that has entered the  
1922 intersection from a different highway.

1923 (2) Except as specified in Subsection (3) and unless otherwise directed by a peace  
1924 officer, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the  
1925 right when:

1926 (a) more than one vehicle enters or approaches an intersection from different highways  
1927 at approximately the same time; and

1928 (b) the intersection:

1929 (i) is not regulated by a traffic-control device;

1930 (ii) is not regulated because the traffic-control signal is inoperative; or

1931 (iii) is regulated from all directions by stop signs.

1932 (3) The operator of a vehicle approaching an intersection not regulated by a  
1933 traffic-control device:

1934 (a) from a highway that does not continue beyond the intersection, shall yield the  
1935 right-of-way to the operator of any vehicle on the intersecting highway; and

1936 (b) from a highway that is not paved, shall yield the right-of-way to the operator of any  
1937 vehicle on a paved intersecting highway.

1938 (4) A violation of this section is an infraction.

1939 Section 66. Section **41-6a-902** is amended to read:

1940 **41-6a-902. Right-of-way -- Stop or yield signals -- Yield -- Collisions at**  
1941 **intersections or junctions of roadways -- Evidence.**

1942 (1) Preferential right-of-way may be indicated by stop signs or yield signs under  
1943 Section [41-6a-906](#).

1944 (2) (a) Except when directed to proceed by a peace officer, every operator of a vehicle  
1945 approaching a stop sign shall stop:

1946 (i) at a clearly marked stop line;

1947 (ii) before entering the crosswalk on the near side of the intersection if there is not a  
1948 clearly marked stop line; or

1949 (iii) at a point nearest the intersecting roadway where the operator has a view of  
1950 approaching traffic on the intersecting roadway before entering it if there is not a clearly  
1951 marked stop line or a crosswalk.

1952 (b) After having stopped at a stop sign, the operator of a vehicle shall yield the  
1953 right-of-way to any vehicle in the intersection or approaching on another roadway so closely as  
1954 to constitute an immediate hazard.

1955 (c) The operator of a vehicle approaching a stop sign shall yield the right-of-way to  
1956 pedestrians within an adjacent crosswalk.

1957 (3) (a) The operator of a vehicle approaching a yield sign shall:  
 1958 (i) slow down to a speed reasonable for the existing conditions; and  
 1959 (ii) if required for safety, stop as provided under Subsection (2).

1960 (b) (i) After slowing or stopping at a yield sign, the operator of a vehicle shall yield the  
 1961 right-of-way to any vehicle in the intersection or approaching on another roadway so closely as  
 1962 to constitute an immediate hazard during the time the operator is moving across or within the  
 1963 intersection or junction of roadways.

1964 (ii) The operator of a vehicle approaching a yield sign shall yield to pedestrians within  
 1965 an adjacent crosswalk.

1966 (4) (a) A collision is prima facie evidence of an operator's failure to yield the  
 1967 right-of-way after passing a yield sign without stopping if the operator is involved in a  
 1968 collision:

- 1969 (i) with a vehicle in the intersection or junction of roadways; or
- 1970 (ii) with a pedestrian at an adjacent crosswalk.

1971 (b) A collision under Subsection (4)(a) is not considered negligence per se in  
 1972 determining liability for the accident.

1973 (5) A violation of Subsection (2) or (3) is an infraction.

1974 Section 67. Section **41-6a-903** is amended to read:

1975 **41-6a-903. Yield right-of-way -- Vehicle turning left -- Entering or crossing**  
 1976 **highway other than from another roadway -- Merging lanes.**

1977 (1) The operator of a vehicle:

1978 [~~(1)~~] (a) intending to turn to the left shall yield the right-of-way to any vehicle  
 1979 approaching from the opposite direction which is so close to the turning vehicle as to constitute  
 1980 an immediate hazard;

1981 [~~(2)~~] (b) about to enter or cross a highway from any place other than another highway  
 1982 shall yield the right-of-way to all vehicles approaching on the highway to be entered or crossed;  
 1983 and

1984 [~~(3)~~] (c) traveling in a lane that is about to merge into a continuing lane, shall yield the

1985 right-of-way to all vehicles traveling in the continuing lane and which are so close as to be an  
1986 immediate hazard.

1987 (2) A violation of Subsection (1) is an infraction.

1988 Section 68. Section **41-6a-904** is amended to read:

1989 **41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary**  
1990 **emergency vehicle -- Duties of respective operators.**

1991 (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon  
1992 the immediate approach of an authorized emergency vehicle using audible or visual signals  
1993 under Section [41-6a-212](#) or [41-6a-1625](#), shall:

1994 (a) yield the right-of-way and immediately move to a position parallel to, and as close  
1995 as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

1996 (b) then stop and remain stopped until the authorized emergency vehicle has passed.

1997 (2) The operator of a vehicle, upon approaching a stationary authorized emergency  
1998 vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

1999 (a) reduce the speed of the vehicle;

2000 (b) provide as much space as practical to the stationary authorized emergency vehicle;  
2001 and

2002 (c) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if  
2003 practical, with due regard to safety and traffic conditions, make a lane change into a lane not  
2004 adjacent to the authorized emergency vehicle.

2005 (3) The operator of a vehicle, upon approaching a stationary tow truck or highway  
2006 maintenance vehicle that is displaying flashing amber lights, shall:

2007 (a) reduce the speed of the vehicle; and

2008 (b) provide as much space as practical to the stationary tow truck or highway  
2009 maintenance vehicle.

2010 (4) This section does not relieve the operator of an authorized emergency vehicle, tow  
2011 truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all  
2012 persons using the highway.



2013 (5) (a) (i) In addition to the penalties prescribed under [~~Section 41-6a-202~~] Subsection  
2014 (7), a person who violates this section shall attend a four hour live classroom defensive driving  
2015 course approved by:

2016 (A) the Driver License Division; or

2017 (B) a court in this state.

2018 (ii) Upon completion of the four hour live classroom course under Subsection (5)(a)(i),  
2019 the person shall provide to the Driver License Division a certificate of attendance of the  
2020 classroom course.

2021 (b) The Driver License Division shall suspend a person's driver license for a period of  
2022 90 days if the person:

2023 (i) violates a provision of Subsections (1) through (3); and

2024 (ii) fails to meet the requirements of Subsection (5)(a)(i) within 90 days of sentencing  
2025 for or pleading guilty to a violation of this section.

2026 (c) Notwithstanding the provisions of Subsection (5)(b), the Driver License Division  
2027 shall shorten the 90-day suspension period imposed under Subsection (5)(b) effective  
2028 immediately upon receiving a certificate of attendance of the four hour live classroom course  
2029 required under Subsection (5)(a)(i) if the certificate of attendance is received prior to  
2030 completion of the suspension period.

2031 (d) A person whose license is suspended under Subsection (5)(b) is required to pay the  
2032 license reinstatement fees under Subsection ~~53-3-105~~(23), including a person whose  
2033 suspension is shortened as described under Subsection (5)(c).

2034 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2035 Driver License Division shall make rules to implement the provisions of this part.

2036 (7) A violation of Subsection (1), (2), or (3) is a class C misdemeanor.

2037 Section 69. Section ~~41-6a-906~~ is amended to read:

2038 **41-6a-906. Designation of through highways -- Stop signs, yield signs, and**  
2039 **traffic-control devices -- Designation of intersections as locations for preferential**  
2040 **right-of-way treatment.**

2041           (1) A highway authority, with reference to highways under its jurisdiction, may erect  
2042 and maintain stop signs, yield signs, or other traffic-control devices to designate:

2043           ~~[(1)]~~ (a) through highways; or

2044           ~~[(2)]~~ (b) intersections or other roadway junctions at which vehicular traffic on one or  
2045 more of the roadways should yield or stop and yield before entering the intersection or  
2046 junction.

2047           (2) A violation of Subsection (1) is an infraction.

2048           Section 70. Section **41-6a-907** is amended to read:

2049           **41-6a-907. Vehicles emerging from alleys, buildings, private roads, or driveways**  
2050 **must stop prior to sidewalk area or street.**

2051           (1) The operator of a vehicle emerging from an alley, building, private road or  
2052 driveway within a business or residence district shall stop:

2053           ~~[(1)]~~ (a) the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk  
2054 area extending across the alley, building, private road, or driveway; or

2055           ~~[(2)]~~ (b) if there is no sidewalk area, at the point nearest the street to be entered where  
2056 the operator has a view of approaching traffic.

2057           (2) A violation of Subsection (1) is an infraction.

2058           Section 71. Section **41-6a-1001** is amended to read:

2059           **41-6a-1001. Pedestrians subject to traffic-control devices -- Other controls.**

2060           (1) A pedestrian shall obey the instructions of a traffic-control device specifically  
2061 applicable to the pedestrian unless otherwise directed by a peace officer.

2062           (2) A pedestrian is subject to traffic and pedestrian-control signals under Sections  
2063 **41-6a-305** and **41-6a-306**.

2064           (3) A violation of this section is an infraction.

2065           Section 72. Section **41-6a-1003** is amended to read:

2066           **41-6a-1003. Pedestrians yielding right-of-way -- Limits on pedestrians.**

2067           (1) A pedestrian crossing a roadway at any point other than within a marked crosswalk  
2068 or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles

2069 on the roadway.

2070 (2) A pedestrian crossing a roadway at a point where there is a pedestrian tunnel or  
2071 overhead pedestrian crossing shall yield the right-of-way to all vehicles on the roadway.

2072 (3) Between adjacent intersections at which traffic-control signals are in operation, a  
2073 pedestrian may not cross at any place except in a marked crosswalk.

2074 (4) (a) A pedestrian may not cross a roadway intersection diagonally unless authorized  
2075 by a traffic-control device.

2076 (b) If a pedestrian is authorized to cross diagonally under Subsection (4)(a), the  
2077 pedestrian shall cross only as directed by the appropriate traffic-control device.

2078 (5) A violation of this section is an infraction.

2079 Section 73. Section **41-6a-1004** is amended to read:

2080 **41-6a-1004. Emergency vehicle -- Necessary signals -- Duties of operator --**  
2081 **Pedestrian to yield.**

2082 (1) A pedestrian shall yield the right-of-way to an authorized emergency vehicle upon  
2083 the immediate approach of an authorized emergency vehicle using audible or visual signals in  
2084 accordance with Section [41-6a-212](#) or [41-6a-1625](#).

2085 (2) This section does not relieve the operator of an authorized emergency vehicle from:

2086 (a) the duty to drive with regard for the safety of all persons using the highway; nor

2087 (b) from the duty to exercise care to avoid colliding with a pedestrian.

2088 (3) A violation of this section is an infraction.

2089 Section 74. Section **41-6a-1005** is amended to read:

2090 **41-6a-1005. Limitation on pedestrians related to railroad grade crossings or**  
2091 **bridges.**

2092 (1) As used in this section, "active railroad grade crossing" means a railroad grade  
2093 crossing when:

2094 (a) the gate or barrier is closed or is being opened or closed;

2095 (b) warning lights are flashing;

2096 (c) audible warning devices are being sounded; or

2097 (d) other traffic control devices signal the approach of a railroad train.

2098 (2) A pedestrian may not pass through, around, over, or under or remain on a crossing  
2099 gate or barrier at an active railroad grade crossing or bridge.

2100 (3) A pedestrian may not enter or remain within the area between a railroad track and a  
2101 railroad sign or signal if the railroad grade crossing is active.

2102 (4) A pedestrian may not occupy or remain on a railroad grade crossing when the  
2103 railroad sign or signal is not active except to cross the railroad crossing on a designated  
2104 walkway.

2105 (5) A pedestrian may not remain in an area between railroad signs or signals, railroad  
2106 gates, or rail crossing arms if the railroad grade crossing is active.

2107 (6) A violation of Subsection (2), (3), (4), or (5) is an infraction.

2108 Section 75. Section **41-6a-1009** is amended to read:

2109 **41-6a-1009. Use of roadway by pedestrians -- Prohibited activities.**

2110 (1) Where there is a sidewalk provided and its use is practicable, a pedestrian may not  
2111 walk along or on an adjacent roadway.

2112 (2) Where a sidewalk is not provided, a pedestrian walking along or on a highway shall  
2113 walk only on the shoulder, as far as practicable from the edge of the roadway.

2114 (3) Where a sidewalk or a shoulder is not available, a pedestrian walking along or on a  
2115 highway shall:

2116 (a) walk as near as practicable to the outside edge of the roadway; and

2117 (b) if on a two-way roadway, walk only on the left side of the roadway facing traffic.

2118 (4) (a) An individual may not engage in conduct that impedes or blocks traffic within  
2119 any of the following:

2120 (i) an interstate system, as defined in Section 72-1-102;

2121 (ii) a freeway, as defined in Section 41-6a-102;

2122 (iii) a state highway, as defined in Title 72, Chapter 4, Designation of State Highways  
2123 Act; or

2124 (iv) a state route, or "SR," as defined in Section 72-1-102.

- 2125 (b) The locations described in Subsection (4)(a) include:
- 2126 (i) shoulder areas, as defined in Section 41-6a-102;
- 2127 (ii) on-ramps;
- 2128 (iii) off-ramps; and
- 2129 (iv) an area between the roadways of a divided highway, as defined in Section
- 2130 41-6a-102.
- 2131 (c) The locations described in Subsection (4)(a) do not include sidewalks, as defined in
- 2132 Section 41-6a-102.
- 2133 (d) Conduct that impedes or blocks traffic may include:
- 2134 (i) loitering;
- 2135 (ii) demonstrating or picketing;
- 2136 (iii) distributing materials;
- 2137 (iv) gathering signatures;
- 2138 (v) holding signs; or
- 2139 (vi) soliciting rides, contributions, or other business.
- 2140 (e) Conduct that impedes or blocks traffic does not include the conduct described in
- 2141 Section 41-6a-209.
- 2142 (f) A county or municipality may adopt a resolution, ordinance, or regulation
- 2143 prohibiting conduct in locations described in Subsections (4)(a) and (b) within any of the
- 2144 roadways under its jurisdiction.
- 2145 (g) (i) The state, a county, or a municipality shall create a permitting process for
- 2146 granting a person an exemption from this Subsection (4).
- 2147 (ii) Upon receipt of a valid permit application, the state, a county, or a municipality
- 2148 shall grant a person a temporary exemption from this Subsection (4) for a specified location or
- 2149 time.
- 2150 (h) Nothing in this section prohibits a temporary spontaneous demonstration.
- 2151 (5) A pedestrian who is under the influence of alcohol or any drug to a degree which
- 2152 renders the pedestrian a hazard may not walk or be on a highway except on a sidewalk or

2153 sidewalk area.

2154 (6) Except as otherwise provided in this chapter, a pedestrian on a roadway shall yield  
2155 the right-of-way to all vehicles on the roadway.

2156 (7) A pedestrian may not walk along or on a no-access freeway facility except during  
2157 an emergency.

2158 (8) (a) As used in this Subsection (8):

2159 (i) "Aggressive manner" means intentionally:

2160 (A) persisting in approaching or following an individual after the individual has  
2161 negatively responded to the solicitation;

2162 (B) engaging in conduct that would cause a reasonable individual to fear imminent  
2163 bodily harm;

2164 (C) engaging in conduct that would intimidate a reasonable individual into giving  
2165 money or goods;

2166 (D) blocking the path of an individual; or

2167 (E) physically contacting an individual or the individual's personal property without  
2168 that individual's consent.

2169 (ii) "Bank" is as defined in Section [13-42-102](#).

2170 (iii) "Sidewalk" is as defined in Section [41-6a-102](#).

2171 (b) An individual may not solicit money or goods from another individual in an  
2172 aggressive manner:

2173 (i) during the business hours of a bank if either the individual soliciting, or the  
2174 individual being solicited, is on the portion of a sidewalk that is within 10 feet of the bank's  
2175 entrance or exit; or

2176 (ii) on the portion of a sidewalk that is within 10 feet of an automated teller machine.

2177 (9) A violation of this section is an infraction.

2178 Section 76. Section **41-6a-1115** is amended to read:

2179 **41-6a-1115. Motor assisted scooters -- Conflicting provisions -- Restrictions --**  
2180 **Penalties.**

2181 (1) (a) Except as otherwise provided in this section, a motor assisted scooter is subject  
2182 to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.

2183 (b) For a person operating a motor assisted scooter, the following provisions do not  
2184 apply:

- 2185 (i) seating positions under Section 41-6a-1501;
- 2186 (ii) required lights, horns, and mirrors under Section 41-6a-1506;
- 2187 (iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and
- 2188 (iv) driver licensing requirements under Section 53-3-202.

2189 (2) A person under 15 years of age may not operate a motor assisted scooter using the  
2190 motor unless the person is under the direct supervision of the person's parent or guardian.

2191 (3) A person under eight years of age may not operate a motor assisted scooter with the  
2192 motor running on any public property, highway, path, or sidewalk.

2193 (4) A person may not operate a motor assisted scooter:

- 2194 (a) in a public parking structure;
- 2195 (b) on public property posted as an area prohibiting skateboards;
- 2196 (c) on a highway consisting of a total of four or more lanes designated for regular  
2197 vehicular traffic;
- 2198 (d) on a highway with a posted speed limit greater than 25 miles per hour;
- 2199 (e) while carrying more persons at one time than the number for which it is designed;

2200 or

2201 (f) that has been structurally or mechanically altered from the original manufacturer's  
2202 design.

2203 (5) Except where posted or prohibited by local ordinance, a motor assisted scooter is  
2204 considered a nonmotorized vehicle if it is being used with the motor turned off.

2205 (6) An owner may not authorize or knowingly permit a person to operate a motor  
2206 assisted scooter in violation of this section.

2207 (7) A person who violates this section is guilty of [~~a class C misdemeanor~~] an  
2208 infraction.

2209 Section 77. Section **41-6a-1116** is amended to read:

2210 **41-6a-1116. Electric personal assistive mobility devices -- Conflicting provisions**  
2211 **-- Restrictions -- Penalties.**

2212 (1) (a) Except as otherwise provided in this section, an electric personal assistive  
2213 mobility device is subject to the provisions under this chapter for a bicycle, moped, or a  
2214 motor-driven cycle.

2215 (b) For a person operating an electric personal assistive mobility device, the following  
2216 provisions do not apply:

2217 (i) seating positions under Section [41-6a-1501](#);

2218 (ii) required lights, horns, and mirrors under Section [41-6a-1506](#);

2219 (iii) entitlement to full use of a lane under Subsection [41-6a-1502\(1\)](#); and

2220 (iv) driver licensing requirements under Section [53-3-202](#).

2221 (2) A person under 15 years of age may not operate an electric personal assistive  
2222 mobility device using the motor unless the person is under the direct supervision of the person's  
2223 parent or guardian.

2224 (3) A person may not operate an electric personal assistive mobility device:

2225 (a) on a highway consisting of a total of four or more lanes designated for regular  
2226 vehicular traffic;

2227 (b) on a highway with a posted speed limit greater than 35 miles per hour; or

2228 (c) that has been structurally or mechanically altered from the original manufacturer's  
2229 design.

2230 (4) An owner may not authorize or knowingly permit a person to operate an electric  
2231 personal assistive mobility device in violation of this section.

2232 (5) A person may operate an electric personal assistive mobility device on a sidewalk if  
2233 the operation does not:

2234 (a) exceed a speed which is greater than is reasonable or prudent having due regard for  
2235 weather, visibility, and pedestrians; or

2236 (b) endanger the safety of other persons or property.



2237 (6) A person operating an electric personal assistive mobility device shall yield to a  
2238 pedestrian or other person using a mobility aid.

2239 (7) (a) An electric personal assistive mobility device may be operated on:

2240 (i) a path or trail designed for the use of a bicycle; or

2241 (ii) on a highway where a bicycle is allowed if the speed limit on the highway does not  
2242 exceed 35 miles per hour.

2243 (b) A person operating an electric personal assistive mobility device in an area  
2244 described in Subsection (7)(a)(i) or (ii) is subject to the laws governing bicycles.

2245 (8) A person may operate an electric personal assistive mobility device at night if the  
2246 device is equipped with or the operator is wearing:

2247 (a) a lamp pointing to the front that emits a white light visible from a distance of not  
2248 less than 300 feet in front of the device; and

2249 (b) front, rear, and side reflectors.

2250 (9) A person may not operate an electric personal assistive mobility device while  
2251 carrying an article that prevents the person from keeping both hands on the handlebars or  
2252 interferes with the person's ability to safely operate the electric personal assistive mobility  
2253 device.

2254 (10) Only one person may operate an electric personal assistive mobility device at a  
2255 time.

2256 (11) A person may not park an electric personal assistive mobility device on a highway  
2257 or sidewalk in a manner that obstructs vehicular or pedestrian traffic.

2258 (12) A person who violates this section is guilty of [~~a class C misdemeanor~~] an  
2259 infraction.

2260 Section 78. Section **41-6a-1117** is amended to read:

2261 **41-6a-1117. Mini-motorcycle restrictions -- Exceptions.**

2262 (1) A person may not operate a mini-motorcycle on any public property, highway, path,  
2263 or sidewalk unless:

2264 (a) the mini-motorcycle is registered for highway use in accordance with Title 41,

2265 Chapter 1a, Motor Vehicle Act; and

2266 (b) the operator is licensed to operate a motorcycle in accordance with Title 53,  
2267 Chapter 3, Uniform Driver License Act.

2268 (2) An owner may not authorize or knowingly permit a person to operate a  
2269 mini-motorcycle in violation of this section.

2270 (3) A person who violates this section is guilty of [~~a class C misdemeanor~~] an  
2271 infraction.

2272 Section 79. Section **41-6a-1201** is amended to read:

2273 **41-6a-1201. Driving on tracks.**

2274 (1) The operator of a vehicle proceeding on any track in front of a railroad train on a  
2275 highway shall remove the vehicle from the track as soon as practicable after signal from the  
2276 operator of the train.

2277 (2) When a railroad train has started to cross an intersection, an operator of a vehicle  
2278 may not drive:

2279 (a) on or across the tracks; or

2280 (b) in the path of the train within the intersection in front of the train.

2281 (3) A violation of this section is an infraction.

2282 Section 80. Section **41-6a-1202** is amended to read:

2283 **41-6a-1202. Driving through safety zone.**

2284 (1) The operator of a vehicle may not drive through or within a safety zone.

2285 (2) A violation of this section is an infraction.

2286 Section 81. Section **41-6a-1203** is amended to read:

2287 **41-6a-1203. Railroad grade crossing -- Duty to stop -- Malfunctions and school**  
2288 **buses -- Driving through, around, or under gate or barrier prohibited.**

2289 (1) As used in this section, "active railroad grade crossing" has the same meaning as  
2290 defined in Section [41-6a-1005](#).

2291 (2) Whenever a person operating a vehicle approaches a railroad grade crossing, the  
2292 operator of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of

2293 the railroad track and may not proceed if:

2294 (a) a clearly visible electric or mechanical signal device gives warning of the  
2295 immediate approach of a train;

2296 (b) a crossing gate is lowered, or when a human flagman gives or continues to give a  
2297 signal of the approach or passage of a train;

2298 (c) a railroad train approaching within approximately 1,500 feet of the highway  
2299 crossing emits a signal audible and the train by reason of its speed or nearness to the crossing is  
2300 an immediate hazard;

2301 (d) an approaching train is plainly visible and is in hazardous proximity to the crossing;

2302 or

2303 (e) there is any other condition that makes it unsafe to proceed through the crossing.

2304 (3) (a) An operator of a vehicle who suspects a false activation or malfunction of a  
2305 railroad grade crossing signal device where there is no gate or barrier may drive a vehicle  
2306 through the railroad grade crossing after stopping if:

2307 (i) the operator of a vehicle has a clear line of sight of at least one mile of the railroad  
2308 tracks in all directions;

2309 (ii) there is no evidence of an approaching train;

2310 (iii) the vehicle can cross over the tracks safely; and

2311 (iv) the operator of a school bus is compliant with written district policy.

2312 (b) As soon as is reasonably possible, the operator of a school bus shall notify the  
2313 driver's dispatcher and the dispatcher shall notify the owner of the railroad track where the  
2314 grade crossing signal device is located of the false activation or malfunction.

2315 (4) (a) A person may not drive a vehicle through, around, or under a crossing gate or  
2316 barrier at a railroad grade crossing if the railroad grade crossing is active.

2317 (b) A person may not cause a non-rail vehicle, whether or not occupied, to pass  
2318 through, around, over, or under or remain on a gate or barrier at a railroad grade crossing if the  
2319 railroad grade crossing is active.

2320 (c) A person may not cause a non-rail vehicle, whether or not occupied, to pass around,

2321 through, over, or under or remain in a rail or fixed guideway right-of-way in a manner that  
2322 would cause a railroad train or other rail vehicle to make contact with the non-rail vehicle.

2323 (5) A violation of this section is an infraction.

2324 Section 82. Section **41-6a-1204** is amended to read:

2325 **41-6a-1204. Trains -- Interference with vehicles limited.**

2326 (1) A person or government agency may not operate a train in a manner to prevent  
2327 vehicular use of a roadway for a period of time in excess of five consecutive minutes except:

2328 [~~1~~] (a) when necessary to comply with signals affecting the safety of the movement of  
2329 trains;

2330 [~~2~~] (b) when necessary to avoid striking any object or person on the track;

2331 [~~3~~] (c) when the train is disabled;

2332 [~~4~~] (d) when the train is in motion or while engaged in switching operations;

2333 [~~5~~] (e) when there is no vehicular traffic waiting to use the crossing;

2334 [~~6~~] (f) when necessary to comply with a governmental safety regulation; or

2335 [~~7~~] (g) as determined by a highway authority.

2336 (2) A violation of this section is an infraction.

2337 Section 83. Section **41-6a-1205** is amended to read:

2338 **41-6a-1205. Railroad grade crossings -- Certain vehicles must stop -- Exceptions**  
2339 **-- Rules.**

2340 (1) An operator of a commercial motor vehicle, as defined under Section [53-3-102](#),  
2341 shall upon approaching a railroad grade crossing:

2342 (a) unless Subsection (2) applies, slow down and check that the tracks are clear of an  
2343 approaching train;

2344 (b) stop within 50 feet, but not closer than 15 feet, from the nearest rail of the railroad  
2345 track before reaching the crossing if the tracks are not clear;

2346 (c) obey all traffic control devices or the directions of a peace officer, or other crossing  
2347 official at the crossing; and

2348 (d) before proceeding over a railroad grade crossing:

2349 (i) ensure that the vehicle has sufficient space to drive completely through a railroad  
2350 grade crossing without stopping; and

2351 (ii) ensure that the vehicle has sufficient undercarriage clearance to safely and  
2352 completely pass through the crossing.

2353 (2) (a) Except as provided in Subsection (3), the operator of a vehicle described in 49  
2354 CFR 392.10 shall stop within 50 feet, but not closer than 15 feet, from the nearest rail of the  
2355 railroad track before crossing, at grade, any track of a railroad.

2356 (b) While stopped, the operator shall look in both directions along the track for any  
2357 sign of an approaching train and look and listen for signals indicating the approach of any train.

2358 (c) The operator may proceed across the railroad track only when the movement may  
2359 be made with reasonable safety.

2360 (d) After stopping as required and upon safely proceeding, the operator shall only cross  
2361 the railroad track in a gear that ensures no necessity for manually changing gears while  
2362 traversing the crossing.

2363 (e) The operator may not manually shift gears while crossing the railroad track.

2364 (3) This section does not apply at a:

2365 (a) railroad grade crossing where traffic is controlled by a peace officer or other  
2366 crossing official;

2367 (b) railroad grade crossing where traffic is regulated by a traffic-control signal;

2368 (c) railroad grade crossing where a traffic-control device gives notice that the stopping  
2369 requirements of this section are not applicable; or

2370 (d) other railroad grade crossings excluded under 49 CFR 392.10.

2371 (4) A violation of this section is an infraction.

2372 Section 84. Section **41-6a-1206** is amended to read:

2373 **41-6a-1206. Railroad crossing duties respecting crawler type tractor, power**  
2374 **shovel, derrick, or other equipment or structure.**

2375 (1) A person may not operate or move the following on or across any tracks at a  
2376 railroad grade crossing without first complying with this section:

- 2377 (a) a crawler type tractor;
- 2378 (b) a power shovel;
- 2379 (c) a derrick;
- 2380 (d) a roller; or
- 2381 (e) any equipment or structure having:
  - 2382 (i) normal operating speed of 10 or less miles per hour; or
  - 2383 (ii) a vertical body or load clearance of less than:
    - 2384 (A) 1/2 inch per foot of the distance between any two adjacent axles; or
    - 2385 (B) in any event, nine inches measured above the level surface of a roadway.
- 2386 (2) Notice of an intended crossing under this section shall be given to the railroad and a  
2387 reasonable time shall be given to the railroad to provide proper protection at the crossing.
- 2388 (3) (a) Before making a crossing under this section the person operating or moving the  
2389 vehicle or equipment shall first stop within 50 feet but not closer than 15 feet from the nearest  
2390 rail of the railway.
- 2391 (b) While stopped, the operator of the vehicle shall listen and look in both directions  
2392 along the track for any approaching train and for signals indicating the approach of a railroad  
2393 train.
- 2394 (c) The operator may proceed across the track only when the crossing can be made  
2395 safely.
- 2396 (4) The operator of a vehicle shall obey all traffic control devices or the directions of a  
2397 peace officer or other crossing official at the crossing.
- 2398 (5) A violation of this section is an infraction.
- 2399 Section 85. Section **41-6a-1301** is amended to read:  
2400 **41-6a-1301. Standards and specifications for lighting and special warning devices**  
2401 **on school buses.**
- 2402 (1) (a) A school bus shall be equipped with red signal lamps mounted as high and as  
2403 widely spaced laterally as practicable.
- 2404 (b) The red signal lamps shall display two alternately flashing red lights, located at the

2405 same level, to the front and rear of the school bus.

2406 (c) The red signal lamps shall be visible at 500 feet in normal sunlight.

2407 (2) (a) A school bus shall be equipped with yellow signal lamps mounted near each of  
2408 the four red signal lamps and at the same level but closer to the vertical centerline of the bus.

2409 (b) The yellow signal lamps shall display two alternately flashing yellow lights to the  
2410 front and rear of the school bus.

2411 (c) The yellow signal lamps shall be visible at 500 feet in normal sunlight.

2412 (3) A school bus driver shall activate the yellow signal lamps at least 100 feet, but not  
2413 more than 500 feet, before every stop at which the alternately flashing red lights are activated.

2414 (4) A violation of this section is an infraction.

2415 Section 86. Section **41-6a-1302** is amended to read:

2416 **41-6a-1302. School bus -- Signs and light signals -- Flashing amber lights --**

2417 **Flashing red lights -- Passing school bus -- Duty to stop -- Travel in opposite direction --**

2418 **Penalties.**

2419 (1) A school bus, when operated for the transportation of school children, shall:

2420 (a) bear on the front and rear of the bus a plainly visible sign containing the words  
2421 "school bus" in letters not less than eight inches in height, which shall be removed or covered  
2422 when the vehicle is not in use for the transportation of school children; and

2423 (b) be equipped with alternating flashing amber and red light signals visible from the  
2424 front and rear, of a type approved and mounted as required under Section [41-6a-1301](#) and  
2425 prescribed by the department under Section [41-6a-1601](#).

2426 (2) The operator of a vehicle on a highway, upon meeting or overtaking a school bus  
2427 equipped with signals required under this section which is displaying alternating flashing:

2428 (a) amber warning light signals, shall slow the vehicle, but may proceed past the school  
2429 bus using due care and caution at a speed not greater than specified in Subsection [41-6a-601](#)(2)  
2430 for school zones for the safety of the school children that may be in the vicinity; or

2431 (b) red light signals visible from the front or rear, shall stop immediately before  
2432 reaching the bus and may not proceed until the flashing red light signals cease operation.

2433 (3) The operator of a vehicle need not stop upon meeting or passing a school bus  
2434 displaying alternating flashing red light signals if the school bus is traveling in the opposite  
2435 direction when:

2436 (a) traveling on a divided highway;

2437 (b) the bus is stopped at an intersection or other place controlled by a traffic-control  
2438 signal or by a peace officer; or

2439 (c) on a highway of five or more lanes, which may include a left-turn lane or two-way  
2440 left turn lane.

2441 (4) (a) The operator of a school bus shall operate alternating flashing red light signals  
2442 at all times when:

2443 (i) children are unloading from a school bus to cross a highway;

2444 (ii) a school bus is stopped for the purpose of loading children who must cross a  
2445 highway to board the bus; or

2446 (iii) it would be hazardous for vehicles to proceed past the stopped school bus.

2447 (b) The alternating flashing red light signals may not be operated except:

2448 (i) when the school bus is stopped for loading or unloading school children; or

2449 (ii) for an emergency purpose.

2450 (5) The operator of a school bus being operated on a highway shall have the headlights  
2451 of the school bus lighted.

2452 (6) (a) A violation of Subsection (2) or (3) is a class C misdemeanor and the minimum  
2453 fine is:

2454 (i) \$100 for a first offense;

2455 (ii) \$200 for a second offense within three years of a previous conviction or bail  
2456 forfeiture; and

2457 (iii) \$500 for a third or subsequent offense within three years of a previous conviction  
2458 or bail forfeiture.

2459 (b) A violation of Subsection (5) is [~~a class C misdemeanor~~] an infraction and the fine  
2460 is \$50.



2461 (c) The court may order the person to perform compensatory service in lieu of the fine  
2462 or any portion of the fine if the court makes the reasons for the waiver part of the record.

2463 (7) A violation of Subsection (1) or (4) is an infraction.

2464 [~~7~~] (8) The Driver License Division shall develop and implement a record system to  
2465 distinguish:

2466 (a) a conviction or bail forfeiture under this section from other convictions; and

2467 (b) between a first and subsequent conviction or bail forfeiture under this section.

2468 Section 87. Section **41-6a-1307** is amended to read:

2469 **41-6a-1307. School bus parking zones -- Establishment -- Uniform markings --**  
2470 **Penalty.**

2471 (1) As used in this section, "school bus parking zone" means a parking space that is  
2472 clearly identified as reserved for use by a school bus.

2473 (2) A highway authority for highways under its jurisdiction and school boards for  
2474 roadways located on school property may establish and locate school bus parking zones in  
2475 accordance with specifications established under Subsection (3).

2476 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2477 Department of Transportation, after consultation with local highway authorities and school  
2478 boards which may include input from school traffic safety committees established under  
2479 Section [53A-3-402](#), shall make rules establishing specifications for uniform signage or  
2480 markings to clearly identify school bus parking zones.

2481 (4) A person may not stop, stand, or park a vehicle other than a school bus, whether  
2482 occupied or not, in a clearly identified school bus parking zone.

2483 (5) (a) A violation of Subsection (4) is an infraction.

2484 [~~5~~] (b) A person who violates Subsection (4) shall pay a minimum fine of \$75.

2485 Section 88. Section **41-6a-1402** is amended to read:

2486 **41-6a-1402. Stopping or parking on roadways -- Angle parking -- Traffic-control**  
2487 **devices prohibiting or restricting.**

2488 (1) Except as otherwise provided in this section, a vehicle stopped or parked on a

2489 two-way roadway shall be stopped or parked with the right-hand wheels:

2490 (a) parallel to and within 12 inches of the right-hand curb; or

2491 (b) as close as practicable to the right edge of the right-hand shoulder.

2492 (2) Except when otherwise provided by local ordinance, a vehicle stopped or parked on  
2493 a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway in the  
2494 direction of authorized traffic movement with its:

2495 (a) right-hand wheels:

2496 (i) within 12 inches of the right-hand curb; or

2497 (ii) as close as practicable to the right edge of the right-hand shoulder; or

2498 (b) left-hand wheels:

2499 (i) within 12 inches of the left-hand curb; or

2500 (ii) as close as practicable to the left edge of the left-hand shoulder.

2501 (3) (a) Except as provided in Subsection (3)(b), local highway authorities may by  
2502 ordinance permit angle parking on any roadway.

2503 (b) Angle parking is not permitted on any federal-aid or state highway unless the  
2504 Department of Transportation has determined that the roadway is of sufficient width to permit  
2505 angle parking without interfering with the free movement of traffic.

2506 (4) (a) The Department of Transportation, with respect to highways under its  
2507 jurisdiction, may place traffic-control devices prohibiting or restricting the stopping, standing,  
2508 or parking of vehicles on a highway where:

2509 (i) the stopping, standing, or parking is dangerous to those using the highway; or

2510 (ii) the stopping, standing, or parking of vehicles would unduly interfere with the free  
2511 movement of traffic.

2512 (b) A person may not stop, stand, or park a vehicle in violation of the restriction  
2513 indicated by the devices under Subsection (4)(a).

2514 (5) A violation of this section is an infraction.

2515 Section 89. Section **41-6a-1404** is amended to read:

2516 **41-6a-1404. Stopping or parking on roadway outside business or residential**

2517 **district.**

2518 (1) Outside a business or residence district, a person may not stop, park, or leave  
2519 standing a vehicle, whether attended or unattended, on the roadway when it is practical to stop,  
2520 park, or leave the vehicle off the roadway.

2521 (2) A person who stops, parks, or leaves a vehicle standing on a roadway shall:

2522 (a) leave an unobstructed width of the highway opposite the vehicle for the free  
2523 passage of other vehicles; and

2524 (b) leave the vehicle so that other vehicle operators have a clear view of the stopped  
2525 vehicle from a distance of 200 feet in each direction on the roadway.

2526 (3) This section and Sections 41-6a-1401 and 41-6a-1402 do not apply to the operator  
2527 of a vehicle if the vehicle becomes disabled while on the paved or main traveled portion of a  
2528 roadway in a manner and to the extent that it is impossible to avoid stopping and temporarily  
2529 leaving the disabled vehicle on the paved or main traveled portion of the roadway.

2530 (4) A violation of this section is an infraction.

2531 Section 90. Section 41-6a-1407 is amended to read:

2532 **41-6a-1407. Removal of unattended vehicles prohibited without authorization --**

2533 **Penalties.**

2534 (1) In cases not amounting to burglary or theft of a vehicle, a person may not remove  
2535 an unattended vehicle without prior authorization of:

2536 (a) a peace officer;

2537 (b) a law enforcement agency;

2538 (c) a highway authority having jurisdiction over the highway on which there is an  
2539 unattended vehicle; or

2540 (d) the owner or person in lawful possession or control of the real property.

2541 (2) (a) An authorization from a person specified under Subsection (1)(a), (b), or (c)  
2542 shall be in a form specified by the Motor Vehicle Division.

2543 (b) The removal of the unattended vehicle shall comply with requirements of Section  
2544 41-6a-1406.

2545 (3) The removal of the unattended vehicle authorized under Subsection (1)(d) shall  
2546 comply with requirements of Section 72-9-603.

2547 (4) A person who violates Subsection (1) or (3) is guilty of [~~a class C misdemeanor~~] an  
2548 infraction.

2549 Section 91. Section 41-6a-1408 is amended to read:

2550 **41-6a-1408. Abandoned vehicles -- Removal by peace officer -- Report -- Vehicle**  
2551 **identification.**

2552 (1) As used in this section, "abandoned vehicle, vessel, or outboard motor" means a  
2553 vehicle, vessel, or outboard motor that is left unattended:

2554 (a) on a highway or on or in the waters of the state for a period in excess of 48 hours;

2555 or

2556 (b) on public or private property for a period in excess of seven days without express or  
2557 implied consent of the owner or person in lawful possession or control of the property.

2558 (2) A person may not abandon a vehicle, vessel, or outboard motor on a highway or on  
2559 or in the waters of the state.

2560 (3) A person may not abandon a vehicle, vessel, or outboard motor on public or private  
2561 property without the express or implied consent of the owner or person in lawful possession or  
2562 control of the property.

2563 (4) A peace officer who has reasonable grounds to believe that a vehicle, vessel, or  
2564 outboard motor has been abandoned may remove the vehicle, vessel, or outboard motor or  
2565 cause it to be removed in accordance with Section 41-6a-1406 or 73-18-20.1.

2566 (5) If the motor number, manufacturer's number or identification mark of the  
2567 abandoned vehicle, vessel, or outboard motor has been defaced, altered or obliterated, the  
2568 vehicle, vessel, or outboard motor may not be released or sold until:

2569 (a) the original motor number, manufacturer's number or identification mark has been  
2570 replaced; or

2571 (b) a new number assigned by the Motor Vehicle Division has been stamped on the  
2572 vehicle, vessel, or outboard motor.

2573 (6) A violation of this section is an infraction.

2574 Section 92. Section **41-6a-1501** is amended to read:

2575 **41-6a-1501. Motorcycle or motor-driven cycle -- Place for operator to ride --**

2576 **Passengers.**

2577 (1) A person operating a motorcycle or motor-driven cycle shall ride only on the  
2578 permanent and regular seat attached to the motorcycle or motor-driven cycle.

2579 (2) (a) Except as provided in Subsection (2)(b):

2580 (i) a person operating a motorcycle or motor-driven cycle may not carry any other  
2581 person on the motorcycle or motor-driven cycle; and

2582 (ii) a passenger may not ride on a motorcycle or a motor-driven cycle.

2583 (b) If a motorcycle or motor-driven cycle is designed to carry more than one person, a  
2584 passenger may ride on:

2585 (i) the permanent and regular seat, if designed for two persons; or

2586 (ii) another seat firmly attached to the motorcycle or motor-driven cycle at the rear or  
2587 side of the operator.

2588 (3) A person shall ride on a motorcycle or motor-driven cycle only while sitting astride  
2589 the seat, facing forward, with one leg on either side of the motorcycle or motor-driven cycle.

2590 (4) A person may not operate a motorcycle or motor-driven cycle while carrying a  
2591 package, bundle, or other article which prevents the person from keeping both hands on the  
2592 handlebars.

2593 (5) An operator of a motorcycle or motor-driven cycle may not carry a person and a  
2594 person may not ride in a position that interferes with:

2595 (a) the operation or control of the motorcycle or motor-driven cycle; or

2596 (b) the view of the operator.

2597 (6) A violation of this section is an infraction.

2598 Section 93. Section **41-6a-1502** is amended to read:

2599 **41-6a-1502. Motorcycles, motor-driven cycles, or all-terrain type I vehicles --**

2600 **Operation on public highways.**

- 2601 (1) (a) A motorcycle or a motor-driven cycle is entitled to full use of a lane.
- 2602 (b) A person may not operate a motor vehicle in a manner that deprives a motorcycle or  
2603 motor-driven cycle of the full use of a lane.
- 2604 (c) This Subsection (1) does not apply to motorcycles or motor-driven cycles operated  
2605 two abreast in a single lane.
- 2606 (2) The operator of a motorcycle or motor-driven cycle may not overtake and pass in  
2607 the same lane occupied by the vehicle being overtaken.
- 2608 (3) A person may not operate a motorcycle or motor-driven cycle between:
- 2609 (a) lanes of traffic; or
- 2610 (b) adjacent lines or rows of vehicles.
- 2611 (4) Motorcycles or motor-driven cycles may not be operated more than two abreast in a  
2612 single lane.
- 2613 (5) Subsections (2) and (3) do not apply to peace officers acting in the peace officers'  
2614 official capacities.
- 2615 (6) The provisions of this section also apply to all-terrain type I vehicles.
- 2616 (7) A violation of this section is an infraction.
- 2617 Section 94. Section **41-6a-1503** is amended to read:
- 2618 **41-6a-1503. Motorcycle or motor-driven cycle -- Attaching to another vehicle**  
2619 **prohibited.**
- 2620 (1) A person riding on a motorcycle or motor-driven cycle may not attach himself to  
2621 any other vehicle on a roadway.
- 2622 (2) A violation of this section is an infraction.
- 2623 Section 95. Section **41-6a-1504** is amended to read:
- 2624 **41-6a-1504. Motorcycle or motor-driven cycle -- Footrests for passenger -- Height**  
2625 **of handlebars limited.**
- 2626 (1) A motorcycle or motor-driven vehicle carrying a passenger on a public highway,  
2627 other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger.
- 2628 (2) A person may not operate a motorcycle or motor-driven cycle with handlebars

2629 above shoulder height.

2630 (3) A violation of this section is an infraction.

2631 Section 96. Section **41-6a-1505** is amended to read:

2632 **41-6a-1505. Motorcycle or motor-driven cycle -- Protective headgear -- Closed**  
2633 **cab excepted -- Electric assisted bicycles, motor assisted scooters, electric personal**  
2634 **assistive mobility devices.**

2635 (1) A person under the age of 18 may not operate or ride on a motorcycle or  
2636 motor-driven cycle on a highway unless the person is wearing protective headgear which  
2637 complies with specifications adopted under Subsection (3).

2638 (2) This section does not apply to persons riding within an enclosed cab.

2639 (3) The following standards and specifications for protective headgear are adopted:

2640 (a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and

2641 (b) 16 C.F.R. Part 1203 related to protective headgear for bicycles, motor assisted  
2642 scooters, and electric personal assistive mobility devices.

2643 (4) A court shall waive \$8 of a fine charged to a person operating a motorcycle or  
2644 motor-driven cycle for a moving traffic violation if the person was:

2645 (a) 18 years of age or older at the time of operation; and

2646 (b) wearing protective headgear that complies with the specifications adopted under  
2647 Subsection (3) at the time of operation.

2648 (5) The failure to wear protective headgear:

2649 (a) does not constitute contributory or comparative negligence on the part of a person  
2650 seeking recovery for injuries; and

2651 (b) may not be introduced as evidence in any civil litigation on the issue of negligence,  
2652 injuries, or the mitigation of damages.

2653 (6) Notwithstanding Subsection (4), a court may not waive \$8 of a fine charged to a  
2654 person operating a motorcycle or motor-driven cycle for a driving under the influence violation  
2655 of Section [41-6a-502](#).

2656 (7) A violation of this section is an infraction.

2657 Section 97. Section **41-6a-1506** is amended to read:

2658 **41-6a-1506. Motorcycles -- Required equipment -- Brakes.**

2659 (1) A motorcycle and a motor-driven cycle shall be equipped with the following items:

2660 (a) one head lamp which, when factory equipped with an automatic lighting ignition  
2661 system, may not be disconnected;

2662 (b) one tail lamp;

2663 (c) either a tail lamp or a separate lamp which illuminates the rear license plate with a  
2664 white light;

2665 (d) one red reflector on the rear, either separate or as part of the tail lamp;

2666 (e) one stop lamp;

2667 (f) a braking system, other than parking brake, in accordance with Section [41-6a-1623](#);

2668 (g) a horn or warning device in accordance with Section [41-6a-1625](#);

2669 (h) a muffler and emission control system in accordance with Section [41-6a-1626](#);

2670 (i) a mirror in accordance with Section [41-6a-1627](#); and

2671 (j) tires in accordance with Section [41-6a-1636](#).

2672 (2) The department may require an inspection of the braking system on a motor-driven  
2673 cycle and disapprove a braking system that is not designed or constructed as to insure  
2674 reasonable and reliable performance in actual use in accordance with Section [41-6a-1623](#).

2675 (3) A person may not operate a motor-driven cycle on a highway if the department has  
2676 disapproved the braking system on the motor-driven cycle.

2677 (4) (a) Upon notice to the party to whom the motor-driven cycle is registered, the  
2678 department may suspend the registration of a motor-driven cycle if the department has  
2679 disapproved the braking system under this section.

2680 (b) The Motor Vehicle Division shall, under Subsection [41-1a-109\(1\)\(e\)](#) or (2), refuse  
2681 to register a motor-driven cycle if it has reason to believe the motor-driven cycle has a braking  
2682 system disapproved under this section.

2683 (5) A violation of this section is an infraction.

2684 Section 98. Section **41-6a-1508** is amended to read:



2685 **41-6a-1508. Low-speed vehicle.**

2686 (1) Except as otherwise provided in this section, a low-speed vehicle is considered a  
2687 motor vehicle for purposes of the Utah Code including requirements for:

2688 (a) traffic rules under Title 41, Chapter 6a, Traffic Code;

2689 (b) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

2690 (c) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of  
2691 Motor Vehicle Owners and Operators Act;

2692 (d) vehicle registration, titling, vehicle identification numbers, license plates, and  
2693 registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

2694 (e) vehicle taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, and  
2695 fee in lieu of property taxes or in lieu fees under Section [59-2-405](#);

2696 (f) motor vehicle dealer licensing under Title 41, Chapter 3, Motor Vehicle Business  
2697 Regulation Act;

2698 (g) motor vehicle safety inspection requirements under Section [53-8-205](#); and

2699 (h) safety belt requirements under Title 41, Chapter 6a, Part 18, Motor Vehicle Safety  
2700 Belt Usage Act.

2701 (2) (a) A low-speed vehicle shall comply with federal safety standards established in 49  
2702 C.F.R. 571.500 and shall be equipped with:

2703 (i) headlamps;

2704 (ii) front and rear turn signals, tail lamps, and stop lamps;

2705 (iii) turn signal lamps;

2706 (iv) reflex reflectors one on the rear of the vehicle and one on the left and right side and  
2707 as far to the rear of the vehicle as practical;

2708 (v) a parking brake;

2709 (vi) a windshield that meets the standards under Section [41-6a-1635](#), including a  
2710 device for cleaning rain, snow, or other moisture from the windshield; and

2711 (vii) an exterior rearview mirror on the driver's side and either an interior rearview  
2712 mirror or an exterior rearview mirror on the passenger side.

2713 (b) A low-speed vehicle that complies with this Subsection (2) and Subsection (3) and  
2714 that is not altered from the manufacturer is considered to comply with equipment requirements  
2715 under Part 16, Vehicle Equipment.

2716 (3) A person may not operate a low-speed vehicle that has been structurally altered  
2717 from the original manufacturer's design.

2718 (4) A low-speed vehicle is exempt from a motor vehicle emissions inspection and  
2719 maintenance program requirements under Section 41-6a-1642.

2720 (5) (a) Except to cross a highway at an intersection, a low-speed vehicle may not be  
2721 operated on a highway with a posted speed limit of more than 35 miles per hour.

2722 (b) In addition to the restrictions under Subsection (5)(a), a highway authority, may  
2723 prohibit or restrict the operation of a low-speed vehicle on any highway under its jurisdiction, if  
2724 the highway authority determines the prohibition or restriction is necessary for public safety.

2725 (6) A person may not operate a low-speed vehicle on a highway without displaying on  
2726 the rear of the low-speed vehicle, a slow-moving vehicle identification emblem that complies  
2727 with the Society of Automotive Engineers standard SAE J943.

2728 (7) A person who violates Subsection (2), (3), (5), or (6) is guilty of [~~a class C~~  
2729 ~~misdemeanor~~] an infraction.

2730 Section 99. Section 41-6a-1509 is amended to read:

2731 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**  
2732 **Registration and licensing requirements -- Equipment requirements.**

2733 (1) (a) Except as provided in Subsection (1)(b), an all-terrain type I vehicle, utility type  
2734 vehicle, or full-sized all-terrain vehicle that meets the requirements of this section may be  
2735 operated as a street-legal ATV on a street or highway unless the highway is an interstate  
2736 freeway or a limited access highway as defined in Section 41-6a-102.

2737 (b) Unless a street or highway is designated as open for street-legal ATV use by the  
2738 controlling highway authority in accordance with Section 41-22-10.5, a person may not operate  
2739 a street-legal ATV on a street or highway in accordance with Subsection (1)(a) if the highway  
2740 is under the jurisdiction of:

- 2741 (i) a county of the first class; or
- 2742 (ii) a municipality that is within a county of the first class.
- 2743 (2) A street-legal ATV shall comply with the same requirements as:
- 2744 (a) a motorcycle for:
- 2745 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;
- 2746 (ii) registration, titling, odometer statement, vehicle identification, license plates, and
- 2747 registration fees under Title 41, Chapter 1a, Motor Vehicle Act;
- 2748 (iii) fees in lieu of property taxes or in lieu of fees under Section 59-2-405.2; and
- 2749 (iv) the county motor vehicle emissions inspection and maintenance programs under
- 2750 Section 41-6a-1642;
- 2751 (b) a motor vehicle for:
- 2752 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act;
- 2753 (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
- 2754 Motor Vehicle Owners and Operators Act; and
- 2755 (iii) safety inspection requirements under Title 53, Chapter 8, Part 2, Motor Vehicle
- 2756 Safety Inspection Act, except that a street-legal ATV shall be subject to a safety inspection:
- 2757 (A) when registered for the first time; and
- 2758 (B) subsequently, on the same frequency as described in Subsection 53-8-205(2) based
- 2759 on the age of the vehicle as determined by the model year identified by the manufacturer; and
- 2760 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title
- 2761 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business
- 2762 Regulation Act, unless otherwise specified in this section.
- 2763 (3) (a) An all-terrain type I vehicle and a utility type vehicle being operated as a
- 2764 street-legal ATV shall be equipped with:
- 2765 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
- 2766 (ii) one or more tail lamps;
- 2767 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
- 2768 with a white light;

- 2769 (iv) one or more red reflectors on the rear;
- 2770 (v) one or more stop lamps on the rear;
- 2771 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 2772 (vii) a braking system, other than a parking brake, that meets the requirements of
- 2773 Section 41-6a-1623;
- 2774 (viii) a horn or other warning device that meets the requirements of Section
- 2775 41-6a-1625;
- 2776 (ix) a muffler and emission control system that meets the requirements of Section
- 2777 41-6a-1626;
- 2778 (x) rearview mirrors on the right and left side of the driver in accordance with Section
- 2779 41-6a-1627;
- 2780 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 2781 (xii) a speedometer, illuminated for nighttime operation;
- 2782 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
- 2783 seat designed for passengers, including a footrest and handhold for each passenger;
- 2784 (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and
- 2785 (xv) tires that:
- 2786 (A) do not exceed 29 inches in height;
- 2787 (B) are not larger than the tires that the all-terrain vehicle manufacturer made available
- 2788 for the all-terrain vehicle model; and
- 2789 (C) have at least 2/32 inches or greater tire tread.
- 2790 (b) A full-sized all-terrain vehicle being operated as a street-legal all-terrain vehicle
- 2791 shall be equipped with:
- 2792 (i) two headlamps that meet the requirements of Section 41-6a-1603;
- 2793 (ii) two tail lamps;
- 2794 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
- 2795 with a white light;
- 2796 (iv) one or more red reflectors on the rear;

- 2797 (v) two stop lamps on the rear;
- 2798 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 2799 (vii) a braking system, other than a parking brake, that meets the requirements of
- 2800 Section 41-6a-1623;
- 2801 (viii) a horn or other warning device that meets the requirements of Section
- 2802 41-6a-1625;
- 2803 (ix) a muffler and emission control system that meets the requirements of Section
- 2804 41-6a-1626;
- 2805 (x) rearview mirrors on the right and left side of the driver in accordance with Section
- 2806 41-6a-1627;
- 2807 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 2808 (xii) a speedometer, illuminated for nighttime operation;
- 2809 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
- 2810 seat designed for passengers, including a footrest and handhold for each passenger;
- 2811 (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and
- 2812 (xv) tires that:
- 2813 (A) do not exceed 44 inches in height; and
- 2814 (B) have at least 2/32 inches or greater tire tread.
- 2815 (4) (a) Subject to the requirement in Subsection (4)(b), an operator of a street-legal
- 2816 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway in accordance
- 2817 with this section, may not exceed the lesser of:
- 2818 (i) the posted speed limit; or
- 2819 (ii) 45 miles per hour.
- 2820 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
- 2821 all-terrain vehicle on a highway with a posted speed limit higher than 45 miles per hour, shall:
- 2822 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
- 2823 roadway; and
- 2824 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front

2825 and back of both sides of the vehicle.

2826 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be  
2827 operated on the highways of another state has the same rights and privileges as a street-legal  
2828 ATV that is granted operating privileges on the highways of this state, subject to the  
2829 restrictions under this section and rules made by the Board of Parks and Recreation, if the other  
2830 state offers reciprocal operating privileges to Utah residents.

2831 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2832 Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating  
2833 privileges for nonresident users granted under Subsection (5)(a).

2834 (6) Nothing in this chapter shall restrict the operation of an off-highway vehicle in  
2835 accordance with Section [41-22-10.5](#).

2836 (7) A violation of this section is an infraction.

2837 Section 100. Section **41-6a-1601** is amended to read:

2838 **41-6a-1601. Operation of unsafe or improperly equipped vehicles on public**  
2839 **highways -- Exceptions.**

2840 (1) (a) A person may not operate or move and an owner may not cause or knowingly  
2841 permit to be operated or moved on a highway a vehicle or combination of vehicles which:

2842 (i) is in an unsafe condition that may endanger any person;

2843 (ii) does not contain those parts or is not at all times equipped with lamps and other  
2844 equipment in proper condition and adjustment as required in this chapter;

2845 (iii) is equipped in any manner in violation of this chapter; or

2846 (iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality  
2847 Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local  
2848 health departments.

2849 (b) A person may not do any act forbidden or fail to perform any act required under this  
2850 chapter.

2851 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2852 and in coordination with the rules made under Section [53-8-204](#), the department shall make

2853 rules setting minimum standards covering the design, construction, condition, and operation of  
2854 vehicle equipment for safely operating a motor vehicle on the highway as required under this  
2855 part.

2856 (b) The rules under Subsection (2)(a):

2857 (i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and  
2858 Regulations;

2859 (ii) may incorporate by reference, in whole or in part, the federal standards under  
2860 Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on  
2861 motor vehicle safety;

2862 (iii) shall include provisions for the issuance of a permit under Section [41-6a-1602](#);

2863 (iv) shall include standards for the emergency lights of authorized emergency vehicles;

2864 (v) may provide standards and specifications applicable to lighting equipment on  
2865 school buses consistent with:

2866 (A) this part;

2867 (B) federal motor vehicle safety standards; and

2868 (C) current specifications of the Society of Automotive Engineers;

2869 (vi) shall provide procedures for the submission, review, approval, disapproval,  
2870 issuance of an approval certificate, and expiration or renewal of approval of any part as  
2871 required under Section [41-6a-1620](#);

2872 (vii) shall establish specifications for the display or etching of a vehicle identification  
2873 number on a vehicle;

2874 (viii) shall establish specifications in compliance with this part for a flare, fusee,  
2875 electric lantern, warning flag, or portable reflector used in compliance with this part;

2876 (ix) shall establish approved safety and law enforcement purposes when video display  
2877 is visible to the motor vehicle operator; and

2878 (x) shall include standards and specifications for both original equipment and parts  
2879 included when a vehicle is manufactured and aftermarket equipment and parts included after  
2880 the original manufacture of a vehicle.

- 2881 (c) The following standards and specifications for vehicle equipment are adopted:
- 2882 (i) 49 C.F.R. 571.209 related to safety belts;
- 2883 (ii) 49 C.F.R. 571.213 related to child restraint devices;
- 2884 (iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles
- 2885 and trailers operated in interstate commerce;
- 2886 (iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and
- 2887 (v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related
- 2888 to air conditioning equipment.
- 2889 (3) Nothing in this chapter or the rules made by the department prohibit:
- 2890 (a) equipment required by the United States Department of Transportation; or
- 2891 (b) the use of additional parts and accessories on a vehicle not inconsistent with the
- 2892 provisions of this chapter or the rules made by the department.
- 2893 (4) Except as specifically made applicable, the provisions of this chapter and rules of
- 2894 the department with respect to equipment required on vehicles do not apply to:
- 2895 (a) implements of husbandry;
- 2896 (b) road machinery;
- 2897 (c) road rollers;
- 2898 (d) farm tractors;
- 2899 (e) motorcycles;
- 2900 (f) motor-driven cycles;
- 2901 (g) vehicles moved solely by human power;
- 2902 (h) off-highway vehicles registered under Section [41-22-3](#) either:
- 2903 (i) on a highway designated as open for off-highway vehicle use; or
- 2904 (ii) in the manner prescribed by Subsections [41-22-10.3\(1\)](#) through (3); or
- 2905 (i) off-highway implements of husbandry when operated in the manner prescribed by
- 2906 Subsections [41-22-5.5\(3\)](#) through (5).
- 2907 (5) The vehicles referred to in Subsections (4)(h) and (i) are subject to the equipment
- 2908 requirements of Title 41, Chapter 22, Off-highway Vehicles, and the rules made under that



2909 chapter.

2910 (6) (a) (i) Except as provided in Subsection (6)(a)(ii), a federal motor vehicle safety  
2911 standard supersedes any conflicting provision of this chapter.

2912 (ii) Federal motor vehicle safety standards do not supersede the provisions of Section  
2913 [41-6a-1509](#) governing the requirements for and use of street-legal all-terrain vehicles on  
2914 highways.

2915 (b) The department:

2916 (i) shall report any conflict found under Subsection (6)(a) to the appropriate  
2917 committees or officials of the Legislature; and

2918 (ii) may adopt a rule to replace the superseded provision.

2919 (7) A violation of this section is an infraction.

2920 Section 101. Section **41-6a-1602** is amended to read:

2921 **41-6a-1602. Permit to operate vehicle in violation of equipment regulations.**

2922 (1) The department may issue a permit which will allow temporary operation of a  
2923 vehicle in violation of the provisions of this chapter or in violation of rules made by the  
2924 department.

2925 (2) The permit shall be carried in the vehicle and shall be displayed upon demand of a  
2926 magistrate or peace officer.

2927 (3) (a) The department may limit the time, manner, or duration of operation and may  
2928 otherwise prescribe conditions of operation that are necessary to protect the safety of highway  
2929 users or efficient movement of traffic.

2930 (b) Any conditions shall be stated on the permit and a person may not violate them.

2931 (4) A violation of this section is an infraction.

2932 Section 102. Section **41-6a-1603** is amended to read:

2933 **41-6a-1603. Lights and illuminating devices -- Duty to display -- Time.**

2934 (1) (a) The operator of a vehicle shall turn on the lamps or lights of the vehicle on a  
2935 highway at any time from a half hour after sunset to a half hour before sunrise and at any other  
2936 time when, due to insufficient light or unfavorable atmospheric conditions, persons and

2937 vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead.

2938 (b) The lights, lighted lamps, and other lamps and illuminating devices under  
2939 Subsection (1)(a) shall be lighted as respectively required for different classes of vehicles,  
2940 subject to the exceptions for parked vehicles under Section 41-6a-1607.

2941 (2) Whenever a requirement is made as to distance from which certain lamps and  
2942 devices shall render objects visible or within which the lamps or devices shall be visible, the  
2943 provisions apply during the times specified under Subsection (1)(a) for a vehicle without load  
2944 on a straight, level, unlighted highway under normal atmospheric conditions, unless a different  
2945 time or condition is expressly stated.

2946 (3) Whenever a requirement is made as to the mounted height of lamps or devices it  
2947 shall mean from the center of the lamp or device to the level ground upon which the vehicle  
2948 stands when the vehicle is without a load.

2949 (4) A violation of this section is an infraction.

2950 Section 103. Section 41-6a-1604 is amended to read:

2951 **41-6a-1604. Motor vehicle head lamp, tail lamps, stop lamps, and other lamps --**  
2952 **Requirements.**

2953 (1) A motor vehicle shall be equipped with at least two head lamps with at least one on  
2954 each side of the front of the motor vehicle.

2955 (2) (a) A motor vehicle, trailer, semitrailer, pole trailer, and any other vehicle which is  
2956 being drawn at the end of a combination of vehicles, shall be equipped with at least two tail  
2957 lamps and two or more red reflectors mounted on the rear.

2958 (b) (i) Except as provided under Subsections (2)(b)(ii), (2)(c), and Section 41-6a-1612,  
2959 all stop lamps or other lamps and reflectors mounted on the rear of a vehicle shall display or  
2960 reflect a red color.

2961 (ii) A turn signal or hazard warning light may be red or yellow.

2962 (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to  
2963 illuminate with a white light the rear registration plate.

2964 (3) (a) A motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two

2965 or more stop lamps and flashing turn signals.

2966 (b) A supplemental stop lamp may be mounted on the rear of a vehicle, if the  
2967 supplemental stop lamp:

2968 (i) emits a red light;

2969 (ii) is mounted:

2970 (A) and constructed so that no light emitted from the device, either direct or reflected,  
2971 is visible to the driver;

2972 (B) not lower than 15 inches above the roadway; and

2973 (C) on the vertical center line of the vehicle; and

2974 (iii) is the size, design, and candle power that conforms to federal standards regulating  
2975 stop lamps.

2976 (4) (a) Each head lamp, tail lamp, supplemental stop lamp, flashing turn lamp, other  
2977 lamp, or reflector required under this part shall comply with the requirements and limitations  
2978 established under Section 41-6a-1601.

2979 (b) The department, by rules made under Section 41-6a-1601, may require trucks,  
2980 buses, motor homes, motor vehicles with truck-campers, trailers, semitrailers, and pole trailers  
2981 to have additional lamps and reflectors.

2982 (5) The department, by rules made under Section 41-6a-1601, may allow:

2983 (a) one tail lamp on any vehicle equipped with only one when it was made;

2984 (b) one stop lamp on any vehicle equipped with only one when it was made; and

2985 (c) passenger cars and trucks with a width less than 80 inches and manufactured or  
2986 assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.

2987 (6) A violation of this section is an infraction.

2988 Section 104. Section 41-6a-1606 is amended to read:

2989 **41-6a-1606. Load extending beyond rear of vehicle -- Duty to display lamps and**  
2990 **reflectors or flags.**

2991 (1) If a load on a vehicle extends to the rear four feet or more beyond the bed or body  
2992 of the vehicle, the operator shall display lamps, reflectors, or flags at the extreme rear end of

2993 the load in accordance with this section.

2994 (2) During hours of darkness as specified in Section 41-6a-1603, the following shall be  
2995 displayed:

2996 (a) two red reflectors located so as to indicate maximum width; and

2997 (b) two red lamps, one on each side with one red lamp located so as to indicate  
2998 maximum overhang.

2999 (3) (a) At a time other than the time indicated under Subsection (2), on a vehicle  
3000 having a load which extends beyond its sides or more than four feet beyond its rear, red flags  
3001 shall be displayed marking the extremities of the load, at each point where a lamp or reflector  
3002 is required under Subsection (2).

3003 (b) The red flags shall be at least 12 inches square.

3004 (4) A violation of this section is an infraction.

3005 Section 105. Section 41-6a-1607 is amended to read:

3006 **41-6a-1607. Parking lamps required -- Use when vehicle parked at night -- Head**  
3007 **lamps dimmed.**

3008 (1) (a) A vehicle shall be equipped with one or more parking lamps.

3009 (b) The parking lamps shall comply with requirements established under Section  
3010 41-6a-1601.

3011 (2) A vehicle parked or stopped on a roadway or shoulder, whether attended or  
3012 unattended, shall display lighted parking lamps if conditions exist as specified under  
3013 Subsection 41-6a-1603(1)(a).

3014 (3) Any lighted head lamps on a parked vehicle shall be dimmed.

3015 (4) A violation of this section is an infraction.

3016 Section 106. Section 41-6a-1608 is amended to read:

3017 **41-6a-1608. Farm tractors and equipment -- Lamps and reflectors --**  
3018 **Slow-moving vehicle emblem.**

3019 (1) (a) A farm tractor and a self-propelled implement of husbandry manufactured or  
3020 assembled after January 1, 1970, shall be equipped with hazard warning lights of a type

3021 described in Section [41-6a-1611](#).

3022 (b) The hazard warning lights shall be:

3023 (i) visible from a distance of not less than 1,000 feet to the front and rear in normal  
3024 sunlight; and

3025 (ii) displayed whenever a farm tractor or self-propelled implement of husbandry is  
3026 operated on a highway.

3027 (2) (a) A farm tractor and a self-propelled implement of husbandry manufactured or  
3028 assembled after January 1, 1970, shall be equipped with lamps and reflectors as required under  
3029 this section.

3030 (b) A farm tractor and a self-propelled implement of husbandry manufactured or  
3031 assembled prior to January 1, 1970 shall be equipped with lamps and reflectors as required in  
3032 this section if operated on a highway under the conditions specified under Subsection  
3033 [41-6a-1603\(1\)\(a\)](#).

3034 (3) Subject to the provisions of Subsection (2), a farm tractor and an implement of  
3035 husbandry shall be equipped with:

3036 (a) at least two head lamps;

3037 (b) at least one red lamp visible when lighted from a distance of not less than 1,000  
3038 feet to the rear mounted as far to the left of the center of the vehicle as practicable; and

3039 (c) at least two red reflectors visible from all distances within 600 feet to 100 feet to  
3040 the rear when directly in front of lawful lower beams of head lamps.

3041 (4) Towed farm equipment or a towed implement of husbandry shall be equipped with  
3042 lamps and reflectors as provided under this Subsection (4), if operated on a highway under the  
3043 conditions specified under Subsection [41-6a-1603\(1\)\(a\)](#).

3044 (a) If the towed unit or its load extends more than four feet to the rear of the tractor or  
3045 obscures any light on a tractor, the towed unit shall be equipped on the rear with at least two  
3046 red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in  
3047 front of lawful lower beams of head lamps.

3048 (b) (i) If the towed unit extends more than four feet to the left of the center line of the

3049 tractor, the towed unit shall be equipped on the front with an amber reflector visible from all  
3050 distances within 600 feet to 100 feet to the front when directly in front of lawful lower beams  
3051 of head lamps.

3052 (ii) The reflector under Subsection (4)(b)(i) shall be positioned to indicate, as nearly as  
3053 practicable, the extreme left projection of the towed unit.

3054 (c) If the towed unit or its load obscures either of the vehicle hazard warning lights on  
3055 the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in  
3056 Subsection (1).

3057 (5) (a) The two red reflectors required under Subsections (3) and (4) shall be positioned  
3058 to show, as nearly as practicable, the extreme width of the vehicle or combination of vehicles  
3059 as viewed from the rear of the vehicle or combination of vehicles.

3060 (b) Reflective tape or paint may be used in lieu of the reflectors required under this  
3061 section.

3062 (6) (a) A slow-moving vehicle emblem mounted on the rear is required on:

3063 (i) a farm tractor and a self-propelled implement of husbandry designed for operation at  
3064 speeds not in excess of 25 miles per hour; or

3065 (ii) towed farm equipment or a towed implement of husbandry if the towed unit or any  
3066 load on it obscures the slow-moving vehicle emblem on the farm tractor or self-propelled  
3067 implement of husbandry.

3068 (b) The slow-moving vehicle emblem's design, size, mounting, and position on the  
3069 vehicle required under this Subsection (6), shall:

3070 (i) comply with current standards and specifications of the American Society of  
3071 Agricultural Engineers; and

3072 (ii) be approved by the department.

3073 (c) A slow-moving vehicle identification emblem may not be:

3074 (i) used except as required under this section and Sections [41-6a-1508](#) and [41-6a-1609](#);

3075 or

3076 (ii) displayed on a vehicle traveling at a speed in excess of 25 miles per hour.

3077 (7) A violation of this section is an infraction.

3078 Section 107. Section **41-6a-1609** is amended to read:

3079 **41-6a-1609. Lamps and reflectors on vehicles not otherwise specified --**

3080 **Slow-moving vehicle identification emblems on animal-drawn vehicles.**

3081 (1) An animal-drawn vehicle, a vehicle under Section **41-6a-1604**, and a vehicle not  
3082 specifically required by the provisions of other sections in this chapter to be equipped with  
3083 lamps or other lighting devices, shall be equipped with lamps or other lighting devices if  
3084 operated on a highway under the conditions specified under Subsection **41-6a-1603**(1)(a) as  
3085 follows:

3086 (a) at least one lamp displaying a white light visible from a distance of not less than  
3087 1,000 feet to the front of the vehicle; and

3088 (b) (i) two lamps displaying red light visible from a distance of not less than 1,000 feet  
3089 to the rear of the vehicle; or

3090 (ii) one lamp displaying a red light visible from a distance of not less than 1,000 feet to  
3091 the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when  
3092 illuminated by the lawful lower beams of head lamps.

3093 (2) An animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle  
3094 identification emblem as provided under Section **41-6a-1608**.

3095 (3) A violation of this section is an infraction.

3096 Section 108. Section **41-6a-1610** is amended to read:

3097 **41-6a-1610. Spot lamps.**

3098 (1) A motor vehicle may not be equipped with more than two spot lamps.

3099 (2) A lighted spot lamp may not be aimed or used so that any part of the high intensity  
3100 portion of the beam strikes the windshield, or any windows, mirror, or occupant of another  
3101 vehicle in use.

3102 (3) This section does not apply to spot lamps on an authorized emergency vehicle.

3103 (4) A violation of this section is an infraction.

3104 Section 109. Section **41-6a-1611** is amended to read:

3105 **41-6a-1611. Hazard warning lamps.**

3106 (1) A vehicle manufactured with hazard warning lights shall be equipped with hazard  
3107 warning lights for the purpose of warning the operators of other vehicles of the presence of a  
3108 vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or  
3109 passing.

3110 (2) In addition to the requirements of Subsection (1), a bus, truck, truck-tractor, trailer,  
3111 semitrailer, or pole trailer shall be equipped with hazard warning lights if the bus, truck,  
3112 truck-tractor, trailer, semitrailer, or pole trailer is 80 inches or more in overall width or 30 feet  
3113 or more in overall length.

3114 (3) The hazard warning lights required under this section shall comply with rules made  
3115 by the department under Section [41-6a-1601](#).

3116 (4) A violation of this section is an infraction.

3117 Section 110. Section **41-6a-1612** is amended to read:

3118 **41-6a-1612. Back-up lamps -- Side marker lamps.**

3119 (1) (a) A motor vehicle may be equipped with one or more back-up lamps either  
3120 separately or in combination with other lamps.

3121 (b) A back-up lamp or lamps may not be lighted when the motor vehicle is in forward  
3122 motion.

3123 (c) A lighted back-up lamp shall emit a white light.

3124 (2) A vehicle may be equipped with one or more side marker lamps that may be  
3125 flashed in conjunction with turn or vehicular hazard warning signals.

3126 (3) A back-up lamp and side marker lamp under this section shall comply with rules  
3127 made by the department under Section [41-6a-1601](#).

3128 (4) A violation of this section is an infraction.

3129 Section 111. Section **41-6a-1613** is amended to read:

3130 **41-6a-1613. Lamp required for operation of vehicle on highway or adjacent**  
3131 **shoulder -- Dimming of lights.**

3132 (1) (a) If a vehicle is operated on a highway or shoulder adjacent to the highway under



3133 the conditions specified under Subsection 41-6a-1603(1)(a), the operator of a vehicle shall use  
3134 a high or low beam distribution of light or composite beam except as provided under  
3135 Subsection (1)(c).

3136 (b) Except as provided under Subsection (1)(c), the distribution of light or composite  
3137 beam shall be directed high enough and of sufficient intensity to reveal persons and vehicles at  
3138 a safe distance in advance of the vehicle.

3139 (c) The operator of a vehicle shall use a low beam distribution of light or composite  
3140 beam if the vehicle approaches:

- 3141 (i) an oncoming vehicle within 500 feet; or  
3142 (ii) another vehicle from the rear within 300 feet.

3143 (2) (a) The low beam distribution of light or composite beam shall be aimed to avoid  
3144 projecting glaring rays into the:

- 3145 (i) eyes of an oncoming operator; or  
3146 (ii) rearview mirror of a vehicle approached from the rear.

3147 (b) A vehicle is not in violation of Subsection (2)(a) if:

- 3148 (i) the vehicle has not been significantly altered from the original vehicle  
3149 manufacturer's specifications; or  
3150 (ii) the glaring rays result from road contour or a temporary load on the vehicle.

3151 (3) A violation of this section is an infraction.

3152 Section 112. Section 41-6a-1616 is amended to read:

3153 **41-6a-1616. High intensity beams -- Red or blue lights -- Flashing lights -- Color**  
3154 **of rear lights and reflectors.**

3155 (1) (a) Except as provided under Subsection (1)(b), under the conditions specified  
3156 under Subsection 41-6a-1603(1)(a), a lighted lamp or illuminating device on a vehicle, which  
3157 projects a beam of light of an intensity greater than 300 candlepower shall be directed so that  
3158 no part of the high intensity portion of the beam will strike the level of the roadway on which  
3159 the vehicle stands at a distance of more than 75 feet from the vehicle.

3160 (b) The provisions of Subsection (1)(a) do not apply to head lamps, spot lamps,

3161 auxiliary lamps, flashing turn signals, hazard warning lamps, and school bus warning lamps.

3162 (c) A motor vehicle on a highway may not have more than a total of four lamps lighted  
3163 on the front of the vehicle including head lamps, auxiliary lamps, spot lamps, or any other lamp  
3164 if the lamp projects a beam of an intensity greater than 300 candlepower.

3165 (2) (a) Except for an authorized emergency vehicle and a school bus, a person may not  
3166 operate or move any vehicle or equipment on a highway with a lamp or device capable of  
3167 displaying a red light that is visible from directly in front of the center of the vehicle.

3168 (b) Except for a law enforcement vehicle, a person may not operate or move any  
3169 vehicle or equipment on a highway with a lamp or device capable of displaying a blue light that  
3170 is visible from directly in front of the center of the vehicle.

3171 (3) A person may not use flashing lights on a vehicle except for:

3172 (a) taillights of bicycles under Section 41-6a-1114;

3173 (b) authorized emergency vehicles under rules made by the department under Section  
3174 41-6a-1601;

3175 (c) turn signals under Section 41-6a-1604;

3176 (d) hazard warning lights under Sections 41-6a-1608 and 41-6a-1611;

3177 (e) school bus flashing lights under Section 41-6a-1302; and

3178 (f) vehicles engaged in highway construction or maintenance under Section  
3179 41-6a-1617.

3180 (4) A person may not use a rotating light on any vehicle other than an authorized  
3181 emergency vehicle.

3182 (5) A violation of this section is an infraction.

3183 Section 113. Section **41-6a-1618** is amended to read:

3184 **41-6a-1618. Sale or use of unapproved lighting equipment or devices prohibited.**

3185 (1) Except as provided under Subsection (2), a person may not use, have for sale, sell,  
3186 or offer for sale for use on or as a part of the equipment of a motor vehicle, trailer, semitrailer,  
3187 or pole trailer any head lamp, auxiliary fog lamp, rear lamp, signal lamp, required reflector, or  
3188 any parts of that equipment which tend to change the original design or performance, unless the

3189 part or equipment complies with the specifications adopted under Section 41-6a-1601.

3190 (2) The provisions of Subsection (1) do not apply to equipment in actual use prior to  
3191 July 1, 1979 or to replacement parts of this equipment.

3192 (3) A person may not use on a motor vehicle, trailer, semitrailer, or pole trailer any  
3193 lamps under this section unless the lamps are mounted, adjusted, and aimed in accordance with  
3194 this part.

3195 (4) A violation of this section is an infraction.

3196 Section 114. Section 41-6a-1619 is amended to read:

3197 **41-6a-1619. Sale of unapproved equipment prohibited -- Trademark or brand**  
3198 **name.**

3199 (1) A person shall not sell or offer for sale any equipment or parts that do not comply  
3200 with the standards adopted under Section 41-6a-1601 including any lamp, reflector, hydraulic  
3201 brake fluid, seat belt, safety glass, emergency disablement warning device, studded tire,  
3202 motorcycle helmet, eye protection device for motorists, or red rear bicycle reflector.

3203 (2) Any equipment described under Subsection (1) or Section 41-6a-1618 or any  
3204 package containing the equipment shall bear the manufacturer's trademark or brand name  
3205 unless it complies with identification requirements of the United States Department of  
3206 Transportation or other federal agencies.

3207 (3) A violation of this section is an infraction.

3208 Section 115. Section 41-6a-1623 is amended to read:

3209 **41-6a-1623. Braking systems required -- Adoption of performance requirements**  
3210 **by department.**

3211 (1) A motor vehicle and a combination of vehicles shall have a service braking system  
3212 which will stop the motor vehicle or combination of vehicles within:

3213 (a) 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard  
3214 surface; or

3215 (b) a shorter distance as may be specified by the department in accordance with federal  
3216 standards.

3217 (2) A motor vehicle and a combination of vehicles shall have a parking brake system:

3218 (a) adequate to hold the motor vehicle or combination of vehicles on any grade on  
3219 which it is operated under all conditions of loading on a surface free from snow, ice or loose  
3220 material; or

3221 (b) which complies with performance standards issued by the department in accordance  
3222 with federal standards.

3223 (3) In addition to the requirements of Subsections (1) and (2), if necessary for safe  
3224 operation, the department may by rule require additional braking systems in accordance with  
3225 federal standards.

3226 (4) A violation of this section is an infraction.

3227 Section 116. Section **41-6a-1624** is amended to read:

3228 **41-6a-1624. Failure to repair a damaged or deployed airbag -- Penalty.**

3229 (1) As used in this section, "person" includes the owner or lessee of a motor vehicle, a  
3230 body shop, dealer, remanufacturer, salvage rebuilder, vehicle service maintenance facility, or  
3231 any entity or individual engaged in the repair or replacement of motor vehicles or airbag  
3232 passive restraint systems.

3233 (2) Except as provided under Subsection (3), if a repair to a vehicle to be used on a  
3234 highway is initiated, a person who has actual knowledge that a motor vehicle's airbag passive  
3235 restraint system is damaged or has been deployed may not fail or cause another person to fail to  
3236 fully restore, arm, and return to original operating condition, the motor vehicle's airbag passive  
3237 restraint system.

3238 (3) In the course of repairing a motor vehicle, a person who has actual knowledge that  
3239 the motor vehicle's airbag passive restraint system is damaged or has been deployed shall notify  
3240 the owner or lessee of the vehicle, in a form approved by the Department of Public Safety, that  
3241 the failure to repair and fully restore the motor vehicle's airbag passive restraint system is a  
3242 class B misdemeanor.

3243 (4) Unless acting under a dismantling permit under Section [41-1a-1010](#), a person may  
3244 not remove or modify a motor vehicle's airbag passive restraint system with the intent of

3245 rendering the motor vehicle's airbag passive restraint system inoperable.

3246 (5) A person who violates this section is guilty of a class [B] C misdemeanor.

3247 Section 117. Section **41-6a-1625** is amended to read:

3248 **41-6a-1625. Horns and warning devices -- Emergency vehicles.**

3249 (1) (a) A motor vehicle operated on a highway shall be equipped with a horn or other  
3250 warning device in good working order.

3251 (b) The horn or other warning device:

3252 (i) shall be capable of emitting sound audible under normal conditions from a distance  
3253 of not less than 200 feet; and

3254 (ii) may not emit an unreasonably loud or harsh sound or a whistle.

3255 (c) The operator of a motor vehicle:

3256 (i) when reasonably necessary to insure safe operation, shall give audible warning with  
3257 the horn; and

3258 (ii) except as provided under Subsection (1)(c)(i), may not use the horn on a highway.

3259 (2) Except as provided under this section, a vehicle may not be equipped with and a  
3260 person may not use on a vehicle a siren, whistle, or bell.

3261 (3) (a) A vehicle may be equipped with a theft alarm signal device if it is arranged so  
3262 that it cannot be used by the operator as an ordinary warning signal.

3263 (b) A theft alarm signal device may:

3264 (i) use a whistle, bell, horn or other audible signal; and

3265 (ii) not use a siren.

3266 (4) (a) An authorized emergency vehicle shall be equipped with a siren, whistle, or bell  
3267 capable of emitting sound audible under normal conditions from a distance of not less than 500  
3268 feet.

3269 (b) The type of sound shall be approved by the department based on standards adopted  
3270 by rules under Section [41-6a-1601](#).

3271 (c) The siren on an authorized emergency vehicle may not be used except:

3272 (i) when the vehicle is operated in response to an emergency call; or

3273 (ii) in the immediate pursuit of an actual or suspected violator of the law.

3274 (d) The operator of an authorized emergency vehicle shall sound the siren in  
3275 accordance with this section when reasonably necessary to warn pedestrians and other vehicle  
3276 operators of the approach of the authorized emergency vehicle.

3277 (5) A violation of this section is an infraction.

3278 Section 118. Section **41-6a-1626** is amended to read:

3279 **41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution**  
3280 **control devices.**

3281 (1) (a) A vehicle shall be equipped, maintained, and operated to prevent excessive or  
3282 unusual noise.

3283 (b) A motor vehicle shall be equipped with a muffler or other effective noise  
3284 suppressing system in good working order and in constant operation.

3285 (c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.

3286 (2) (a) Except while the engine is being warmed to the recommended operating  
3287 temperature, the engine and power mechanism of a:

3288 (i) gasoline-powered motor vehicle may not emit visible contaminants during  
3289 operation;

3290 (ii) diesel engine manufactured on or after January 1, 1973, may not emit visible  
3291 contaminants of a shade or density darker than 20% opacity; and

3292 (iii) diesel engine manufactured before January 1, 1973, may not emit visible  
3293 contaminants of a shade or density darker than 40% opacity.

3294 (b) A person who violates the provisions of Subsection (2)(a) is guilty of [~~a class C~~  
3295 ~~misdemeanor~~] an infraction.

3296 (3) (a) A motor vehicle equipped by a manufacturer with air pollution control devices  
3297 shall maintain the devices in good working order and in constant operation.

3298 (b) For purposes of the first sale of a vehicle at retail, an air pollution control device  
3299 may be substituted for the manufacturer's original device if the substituted device is at least as  
3300 effective in the reduction of emissions from the vehicle motor as the air pollution control

3301 device furnished by the manufacturer of the vehicle as standard equipment for the same vehicle  
3302 class.

3303 (c) A person who renders inoperable an air pollution control device on a motor vehicle  
3304 is guilty of a class [B] C misdemeanor.

3305 (4) Subsection (3) does not apply to a motor vehicle altered and modified to use clean  
3306 fuel, as defined under Section 59-13-102, when the emissions from the modified or altered  
3307 motor vehicle are at levels that comply with existing state or federal standards for the emission  
3308 of pollutants from a motor vehicle of the same class.

3309 (5) A violation of this section is an infraction, except that a violation of Subsection (3)  
3310 is a class C misdemeanor.

3311 Section 119. Section **41-6a-1627** is amended to read:

3312 **41-6a-1627. Mirrors.**

3313 (1) (a) A motor vehicle shall be equipped with a mirror mounted on the left side of the  
3314 vehicle.

3315 (b) A mirror under Subsection (1)(a) shall be located to reflect to the driver a view of  
3316 the highway to the rear of the vehicle.

3317 (2) (a) Except for a motorcycle, in addition to the mirror required under Subsection (1),  
3318 a motor vehicle shall be equipped with a mirror mounted either inside the vehicle  
3319 approximately in the center or outside the vehicle on the right side.

3320 (b) The mirror under Subsection (2)(a) shall be located to reflect to the driver a view of  
3321 the highway to the rear of the vehicle.

3322 (3) A violation of this section is an infraction.

3323 Section 120. Section **41-6a-1628** is amended to read:

3324 **41-6a-1628. Seat belts -- Design and installation -- Specifications or requirements.**

3325 (1) A safety belt installed in a vehicle to accommodate an adult person shall be  
3326 designed and installed to prevent or materially reduce the movement of the person using the  
3327 safety belt in the event of collision or upset of the vehicle.

3328 (2) A person may not sell, offer, or keep for sale a safety belt or attachments for use in

3329 a vehicle that does not comply with the specifications under Section 41-6a-1601.

3330 (3) A violation of this section is an infraction.

3331 Section 121. Section 41-6a-1630 is amended to read:

3332 **41-6a-1630. Standards applicable to vehicles.**

3333 (1) The following standards apply to vehicles under Sections 41-6a-1629 through  
3334 41-6a-1633:

3335 (a) A replacement part and equipment used in a mechanical alteration shall be:

3336 (i) designed and capable of performing the function for which they are intended; and

3337 (ii) equal to or greater in strength and durability than the original parts provided by the  
3338 original manufacturer.

3339 (b) Except for original equipment, a person may not use spacers to increase wheel track  
3340 width of a vehicle.

3341 (c) A person may not use axle blocks to alter the suspension on the front axle of a  
3342 vehicle.

3343 (d) A person may not stack two or more axle blocks of a vehicle.

3344 (2) (a) In doubtful or unusual cases, or to meet specific industrial requirements,  
3345 personnel of the Utah Highway Patrol shall inspect the vehicle to determine:

3346 (i) the road worthiness and safe condition of the vehicle; and

3347 (ii) whether it complies with Sections 41-6a-1629 through 41-6a-1633.

3348 (b) If the vehicle complies, the Utah Highway Patrol shall issue a permit of approval  
3349 that shall be carried in the vehicle.

3350 (3) (a) Upon notice to the party to whom the motor vehicle is registered, the  
3351 department shall suspend the registration of any motor vehicle equipped, altered, or modified in  
3352 violation of Sections 41-6a-1629 through 41-6a-1633.

3353 (b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse  
3354 to register any motor vehicle it has reason to believe is equipped, altered, or modified in  
3355 violation of Sections 41-6a-1629 through 41-6a-1633.

3356 (4) A violation of this section is a class C misdemeanor.



3357 Section 122. Section **41-6a-1631** is amended to read:

3358 **41-6a-1631. Prohibitions.**

3359 (1) A person may not operate on a highway a motor vehicle that is mechanically altered  
3360 or changed:

3361 (a) in any way that may under normal operation:

3362 (i) cause the motor vehicle body or chassis to come in contact with the roadway;

3363 (ii) expose the fuel tank to damage from collision; or

3364 (iii) cause the wheels to come in contact with the body;

3365 (b) in any manner that may impair the safe operation of the vehicle;

3366 (c) so that any part of the vehicle other than tires, rims, and mudguards are less than  
3367 three inches above the ground;

3368 (d) to a frame height of more than 24 inches for a motor vehicle with a gross vehicle  
3369 weight rating of less than 4,500 pounds;

3370 (e) to a frame height of more than 26 inches for a motor vehicle with a gross vehicle  
3371 weight rating of at least 4,500 pounds and less than 7,500 pounds;

3372 (f) to a frame height of more than 28 inches for a motor vehicle with a gross vehicle  
3373 weight rating of at least 7,500 pounds;

3374 (g) by stacking or attaching vehicle frames (one from on top of or beneath another  
3375 frame); or

3376 (h) so that the lowest portion of the body floor is raised more than three inches above  
3377 the top of the frame.

3378 (2) If the wheel track is increased beyond the O.E.M. specification, the top 50% of the  
3379 tires shall be covered by the original fenders, by rubber, or other flexible fender extenders  
3380 under any loading condition.

3381 (3) A violation of this section is a class C misdemeanor.

3382 Section 123. Section **41-6a-1632** is amended to read:

3383 **41-6a-1632. Bumpers.**

3384 (1) A motor vehicle shall be equipped with a bumper on both front and rear of the

3385 motor vehicle, except a motor vehicle that was not originally designed or manufactured with a  
3386 bumper or bumpers.

3387 (2) (a) On a motor vehicle required to have bumpers under Subsection (1), a bumper  
3388 shall be:

3389 (i) at least 4.5 inches in vertical height;

3390 (ii) centered on the vehicle's center line; and

3391 (iii) extend no less than the width of the respective wheel track distance.

3392 (b) A bumper shall be securely mounted, horizontal load bearing, and attached to the  
3393 motor vehicle's frame to effectively transfer impact when engaged.

3394 (3) If a motor vehicle is originally or later equipped with a bumper, the bumper shall:

3395 (a) be maintained in operational condition; and

3396 (b) comply with this section.

3397 (4) A violation of this section is an infraction.

3398 Section 124. Section **41-6a-1633** is amended to read:

3399 **41-6a-1633. Mudguards or flaps at rear wheels of trucks, trailers, truck tractors,**  
3400 **or altered motor vehicles -- Exemptions.**

3401 (1) (a) Except as provided in Subsection (2), when operated on a highway, the  
3402 following vehicles shall be equipped with wheel covers, mudguards, flaps, or splash aprons  
3403 behind the rearmost wheels to prevent, as far as practicable, the wheels from throwing dirt,  
3404 water, or other materials on other vehicles:

3405 (i) a vehicle that has been altered:

3406 (A) from the original manufacturer's frame height; or

3407 (B) in any other manner so that the motor vehicle's wheels may throw dirt, water, or  
3408 other materials on other vehicles;

3409 (ii) any truck with a gross vehicle weight rating of 10,500 pounds or more;

3410 (iii) any truck tractor; and

3411 (iv) any trailer or semitrailer with an unladen weight of 750 pounds or more.

3412 (b) The wheel covers, mudguards, flaps, or splash aprons shall:

3413 (i) be at least as wide as the tires they are protecting;  
3414 (ii) be directly in line with the tires; and  
3415 (iii) have a ground clearance of not more than 50% of the diameter of a rear-axle  
3416 wheel, under any conditions of loading of the motor vehicle.

3417 (2) Wheel covers, mudguards, flaps, or splash aprons are not required:  
3418 (a) if the motor vehicle, trailer, or semitrailer is designed and constructed so that the  
3419 requirements of Subsection (1) are accomplished by means of fenders, body construction, or  
3420 other means of enclosure; or

3421 (b) on a vehicle operated or driven during fair weather on well-maintained,  
3422 hard-surfaced roads if the motor vehicle:

3423 (i) was made in America prior to 1935;  
3424 (ii) is registered as a vintage vehicle; or  
3425 (iii) is a custom vehicle as defined under Section [41-6a-1507](#).

3426 (3) Except as provided in Subsection (2)(b), rear wheels not covered at the top by  
3427 fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means  
3428 extending rearward at least to the center line of the rearmost axle.

3429 (4) A violation of this section is an infraction.

3430 Section 125. Section **41-6a-1634** is amended to read:

3431 **41-6a-1634. Safety chains on towed vehicles required -- Exceptions.**

3432 (1) A towed vehicle shall be coupled by means of a safety chain, cable or equivalent  
3433 device, in addition to the regular trailer hitch or coupling.

3434 (2) Except as provided under Subsection (3), a safety chain, cable or equivalent device  
3435 shall be:

3436 (a) securely connected with the chassis of the towing vehicle, the towed vehicle, and  
3437 the drawbar;

3438 (b) of sufficient material and strength to prevent the two vehicles from becoming  
3439 separated; and

3440 (c) attached to:

- 3441 (i) have no more slack than is necessary for proper turning;
- 3442 (ii) the trailer drawbar to prevent it from dropping to the ground; and
- 3443 (iii) assure the towed vehicle follows substantially in the course of the towing vehicle
- 3444 in case the vehicles become separated.

3445 (3) A violation of Subsection (1) or (2) is an infraction.

3446 [~~3~~] (4) The provisions of Subsection (2) do not apply to a:

- 3447 (a) semitrailer having a connecting device composed of a fifth wheel and king pin
- 3448 assembly;
- 3449 (b) pole trailer; or
- 3450 (c) trailer being towed by a bicycle.

3451 Section 126. Section **41-6a-1635** is amended to read:

3452 **41-6a-1635. Windshields and windows -- Tinting -- Obstructions reducing**  
3453 **visibility -- Wipers -- Prohibitions.**

3454 (1) Except as provided in Subsections (2) and (3), a person may not operate a motor  
3455 vehicle with:

- 3456 (a) a windshield that allows less than 70% light transmittance;
- 3457 (b) a front side window that allows less than 43% light transmittance;
- 3458 (c) any windshield or window that is composed of, covered by, or treated with any
- 3459 material or component that presents a metallic or mirrored appearance; or
- 3460 (d) any sign, poster, or other nontransparent material on the windshield or side
- 3461 windows of the motor vehicle except:

- 3462 (i) a certificate or other paper required to be so displayed by law; or
- 3463 (ii) the vehicle's identification number displayed or etched in accordance with rules
- 3464 made by the department under Section **41-6a-1601**.

3465 (2) Nontransparent materials may be used:

- 3466 (a) along the top edge of the windshield if the materials do not extend downward more
- 3467 than four inches from the top edge of the windshield or beyond the AS-1 line whichever is
- 3468 lowest;

3469 (b) in the lower left-hand corner of the windshield provided they do not extend more  
3470 than three inches to the right of the left edge or more than four inches above the bottom edge of  
3471 the windshield; or

3472 (c) on the rear windows including rear side windows located behind the vehicle  
3473 operator.

3474 (3) A windshield or other window is considered to comply with the requirements of  
3475 Subsection (1) if the windshield or other window meets the federal statutes and regulations for  
3476 motor vehicle window composition, covering, light transmittance, and treatment.

3477 (4) Except for material used on the windshield in compliance with Subsections (2)(a)  
3478 and (b), a motor vehicle with tinting or nontransparent material on any window shall be  
3479 equipped with rear-view mirrors mounted on the left side and on the right side of the motor  
3480 vehicle to reflect to the driver a view of the highway to the rear of the motor vehicle.

3481 (5) (a) (i) The windshield on a motor vehicle shall be equipped with a device for  
3482 cleaning rain, snow, or other moisture from the windshield.

3483 (ii) The device shall be constructed to be operated by the operator of the motor vehicle.

3484 (b) A windshield wiper on a motor vehicle shall be maintained in good working order.

3485 (6) A person may not have for sale, sell, offer for sale, install, cover, or treat a  
3486 windshield or window in violation of this section.

3487 (7) Notwithstanding this section, any person subject to the federal Motor Vehicle  
3488 Safety Standards, including motor vehicle manufacturers, distributors, dealers, importers, and  
3489 repair businesses, shall comply with the federal standards on motor vehicle window tinting.

3490 (8) A violation of this section is an infraction.

3491 Section 127. Section **41-6a-1636** is amended to read:

3492 **41-6a-1636. Tires which are prohibited -- Regulatory powers of state**  
3493 **transportation department -- Winter use of studs -- Special permits -- Tread depth.**

3494 (1) A solid rubber tire on a vehicle shall have rubber on its entire traction surface at  
3495 least one inch thick above the edge of the flange of the entire periphery.

3496 (2) A person may not operate or move on a highway a motor vehicle, trailer, or

3497 semitrailer having a metal tire in contact with the roadway.

3498           (3) Except as otherwise provided in this section, a person may not have a tire on a  
3499 vehicle that is moved on a highway that has on the tire's periphery a block, stud, flange, cleat,  
3500 or spike or any other protuberances of any material other than rubber which projects beyond the  
3501 tread of the traction surface of the tire.

3502           (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3503 Department of Transportation may make rules to permit the use of tires on a vehicle having  
3504 protuberances other than rubber, if the department concludes that protuberances do not:

3505           (a) damage the highway significantly; or

3506           (b) constitute a hazard to life, health, or property.

3507           (5) Notwithstanding any other provision of this section, a person may use:

3508           (a) a tire with protuberances consisting of tungsten carbide studs on a vehicle if the  
3509 studs:

3510           (i) are only used during the winter periods of October 15 through December 31 and  
3511 January 1 through March 31 of each year;

3512           (ii) do not project beyond the tread of the traction surface of the tire more than .050  
3513 inches; and

3514           (iii) are not used on a vehicle with a maximum gross weight in excess of 9,000 pounds  
3515 unless the vehicle is an emergency vehicle or school bus;

3516           (b) farm machinery with tires having protuberances which will not injure the highway;  
3517 and

3518           (c) tire chains of reasonable proportions on a vehicle when required for safety because  
3519 of snow, ice, or other conditions tending to cause a vehicle to skid.

3520           (6) Notwithstanding any other provision of this chapter, a highway authority, for a  
3521 highway under its jurisdiction, may issue special permits authorizing the operation on a  
3522 highway of:

3523           (a) farm tractors;

3524           (b) other farm machinery; or

3525 (c) traction engines or tractors having movable tracks with transverse corrugations on  
3526 the periphery of the movable tracks.

3527 (7) (a) A person may not operate a vehicle if one or more of the tires in use on the  
3528 vehicle:

3529 (i) is in an unsafe operating condition; or

3530 (ii) has a tread depth less than 2/32 inch measured in any two adjacent tread grooves at  
3531 three equally spaced intervals around the circumference of the tire.

3532 (b) The measurement under Subsection (7)(a) may not be made at the location of any  
3533 tread wear indicator, tie bar, hump, or fillet.

3534 (8) A person in the business of selling tires may not sell or offer for sale for highway  
3535 use any tire prohibited for use under Subsection (7).

3536 (9) A violation of this section is an infraction.

3537 Section 128. Section **41-6a-1637** is amended to read:

3538 **41-6a-1637. Flares, fusees, or electric lanterns and flags -- Alternative reflector**  
3539 **units -- Duty to carry in trucks and buses -- Requirements.**

3540 (1) Except as provided under Subsection (2) and unless the vehicle is carrying the  
3541 equipment required under this section, a person may not operate a truck, bus or truck-tractor, or  
3542 a motor vehicle towing a house trailer:

3543 (a) on a highway outside an urban district; or

3544 (b) on a divided highway during hours of darkness specified under Section [41-6a-1603](#).

3545 (2) (a) The vehicle shall carry at least:

3546 (i) three flares;

3547 (ii) three red electric lanterns;

3548 (iii) three portable red emergency reflectors; or

3549 (iv) three red-burning fusees.

3550 (b) The equipment required under Subsections (2)(a)(i) and (ii) shall be capable of  
3551 being seen and distinguished at a distance of not less than 600 feet under normal atmospheric  
3552 conditions during the hours of darkness.

3553 (c) The equipment required under Subsection (2)(a)(iii) shall be capable of reflecting  
3554 red light clearly visible from a distance of not less than 600 feet under normal atmospheric  
3555 conditions during the hours of darkness when directly in front of lawful lower beams of head  
3556 lamps.

3557 (3) A flare, fusee, electric lantern, warning flag, or portable reflector used under this  
3558 section or Section 41-6a-1638 shall comply with specifications adopted under Section  
3559 41-6a-1601.

3560 (4) (a) A person may not operate a motor vehicle used for the transportation of  
3561 explosives or any cargo tank truck used for the transportation of flammable liquids or  
3562 compressed gases under the conditions specified under Subsections (1)(a) and (b) unless there  
3563 is carried in the vehicle:

- 3564 (i) three red electric lanterns; or
- 3565 (ii) three portable red emergency reflectors.

3566 (b) A person operating a vehicle specified under Subsection (4)(a) or a vehicle using  
3567 compressed gas as a motor fuel may not carry in the vehicle a flare, fusee, or signal produced  
3568 by flame.

3569 (5) A person may not operate a vehicle described under this section on a highway  
3570 outside of an urban district or on a divided highway during daylight hours unless at least two  
3571 red flags, not less than 12 inches square, with standards to support the flags are carried in the  
3572 vehicle.

3573 (6) A violation of this section is an infraction.

3574 Section 129. Section 41-6a-1638 is amended to read:

3575 **41-6a-1638. Warning signal around disabled vehicle -- Time and place.**

3576 (1) (a) When a truck, bus, truck-tractor, trailer, semitrailer, or pole trailer 80 inches or  
3577 more in over-all width or 30 feet or more in over-all length is stopped on a roadway or adjacent  
3578 shoulder, the operator shall immediately actuate vehicular hazard warning signal lamps  
3579 meeting the requirements of Section 41-6a-1611.

3580 (b) The signal lights need not be displayed by a vehicle:



- 3581 (i) parked lawfully in an urban district;
- 3582 (ii) stopped lawfully to receive or discharge passengers;
- 3583 (iii) stopped to avoid conflict with other traffic or to comply with the directions of a
- 3584 peace officer or an official traffic-control device; or
- 3585 (iv) while the devices specified in Subsections (2) through (6) are in place.

3586 (2) (a) Except as provided in Subsection (3), if a vehicle of a type specified under  
3587 Subsection (1) is disabled or stopped for more than 10 minutes on a roadway outside of an  
3588 urban district under the conditions specified under Subsection 41-6a-1603(1), the operator of  
3589 the vehicle shall display the following warning devices:

3590 (i) a lighted fusee, a lighted red electric lantern, or a portable red emergency reflector  
3591 shall immediately be placed at the traffic side of the vehicle in the direction of the nearest  
3592 approaching traffic; and

3593 (ii) as soon as possible after placing the warning devices under Subsection (2)(a)(i) but  
3594 within the burning period of the fusee (15 minutes), the driver shall place three liquid-burning  
3595 flares (pot torches), or three lighted red electric lanterns, or three portable red emergency  
3596 reflectors on the roadway in the following order:

3597 (A) one approximately 100 feet from the disabled vehicle in the center of the lane  
3598 occupied by the vehicle and toward traffic approaching in that lane;

3599 (B) one approximately 100 feet in the opposite direction from the disabled vehicle and  
3600 in the center of the traffic lane occupied by the vehicle; and

3601 (C) one at the traffic side of the disabled vehicle not less than 10 feet rearward or  
3602 forward of the disabled vehicle in the direction of the nearest approaching traffic.

3603 (b) If a lighted red electric lantern or a red portable emergency reflector has been  
3604 placed at the traffic side of the vehicle in accordance with Subsection (2)(a)(ii)(A), a rearward  
3605 lantern or reflector under Subsection (2)(a)(ii)(C) is not required.

3606 (3) If a vehicle specified under this section is disabled, or stopped for more than 10  
3607 minutes:

3608 (a) within 500 feet of a curve, hillcrest, or other obstruction to view, the warning

3609 device in that direction shall be placed to afford ample warning to other users of the highway,  
3610 but in no case less than 100 feet or more than 500 feet from the disabled vehicle;

3611 (b) on a roadway of a divided highway under the conditions specified under Subsection  
3612 41-6a-1603(1), the appropriate warning devices required under Subsections (2) and (4) shall be  
3613 placed as follows:

3614 (i) one at a distance of approximately 200 feet from the vehicle in the center of the lane  
3615 occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

3616 (ii) one at a distance of approximately 100 feet from the vehicle, in the center of the  
3617 lane occupied by the vehicle and in the direction of traffic approaching in that lane; and

3618 (iii) one at the traffic side of the vehicle and approximately 10 feet from the vehicle in  
3619 the direction of the nearest approaching traffic; or

3620 (c) on a roadway outside of an urban district or on the roadway of a divided highway  
3621 not under the conditions specified under Subsection 41-6a-1603(1), the driver of the vehicle  
3622 shall display two red flags as follows:

3623 (i) if traffic on the roadway moves in two directions, one flag shall be placed  
3624 approximately 100 feet to the rear and one flag approximately 100 feet in advance of the  
3625 vehicle in the center of the lane occupied by the vehicle; or

3626 (ii) on a one-way roadway, one flag shall be placed approximately 100 feet and one flag  
3627 approximately 200 feet to the rear of the vehicle in the center of the lane occupied by the  
3628 vehicle.

3629 (4) When a motor vehicle used in the transportation of explosives or any cargo tank  
3630 truck used for the transportation of any flammable liquid or compressed gas is disabled, or  
3631 stopped for more than 10 minutes, at any time and place specified under Subsection (2) or (3),  
3632 the operator of the vehicle shall immediately display red electric lanterns or portable red  
3633 emergency reflectors in the same number and manner as specified in Subsection (2) or (3).

3634 (5) The warning devices specified under Subsections (2) through (4) are not required to  
3635 be displayed where there is sufficient light to reveal persons and vehicles within a distance of  
3636 1,000 feet.

3637 (6) If a vehicle described under this section is stopped entirely off the roadway and on  
3638 an adjacent shoulder, the warning devices shall be placed, as nearly as practicable, on the  
3639 shoulder near the edge of the roadway.

3640 (7) A violation of this section is an infraction.

3641 Section 130. Section **41-6a-1639** is amended to read:

3642 **41-6a-1639. Hazardous materials -- Transportation regulations -- Fire**  
3643 **extinguishers.**

3644 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
3645 the Department of Transportation shall make rules for the safe transportation of hazardous  
3646 materials.

3647 (b) The rules shall adopt by reference or be consistent with current Hazardous  
3648 Materials Regulations of the United States Department of Transportation.

3649 (c) An adoption by reference under Subsection (1)(b) shall be construed to incorporate  
3650 amendments thereto as may be made from time to time.

3651 (2) A person operating a vehicle transporting any hazardous material as a cargo or part  
3652 of a cargo on a highway shall at all times comply with rules made by the Department of  
3653 Transportation under this section including being:

3654 (a) marked or placarded; and

3655 (b) equipped with fire extinguishers:

3656 (i) of a type, size, and number approved by rule; and

3657 (ii) that are filled, ready for immediate use, and placed at a convenient point on the  
3658 vehicle.

3659 (c) A violation of Subsection (2)(a) or (b) is an infraction.

3660 Section 131. Section **41-6a-1641** is amended to read:

3661 **41-6a-1641. Video display in motor vehicles prohibited if visible to driver --**  
3662 **Exceptions.**

3663 (1) A motor vehicle may not be operated on a highway if the motor vehicle is equipped  
3664 with a video display located so that the display is visible to the operator of the vehicle.

- 3665 (2) This section does not prohibit the use of a video display used exclusively for:  
3666 (a) safety or law enforcement purposes if the use is approved by rule of the department  
3667 under Section 41-6a-1601;  
3668 (b) motor vehicle navigation; or  
3669 (c) monitoring of equipment and operating systems of the motor vehicle.  
3670 (3) A violation of this section is an infraction.

3671 Section 132. Section **41-6a-1713** is amended to read:

3672 **41-6a-1713. Penalty for littering on a highway.**

3673 (1) A person who violates any of the provisions of Section 41-6a-1712 is guilty of [a  
3674 class C misdemeanor] an infraction and shall be fined:

- 3675 (a) not less than \$200 for a violation; or  
3676 (b) not less than \$500 for a second or subsequent violation within three years of a  
3677 previous violation of this section.

3678 (2) The sentencing judge may require that the offender devote at least eight hours in  
3679 cleaning up:

- 3680 (a) litter caused by the offender; and  
3681 (b) existing litter from a safe area designated by the sentencing judge.

3682 Section 133. Section **41-8-1** is amended to read:

3683 **41-8-1. Operation of vehicle by persons under 16 prohibited -- Exceptions for**  
3684 **off-highway vehicles and off-highway implements of husbandry.**

3685 (1) A person under 16 years of age, whether resident or nonresident of this state, may  
3686 not operate a motor vehicle upon any highway of this state.

- 3687 (2) This section does not apply to a person operating:  
3688 (a) a motor vehicle under a permit issued under Section 53-3-210.5;  
3689 (b) an off-highway vehicle registered under Section 41-22-3 either:  
3690 (i) on a highway designated as open for off-highway vehicle use; or  
3691 (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or  
3692 (c) an off-highway implement of husbandry in the manner prescribed by Subsections

3693 41-22-5.5(3) through (5).

3694 (3) A violation of this section is an infraction.

3695 Section 134. Section 41-8-2 is amended to read:

3696 **41-8-2. Operation of vehicle by persons under 17 during night hours prohibited**

3697 -- **Exceptions.**

3698 (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a  
3699 person younger than 17 years of age, whether resident or nonresident of this state, may not  
3700 operate a motor vehicle upon any highway of this state between the hours of 12:00 a.m. and  
3701 5:00 a.m.

3702 (2) It is an affirmative defense to a charge under Subsection (1) that the person is  
3703 operating a motor vehicle:

3704 (a) accompanied by a licensed driver at least 21 years of age who is occupying a seat  
3705 next to the driver;

3706 (b) for the driver's employment, including the trip to and from the driver's residence  
3707 and the driver's employment;

3708 (c) directly to the driver's residence from a school-sponsored activity if:

3709 (i) transportation to the activity is provided by a school or school district; and

3710 (ii) the transportation under Subsection (2)(c)(i) commences from and returns to the  
3711 school property where the driver is enrolled;

3712 (d) on assignment of a farmer or rancher and the driver is engaged in an agricultural  
3713 operation; or

3714 (e) in an emergency.

3715 (3) (a) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver  
3716 License Act, a violation of this section is [~~a class C misdemeanor~~] an infraction.

3717 (b) A peace officer may not seize or impound a vehicle if:

3718 (i) the operator of the vehicle is cited for a violation of this section; and

3719 (ii) the seizure or impoundment is not otherwise authorized under Section 41-1a-1101,  
3720 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527.

3721 Section 135. Section **41-8-3** is amended to read:

3722 **41-8-3. Operation of vehicle by persons under 16 and six months -- Passenger**  
3723 **limitations -- Exceptions -- Penalties.**

3724 (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a  
3725 person, whether resident or nonresident of this state, may not operate a motor vehicle upon any  
3726 highway of this state with any passenger who is not an immediate family member of the driver  
3727 until the earlier of:

3728 (a) six months from the date the person's driver license was issued; or

3729 (b) the person reaches 18 years of age.

3730 (2) It is an affirmative defense to a charge under Subsection (1) that the person is  
3731 operating a motor vehicle:

3732 (a) accompanied by a licensed driver at least 21 years of age who is occupying a seat  
3733 next to the driver;

3734 (b) on assignment of a farmer or rancher and the driver is engaged in an agricultural  
3735 operation; or

3736 (c) in an emergency.

3737 (3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver  
3738 License Act, a violation of this section is [~~a class C misdemeanor~~] an infraction.

3739 (4) (a) Enforcement of this section by state or local law enforcement officers shall be  
3740 only as a secondary action when an operator of a motor vehicle has been detained for a  
3741 suspected violation of Title 41, other than this section, or for another offense.

3742 (b) A peace officer may not seize or impound a vehicle if:

3743 (i) the operator of the vehicle is cited for a violation of this section; and

3744 (ii) the seizure or impoundment is not otherwise authorized under Section [41-1a-1101](#),  
3745 [41-6a-1405](#), [41-6a-1608](#), or [73-18-20.1](#) or required under Section [41-6a-527](#).

3746 Section 136. Section **41-12a-302** is amended to read:

3747 **41-12a-302. Operating motor vehicle without owner's or operator's security --**  
3748 **Penalty.**

3749 (1) (a) Except as provided in Subsection (1)(b), an owner of a motor vehicle on which  
3750 owner's or operator's security is required under Section 41-12a-301, who operates the owner's  
3751 vehicle or permits it to be operated on a highway in this state without owner's security being in  
3752 effect is guilty of a class [B] C misdemeanor, and the fine shall be not less than:

3753 (i) \$400 for a first offense; and

3754 (ii) \$1,000 for a second and subsequent offense within three years of a previous  
3755 conviction or bail forfeiture.

3756 (b) A court may waive up to \$300 of the fine charged to the owner of a motor vehicle  
3757 under Subsection (1)(a)(i) if the owner demonstrates that owner's or operator's security required  
3758 under Section 41-12a-301 was obtained subsequent to the violation but before sentencing.

3759 (2) (a) Except as provided under Subsection (2)(b), any other person who operates a  
3760 motor vehicle upon a highway in Utah with the knowledge that the owner does not have  
3761 owner's security in effect for the motor vehicle is also guilty of a class [B] C misdemeanor, and  
3762 the fine shall be not less than:

3763 (i) \$400 for a first offense; and

3764 (ii) \$1,000 for a second and subsequent offense within three years of a previous  
3765 conviction or bail forfeiture.

3766 (b) A person that has in effect owner's security on a Utah-registered motor vehicle or  
3767 its equivalent that covers the operation, by the person, of the motor vehicle in question is  
3768 exempt from this Subsection (2).

3769 Section 137. Section 41-12a-303.2 is amended to read:

3770 **41-12a-303.2. Evidence of owner's or operator's security to be carried when**  
3771 **operating motor vehicle -- Defense -- Penalties.**

3772 (1) As used in this section:

3773 (a) "Division" means the Motor Vehicle Division of the State Tax Commission.

3774 (b) "Registration materials" means the evidences of motor vehicle registration,  
3775 including all registration cards, license plates, temporary permits, and nonresident temporary  
3776 permits.

- 3777 (2) (a) (i) A person operating a motor vehicle shall:
- 3778 (A) have in the person's immediate possession evidence of owner's or operator's
- 3779 security for the motor vehicle the person is operating; and
- 3780 (B) display it upon demand of a peace officer.
- 3781 (ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is
- 3782 operating:
- 3783 (A) a government-owned or leased motor vehicle; or
- 3784 (B) an employer-owned or leased motor vehicle and is driving it with the employer's
- 3785 permission.
- 3786 (b) Evidence of owner's or operator's security includes any one of the following:
- 3787 (i) a copy of the operator's valid:
- 3788 (A) insurance policy;
- 3789 (B) insurance policy declaration page;
- 3790 (C) binder notice;
- 3791 (D) renewal notice; or
- 3792 (E) card issued by an insurance company as evidence of insurance;
- 3793 (ii) a certificate of insurance issued under Section [41-12a-402](#);
- 3794 (iii) a certified copy of a surety bond issued under Section [41-12a-405](#);
- 3795 (iv) a certificate of the state treasurer issued under Section [41-12a-406](#);
- 3796 (v) a certificate of self-funded coverage issued under Section [41-12a-407](#); or
- 3797 (vi) information that the vehicle or driver is insured from the Uninsured Motorist
- 3798 Identification Database Program created under Title 41, Chapter 12a, Part 8.
- 3799 (c) A card issued by an insurance company as evidence of owner's or operator's
- 3800 security under Subsection (2)(b)(i)(E) on or after July 1, 2014, may not display the owner's or
- 3801 operator's address on the card.
- 3802 (d) (i) A person may provide to a peace officer evidence of owner's or operator's
- 3803 security described in this Subsection (2) in:
- 3804 (A) a hard copy format; or



3805 (B) an electronic format using a mobile electronic device.

3806 (ii) If a person provides evidence of owner's or operator's security in an electronic  
3807 format using a mobile electronic device under this Subsection (2)(d), the peace officer viewing  
3808 the owner's or operator's security on the mobile electronic device may not view any other  
3809 content on the mobile electronic device.

3810 (iii) Notwithstanding any other provision under this section, a peace officer is not  
3811 subject to civil liability or criminal penalties under this section if the peace officer inadvertently  
3812 views content other than the evidence of owner's or operator's security on the mobile electronic  
3813 device.

3814 (e) (i) Evidence of owner's or operator's security from the Uninsured Motorist  
3815 Identification Database Program described under Subsection (2)(b)(vi) supercedes any  
3816 evidence of owner's or operator's security described under Subsection (2)(b)(i)(D) or (E).

3817 (ii) A peace officer may not cite or arrest a person for a violation of Subsection (2)(a) if  
3818 the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a,  
3819 Part 8, information indicates that the vehicle or driver is insured.

3820 (3) It is an affirmative defense to a charge under this section that the person had  
3821 owner's or operator's security in effect for the vehicle the person was operating at the time of  
3822 the person's citation or arrest.

3823 (4) (a) Evidence of owner's or operator's security as defined under Subsection (2)(b) or  
3824 a written statement from an insurance producer or company verifying that the person had the  
3825 required motor vehicle insurance coverage on the date specified is considered proof of owner's  
3826 or operator's security for purposes of Subsection (3) and Section 41-12a-804.

3827 (b) The court considering a citation issued under this section shall allow the evidence  
3828 or a written statement under Subsection (4)(a) and a copy of the citation to be faxed or mailed  
3829 to the clerk of the court to satisfy Subsection (3).

3830 (c) The notice under Section 41-12a-804 shall specify that the written statement under  
3831 Subsection (4)(a) and a copy of the notice shall be faxed or mailed to the designated agent to  
3832 satisfy the proof of owner's or operator's security required under Section 41-12a-804.

3833 (5) A violation of this section is a class [B] C misdemeanor, and the fine shall be not  
3834 less than:

3835 (a) \$400 for a first offense; and

3836 (b) \$1,000 for a second and subsequent offense within three years of a previous  
3837 conviction or bail forfeiture.

3838 (6) Upon receiving notification from a court of a conviction for a violation of this  
3839 section, the department:

3840 (a) shall suspend the person's driver license; and

3841 (b) may not renew the person's driver license or issue a driver license to the person  
3842 until the person gives the department proof of owner's or operator's security.

3843 (i) This proof of owner's or operator's security shall be given by any of the ways  
3844 required under Section 41-12a-401.

3845 (ii) This proof of owner's or operator's security shall be maintained with the department  
3846 for a three-year period.

3847 (iii) An insurer that provides a certificate of insurance as provided under Section  
3848 41-12a-402 or 41-12a-403 may not terminate the insurance policy unless notice of termination  
3849 is filed with the department no later than 10 days after termination as required under Section  
3850 41-12a-404.

3851 (iv) If a person who has canceled the certificate of insurance applies for a license  
3852 within three years from the date proof of owner's or operator's security was originally required,  
3853 the department shall refuse the application unless the person reestablishes proof of owner's or  
3854 operator's security and maintains the proof for the remainder of the three-year period.

3855 Section 138. Section 41-22-3 is amended to read:

3856 **41-22-3. Registration of vehicles -- Application -- Issuance of sticker and card --**  
3857 **Proof of property tax payment -- Records.**

3858 (1) (a) Unless exempted under Section 41-22-9, a person may not operate or transport  
3859 and an owner may not give another person permission to operate or transport any off-highway  
3860 vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle

3861 is registered under this chapter for the current year.

3862 (b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway  
3863 vehicle which can be used or transported on any public land, trail, street, or highway in this  
3864 state, unless the off-highway vehicle is registered or is in the process of being registered under  
3865 this chapter for the current year.

3866 (2) The owner of an off-highway vehicle subject to registration under this chapter shall  
3867 apply to the Motor Vehicle Division for registration on forms approved by the Motor Vehicle  
3868 Division.

3869 (3) Each application for registration of an off-highway vehicle shall be accompanied  
3870 by:

3871 (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of  
3872 sale showing ownership, make, model, horsepower or displacement, and serial number;

3873 (b) the past registration card; or

3874 (c) the fee for a duplicate.

3875 (4) (a) Upon each annual registration, the Motor Vehicle Division shall issue a  
3876 registration sticker and a registration card for each off-highway vehicle registered.

3877 (b) The registration sticker shall:

3878 (i) contain a unique number using numbers, letters, or combination of numbers and  
3879 letters to identify the off-highway vehicle for which it is issued;

3880 (ii) be affixed to the off-highway vehicle for which it is issued in a plainly visible  
3881 position as prescribed by rule of the board under Section 41-22-5.1; and

3882 (iii) be maintained free of foreign materials and in a condition to be clearly legible.

3883 (c) At all times, a registration card shall be kept with the off-highway vehicle and shall  
3884 be available for inspection by a law enforcement officer.

3885 (5) (a) Except as provided by Subsection (5)(c), an applicant for a registration card and  
3886 registration sticker shall provide the Motor Vehicle Division a certificate, described under  
3887 Subsection (5)(b), from the county assessor of the county in which the off-highway vehicle has  
3888 situs for taxation.

3889 (b) The certificate required under Subsection (5)(a) shall state one of the following:

3890 (i) the property tax on the off-highway vehicle for the current year has been paid;

3891 (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to  
3892 secure the payment of the tax; or

3893 (iii) the off-highway vehicle is exempt by law from payment of property tax for the  
3894 current year.

3895 (c) An off-highway vehicle for which an off-highway implement of husbandry sticker  
3896 has been issued in accordance with Section 41-22-5.5 is exempt from the requirement under  
3897 this Subsection (5).

3898 (6) (a) All records of the division made or kept under this section shall be classified by  
3899 the Motor Vehicle Division in the same manner as motor vehicle records are classified under  
3900 Section 41-1a-116.

3901 (b) Division records are available for inspection in the same manner as motor vehicle  
3902 records under Section 41-1a-116.

3903 (7) A violation of this section is an infraction.

3904 Section 139. Section 41-22-4 is amended to read:

3905 **41-22-4. Falsification of documents unlawful -- Alteration or removal of serial**  
3906 **number unlawful -- Display of sticker.**

3907 (1) A person may not:

3908 [~~(1)~~] (a) knowingly falsify an application for registration, affidavit of ownership, or bill  
3909 of sale for any off-highway vehicle;

3910 [~~(2)~~] (b) alter, deface, or remove any manufacturer's serial number on any off-highway  
3911 vehicle;

3912 [~~(3)~~] (c) use or permit the use or display of any registration sticker, registration card, or  
3913 permit upon an off-highway vehicle or in the operation of any off-highway vehicle other than  
3914 the vehicle for which it was issued; or

3915 [~~(4)~~] (d) alter or deface a registration sticker, registration card, or permit issued to an  
3916 off-highway vehicle.

3917 (2) A violation of this section is a class C misdemeanor.

3918 Section 140. Section **41-22-5.5** is amended to read:

3919 **41-22-5.5. Off-highway husbandry vehicles.**

3920 (1) (a) (i) The owner of an all-terrain type I vehicle, motorcycle, all-terrain type II  
3921 vehicle, or snowmobile used for agricultural purposes may apply to the Motor Vehicle Division  
3922 for an off-highway implement of husbandry sticker.

3923 (ii) Each application under Subsection (1)(a)(i) shall be accompanied by:

3924 (A) evidence of ownership;

3925 (B) a title or a manufacturer's certificate of origin; and

3926 (C) a signed statement certifying that the off-highway vehicle is used for agricultural  
3927 purposes.

3928 (iii) The owner shall receive an off-highway implement of husbandry sticker upon  
3929 production of:

3930 (A) the documents required under this Subsection (1); and

3931 (B) payment of an off-highway implement of husbandry sticker fee established by the  
3932 board not to exceed \$10.

3933 (b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or  
3934 highways, it shall also be registered under Section [41-22-3](#).

3935 (c) The off-highway implement of husbandry sticker shall be displayed in a manner  
3936 prescribed by the board and shall identify the all-terrain type I vehicle, motorcycle, or  
3937 snowmobile as an off-highway implement of husbandry.

3938 (2) The off-highway implement of husbandry sticker is valid only for the life of the  
3939 ownership of the all-terrain type I vehicle, motorcycle, or snowmobile and is not transferable.

3940 (3) The off-highway implement of husbandry sticker is valid for an all-terrain type I  
3941 vehicle, motorcycle, or snowmobile which is being operated adjacent to a roadway:

3942 (a) when the all-terrain type I vehicle, motorcycle, or snowmobile is only being used to  
3943 travel from one parcel of land owned or operated by the owner of the vehicle to another parcel  
3944 of land owned or operated by the owner; and

3945 (b) when this operation is necessary for the furtherance of agricultural purposes.

3946 (4) If the operation of an off-highway implement of husbandry adjacent to a roadway is  
3947 impractical, it may be operated on the roadway if the operator exercises due care towards  
3948 conventional motor vehicle traffic.

3949 (5) It is unlawful to operate an off-highway implement of husbandry along, across, or  
3950 within the boundaries of an interstate freeway.

3951 (6) A violation of this section is an infraction.

3952 Section 141. Section **41-22-10.1** is amended to read:

3953 **41-22-10.1. Vehicles operated on posted public land.**

3954 (1) Currently registered off-highway vehicles may be operated on public land, trails,  
3955 streets, or highways that are posted by sign or designated by map or description as open to  
3956 off-highway vehicle use by the controlling federal, state, county, or municipal agency.

3957 (2) The controlling federal, state, county, or municipal agency may:

3958 (a) provide a map or description showing or describing land, trails, streets, or highways  
3959 open to off-highway vehicle use; or

3960 (b) post signs designating lands, trails, streets, or highways open to off-highway  
3961 vehicle use.

3962 (3) Liability may not be imposed on any federal, state, county, or municipality relating  
3963 to the designation or maintenance of any land, trail, street, or highway open for off-highway  
3964 vehicle use.

3965 (4) A violation of this section is an infraction.

3966 Section 142. Section **41-22-10.2** is amended to read:

3967 **41-22-10.2. Off-highway vehicles -- Prohibited on interstate freeway.**

3968 (1) It is unlawful for an off-highway vehicle to operate along, across, or within the  
3969 boundaries of an interstate freeway or controlled access highway, as defined in Section

3970 **41-6a-102.**

3971 (2) A violation of this section is an infraction.

3972 Section 143. Section **41-22-10.3** is amended to read:

3973 **41-22-10.3. Operation of vehicles on highways -- Limits.**

3974 A person may not operate an off-highway vehicle upon any street or highway, not  
3975 designated as open to off-highway vehicle use, except:

3976 (1) when crossing a street or highway and the operator comes to a complete stop before  
3977 crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a  
3978 right angle;

3979 (2) when loading or unloading an off-highway vehicle from a vehicle or trailer, which  
3980 shall be done with due regard for safety, and at the nearest practical point of operation;

3981 (3) when an emergency exists, during any period of time and at those locations when  
3982 the operation of conventional motor vehicles is impractical or when the operation is directed by  
3983 a peace officer or other public authority; or

3984 (4) when operating a street-legal all-terrain vehicle on a highway in accordance with  
3985 Section [41-6a-1509](#).

3986 (5) A violation of this section is an infraction.

3987 Section 144. Section **41-22-10.7** is amended to read:

3988 **41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.**

3989 (1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped  
3990 with:

3991 (a) brakes adequate to control the movement of and to stop and hold the vehicle under  
3992 normal operating conditions;

3993 (b) headlights and taillights when operated between sunset and sunrise;

3994 (c) a noise control device and except for a snowmobile, a spark arrestor device; and

3995 (d) when operated on sand dunes designated by the board, a safety flag that is:

3996 (i) red or orange in color;

3997 (ii) a minimum of six by 12 inches; and

3998 (iii) attached to:

3999 (A) the off-highway vehicle so that the safety flag is at least eight feet above the  
4000 surface of level ground; or

4001 (B) the protective headgear of a person operating a motorcycle so that the safety flag is  
4002 at least 18 inches above the top of the person's head.

4003 (2) A violation of Subsection (1) is an infraction.

4004 [~~(2)~~] (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4005 Act, the board may make rules which set standards for the equipment and which designate sand  
4006 dunes where safety flags are required under Subsection (1).

4007 [~~(3)~~] (4) An off-highway implement of husbandry used only in agricultural operations  
4008 and not operated on a highway, is exempt from the provisions of this section.

4009 Section 145. Section **41-22-11** is amended to read:

4010 **41-22-11. Agencies authorized to erect regulatory signs on public land.**

4011 (1) No person, except an agent of an appropriate federal, state, county, or city agency,  
4012 operating within that agency's authority, may place a regulatory sign governing off-highway  
4013 vehicle use on any public land.

4014 (2) A violation of this section is an infraction.

4015 Section 146. Section **41-22-12** is amended to read:

4016 **41-22-12. Restrictions on use of public lands.**

4017 (1) Except as provided in Sections [79-4-203](#) and [79-4-304](#), federal agencies are  
4018 encouraged and agencies of the state and its subdivisions shall pursue opportunities to open  
4019 public land to responsible off-highway vehicle use and cross-country motor vehicle travel.

4020 (2) A person may not tear down, mutilate, deface, or destroy:

4021 (a) a sign, signboard, or other notice that prohibits or regulates the use of an  
4022 off-highway vehicle on public land; or

4023 (b) a fence or other enclosure or a gate or bars belonging to the fence or other  
4024 enclosure.

4025 (3) A violation of Subsection (2) is an infraction.

4026 Section 147. Section **41-22-12.1** is amended to read:

4027 **41-22-12.1. Restrictions on use of snowmobile trails.**

4028 (1) A person may not operate a wheeled vehicle with a gross vehicle weight of 800



4029 pounds or more on any snowmobile trail that the division has marked, posted, designated, or  
4030 maintained as a snowmobile trail.

4031 (2) A violation of this section is an infraction.

4032 Section 148. Section **41-22-12.2** is amended to read:

4033 **41-22-12.2. Unlawful cross-country motor vehicle travel on public land.**

4034 (1) A person may not operate and an owner of a motor vehicle may not give another  
4035 person permission to operate a motor vehicle cross-country on any public land not designated  
4036 for that use by the controlling agency.

4037 (2) A person who violates this section is guilty of [~~a class C misdemeanor~~] an  
4038 infraction.

4039 (3) As part of any sentence for a conviction of a violation of this section, the court:

4040 (a) may impose a fine not to exceed \$150; and

4041 (b) may require the person to perform community service in the form of repairing any  
4042 damage to the public land caused by the unlawful cross-country motor vehicle travel.

4043 Section 149. Section **41-22-12.5** is amended to read:

4044 **41-22-12.5. Restrictions on use of privately-owned lands without permission --**  
4045 **Unlawful for person to tamper with signs or fencing on privately-owned land.**

4046 (1) (a) A person may not operate or accompany a person operating a motor vehicle on  
4047 privately-owned land of any other person, firm, or corporation without permission from the  
4048 owner or person in charge.

4049 (b) A person operating or accompanying a person operating a motor vehicle may not  
4050 refuse to immediately leave private land upon request of the owner or person in charge of the  
4051 land.

4052 (c) Subsections (1)(a) and (b) do not apply to prescriptive easements on privately  
4053 owned land.

4054 (d) A person who violates Subsection (1)(a) [~~or (b) is guilty of a class C misdemeanor~~]  
4055 is guilty of an infraction.

4056 (e) A person who violates Subsection (1)(b) is guilty of a class C misdemeanor.

4057            ~~(e)~~ (f) As part of any sentence for a conviction of a violation of Subsection (1)(a) or  
4058 (b), the court may:

4059            (i) impose a fine of not more than \$150;

4060            (ii) require the person to pay restitution not to exceed \$500 for any damage caused by  
4061 the unlawful motor vehicle travel; and

4062            (iii) require the person to perform community service in the form of repairing any  
4063 damage caused by the unlawful motor vehicle travel.

4064            (2) A person operating or accompanying a person operating a motor vehicle may not  
4065 obstruct an entrance or exit to private property without the owner's permission.

4066            (3) A person may not:

4067            (a) tear down, mutilate, or destroy any sign, signboards, or other notice which regulates  
4068 trespassing for purposes of operating a motor vehicle on land; or

4069            (b) tear down, deface, or destroy any fence or other enclosure or any gate or bars  
4070 belonging to the fence or enclosure.

4071            (4) (a) A violation of Subsection (2) is an infraction.

4072            (b) A violation of Subsection (3) is a class C misdemeanor.

4073            Section 150. Section **41-22-12.7** is amended to read:

4074            **41-22-12.7. Enhanced penalties for unlawful motor vehicle use on public or**  
4075 **private property.**

4076            (1) A person is guilty of a class [B] C misdemeanor for unlawful cross-country use of a  
4077 motor vehicle on public land or unlawful motor vehicle use on private property if the person:

4078            (a) violates Section [41-22-12.2](#), [41-22-12.5](#), or [41-22-13](#); and

4079            (b) (i) has been convicted of violating Section [41-22-12](#), [41-22-12.2](#), [41-22-12.5](#), or  
4080 [41-22-13](#) within the last two years; or

4081            (ii) knowingly, intentionally, or recklessly:

4082            (A) damages vegetation, trees, wetlands, riparian areas, fences, structures, or  
4083 improvements; or

4084            (B) harasses wildlife or livestock.

4085           (2) As part of any sentence for a conviction of a violation described in Subsection (1),  
4086 the court may:

4087           (a) impose a fine not to exceed \$300;

4088           (b) require the person to pay restitution not to exceed \$1,000 for damage caused by the  
4089 unlawful motor vehicle use; and

4090           (c) require the person to perform community service in the form of repairing any  
4091 damage to the public land caused by the unlawful motor vehicle use.

4092           (3) As part of any sentence for a conviction described in Subsection (1) that is within  
4093 five years of a prior conviction described in Subsection (1), the court may:

4094           (a) impose a fine not to exceed \$1,000;

4095           (b) require the person to pay restitution not to exceed \$2,000 for damage caused by the  
4096 unlawful motor vehicle use; and

4097           (c) require the person to perform community service in the form of repairing any  
4098 damage caused by the unlawful motor vehicle use.

4099           Section 151. Section **41-22-13** is amended to read:

4100           **41-22-13. Prohibited uses.**

4101           (1) No person may operate an off-highway vehicle in connection with acts of  
4102 vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage  
4103 to the environment which includes excessive pollution of air, water, or land, abuse of the  
4104 watershed, impairment of plant or animal life, or excessive mechanical noise.

4105           (2) A violation of this section is an infraction.

4106           Section 152. Section **41-22-15** is amended to read:

4107           **41-22-15. Permission required for race or organized event.**

4108           (1) No person may organize, promote, or hold an off-highway vehicle race or other  
4109 organized event on any land or highway within this state, except as permitted by the  
4110 appropriate agency or landowner having jurisdiction over the land or highway.

4111           (2) A violation of this section is an infraction.

4112           Section 153. Section **41-22-17** is amended to read:

4113           **41-22-17. Penalties for violations.**

4114           (1) Except as otherwise provided, a person who violates the provisions of this chapter  
4115 is guilty of [~~a class C misdemeanor~~] an infraction.

4116           (2) The division may revoke or suspend the registration of any off-highway vehicle  
4117 whose application for registration has been falsified. The owner shall surrender to the division,  
4118 within 15 days of suspension or revocation, the suspended or revoked registration card and  
4119 registration sticker.

4120           Section 154. Section **53-3-202** is amended to read:

4121           **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

4122           (1) A person may not drive a motor vehicle on a highway in this state unless the person  
4123 is:

4124           (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the  
4125 division under this chapter;

4126           (b) driving an official United States Government class D motor vehicle with a valid  
4127 United States Government driver permit or license for that type of vehicle;

4128           (c) driving a road roller, road machinery, or any farm tractor or implement of  
4129 husbandry temporarily drawn, moved, or propelled on the highways;

4130           (d) a nonresident who is at least 16 years of age and younger than 18 years of age who  
4131 has in the nonresident's immediate possession a valid license certificate issued to the  
4132 nonresident in the nonresident's home state or country and is driving in the class or classes  
4133 identified on the home state license certificate, except those persons referred to in Part 6,  
4134 Drivers' License Compact, of this chapter;

4135           (e) a nonresident who is at least 18 years of age and who has in the nonresident's  
4136 immediate possession a valid license certificate issued to the nonresident in the nonresident's  
4137 home state or country if driving in the class or classes identified on the home state license  
4138 certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

4139           (f) driving under a learner permit in accordance with Section [53-3-210.5](#);

4140           (g) driving with a temporary license certificate issued in accordance with Section

4141 53-3-207; or

4142 (h) exempt under Title 41, Chapter 22, Off-Highway Vehicles.

4143 (2) A person may not drive or, while within the passenger compartment of a motor  
4144 vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a  
4145 motor vehicle upon a highway unless the person:

4146 (a) holds a valid license issued under this chapter for the type or class of motor vehicle  
4147 being towed; or

4148 (b) is exempted under either Subsection (1)(b) or (1)(c).

4149 (3) A person may not drive a motor vehicle as a taxicab on a highway of this state  
4150 unless the person has a taxicab endorsement issued by the division on his license certificate.

4151 (4) (a) Except as provided in Subsections (4)(b) and (c), a person may not operate:

4152 (i) a motorcycle unless the person has a valid class D driver license and a motorcycle  
4153 endorsement issued under this chapter;

4154 (ii) a street legal all-terrain vehicle unless the person has a valid class D driver license;  
4155 or

4156 (iii) a motor-driven cycle unless the person has a valid class D driver license and a  
4157 motorcycle endorsement issued under this chapter.

4158 (b) A person operating a moped, as defined in Section 41-6a-102, or an electric assisted  
4159 bicycle, as defined in Section 41-6a-102, is not required to have a motorcycle endorsement  
4160 issued under this chapter.

4161 (c) A person is not required to have a valid class D driver license if the person is:

4162 (i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance  
4163 with Section 41-6a-1115; or

4164 (ii) operating an electric personal assistive mobility device, as defined in Section  
4165 41-6a-102, in accordance with Section 41-6a-1116.

4166 (5) A person who violates this section is guilty of [~~a class C misdemeanor~~] an  
4167 infraction.

4168 Section 155. Section 53-3-203 is amended to read:

4169           **53-3-203. Authorizing or permitting driving in violation of chapter -- Renting of**  
4170 **motor vehicles -- License requirements -- Employees must be licensed -- Violations.**

4171           (1) A person may not authorize or knowingly permit a motor vehicle owned by him or  
4172 under his control to be driven by a person in violation of this chapter.

4173           (2) (a) A person may not rent a motor vehicle to another person unless the person who  
4174 will be the driver is licensed in this state, or in the case of a nonresident, licensed under the  
4175 laws of the state or country of his residence.

4176           (b) A person may not rent a motor vehicle to another person until he has inspected the  
4177 license certificate of the person who will be the driver and verified the signature on the license  
4178 certificate by comparison with the signature of the person who will be the driver written in his  
4179 presence.

4180           (c) A person renting a motor vehicle to another shall keep a record of the:

4181           (i) registration number of the rented motor vehicle;

4182           (ii) name and address of the person to whom the motor vehicle is rented;

4183           (iii) number of the license certificate of the renter; and

4184           (iv) date and place the license certificate was issued.

4185           (d) The record is open to inspection by any peace officer or officer or employee of the  
4186 division.

4187           (3) A person may not employ a person to drive a motor vehicle who is not licensed as  
4188 required under this chapter.

4189           (4) A person who violates [~~Subsection (1), (2)(a), or (3)~~] this section is guilty of [~~a~~  
4190 ~~class C misdemeanor~~] an infraction.

4191           Section 156. Section **53-3-207** is amended to read:

4192           **53-3-207. License certificates or driving privilege cards issued to drivers by class**  
4193 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**  
4194 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

4195           (1) As used in this section:

4196           (a) "Driving privilege" means the privilege granted under this chapter to drive a motor

4197 vehicle.

4198 (b) "Governmental entity" means the state and its political subdivisions as defined in  
4199 this Subsection (1).

4200 (c) "Political subdivision" means any county, city, town, school district, public transit  
4201 district, community development and renewal agency, special improvement or taxing district,  
4202 local district, special service district, an entity created by an interlocal agreement adopted under  
4203 Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public  
4204 corporation.

4205 (d) "State" means this state, and includes any office, department, agency, authority,  
4206 commission, board, institution, hospital, college, university, children's justice center, or other  
4207 instrumentality of the state.

4208 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a  
4209 regular license certificate, a limited-term license certificate, or a driving privilege card  
4210 indicating the type or class of motor vehicle the person may drive.

4211 (b) A person may not drive a class of motor vehicle unless granted the privilege in that  
4212 class.

4213 (3) (a) Every regular license certificate, limited-term license certificate, or driving  
4214 privilege card shall bear:

4215 (i) the distinguishing number assigned to the person by the division;

4216 (ii) the name, birth date, and Utah residence address of the person;

4217 (iii) a brief description of the person for the purpose of identification;

4218 (iv) any restrictions imposed on the license under Section [53-3-208](#);

4219 (v) a photograph of the person;

4220 (vi) a photograph or other facsimile of the person's signature;

4221 (vii) an indication whether the person intends to make an anatomical gift under Title

4222 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended  
4223 under Subsection [53-3-214\(3\)](#); and

4224 (viii) except as provided in Subsection (3)(b), if the person states that the person is a

4225 veteran of the United States military on the application for a driver license in accordance with  
4226 Section 53-3-205 and provides verification that the person was granted an honorable or general  
4227 discharge from the United States Armed Forces, an indication that the person is a United States  
4228 military veteran for a regular license certificate or limited-term license certificate issued on or  
4229 after July 1, 2011.

4230 (b) A regular license certificate or limited-term license certificate issued to any person  
4231 younger than 21 years on a portrait-style format as required in Subsection (5)(b)(i) is not  
4232 required to include an indication that the person is a United States military veteran under  
4233 Subsection (3)(a)(viii).

4234 (c) A new license certificate issued by the division may not bear the person's Social  
4235 Security number.

4236 (d) (i) The regular license certificate, limited-term license certificate, or driving  
4237 privilege card shall be of an impervious material, resistant to wear, damage, and alteration.

4238 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the regular  
4239 license certificate, limited-term license certificate, or driving privilege card shall be as  
4240 prescribed by the commissioner.

4241 (iii) The commissioner may also prescribe the issuance of a special type of limited  
4242 regular license certificate, limited-term license certificate, or driving privilege card under  
4243 Subsection 53-3-220(4).

4244 (4) (a) (i) The division, upon determining after an examination that an applicant is  
4245 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a  
4246 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term  
4247 license certificate.

4248 (ii) (A) The division shall issue a temporary regular license certificate or temporary  
4249 limited-term license certificate allowing the person to drive a motor vehicle while the division  
4250 is completing its investigation to determine whether the person is entitled to be granted a  
4251 driving privilege.

4252 (B) A temporary regular license certificate or a temporary limited-term license



4253 certificate issued under this Subsection (4) shall be recognized and have the same rights and  
4254 privileges as a regular license certificate or a limited-term license certificate.

4255 (b) The temporary regular license certificate or temporary limited-term license  
4256 certificate shall be in the person's immediate possession while driving a motor vehicle, and it is  
4257 invalid when the person's regular license certificate or limited-term license certificate has been  
4258 issued or when, for good cause, the privilege has been refused.

4259 (c) The division shall indicate on the temporary regular license certificate or temporary  
4260 limited-term license certificate a date after which it is not valid as a temporary license.

4261 (d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a  
4262 temporary driving privilege card or other temporary permit to an applicant for a driving  
4263 privilege card.

4264 (ii) The division may issue a learner permit issued in accordance with Section  
4265 [53-3-210.5](#) to an applicant for a driving privilege card.

4266 (5) (a) The division shall distinguish learner permits, temporary permits, regular  
4267 license certificates, limited-term license certificates, and driving privilege cards issued to any  
4268 person younger than 21 years of age by use of plainly printed information or the use of a color  
4269 or other means not used for other regular license certificates, limited-term license certificates,  
4270 or driving privilege cards.

4271 (b) The division shall distinguish a regular license certificate, limited-term license  
4272 certificate, or driving privilege card issued to any person:

4273 (i) younger than 21 years of age by use of a portrait-style format not used for other  
4274 regular license certificates, limited-term license certificates, or driving privilege cards and by  
4275 plainly printing the date the regular license certificate, limited-term license certificate, or  
4276 driving privilege card holder is 21 years of age, which is the legal age for purchasing an  
4277 alcoholic beverage or alcoholic product under Section [32B-4-403](#); and

4278 (ii) younger than 19 years of age, by plainly printing the date the regular license  
4279 certificate, limited-term license certificate, or driving privilege card holder is 19 years of age,  
4280 which is the legal age for purchasing tobacco products under Section [76-10-104](#).

4281 (6) The division shall distinguish a limited-term license certificate by clearly indicating  
4282 on the document:

4283 (a) that it is temporary; and

4284 (b) its expiration date.

4285 (7) (a) The division shall only issue a driving privilege card to a person whose privilege  
4286 was obtained without providing evidence of lawful presence in the United States as required  
4287 under Subsection 53-3-205(8).

4288 (b) The division shall distinguish a driving privilege card from a license certificate by:

4289 (i) use of a format, color, font, or other means; and

4290 (ii) clearly displaying on the front of the driving privilege card a phrase substantially  
4291 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

4292 (8) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary  
4293 permit, temporary regular license certificate, temporary limited-term license certificate, or any  
4294 other temporary permit.

4295 (9) The division shall issue temporary license certificates of the same nature, except as  
4296 to duration, as the license certificates that they temporarily replace, as are necessary to  
4297 implement applicable provisions of this section and Section 53-3-223.

4298 (10) (a) A governmental entity may not accept a driving privilege card as proof of  
4299 personal identification.

4300 (b) A driving privilege card may not be used as a document providing proof of a  
4301 person's age for any government required purpose.

4302 (11) A person who violates Subsection (2)(b) is guilty of [~~a class C misdemeanor~~] an  
4303 infraction.

4304 (12) Unless otherwise provided, the provisions, requirements, classes, endorsements,  
4305 fees, restrictions, and sanctions under this code apply to a:

4306 (a) driving privilege in the same way as a license or limited-term license issued under  
4307 this chapter; and

4308 (b) limited-term license certificate or driving privilege card in the same way as a

4309 regular license certificate issued under this chapter.

4310 Section 157. Section **53-3-208** is amended to read:

4311 **53-3-208. Restrictions.**

4312 (1) (a) When granting a license, the division may for good cause impose restrictions,  
4313 suitable to the licensee's driving ability, for the type of motor vehicle or special mechanical  
4314 control devices required on a motor vehicle that the licensee may drive.

4315 (b) The division may impose other restrictions on the licensee as it determines  
4316 appropriate to assure safe driving of a motor vehicle by the licensee.

4317 (2) The division may either grant a special restricted license or may set forth  
4318 restrictions upon the regular license certificate.

4319 (3) (a) The division may suspend or revoke any license upon receiving satisfactory  
4320 evidence of any violation of the restrictions imposed on the license.

4321 (b) Each licensee is entitled to a hearing for a suspension or revocation under this  
4322 chapter.

4323 (4) It is [~~a class C misdemeanor~~] an infraction for a person to drive a motor vehicle in  
4324 violation of the restrictions imposed on his license under this section.

4325 Section 158. Section **53-3-210.6** is amended to read:

4326 **53-3-210.6. Motorcycle learner permit.**

4327 (1) The division, upon receiving an application for a motorcycle learner permit, may  
4328 issue a motorcycle learner permit effective for six months to an applicant who:

4329 (a) holds an original or provisional class D license, a CDL, or an out-of-state  
4330 equivalent of an original or provisional class D license or a CDL; and

4331 (b) has passed the motorcycle knowledge test.

4332 (2) A motorcycle learner permit entitles an applicant to operate a motorcycle on a  
4333 highway subject to the restrictions in Subsection (3).

4334 (3) (a) For the first two months from the date a motorcycle learner permit is issued, the  
4335 operator of a motorcycle holding the motorcycle learner permit may not operate a motorcycle:

4336 (i) on a highway with a posted speed limit of more than 60 miles per hour;

4337 (ii) with any passengers; or  
4338 (iii) during the nighttime hours after 10 p.m. and before 6 a.m.  
4339 (b) For the third through sixth months from the date a motorcycle learner permit is  
4340 issued, the operator of a motorcycle holding the motorcycle learner permit may operate a  
4341 motorcycle without any restrictions imposed under this Subsection (3).  
4342 (c) It is an affirmative defense to a charge that a person who has been issued a  
4343 motorcycle learner permit is operating a motorcycle in violation of the restrictions under  
4344 Subsection (3)(a) if the person is operating the motorcycle:  
4345 (i) for the operator's employment, including the trip to and from the operator's  
4346 residence and the operator's employment;  
4347 (ii) on assignment of a rancher or farmer and the operator is engaged in an agricultural  
4348 operation; or  
4349 (iii) in an emergency.  
4350 (d) A violation of Subsection (3)(a) is an infraction.  
4351 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4352 division shall make rules governing the issuance of a motorcycle learner permit and  
4353 establishing the proof requirements for an applicant to demonstrate that the applicant has  
4354 completed a motorcycle rider education program.  
4355 Section 159. Section **53-3-213** is amended to read:  
4356 **53-3-213. Age and experience requirements to drive school bus or certain other**  
4357 **carriers -- Misdemeanor to drive unauthorized class of motor vehicle -- Waiver of driving**  
4358 **examination by third party certification.**  
4359 (1) (a) A person must be at least 21 years of age:  
4360 (i) to drive any school bus;  
4361 (ii) to drive any commercial motor vehicle outside this state; or  
4362 (iii) while transporting passengers for hire or hazardous materials.  
4363 (b) Subject to the requirements of Subsection (1)(a), the division may grant a  
4364 commercial driver license to any applicant who is at least 18 years of age and has had at least

4365 one year of previous driving experience.

4366 (c) It is [~~a class C misdemeanor~~] an infraction for any person to drive a class of motor  
4367 vehicle for which he is not licensed.

4368 (2) (a) At the discretion of the commissioner and under standards established by the  
4369 division, persons employed as commercial drivers may submit a third party certification as  
4370 provided in Part 4, Uniform Commercial Driver License Act, in lieu of the driving segment of  
4371 the examination.

4372 (b) The division shall maintain necessary records and set standards to certify  
4373 companies desiring to qualify under Subsection (2)(a).

4374 Section 160. Section **53-3-217** is amended to read:

4375 **53-3-217. License to be carried when driving motor vehicle -- Production in court**  
4376 **-- Violation.**

4377 (1) (a) The licensee shall have his license certificate in his immediate possession at all  
4378 times when driving a motor vehicle.

4379 (b) A licensee shall display his license certificate upon demand of a justice of peace, a  
4380 peace officer, or a field deputy or inspector of the division.

4381 (2) It is a defense to a charge under this section that the person charged produces in  
4382 court a license certificate issued to him and valid at the time of his citation or arrest.

4383 (3) A person who violates Subsection (1)(a) or (1)(b) is guilty of [~~a class C~~  
4384 ~~misdemeanor~~] an infraction.

4385 Section 161. Section **53-3-218** is amended to read:

4386 **53-3-218. Court to report convictions and may recommend suspension of license**  
4387 **-- Severity of speeding violation defined.**

4388 (1) As used in this section, "conviction" means conviction by the court of first  
4389 impression or final administrative determination in an administrative traffic proceeding.

4390 (2) (a) Except as provided in Subsection (2)(c), a court having jurisdiction over offenses  
4391 committed under this chapter or any other law of this state, or under any municipal ordinance  
4392 regulating driving motor vehicles on highways or driving motorboats on the water, shall

4393 forward to the division within five days, an abstract of the court record of the conviction or  
4394 plea held in abeyance of any person in the court for a reportable traffic or motorboating  
4395 violation of any laws or ordinances, and may recommend the suspension of the license of the  
4396 person convicted.

4397 (b) When the division receives a court record of a conviction or plea in abeyance for a  
4398 motorboat violation, the division may only take action against a person's driver license if the  
4399 motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the  
4400 Influence and Reckless Driving.

4401 (c) (i) A court [is] may not [~~required to~~] forward to the division [~~within five days~~] an  
4402 abstract of the court record of the conviction for a violation described in Subsection  
4403 53-3-220(1)(c) and the Driver License Division [is] may not [~~required to~~] suspend a person's  
4404 license for a violation described in Subsection 53-3-220(1)(c) if:

4405 (A) the violation did not involve a motor vehicle; and

4406 (B) the person convicted of a violation described in Subsection 53-3-220(1)(c):

4407 (I) is participating in or has successfully completed substance abuse treatment at a  
4408 licensed substance abuse treatment program that is approved by the Division of Substance  
4409 Abuse and Mental Health in accordance with Section 62A-15-105; or

4410 (II) is participating in or has successfully completed probation through the Department  
4411 of Corrections Adult Probation and Parole in accordance with Section 77-18-1.

4412 (ii) If the person convicted of a violation described in Subsection 53-3-220(1)(c) fails  
4413 to comply with the terms of a substance abuse treatment program under Subsection  
4414 (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II):

4415 (A) the substance abuse treatment program licensed by the Division of Substance  
4416 Abuse and Mental Health or the Department of Corrections Adult Probation and Parole shall  
4417 immediately provide an affidavit or other sworn information to the court notifying the court  
4418 that the person has failed to comply with the terms of a substance abuse treatment program  
4419 under Subsection (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II);

4420 (B) upon receipt of an affidavit or sworn statement under Subsection (2)(c)(ii)(A), the

4421 court shall immediately forward an abstract of the court record of the conviction for a violation  
4422 described in Subsection 53-3-220(1)(c) to the division; and

4423 (C) the division shall immediately suspend the person's license in accordance with  
4424 Subsection 53-3-220(1)(c).

4425 (3) The abstract shall be made in the form prescribed by the division and shall include:

4426 (a) the name, date of birth, and address of the party charged;

4427 (b) the license certificate number of the party charged, if any;

4428 (c) the registration number of the motor vehicle or motorboat involved;

4429 (d) whether the motor vehicle was a commercial motor vehicle;

4430 (e) whether the motor vehicle carried hazardous materials;

4431 (f) whether the motor vehicle carried 16 or more occupants;

4432 (g) whether the driver presented a commercial driver license;

4433 (h) the nature of the offense;

4434 (i) whether the offense involved an accident;

4435 (j) the driver's blood alcohol content, if applicable;

4436 (k) if the offense involved a speeding violation:

4437 (i) the posted speed limit;

4438 (ii) the actual speed; and

4439 (iii) whether the speeding violation occurred on a highway that is part of the interstate  
4440 system as defined in Section 72-1-102;

4441 (l) the date of the hearing;

4442 (m) the plea;

4443 (n) the judgment or whether bail was forfeited; and

4444 (o) the severity of the violation, which shall be graded by the court as "minimum,"  
4445 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

4446 (4) When a convicted person secures a judgment of acquittal or reversal in any  
4447 appellate court after conviction in the court of first impression, the division shall reinstate the  
4448 convicted person's license immediately upon receipt of a certified copy of the judgment of

4449 acquittal or reversal.

4450 (5) Upon a conviction for a violation of the prohibition on using a handheld wireless  
4451 communication device for text messaging or electronic mail communication while operating a  
4452 moving motor vehicle under Section 41-6a-1716, a judge may order a suspension of the  
4453 convicted person's license for a period of three months.

4454 (6) Upon a conviction for a violation of careless driving under Section 41-6a-1715 that  
4455 causes or results in the death of another person, a judge may order a revocation of the convicted  
4456 person's license for a period of one year.

4457 Section 162. Section 53-3-412 is amended to read:

4458 **53-3-412. CDL classifications, endorsements, and restrictions.**

4459 (1) A CDL may be granted with the following classifications, endorsements, and  
4460 restrictions:

4461 (a) Classifications:

4462 (i) Class A: any combination of vehicles with a GVWR of 26,001 pounds or more, if  
4463 the GVWR of the one or more vehicles being towed is in excess of 10,000 pounds;

4464 (ii) Class B: any single motor vehicle with a GVWR of 26,001 pounds or more,  
4465 including that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less;  
4466 and

4467 (iii) Class C: any single motor vehicle with a GVWR of less than 26,001 pounds or  
4468 that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less when the  
4469 vehicle is designed:

4470 (A) to carry 16 or more passengers, including the driver;

4471 (B) as a school bus, and weighing less than 26,001 pounds GVWR; or

4472 (C) to transport hazardous materials that requires the vehicle to be placarded under 49  
4473 C.F.R. Part 172, Subpart F.

4474 (b) Endorsements:

4475 (i) "H" authorizes the driver to drive a commercial motor vehicle transporting  
4476 hazardous materials as defined in 49 C.F.R. Sec. 383.5.



- 4477           (ii) "N" authorizes the driver to drive a tank vehicle.
- 4478           (iii) "P" authorizes the driver to drive a motor vehicle designed to carry 16 or more  
4479 passengers including the driver.
- 4480           (iv) "S" authorizes the driver to transport preprimary, primary, or secondary school  
4481 students from home to school, school to home, or to and from school-sponsored events.
- 4482           (v) "T" authorizes the driver to drive a commercial motor vehicle with a double or  
4483 triple trailer.
- 4484           (vi) "X" authorizes the driver to drive a tank vehicle and transport hazardous materials.
- 4485           (c) Restrictions:
- 4486           (i) "E" restricts the driver from driving a commercial motor vehicle with a manual  
4487 transmission.
- 4488           (ii) "K" restricts the driver to driving intrastate only any commercial motor vehicle as  
4489 defined by 49 C.F.R. Parts 383 and 390.
- 4490           (iii) "L" restricts the driver to driving a commercial motor vehicle not equipped with  
4491 air brakes.
- 4492           (iv) "J" provides for other CDL restrictions.
- 4493           (v) "M" restricts a driver from transporting passengers using a class A bus.
- 4494           (vi) "N" restricts a driver from transporting passengers using a class A or class B bus.
- 4495           (vii) "O" restricts a driver from driving a commercial motor vehicle equipped with a  
4496 tractor trailer.
- 4497           (viii) (A) "V" indicates that the driver has been issued a variance by the Federal Motor  
4498 Carrier Safety Administration in reference to the driver's medical certification status.
- 4499           (B) A driver with a "V" restriction shall have the letter outlining the specifications for  
4500 the variance in the driver's possession along with the driver's commercial driver license when  
4501 operating a commercial motor vehicle.
- 4502           (ix) "Z" restricts a driver from driving a commercial motor vehicle with non-fully  
4503 equipped air brakes.
- 4504           (2) A commercial driver instruction permit may be granted with the following

4505 classifications, endorsements, and restrictions:

4506 (a) Classifications:

4507 (i) Class A: any combination of vehicles with a GVWR of 26,001 pounds or more, if  
4508 the GVWR of the one or more vehicles being towed is in excess of 10,000 pounds;

4509 (ii) Class B: any single motor vehicle with a GVWR of 26,001 pounds or more,  
4510 including that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less;  
4511 and

4512 (iii) Class C: any single motor vehicle with a GVWR of less than 26,001 pounds or  
4513 that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less when the  
4514 vehicle is designed:

4515 (A) to carry 16 or more passengers, including the driver;

4516 (B) as a school bus, and weighing less than 26,001 pounds GVWR; or

4517 (C) to transport hazardous material that requires the vehicle to be placarded under 49  
4518 C.F.R. Part 172, Subpart F.

4519 (b) Endorsements:

4520 (i) "N" authorizes the driver to drive a tank vehicle. An "N" endorsement may only be  
4521 issued with an "X" restriction.

4522 (ii) "P" authorizes the driver to drive a motor vehicle designed to carry 16 or more  
4523 passengers including the driver. A "P" endorsement may only be issued with a "P" restriction.

4524 (iii) "S" authorizes the driver to transport preprimary, primary, or secondary school  
4525 students from home to school, school to home, or to and from school-sponsored events. An  
4526 "S" endorsement may only be issued with a "P" restriction.

4527 (c) Restrictions:

4528 (i) "K" restricts the driver to driving intrastate only any commercial motor vehicle as  
4529 defined by 49 C.F.R. Parts 383 and 390.

4530 (ii) "L" restricts the driver to driving a commercial motor vehicle not equipped with air  
4531 brakes.

4532 (iii) "M" restricts a driver from transporting passengers using a class A bus.

4533 (iv) "N" restricts a driver from transporting passengers using a class A or class B bus.

4534 (v) "P" restricts a driver from having one or more passengers in the vehicle while  
4535 driving a commercial motor vehicle bus unless the passenger is:

4536 (A) a federal or state auditor or inspector;

4537 (B) a test examiner;

4538 (C) another trainee; or

4539 (D) the CDL holder accompanying the CDIP holder as required in 49 C.F.R. Sec.  
4540 383.25.

4541 (vi) (A) "V" indicates that the driver has been issued a variance by the Federal Motor  
4542 Carrier Safety Administration in reference to the driver's medical certification status.

4543 (B) A driver with a "V" restriction shall have the letter outlining the specifications for  
4544 the variance in the driver's possession along with the driver's commercial driver license when  
4545 operating a commercial motor vehicle.

4546 (vii) "X" restricts a driver from having cargo in a commercial motor vehicle tank  
4547 vehicle.

4548 (3) A violation of this section is a class C misdemeanor.

4549 Section 163. Section **53-8-205** is amended to read:

4550 **53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety**  
4551 **inspection certificate required -- Out-of-state permits.**

4552 (1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway  
4553 a motor vehicle required to be registered in this state unless the motor vehicle has passed a  
4554 safety inspection if required in the current year.

4555 (b) Subsection (1)(a) does not apply to:

4556 (i) a vehicle that is exempt from registration under Section [41-1a-205](#);

4557 (ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a  
4558 street-legal all-terrain vehicle in accordance with Section [41-6a-1509](#);

4559 (iii) a vintage vehicle as defined in Section [41-21-1](#);

4560 (iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:

- 4561 (A) is operating with an apportioned registration under Section 41-1a-301; and  
4562 (B) has a valid annual federal inspection that complies with the requirements of 49  
4563 C.F.R. Sec. 396.17; and
- 4564 (v) a trailer, semitrailer, or trailering equipment attached to a commercial motor vehicle  
4565 described in Subsection (1)(b)(iv) that has a valid annual federal inspection that complies with  
4566 the requirements of 49 C.F.R. Sec. 396.17.
- 4567 (2) Except as provided in Subsection (3), the frequency of the safety inspection shall be  
4568 determined based on the age of the vehicle determined by model year and shall:
- 4569 (a) be required each year for a vehicle that is 10 or more years old on January 1; or  
4570 (b) for each vehicle that is less than 10 years old on January 1, be required in the fourth  
4571 year and the eighth year;
- 4572 (c) be made by a safety inspector certified by the division at a safety inspection station  
4573 authorized by the division;
- 4574 (d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to  
4575 ensure proper adjustment and condition as required by department rules; and
- 4576 (e) include an inspection for the display of license plates in accordance with Section  
4577 41-1a-404.
- 4578 (3) (a) (i) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a  
4579 safety inspection when an application is made for initial registration as a salvage vehicle.
- 4580 (ii) After initial registration as a salvage vehicle, the frequency of the safety inspection  
4581 shall correspond with the model year, as provided in Subsection (2).
- 4582 (b) Beginning on the date that the Motor Vehicle Division has implemented the Motor  
4583 Vehicle Division's GenTax system, a commercial vehicle as defined in Section 41-1a-102 with  
4584 a gross vehicle weight rating of 10,001 pounds or more is required to pass a safety inspection  
4585 annually or comply with Subsection (1)(b)(iv)(B).
- 4586 (4) (a) A safety inspection station shall issue two safety inspection certificates to the  
4587 owner of:
- 4588 (i) each motor vehicle that passes a safety inspection under this section; and

4589 (ii) a street-legal all-terrain vehicle that meets all the equipment requirements in  
4590 Section [41-6a-1509](#).

4591 (b) A safety inspection station shall use one safety inspection certificate issued under  
4592 this Subsection (4) for processing the vehicle registration.

4593 (c) A person operating a motor vehicle shall have in the person's immediate possession  
4594 a safety inspection certificate or other evidence of compliance with the requirement to obtain a  
4595 safety inspection under this section.

4596 (5) The division may:

4597 (a) authorize the acceptance in this state of a safety inspection certificate issued in  
4598 another state having a safety inspection law similar to this state; and

4599 (b) extend the time within which a safety inspection certificate must be obtained by the  
4600 resident owner of a vehicle that was not in this state during the time a safety inspection was  
4601 required.

4602 (6) A violation of this section is an infraction.

4603 Section 164. Section **53B-3-107** is amended to read:

4604 **53B-3-107. Traffic violations -- Notice of rule or regulation.**

4605 (1) It is a violation of this section for any person to operate or park a vehicle upon any  
4606 property owned or controlled by a state institution of higher education contrary to posted signs  
4607 authorized by the published rules and regulations of the institution or to block or impede traffic  
4608 through or on any of these properties.

4609 (2) A violation of Subsection (1) is a class C misdemeanor.

4610 [~~2~~] (3) Notice of a rule or regulation to all persons is sufficient if the rule or  
4611 regulation is published in one issue of a newspaper of general circulation in the county or  
4612 counties in which the institution and the campus or facility is located.

4613 Section 165. Section **58-37-8** is amended to read:

4614 **58-37-8. Prohibited acts -- Penalties.**

4615 (1) Prohibited acts A -- Penalties:

4616 (a) Except as authorized by this chapter, it is unlawful for any person to knowingly and

4617 intentionally:

4618 (i) produce, manufacture, or dispense, or to possess with intent to produce,  
4619 manufacture, or dispense, a controlled or counterfeit substance;

4620 (ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or  
4621 arrange to distribute a controlled or counterfeit substance;

4622 (iii) possess a controlled or counterfeit substance with intent to distribute; or

4623 (iv) engage in a continuing criminal enterprise where:

4624 (A) the person participates, directs, or engages in conduct which results in any  
4625 violation of any provision of Title 58, Chapters 37, 37a, 37b, 37c, or 37d that is a felony; and

4626 (B) the violation is a part of a continuing series of two or more violations of Title 58,  
4627 Chapters 37, 37a, 37b, 37c, or 37d on separate occasions that are undertaken in concert with  
4628 five or more persons with respect to whom the person occupies a position of organizer,  
4629 supervisor, or any other position of management.

4630 (b) Any person convicted of violating Subsection (1)(a) with respect to:

4631 (i) a substance or a counterfeit of a substance classified in Schedule I or II, a controlled  
4632 substance analog, or gammahydroxybutyric acid as listed in Schedule III is guilty of a second  
4633 degree felony, punishable by imprisonment for not more than 15 years, and upon a second or  
4634 subsequent conviction is guilty of a first degree felony;

4635 (ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or  
4636 marijuana, or a substance listed in Section 58-37-4.2 is guilty of a third degree felony, and  
4637 upon a second or subsequent conviction is guilty of a second degree felony; or

4638 (iii) a substance or a counterfeit of a substance classified in Schedule V is guilty of a  
4639 class A misdemeanor and upon a second or subsequent conviction is guilty of a third degree  
4640 felony.

4641 (c) Any person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii)  
4642 may be sentenced to imprisonment for an indeterminate term as provided by law, but if the trier  
4643 of fact finds a firearm as defined in Section 76-10-501 was used, carried, or possessed on his  
4644 person or in his immediate possession during the commission or in furtherance of the offense,

4645 the court shall additionally sentence the person convicted for a term of one year to run  
4646 consecutively and not concurrently; and the court may additionally sentence the person  
4647 convicted for an indeterminate term not to exceed five years to run consecutively and not  
4648 concurrently.

4649 (d) Any person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree  
4650 felony punishable by imprisonment for an indeterminate term of not less than seven years and  
4651 which may be for life. Imposition or execution of the sentence may not be suspended, and the  
4652 person is not eligible for probation.

4653 (2) Prohibited acts B -- Penalties:

4654 (a) It is unlawful:

4655 (i) for any person knowingly and intentionally to possess or use a controlled substance  
4656 analog or a controlled substance, unless it was obtained under a valid prescription or order,  
4657 directly from a practitioner while acting in the course of the person's professional practice, or as  
4658 otherwise authorized by this chapter;

4659 (ii) for any owner, tenant, licensee, or person in control of any building, room,  
4660 tenement, vehicle, boat, aircraft, or other place knowingly and intentionally to permit them to  
4661 be occupied by persons unlawfully possessing, using, or distributing controlled substances in  
4662 any of those locations; or

4663 (iii) for any person knowingly and intentionally to possess an altered or forged  
4664 prescription or written order for a controlled substance.

4665 (b) Any person convicted of violating Subsection (2)(a)(i) with respect to:

4666 (i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree felony;

4667 or

4668 (ii) a substance classified in Schedule I or II, [~~marijuana, if the amount is more than 16~~  
4669 ~~ounces, but less than 100 pounds,~~] or a controlled substance analog, is guilty of a class A

4670 misdemeanor on a first or second conviction, and on a third or subsequent conviction is guilty  
4671 of a third degree felony[; or].

4672 [~~(iii) marijuana, if the marijuana is not in the form of an extracted resin from any part~~

4673 of the plant, and the amount is more than one ounce but less than 16 ounces, is guilty of a class  
4674 A misdemeanor.]

4675 (c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a  
4676 conviction under Subsection (1)(a), that person shall be sentenced to a one degree greater  
4677 penalty than provided in this Subsection (2).

4678 (d) Any person who violates Subsection (2)(a)(i) with respect to all other controlled  
4679 substances not included in Subsection (2)(b)(i)[,] or (ii), [~~or (iii),~~] including a substance listed  
4680 in Section 58-37-4.2, or [~~less than one ounce of~~] marijuana, is guilty of a class B misdemeanor.  
4681 Upon a [~~second~~] third conviction the person is guilty of a class A misdemeanor, and upon a  
4682 [~~third~~] fourth or subsequent conviction the person is guilty of a third degree felony.

4683 (e) Any person convicted of violating Subsection (2)(a)(i) while inside the exterior  
4684 boundaries of property occupied by any correctional facility as defined in Section 64-13-1 or  
4685 any public jail or other place of confinement shall be sentenced to a penalty one degree greater  
4686 than provided in Subsection (2)(b), and if the conviction is with respect to controlled  
4687 substances as listed in:

4688 (i) Subsection (2)(b), the person may be sentenced to imprisonment for an  
4689 indeterminate term as provided by law, and:

4690 (A) the court shall additionally sentence the person convicted to a term of one year to  
4691 run consecutively and not concurrently; and

4692 (B) the court may additionally sentence the person convicted for an indeterminate term  
4693 not to exceed five years to run consecutively and not concurrently; and

4694 (ii) Subsection (2)(d), the person may be sentenced to imprisonment for an  
4695 indeterminate term as provided by law, and the court shall additionally sentence the person  
4696 convicted to a term of six months to run consecutively and not concurrently.

4697 (f) Any person convicted of violating Subsection (2)(a)(ii) or(iii) is:

4698 (i) on a first conviction, guilty of a class B misdemeanor;

4699 (ii) on a second conviction, guilty of a class A misdemeanor; and

4700 (iii) on a third or subsequent conviction, guilty of a third degree felony.



4701 (g) A person is subject to the penalties under Subsection (2)(h) who, in an offense not  
4702 amounting to a violation of Section 76-5-207:

4703 (i) violates Subsection (2)(a)(i) by knowingly and intentionally having in the person's  
4704 body any measurable amount of a controlled substance; and

4705 (ii) operates a motor vehicle as defined in Section 76-5-207 in a negligent manner,  
4706 causing serious bodily injury as defined in Section 76-1-601 or the death of another.

4707 (h) A person who violates Subsection (2)(g) by having in the person's body:

4708 (i) a controlled substance classified under Schedule I, other than those described in  
4709 Subsection (2)(h)(ii), or a controlled substance classified under Schedule II is guilty of a second  
4710 degree felony;

4711 (ii) marijuana, tetrahydrocannabinols, or equivalents described in Subsection  
4712 58-37-4(2)(a)(iii)(S) or (AA), or a substance listed in Section 58-37-4.2 is guilty of a third  
4713 degree felony; or

4714 (iii) any controlled substance classified under Schedules III, IV, or V is guilty of a class  
4715 A misdemeanor.

4716 (i) A person is guilty of a separate offense for each victim suffering serious bodily  
4717 injury or death as a result of the person's negligent driving in violation of Subsection  
4718 58-37-8(2)(g) whether or not the injuries arise from the same episode of driving.

4719 (3) Prohibited acts C -- Penalties:

4720 (a) It is unlawful for any person knowingly and intentionally:

4721 (i) to use in the course of the manufacture or distribution of a controlled substance a  
4722 license number which is fictitious, revoked, suspended, or issued to another person or, for the  
4723 purpose of obtaining a controlled substance, to assume the title of, or represent oneself to be, a  
4724 manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized  
4725 person;

4726 (ii) to acquire or obtain possession of, to procure or attempt to procure the  
4727 administration of, to obtain a prescription for, to prescribe or dispense to any person known to  
4728 be attempting to acquire or obtain possession of, or to procure the administration of any

4729 controlled substance by misrepresentation or failure by the person to disclose receiving any  
4730 controlled substance from another source, fraud, forgery, deception, subterfuge, alteration of a  
4731 prescription or written order for a controlled substance, or the use of a false name or address;

4732 (iii) to make any false or forged prescription or written order for a controlled substance,  
4733 or to utter the same, or to alter any prescription or written order issued or written under the  
4734 terms of this chapter; or

4735 (iv) to make, distribute, or possess any punch, die, plate, stone, or other thing designed  
4736 to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or  
4737 device of another or any likeness of any of the foregoing upon any drug or container or labeling  
4738 so as to render any drug a counterfeit controlled substance.

4739 ~~[(b) Any person convicted of violating Subsection (3)(a) is guilty of a third degree~~  
4740 ~~felony.]~~

4741 (b) (i) A first or second conviction under Subsection (3)(a)(i), (ii), or (iii) is a class A  
4742 misdemeanor.

4743 (ii) A third or subsequent conviction under Subsection (3)(a)(i), (ii), or (iii) is a third  
4744 degree felony.

4745 (c) A violation of Subsection (3)(a)(iv) is a third degree felony.

4746 (4) Prohibited acts D -- Penalties:

4747 (a) Notwithstanding other provisions of this section, a person not authorized under this  
4748 chapter who commits any act ~~[declared to be]~~ that is unlawful under [this section, Title 58,  
4749 Chapter 37a, Utah Drug Paraphernalia Act, or under Title 58, Chapter 37b, Imitation  
4750 Controlled Substances Act,] Subsection (1)(a), Section 58-37a-5, or Section 58-37b-4 is upon  
4751 conviction subject to the penalties and classifications under this Subsection (4) if the trier of  
4752 fact finds the act is committed:

4753 (i) in a public or private elementary or secondary school or on the grounds of any of  
4754 those schools during the hours of 6 a.m. through 10 p.m.;

4755 (ii) in a public or private vocational school or postsecondary institution or on the  
4756 grounds of any of those schools or institutions during the hours of 6 a.m. through 10 p.m.;

4757 ~~[(iii) in those portions of any building, park, stadium, or other structure or grounds~~  
4758 ~~which are, at the time of the act, being used for an activity sponsored by or through a school or~~  
4759 ~~institution under Subsections (4)(a)(i) and (ii);]~~

4760 ~~[(iv)]~~ (iii) in or on the grounds of a preschool or child-care facility during the  
4761 preschool's or facility's hours of operation;

4762 ~~[(v)]~~ (iv) in a public park, amusement park, arcade, or recreation center when the  
4763 public or amusement park, arcade, or recreation center is open to the public;

4764 ~~[(vi)]~~ (v) in or on the grounds of a house of worship as defined in Section 76-10-501;

4765 ~~[(vii) in a shopping mall, sports facility, stadium, arena, theater, movie house,~~  
4766 ~~playhouse, or parking lot or structure adjacent thereto;]~~

4767 ~~[(viii)]~~ (vi) in or on the grounds of a library when the library is open to the public;

4768 ~~[(ix)]~~ (vii) within any area that is within [~~1,000~~] 100 feet of any structure, facility, or  
4769 grounds included in Subsections (4)(a)(i), (ii), (iii), (iv), (v), and (vi)~~[-and (vii)];~~

4770 ~~[(x)]~~ (viii) in the presence of a person younger than 18 years of age, regardless of  
4771 where the act occurs; or

4772 ~~[(xi)]~~ (ix) for the purpose of facilitating, arranging, or causing the transport, delivery,  
4773 or distribution of a substance in violation of this section to an inmate or on the grounds of any  
4774 correctional facility as defined in Section 76-8-311.3.

4775 (b) (i) A person convicted under this Subsection (4) is guilty of a first degree felony  
4776 and shall be imprisoned for a term of not less than five years if the penalty that would  
4777 otherwise have been established but for this Subsection (4) would have been a first degree  
4778 felony.

4779 (ii) Imposition or execution of the sentence may not be suspended, and the person is  
4780 not eligible for probation.

4781 (c) If the classification that would otherwise have been established would have been  
4782 less than a first degree felony but for this Subsection (4), a person convicted under this  
4783 Subsection (4) is guilty of one degree more than the maximum penalty prescribed for that  
4784 offense. This Subsection (4)(c) does not apply to a violation of Subsection (2)(g).

4785 (d) (i) If the violation is of Subsection (4)(a)~~(xi)~~(ix):

4786 (A) the person may be sentenced to imprisonment for an indeterminate term as  
4787 provided by law, and the court shall additionally sentence the person convicted for a term of  
4788 one year to run consecutively and not concurrently; and

4789 (B) the court may additionally sentence the person convicted for an indeterminate term  
4790 not to exceed five years to run consecutively and not concurrently; and

4791 (ii) the penalties under this Subsection (4)(d) apply also to any person who, acting with  
4792 the mental state required for the commission of an offense, directly or indirectly solicits,  
4793 requests, commands, coerces, encourages, or intentionally aids another person to commit a  
4794 violation of Subsection (4)(a)~~(xi)~~(ix).

4795 (e) It is not a defense to a prosecution under this Subsection (4) that the actor  
4796 mistakenly believed the individual to be 18 years of age or older at the time of the offense or  
4797 was unaware of the individual's true age; nor that the actor mistakenly believed that the  
4798 location where the act occurred was not as described in Subsection (4)(a) or was unaware that  
4799 the location where the act occurred was as described in Subsection (4)(a).

4800 (5) Any violation of this chapter for which no penalty is specified is a class B  
4801 misdemeanor.

4802 (6) (a) For purposes of penalty enhancement under Subsections (1)~~(b)~~ and (2)~~(c)~~, a  
4803 plea of guilty or no contest to a violation or attempted violation of this section or a plea which  
4804 is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a  
4805 conviction, even if the charge has been subsequently reduced or dismissed in accordance with  
4806 the plea in abeyance agreement.

4807 (b) A prior conviction used for a penalty enhancement under Subsection (2) shall be a  
4808 conviction that is:

4809 (i) from a separate criminal episode than the current charge; and

4810 (ii) from a conviction that is separate from any other conviction used to enhance the  
4811 current charge.

4812 (7) A person may be charged and sentenced for a violation of this section,

4813 notwithstanding a charge and sentence for a violation of any other section of this chapter.

4814 (8) (a) Any penalty imposed for violation of this section is in addition to, and not in  
4815 lieu of, any civil or administrative penalty or sanction authorized by law.

4816 (b) Where violation of this chapter violates a federal law or the law of another state,  
4817 conviction or acquittal under federal law or the law of another state for the same act is a bar to  
4818 prosecution in this state.

4819 (9) In any prosecution for a violation of this chapter, evidence or proof which shows a  
4820 person or persons produced, manufactured, possessed, distributed, or dispensed a controlled  
4821 substance or substances, is prima facie evidence that the person or persons did so with  
4822 knowledge of the character of the substance or substances.

4823 (10) This section does not prohibit a veterinarian, in good faith and in the course of the  
4824 veterinarian's professional practice only and not for humans, from prescribing, dispensing, or  
4825 administering controlled substances or from causing the substances to be administered by an  
4826 assistant or orderly under the veterinarian's direction and supervision.

4827 (11) Civil or criminal liability may not be imposed under this section on:

4828 (a) any person registered under this chapter who manufactures, distributes, or possesses  
4829 an imitation controlled substance for use as a placebo or investigational new drug by a  
4830 registered practitioner in the ordinary course of professional practice or research; or

4831 (b) any law enforcement officer acting in the course and legitimate scope of the  
4832 officer's employment.

4833 (12) (a) Civil or criminal liability may not be imposed under this section on any Indian,  
4834 as defined in Subsection 58-37-2(1)(v), who uses, possesses, or transports peyote for bona fide  
4835 traditional ceremonial purposes in connection with the practice of a traditional Indian religion  
4836 as defined in Subsection 58-37-2(1)(w).

4837 (b) In a prosecution alleging violation of this section regarding peyote as defined in  
4838 Subsection 58-37-4(2)(a)(iii)(V), it is an affirmative defense that the peyote was used,  
4839 possessed, or transported by an Indian for bona fide traditional ceremonial purposes in  
4840 connection with the practice of a traditional Indian religion.

4841 (c) (i) The defendant shall provide written notice of intent to claim an affirmative  
4842 defense under this Subsection (12) as soon as practicable, but not later than 10 days prior to  
4843 trial.

4844 (ii) The notice shall include the specific claims of the affirmative defense.

4845 (iii) The court may waive the notice requirement in the interest of justice for good  
4846 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.

4847 (d) The defendant shall establish the affirmative defense under this Subsection (12) by  
4848 a preponderance of the evidence. If the defense is established, it is a complete defense to the  
4849 charges.

4850 (13) (a) It is an affirmative defense that the person produced, possessed, or  
4851 administered a controlled substance listed in Section 58-37-4.2 if the person:

4852 (i) was engaged in medical research; and

4853 (ii) was a holder of a valid license to possess controlled substances under Section  
4854 58-37-6.

4855 (b) It is not a defense under Subsection (13)(a) that the person prescribed or dispensed  
4856 a controlled substance listed in Section 58-37-4.2.

4857 (14) It is an affirmative defense that the person possessed, in the person's body, a  
4858 controlled substance listed in Section 58-37-4.2 if:

4859 (a) the person was the subject of medical research conducted by a holder of a valid  
4860 license to possess controlled substances under Section 58-37-6; and

4861 (b) the substance was administered to the person by the medical researcher.

4862 (15) The application of any increase in penalty under this section to a violation of  
4863 Subsection (2)(a)(i) may not result in any greater penalty than a second degree felony. This  
4864 Subsection (15) takes precedence over any conflicting provision of this section.

4865 (16) (a) It is an affirmative defense to an allegation of the commission of an offense  
4866 listed in Subsection (16)(b) that the person:

4867 (i) reasonably believes that the person or another person is experiencing an overdose  
4868 event due to the ingestion, injection, inhalation, or other introduction into the human body of a

4869 controlled substance or other substance;

4870 (ii) reports in good faith the overdose event to a medical provider, an emergency  
4871 medical service provider as defined in Section [26-8a-102](#), a law enforcement officer, a 911  
4872 emergency call system, or an emergency dispatch system, or the person is the subject of a  
4873 report made under this Subsection (16);

4874 (iii) provides in the report under Subsection (16)(a)(ii) a functional description of the  
4875 actual location of the overdose event that facilitates responding to the person experiencing the  
4876 overdose event;

4877 (iv) remains at the location of the person experiencing the overdose event until a  
4878 responding law enforcement officer or emergency medical service provider arrives, or remains  
4879 at the medical care facility where the person experiencing an overdose event is located until a  
4880 responding law enforcement officer arrives;

4881 (v) cooperates with the responding medical provider, emergency medical service  
4882 provider, and law enforcement officer, including providing information regarding the person  
4883 experiencing the overdose event and any substances the person may have injected, inhaled, or  
4884 otherwise introduced into the person's body; and

4885 (vi) is alleged to have committed the offense in the same course of events from which  
4886 the reported overdose arose.

4887 (b) The offenses referred to in Subsection (16)(a) are:

4888 (i) the possession or use of less than 16 ounces of marijuana;

4889 (ii) the possession or use of a scheduled or listed controlled substance other than  
4890 marijuana; and

4891 (iii) any violation of Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b,  
4892 Imitation Controlled Substances Act.

4893 (c) As used in this Subsection (16) and in Section [76-3-203.11](#), "good faith" does not  
4894 include seeking medical assistance under this section during the course of a law enforcement  
4895 agency's execution of a search warrant, execution of an arrest warrant, or other lawful search.

4896 (17) If any provision of this chapter, or the application of any provision to any person

4897 or circumstances, is held invalid, the remainder of this chapter shall be given effect without the  
4898 invalid provision or application.

4899 (18) A legislative body of a political subdivision may not enact an ordinance that is  
4900 less restrictive than any provision of this chapter.

4901 Section 166. Section **62A-15-102** is amended to read:

4902 **62A-15-102. Definitions.**

4903 As used in this chapter:

4904 (1) "Criminal risk factors" means a person's characteristics and behaviors that:

4905 (a) affect the person's risk of engaging in criminal behavior; and

4906 (b) are diminished when addressed by effective treatment, supervision, and other  
4907 support resources, resulting in reduced risk of criminal behavior.

4908 [~~(1)~~] (2) "Director" means the director of the Division of Substance Abuse and Mental  
4909 Health.

4910 [~~(2)~~] (3) "Division" means the Division of Substance Abuse and Mental Health  
4911 established in Section [62A-15-103](#).

4912 [~~(3)~~] (4) "Local mental health authority" means a county legislative body.

4913 [~~(4)~~] (5) "Local substance abuse authority" means a county legislative body.

4914 [~~(5)~~] (6) (a) "Public funds" means federal money received from the Department of  
4915 Human Services or the Department of Health, and state money appropriated by the Legislature  
4916 to the Department of Human Services, the Department of Health, a county governing body, or a  
4917 local substance abuse authority, or a local mental health authority for the purposes of providing  
4918 substance abuse or mental health programs or services.

4919 (b) "Public funds" include federal and state money that has been transferred by a local  
4920 substance abuse authority or a local mental health authority to a private provider under an  
4921 annual or otherwise ongoing contract to provide comprehensive substance abuse or mental  
4922 health programs or services for the local substance abuse authority or local mental health  
4923 authority. The money maintains the nature of "public funds" while in the possession of the  
4924 private entity that has an annual or otherwise ongoing contract with a local substance abuse



4925 authority or a local mental health authority to provide comprehensive substance abuse or  
4926 mental health programs or services for the local substance abuse authority or local mental  
4927 health authority.

4928 (c) Public funds received for the provision of services pursuant to substance abuse or  
4929 mental health service plans may not be used for any other purpose except those authorized in  
4930 the contract between the local mental health or substance abuse authority and provider for the  
4931 provision of plan services.

4932 ~~[(6)]~~ (7) "Severe mental disorder" means schizophrenia, major depression, bipolar  
4933 disorders, delusional disorders, psychotic disorders, and other mental disorders as defined by  
4934 the division.

4935 Section 167. Section **62A-15-103** is amended to read:

4936 **62A-15-103. Division -- Creation -- Responsibilities.**

4937 (1) There is created the Division of Substance Abuse and Mental Health within the  
4938 department, under the administration and general supervision of the executive director. The  
4939 division is the substance abuse authority and the mental health authority for this state.

4940 (2) The division shall:

4941 (a) (i) educate the general public regarding the nature and consequences of substance  
4942 abuse by promoting school and community-based prevention programs;

4943 (ii) render support and assistance to public schools through approved school-based  
4944 substance abuse education programs aimed at prevention of substance abuse;

4945 (iii) promote or establish programs for the prevention of substance abuse within the  
4946 community setting through community-based prevention programs;

4947 (iv) cooperate with and assist treatment centers, recovery residences, and other  
4948 organizations that provide services to individuals recovering from a substance abuse disorder,  
4949 by identifying and disseminating information about effective practices and programs;

4950 (v) promote integrated programs that address an individual's substance abuse, mental  
4951 health, ~~and~~ physical ~~[healthcare needs]~~ health, and criminal risk factors;

4952 (vi) establish and promote an evidence-based continuum of screening, assessment,

4953 prevention, treatment, and recovery support services in the community for individuals with  
4954 substance abuse and mental illness that addresses criminal risk factors;

4955 [~~vi~~] (vii) evaluate the effectiveness of programs described in Subsection (2);

4956 [~~vii~~] (viii) consider the impact of the programs described in Subsection (2) on:

4957 (A) emergency department utilization;

4958 (B) jail and prison populations;

4959 (C) the homeless population; and

4960 (D) the child welfare system; and

4961 [~~viii~~] (ix) promote or establish programs for education and certification of instructors  
4962 to educate persons convicted of driving under the influence of alcohol or drugs or driving with  
4963 any measurable controlled substance in the body;

4964 (b) (i) collect and disseminate information pertaining to mental health;

4965 (ii) provide direction over the state hospital including approval of its budget,  
4966 administrative policy, and coordination of services with local service plans;

4967 (iii) promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative  
4968 Rulemaking Act, to educate families concerning mental illness and promote family  
4969 involvement, when appropriate, and with patient consent, in the treatment program of a family  
4970 member; and

4971 (iv) promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative  
4972 Rulemaking Act, to direct that all individuals receiving services through local mental health  
4973 authorities or the Utah State Hospital be informed about and, if desired, provided assistance in  
4974 completion of a declaration for mental health treatment in accordance with Section  
4975 [62A-15-1002](#);

4976 (c) (i) consult and coordinate with local substance abuse authorities and local mental  
4977 health authorities regarding programs and services;

4978 (ii) provide consultation and other assistance to public and private agencies and groups  
4979 working on substance abuse and mental health issues;

4980 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,

4981 medical and social agencies, public health authorities, law enforcement agencies, education and  
4982 research organizations, and other related groups;

4983 (iv) promote or conduct research on substance abuse and mental health issues, and  
4984 submit to the governor and the Legislature recommendations for changes in policy and  
4985 legislation;

4986 (v) receive, distribute, and provide direction over public funds for substance abuse and  
4987 mental health services;

4988 (vi) monitor and evaluate programs provided by local substance abuse authorities and  
4989 local mental health authorities;

4990 (vii) examine expenditures of any local, state, and federal funds;

4991 (viii) monitor the expenditure of public funds by:

4992 (A) local substance abuse authorities;

4993 (B) local mental health authorities; and

4994 (C) in counties where they exist, the private contract provider that has an annual or  
4995 otherwise ongoing contract to provide comprehensive substance abuse or mental health  
4996 programs or services for the local substance abuse authority or local mental health authorities;

4997 (ix) contract with local substance abuse authorities and local mental health authorities  
4998 to provide a comprehensive continuum of services that include community-based services for  
4999 individuals involved in the criminal justice system, in accordance with division policy, contract  
5000 provisions, and the local plan;

5001 (x) contract with private and public entities for special statewide or nonclinical  
5002 services, or services for individuals involved in the criminal justice system, according to  
5003 division rules;

5004 (xi) review and approve each local substance abuse authority's plan and each local  
5005 mental health authority's plan in order to ensure:

5006 (A) a statewide comprehensive continuum of substance abuse services;

5007 (B) a statewide comprehensive continuum of mental health services;

5008 (C) services result in improved overall health and functioning; [~~and~~]

5009            (D) a statewide comprehensive continuum of community-based services designed to  
5010 reduce criminal risk factors for individuals who are determined to have substance abuse or  
5011 mental illness conditions or both, and who are involved in the criminal justice system;

5012            (E) compliance, where appropriate, with the certification requirements in Subsection  
5013 (2)(i); and

5014            [~~(D)~~] (F) appropriate expenditure of public funds;

5015            (xii) review and make recommendations regarding each local substance abuse  
5016 authority's contract with its provider of substance abuse programs and services and each local  
5017 mental health authority's contract with its provider of mental health programs and services to  
5018 ensure compliance with state and federal law and policy;

5019            (xiii) monitor and ensure compliance with division rules and contract requirements;  
5020 and

5021            (xiv) withhold funds from local substance abuse authorities, local mental health  
5022 authorities, and public and private providers for contract noncompliance, failure to comply  
5023 with division directives regarding the use of public funds, or for misuse of public funds or  
5024 money;

5025            (d) assure that the requirements of this part are met and applied uniformly by local  
5026 substance abuse authorities and local mental health authorities across the state;

5027            (e) require each local substance abuse authority and each local mental health authority  
5028 to submit its plan to the division by May 1 of each year;

5029            (f) conduct an annual program audit and review of each local substance abuse authority  
5030 in the state and its contract provider and each local mental health authority in the state and its  
5031 contract provider, including:

5032            (i) a review and determination regarding whether:

5033            (A) public funds allocated to local substance abuse authorities and local mental health  
5034 authorities are consistent with services rendered and outcomes reported by them or their  
5035 contract providers; and

5036            (B) each local substance abuse authority and each local mental health authority is

5037 exercising sufficient oversight and control over public funds allocated for substance abuse and  
5038 mental health programs and services; and

5039 (ii) items determined by the division to be necessary and appropriate; and

5040 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,

5041 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account

5042 Act[-];

5043 (h) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative  
5044 Rulemaking Act, minimum standards and requirements for the provision of substance abuse  
5045 and mental health treatment to individuals who are required to participate in treatment by the  
5046 court or the Board of Pardons and Parole, or who are incarcerated, including:

5047 (i) collaboration with the Department of Corrections, the Utah Substance Abuse  
5048 Advisory Council to develop and coordinate the standards, including standards for county and  
5049 state programs serving individuals convicted of class A and class B misdemeanors;

5050 (ii) determining that the standards ensure available treatment includes the most current  
5051 practices and procedures demonstrated by recognized scientific research to reduce recidivism,  
5052 including focus on the individual's criminal risk factors; and

5053 (iii) requiring that all public and private treatment programs meet the standards  
5054 established under this Subsection (2)(h) in order to receive public funds allocated to the  
5055 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice  
5056 for the costs of providing screening, assessment, prevention, treatment, and recovery support;

5057 (i) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative  
5058 Rulemaking Act, the requirements and procedures for the certification of licensed public and  
5059 private providers who provide, as part of their practice, substance abuse and mental health  
5060 treatment to individuals involved in the criminal justice system, including:

5061 (i) collaboration with the Department of Corrections, the Utah Substance Abuse  
5062 Advisory Council, and the Utah Association of Counties to develop, coordinate, and implement  
5063 the certification process;

5064 (ii) basing the certification process on the standards developed under Subsection (2)(h)

5065 for the treatment of individuals involved in the criminal justice system; and  
5066 (iii) the requirement that all public and private providers of treatment to individuals  
5067 involved in the criminal justice system shall obtain certification on or before July 1, 2016, and  
5068 shall renew the certification every two years, in order to qualify for funds allocated to the  
5069 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice  
5070 on or after July 1, 2016;  
5071 (j) collaboration with the Commission on Criminal and Juvenile Justice to analyze and  
5072 provide recommendations to the Legislature regarding:  
5073 (i) pretrial services and the resources needed for the reduced recidivism efforts;  
5074 (ii) county jail and county behavioral health early-assessment resources needed for  
5075 offenders convicted of a class A or class B misdemeanor; and  
5076 (iii) the replacement of federal dollars associated with drug interdiction law  
5077 enforcement task forces that are reduced;  
5078 (k) (i) establish performance goals and outcome measurements for all treatment  
5079 programs for which minimum standards are established under Subsection (2)(h), including  
5080 recidivism data and data regarding cost savings associated with recidivism reduction and the  
5081 reduction in the number of inmates, that are obtained in collaboration with the Administrative  
5082 Office of the Courts and the Department of Corrections; and  
5083 (ii) collect data to track and determine whether the goals and measurements are being  
5084 attained and make this information available to the public;  
5085 (l) in its discretion, use the data to make decisions regarding the use of funds allocated  
5086 to the division, the Administrative Office of the Courts, and the Department of Corrections to  
5087 provide treatment for which standards are established under Subsection (2)(h); and  
5088 (m) annually, on or before August 31, submit the data collected under Subsection (2)(j)  
5089 to the Commission on Criminal and Juvenile Justice, which shall compile a report of findings  
5090 based on the data and provide the report to the legislative Judiciary Interim Committee, the  
5091 Health and Human Services Interim Committee, the Law Enforcement and Criminal Justice  
5092 Interim Committee, and the related appropriations subcommittees.

5093           (3) (a) The division may refuse to contract with and may pursue its legal remedies  
5094 against any local substance abuse authority or local mental health authority that fails, or has  
5095 failed, to expend public funds in accordance with state law, division policy, contract  
5096 provisions, or directives issued in accordance with state law.

5097           (b) The division may withhold funds from a local substance abuse authority or local  
5098 mental health authority if the authority's contract with its provider of substance abuse or mental  
5099 health programs or services fails to comply with state and federal law or policy.

5100           (4) Before reissuing or renewing a contract with any local substance abuse authority or  
5101 local mental health authority, the division shall review and determine whether the local  
5102 substance abuse authority or local mental health authority is complying with its oversight and  
5103 management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and  
5104 17-43-309. Nothing in this Subsection (4) may be used as a defense to the responsibility and  
5105 liability described in Section 17-43-303 and to the responsibility and liability described in  
5106 Section 17-43-203.

5107           (5) In carrying out its duties and responsibilities, the division may not duplicate  
5108 treatment or educational facilities that exist in other divisions or departments of the state, but  
5109 shall work in conjunction with those divisions and departments in rendering the treatment or  
5110 educational services that those divisions and departments are competent and able to provide.

5111           (6) The division may accept in the name of and on behalf of the state donations, gifts,  
5112 devises, or bequests of real or personal property or services to be used as specified by the  
5113 donor.

5114           (7) The division shall annually review with each local substance abuse authority and  
5115 each local mental health authority the authority's statutory and contract responsibilities  
5116 regarding:

5117           (a) the use of public funds;

5118           (b) oversight responsibilities regarding public funds; and

5119           (c) governance of substance abuse and mental health programs and services.

5120           (8) The Legislature may refuse to appropriate funds to the division upon the division's

5121 failure to comply with the provisions of this part.

5122 (9) If a local substance abuse authority contacts the division under Subsection  
5123 17-43-201(9) for assistance in providing treatment services to a pregnant woman or pregnant  
5124 minor, the division shall:

5125 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the  
5126 capacity to provide the treatment services; or

5127 (b) otherwise ensure that treatment services are made available to the pregnant woman  
5128 or pregnant minor.

5129 Section 168. Section **63M-7-204** is amended to read:

5130 **63M-7-204. Duties of commission.**

5131 The State Commission on Criminal and Juvenile Justice administration shall:

5132 (1) promote the commission's purposes as enumerated in Section 63M-7-201;

5133 (2) promote the communication and coordination of all criminal and juvenile justice  
5134 agencies;

5135 (3) study, evaluate, and report on the status of crime in the state and on the  
5136 effectiveness of criminal justice policies, procedures, and programs that are directed toward the  
5137 reduction of crime in the state;

5138 (4) study, evaluate, and report on programs initiated by state and local agencies to  
5139 address reducing recidivism, including changes in penalties and sentencing guidelines intended  
5140 to reduce recidivism, costs savings associated with the reduction in the number of inmates, and  
5141 evaluation of expenses and resources needed to meet goals regarding the use of treatment as an  
5142 alternative to incarceration, as resources allow;

5143 [~~4~~] (5) study, evaluate, and report on policies, procedures, and programs of other  
5144 jurisdictions which have effectively reduced crime;

5145 [~~5~~] (6) identify and promote the implementation of specific policies and programs the  
5146 commission determines will significantly reduce crime in Utah;

5147 [~~6~~] (7) provide analysis and recommendations on all criminal and juvenile justice  
5148 legislation, state budget, and facility requests, including program and fiscal impact on all



5149 components of the criminal and juvenile justice system;  
5150       ~~[(7)]~~ (8) provide analysis, accountability, recommendations, and supervision for state  
5151 and federal criminal justice grant money;  
5152       ~~[(8)]~~ (9) provide public information on the criminal and juvenile justice system and  
5153 give technical assistance to agencies or local units of government on methods to promote  
5154 public awareness;  
5155       ~~[(9)]~~ (10) promote research and program evaluation as an integral part of the criminal  
5156 and juvenile justice system;  
5157       ~~[(10)]~~ (11) provide a comprehensive criminal justice plan annually;  
5158       ~~[(11)]~~ (12) review agency forecasts regarding future demands on the criminal and  
5159 juvenile justice systems, including specific projections for secure bed space;  
5160       ~~[(12)]~~ (13) promote the development of criminal and juvenile justice information  
5161 systems that are consistent with common standards for data storage and are capable of  
5162 appropriately sharing information with other criminal justice information systems by:  
5163       (a) developing and maintaining common data standards for use by all state criminal  
5164 justice agencies;  
5165       (b) annually performing audits of criminal history record information maintained by  
5166 state criminal justice agencies to assess their accuracy, completeness, and adherence to  
5167 standards;  
5168       (c) defining and developing state and local programs and projects associated with the  
5169 improvement of information management for law enforcement and the administration of  
5170 justice; and  
5171       (d) establishing general policies concerning criminal and juvenile justice information  
5172 systems and making rules as necessary to carry out the duties under this Subsection ~~[(12)]~~ (13)  
5173 and Subsection ~~[(10)]~~ (11);  
5174       ~~[(13)]~~ (14) allocate and administer grants, from money made available, for approved  
5175 education programs to help prevent the sexual exploitation of children; ~~[and]~~  
5176       ~~[(14)]~~ (15) allocate and administer grants funded from money from the Law

5177 Enforcement Operations Account created in Section [51-9-411](#) for law enforcement operations  
5178 and programs related to reducing illegal drug activity and related criminal activity[~~7~~];

5179 (16) request, receive, and evaluate data and recommendations collected and reported by  
5180 agencies and contractors related to policies recommended by the commission regarding  
5181 recidivism reduction; and

5182 (17) establish and administer a performance incentive grant program that allocates  
5183 funds appropriated by the Legislature to programs and practices implemented by counties that  
5184 reduce recidivism and reduce the number of offenders per capita who are incarcerated.

5185 Section 169. Section **63M-7-404** is amended to read:

5186 **63M-7-404. Purpose -- Duties.**

5187 (1) The purpose of the commission shall be to develop guidelines and propose  
5188 recommendations to the Legislature, the governor, and the Judicial Council about the  
5189 sentencing and release of juvenile and adult offenders in order to:

5190 ~~[(1)]~~ (a) respond to public comment;

5191 ~~[(2)]~~ (b) relate sentencing practices and correctional resources;

5192 ~~[(3)]~~ (c) increase equity in criminal sentencing;

5193 ~~[(4)]~~ (d) better define responsibility in criminal sentencing; and

5194 ~~[(5)]~~ (e) enhance the discretion of sentencing judges while preserving the role of the  
5195 Board of Pardons and Parole and the Youth Parole Authority.

5196 (2) (a) The commission shall modify the sentencing guidelines for adult offenders to  
5197 implement the recommendations of the Commission on Criminal and Juvenile Justice for  
5198 reducing recidivism.

5199 (b) The modifications under Subsection (2)(a) shall be for the purposes of protecting  
5200 the public and ensuring efficient use of state funds.

5201 (3) (a) The commission shall modify the criminal history score in the sentencing  
5202 guidelines for adult offenders to implement the recommendations of the Commission on  
5203 Criminal and Juvenile Justice for reducing recidivism.

5204 (b) The modifications to the criminal history score under Subsection (3)(a) shall

5205 include factors in an offender's criminal history that are relevant to the accurate determination  
5206 of an individual's risk of offending again.

5207 (4) (a) The commission shall establish sentencing guidelines for periods of  
5208 incarceration for individuals who are on probation and:

5209 (i) who have violated one or more conditions of probation; and

5210 (ii) whose probation has been revoked by the court.

5211 (b) The guidelines shall consider the seriousness of the violation of the conditions of  
5212 probation, the probationer's conduct while on probation, and the probationer's criminal history.

5213 (5) (a) The commission shall establish sentencing guidelines for periods of  
5214 incarceration for individuals who are on parole and:

5215 (i) who have violated a condition of parole; and

5216 (ii) whose parole has been revoked by the Board of Pardons and Parole.

5217 (b) The guidelines shall consider the seriousness of the violation of the conditions of  
5218 parole, the individual's conduct while on parole, and the individual's criminal history.

5219 (6) The commission shall establish graduated sanctions to facilitate the prompt and  
5220 effective response to an individual's violation of the terms of probation or parole by the adult  
5221 probation and parole section of the Department of Corrections in order to implement the  
5222 recommendations of the Commission on Criminal and Juvenile Justice for reducing recidivism,  
5223 including:

5224 (a) sanctions to be used in response to a violation of the terms of probation or parole;

5225 (b) when violations should be reported to the court or the Board of Pardons and Parole;

5226 and

5227 (c) a range of sanctions that may not exceed a period of incarceration of more than:

5228 (i) three consecutive days; and

5229 (ii) a total of five days in a period of 30 days.

5230 (7) The commission shall establish graduated incentives to facilitate a prompt and  
5231 effective response by the adult probation and parole section of the Department of Corrections  
5232 to an offender's:

5233 (a) compliance with the terms of probation or parole; and

5234 (b) positive conduct that exceeds those terms.

5235 Section 170. Section **64-13-1** is amended to read:

5236 **64-13-1. Definitions.**

5237 As used in this chapter:

5238 (1) "Case action plan" means a document developed by the Department of Corrections

5239 that identifies the program priorities for the treatment of the offender, including the criminal

5240 risk factors as determined by a risk and needs assessment conducted by the department.

5241 ~~[(1)]~~ (2) "Community correctional center" means a nonsecure correctional facility

5242 operated:

5243 (a) by the department; or

5244 (b) under a contract with the department.

5245 ~~[(2)]~~ (3) "Correctional facility" means any facility operated to house offenders, either in

5246 a secure or nonsecure setting:

5247 (a) by the department; or

5248 (b) under a contract with the department.

5249 (4) "Criminal risk factors" means a person's characteristics and behaviors that:

5250 (a) affect that person's risk of engaging in criminal behavior; and

5251 (b) are diminished when addressed by effective treatment, supervision, and other

5252 support resources, resulting in a reduced risk of criminal behavior.

5253 ~~[(3)]~~ (5) "Department" means the Department of Corrections.

5254 ~~[(4)]~~ (6) "Emergency" means any riot, disturbance, homicide, inmate violence

5255 occurring in any correctional facility, or any situation that presents immediate danger to the

5256 safety, security, and control of the department.

5257 ~~[(5)]~~ (7) "Executive director" means the executive director of the Department of

5258 Corrections.

5259 ~~[(6)]~~ (8) "Inmate" means any person who is committed to the custody of the department

5260 and who is housed at a correctional facility or at a county jail at the request of the department.

5261            [(7)] (9) "Offender" means any person who has been convicted of a crime for which he  
5262 may be committed to the custody of the department and is at least one of the following:

5263            (a) committed to the custody of the department;

5264            (b) on probation; or

5265            (c) on parole.

5266            (10) "Risk and needs assessment" means an actuarial tool validated on criminal  
5267 offenders that determines:

5268            (a) an individual's risk of reoffending; and

5269            (b) the criminal risk factors that, when addressed, reduce the individual's risk of  
5270 reoffending.

5271            [(8)] (11) "Secure correctional facility" means any prison, penitentiary, or other  
5272 institution operated by the department or under contract for the confinement of offenders,  
5273 where force may be used to restrain them if they attempt to leave the institution without  
5274 authorization.

5275            Section 171. Section **64-13-6** is amended to read:

5276            **64-13-6. Department duties.**

5277            (1) The department shall:

5278            (a) protect the public through institutional care and confinement, and supervision in the  
5279 community of offenders where appropriate;

5280            (b) implement court-ordered punishment of offenders;

5281            (c) provide program opportunities for offenders;

5282            (d) provide treatment for sex offenders who are found to be treatable based upon  
5283 criteria developed by the department;

5284            (e) provide the results of ongoing assessment of sex offenders and objective diagnostic  
5285 testing to sentencing and release authorities;

5286            (f) manage programs that take into account the needs and interests of victims, where  
5287 reasonable;

5288            (g) supervise probationers and parolees as directed by statute and implemented by the

5289 courts and the Board of Pardons and Parole;

5290 (h) subject to Subsection (2), investigate criminal conduct involving offenders  
5291 incarcerated in a state correctional facility;

5292 (i) cooperate and exchange information with other state, local, and federal law  
5293 enforcement agencies to achieve greater success in prevention and detection of crime and  
5294 apprehension of criminals; ~~and~~

5295 (j) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult  
5296 Offender Supervision~~[-]; and~~

5297 (k) establish a case action plan for each offender as follows:

5298 (i) if an offender is to be supervised in the community, the case action plan shall be  
5299 established for the offender not more than 90 days after supervision by the department begins;  
5300 and

5301 (ii) if the offender is committed to the custody of the department, the case action plan  
5302 shall be established for the offender not more than 120 days after the commitment.

5303 (2) The department may in the course of supervising probationers and parolees:

5304 (a) impose graduated sanctions, as established by the Utah Sentencing Commission  
5305 under Subsection 63M-7-404(6), for an individual's violation of one or more terms of the  
5306 probation or parole; and

5307 (b) upon approval by the court or the Board of Pardons and Parole, impose as a  
5308 sanction for an individual's violation of the terms of probation or parole a period of  
5309 incarceration of not more than three consecutive days and not more than a total of five days  
5310 within a period of 30 days.

5311 ~~[(2)]~~ (3) (a) By following the procedures in Subsection ~~[(2)]~~ (3)(b), the department may  
5312 investigate the following occurrences at state correctional facilities:

5313 (i) criminal conduct of departmental employees;

5314 (ii) felony crimes resulting in serious bodily injury;

5315 (iii) death of any person; or

5316 (iv) aggravated kidnaping.

5317 (b) Prior to investigating any occurrence specified in Subsection ~~[(2)]~~ (3)(a), the  
5318 department shall:

5319 (i) notify the sheriff or other appropriate law enforcement agency promptly after  
5320 ascertaining facts sufficient to believe an occurrence specified in Subsection ~~[(2)]~~ (3)(a) has  
5321 occurred; and

5322 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to  
5323 conduct an investigation involving an occurrence specified in Subsection ~~[(2)]~~ (3)(a).

5324 ~~[(3)]~~ (4) Upon request, the department shall provide copies of investigative reports of  
5325 criminal conduct to the sheriff or other appropriate law enforcement agencies.

5326 ~~[(4)]~~ (5) The department shall provide data to the Commission on Criminal and  
5327 Juvenile Justice to show the criteria for determining sex offender treatability, the  
5328 implementation and effectiveness of sex offender treatment, and the results of ongoing  
5329 assessment and objective diagnostic testing. The Commission on Criminal and Juvenile  
5330 Justice shall then report these data in writing to the Judiciary Interim Committee, if requested  
5331 by the committee, and to the appropriate appropriations subcommittee annually.

5332 ~~[(5)]~~ (6) The Department of Corrections shall collect accounts receivable ordered by  
5333 the district court as a result of prosecution for a criminal offense according to the requirements  
5334 and during the time periods established in Subsection 77-18-1(9).

5335 Section 172. Section **64-13-7.5** is amended to read:

5336 **64-13-7.5. Persons in need of mental health services -- Contracts.**

5337 (1) Except as provided for in Subsection (2), when the department determines that a  
5338 person in its custody is in need of mental health services, the department shall contract with the  
5339 Division of Substance Abuse and Mental Health, local mental health authorities, or the state  
5340 hospital to provide mental health services for that person. Those services may be provided at  
5341 the Utah State Hospital or in community programs provided by or under contract with the  
5342 Division of Substance Abuse and Mental Health, a local mental health authority, or other  
5343 public or private mental health care providers.

5344 (2) (a) If the Division of Substance Abuse and Mental Health, a local mental health

5345 authority, or the state hospital notifies the department that it is unable to provide mental health  
5346 services under Subsection (1), the department may contract with other public or private mental  
5347 health care providers to provide mental health services for persons in its custody.

5348 (b) The standards established by rule under Section 64-13-25 apply to the public or  
5349 private mental health care providers with whom the department contracts under this Subsection  
5350 (2).

5351 (3) A person who provides mental health services for sex offender treatment as  
5352 required in Section 64-13-6 shall be licensed as a mental health professional in accordance with  
5353 Title 58, Chapter 60, Mental Health Professional Practice Act, or Title 58, Chapter 61,  
5354 Psychologist Licensing Act, and exhibit competency to practice in the area of sex offender  
5355 treatment based on education, training, and practice.

5356 Section 173. Section 64-13-10.5 is enacted to read:

5357 **64-13-10.5. Transition and reentry of inmates at termination of incarceration.**

5358 (1) The department shall evaluate the case action plan and update the case action plan  
5359 as necessary to prepare for the offender's transition from incarceration to release, including:

5360 (a) establishing the supervision level and program needs, based on the offender's  
5361 criminal risk factors;

5362 (b) identifying barriers to the offender's ability to obtain housing, food, clothing, and  
5363 transportation;

5364 (c) identifying community-based treatment resources that are reasonably accessible to  
5365 the offender; and

5366 (d) establishing the initial supervision procedures and strategy for the offender's parole  
5367 officer.

5368 (2) The department shall notify the Board of Pardons and Parole not fewer than 30 days  
5369 prior to an offender's release of:

5370 (a) the offender's case action plan; and

5371 (b) any specific conditions of parole necessary to better facilitate transition to the  
5372 community.



5373 Section 174. Section **64-13-14.5** is amended to read:

5374 **64-13-14.5. Limits of confinement place -- Release status -- Work release.**

5375 (1) The department may extend the limits of the place of confinement of an inmate  
5376 when, as established by department policies and procedures, there is cause to believe the  
5377 inmate will honor [~~his~~] the trust, by authorizing [~~him~~] the inmate under prescribed conditions:

5378 (a) to leave temporarily for purposes specified by department policies and procedures  
5379 to visit specifically designated places for a period not to exceed 30 days;

5380 (b) to participate in a voluntary training program in the community while housed at a  
5381 correctional facility or to work at paid employment;

5382 (c) to be housed in a nonsecure community correctional center operated by the  
5383 department; or

5384 (d) to be housed in any other facility under contract with the department.

5385 (2) The department shall establish rules governing offenders on release status. A copy  
5386 of the rules shall be furnished to the offender and to any employer or other person participating  
5387 in the offender's release program. Any employer or other participating person shall agree in  
5388 writing to abide by the rules and to notify the department of the offender's discharge or other  
5389 release from a release program activity, or of any violation of the rules governing release status.

5390 (3) The willful failure of an inmate to remain within the extended limits of his  
5391 confinement or to return within the time prescribed to an institution or facility designated by  
5392 the department is an escape from custody.

5393 (4) If an offender is arrested for the commission of a crime, the arresting authority shall  
5394 immediately notify the department of the arrest.

5395 (5) The department may impose appropriate sanctions pursuant to Section [64-13-21](#)  
5396 upon offenders who violate [~~rules~~] [guidelines established by the Utah Sentencing Commission](#),  
5397 including prosecution for escape under Section [76-8-309](#) and for unauthorized absence.

5398 (6) An inmate who is housed at a nonsecure correctional facility and on work release  
5399 may not be required to work for less than the current federally established minimum wage, or  
5400 under substandard working conditions.

5401 Section 175. Section **64-13-21** is amended to read:

5402 **64-13-21. Supervision of sentenced offenders placed in community -- Rulemaking**  
5403 **-- POST certified parole or probation officers and peace officers -- Duties -- Supervision**  
5404 **fee.**

5405 (1) (a) The department, except as otherwise provided by law, shall supervise sentenced  
5406 offenders placed in the community on probation by the courts, on parole by the Board of  
5407 Pardons and Parole, or upon acceptance for supervision under the terms of the Interstate  
5408 Compact for the Supervision of Parolees and Probationers.

5409 (b) Standards for the supervision of offenders shall be established by the department in  
5410 accordance with [~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~] sentencing  
5411 guidelines, including the graduated sanctions matrix, established by the Utah Sentencing  
5412 Commission, giving priority, based on available resources, to felony offenders and offenders  
5413 sentenced pursuant to Subsection 58-37-8(2)(b)(ii).

5414 (2) The department shall apply graduated sanctions established by the Utah Sentencing  
5415 Commission to facilitate a prompt and appropriate response to an individual's violation of the  
5416 terms of probation or parole, including:

5417 (a) sanctions to be used in response to a violation of the terms of probation or parole;  
5418 and

5419 (b) requesting approval from the court or Board of Pardons and Parole to impose a  
5420 sanction for an individual's violation of the terms of probation or parole, for a period of  
5421 incarceration of not more than three consecutive days and not more than a total of five days  
5422 within a period of 30 days.

5423 (3) The department shall implement a program of graduated incentives as established  
5424 by the Utah Sentencing Commission to facilitate the department's prompt and appropriate  
5425 response to an offender's:

5426 (a) compliance with the terms of probation or parole; or

5427 (b) positive conduct that exceeds those terms.

5428 (4) (a) The department shall, in collaboration with the Commission on Criminal and

5429 Juvenile Justice and the Division of Substance Abuse and Mental Health, create standards and  
5430 procedures for the collection of information, including cost savings related to recidivism  
5431 reduction and the reduction in the number of inmates, related to the use of the graduated  
5432 sanctions and incentives, and offenders' outcomes.

5433 (b) The collected information shall be provided to the Commission on Criminal and  
5434 Juvenile Justice not less frequently than annually on or before August 31.

5435 [~~2~~] (5) Employees of the department who are POST certified as law enforcement  
5436 officers or correctional officers and who are designated as parole and probation officers by the  
5437 executive director have the following duties:

5438 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance  
5439 with the conditions of the parole or probation agreement;

5440 (b) investigating or apprehending any offender who has escaped from the custody of  
5441 the department or absconded from supervision;

5442 (c) providing investigative services for the courts, the department, or the Board of  
5443 Pardons and Parole;

5444 (d) supervising any offender during transportation; or

5445 (e) collecting DNA specimens when the specimens are required under Section  
5446 [53-10-404](#).

5447 [~~3~~] (6) (a) A monthly supervision fee of \$30 shall be collected from each offender on  
5448 probation or parole. The fee may be suspended or waived by the department upon a showing  
5449 by the offender that imposition would create a substantial hardship or if the offender owes  
5450 restitution to a victim.

5451 (b) (i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
5452 Administrative Rulemaking Act, specifying the criteria for suspension or waiver of the  
5453 supervision fee and the circumstances under which an offender may request a hearing.

5454 (ii) In determining whether the imposition of the supervision fee would constitute a  
5455 substantial hardship, the department shall consider the financial resources of the offender and  
5456 the burden that the fee would impose, with regard to the offender's other obligations.

5457           (7) (a) The department shall establish a program allowing an offender on probation  
5458 under Section 77-18-1 or on parole under Subsection 76-3-202(1)(a) to earn credits for the  
5459 offender's compliance with the terms of the offender's probation or parole, which shall be  
5460 applied to reducing the period of probation or parole as provided in this Subsection (7).

5461           (b) The program shall provide that an offender earns a reduction credit of 30 days from  
5462 the offender's period of probation or parole for each month the offender completes without any  
5463 violation of the terms of the offender's probation or parole agreement, including the case action  
5464 plan.

5465           (c) The department shall maintain a record of credits earned by an offender under this  
5466 Subsection (7) and shall request from the court or the Board of Pardons and Parole the  
5467 termination of probation or parole not fewer than 30 days prior to the termination date that  
5468 reflects the credits earned under this Subsection (7).

5469           (d) This Subsection (7) does not prohibit the department from requesting a termination  
5470 date earlier than the termination date established by earned credits under Subsection (7)(c).

5471           (e) The court or the Board of Pardons and Parole shall terminate an offender's  
5472 probation or parole upon completion of the period of probation or parole accrued by time  
5473 served and credits earned under this Subsection (7) unless the court or the Board of Pardons  
5474 and Parole finds that termination would interrupt the completion of a necessary treatment  
5475 program, in which case the termination of probation or parole shall occur when the treatment  
5476 program is completed.

5477           (f) The department shall report annually to the Commission on Criminal and Juvenile  
5478 Justice on or before August 31:

5479           (i) the number of offenders who have earned probation or parole credits under this  
5480 Subsection (7) in one or more months of the preceding fiscal year and the percentage of the  
5481 offenders on probation or parole during that time that this number represents;

5482           (ii) the average number of credits earned by those offenders who earned credits;

5483           (iii) the number of offenders who earned credits by county of residence while on  
5484 probation or parole;

5485 (iv) the cost savings associated with sentencing reform programs and practices; and  
5486 (v) a description of how the savings will be invested in treatment and  
5487 early-intervention programs and practices at the county and state levels.

5488 Section 176. Section **64-13-25** is amended to read:

5489 **64-13-25. Standards for programs -- Audits.**

5490 (1) To promote accountability and to ensure safe and professional operation of  
5491 correctional programs, the department shall establish minimum standards for the organization  
5492 and operation of its programs, including collaborating with the Department of Human Services  
5493 to establish minimum standards for programs providing assistance for individuals involved in  
5494 the criminal justice system.

5495 (a) The standards shall be promulgated according to state rulemaking provisions.  
5496 Those standards that apply to offenders are exempt from the provisions of Title 63G, Chapter  
5497 3, the Utah Administrative Rulemaking Act. Offenders are not a class of persons under that  
5498 act.

5499 (b) Standards shall provide for inquiring into and processing offender complaints.

5500 (c) (i) The department shall establish minimum standards and qualifications for  
5501 treatment programs provided in county jails to which persons committed to the state prison are  
5502 placed by jail contract under Section [64-13e-103](#).

5503 (ii) In establishing the standards and qualifications for the treatment programs, the  
5504 department shall:

5505 (A) consult and collaborate with the county sheriffs and the Division of Substance  
5506 Abuse and Mental Health; and

5507 (B) include programs demonstrated by recognized scientific research to reduce  
5508 recidivism by addressing an offender's criminal risk factors as determined by a risk and needs  
5509 assessment.

5510 (iii) All jails contracting to house offenders committed to the state prison shall meet the  
5511 minimum standards for treatment programs as established under this Subsection (1)(c).

5512 (d) (i) The department shall establish minimum standards of treatment for sex

5513 offenders, which shall include the requirements under Subsection [64-13-7.5\(3\)](#) regarding  
5514 licensure and competency.

5515 (ii) The standards shall require the use of the most current best practices demonstrated  
5516 by recognized scientific research to address an offender's criminal risk factors.

5517 (iii) The department shall collaborate with the Division of Substance Abuse and  
5518 Mental Health to develop and effectively distribute the standards to jails and to mental health  
5519 professionals who desire to provide mental health treatment for sex offenders.

5520 (iv) The department shall establish the standards by administrative rule pursuant to  
5521 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5522 (2) [~~There shall be~~] The department shall establish an audit for compliance with  
5523 standards established under this section according to policies and procedures established by the  
5524 department, for continued operation of correctional and treatment programs provided to  
5525 offenders committed to the department's custody, including inmates housed in county jails by  
5526 contract with the Department of Corrections.

5527 (a) At least every three years, the department shall internally audit all programs for  
5528 compliance with established standards.

5529 (b) All financial statements and accounts of the department shall be reviewed during  
5530 the audit. Written review shall be provided to the managers of the programs and the executive  
5531 director of the department.

5532 (c) The reports shall be classified as confidential internal working papers and access is  
5533 available at the discretion of the executive director or the governor, or upon court order.

5534 (3) The department shall establish a certification program for public and private  
5535 providers of treatment for sex offenders on probation or parole that requires the providers' sex  
5536 offender treatment practices meet the standards and practices established under Subsection  
5537 (1)(d) to reduce sex offender recidivism.

5538 (a) The department shall collaborate with the Division of Substance Abuse and Mental  
5539 Health to develop, coordinate, and implement the certification program.

5540 (b) The certification program shall be based on the standards under Subsection (1)(d)

5541 and shall require renewal of certification every two years.

5542 (c) All public and private providers of sex offender treatment, including those  
5543 providing treatment to offenders housed in county jails by contract under Section 64-13e-103,  
5544 shall comply with these standards on and after July 1, 2016, in order to begin receiving or  
5545 continue receiving payment from the department to provide sex offender treatment on or after  
5546 July 1, 2016.

5547 (d) The department shall establish the certification program by administrative rule  
5548 pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5549 (4) The department shall establish performance goals and outcome measurements for  
5550 all programs that are subject to the minimum standards established under this section and shall  
5551 collect data to analyze and evaluate whether the goals and measurements are attained.

5552 (a) The department shall collaborate with the Division of Substance Abuse and Mental  
5553 Health to develop and coordinate the performance goals and outcome measurements, including  
5554 recidivism rates and treatment success and failure rates.

5555 (b) The department may use these data to make decisions on the use of funds to  
5556 provide treatment for which standards are established under this section.

5557 (c) The department shall collaborate with the Division of Substance Abuse and Mental  
5558 Health to track a subgroup of participants to determine if there is a net positive result from the  
5559 use of treatment as an alternative to incarceration.

5560 (d) The department shall collaborate with the Division of Substance Abuse and Mental  
5561 Health to evaluate the costs, including any additional costs, and the resources needed to attain  
5562 the performance goals established for the use of treatment as an alternative to incarceration.

5563 (e) The department shall annually provide data collected under this Subsection (4) to  
5564 the Commission on Criminal and Juvenile Justice on or before August 31. The commission  
5565 shall compile a written report of the findings based on the data and shall provide the report to  
5566 the legislative Judiciary Interim Committee, the Health and Human Services Interim  
5567 Committee, the Law Enforcement and Criminal Justice Interim Committee, and the related  
5568 appropriations subcommittees.

5569 Section 177. Section **64-13-26** is amended to read:

5570 **64-13-26. Private providers of services.**

5571 (1) The department may contract with private providers or other agencies for the  
5572 provision of care, treatment, and supervision of offenders committed to the care and custody of  
5573 the department.

5574 (2) (a) The department shall:

5575 (i) establish standards for the operation of the programs; [~~and~~]

5576 (ii) establish standards pursuant to Section 64-13-25 regarding program standards; and

5577 [~~(ii)~~] (iii) annually review the programs for compliance.

5578 (b) The reviews shall be classified as confidential internal working papers.

5579 (c) Access to records regarding the reviews is available upon the discretion of the  
5580 executive director or the governor, or upon court order.

5581 Section 178. Section **64-13-29** is amended to read:

5582 **64-13-29. Violation of parole or probation -- Detention -- Hearing.**

5583 (1) (a) The department shall ensure that the court is notified of violations of the terms  
5584 and conditions of probation in the case of probationers under the department's supervision, or  
5585 the Board of Pardons and Parole in the case of parolees under the department's supervision[~~]~~  
5586 when:

5587 (i) a sanction of incarceration is recommended; or

5588 (ii) the department determines that a graduated sanction is not an appropriate response  
5589 to the offender's violation and recommends revocation of probation or parole.

5590 (b) In cases where the department desires to detain an offender alleged to have violated  
5591 his parole or probation and where it is unlikely that the Board of Pardons and Parole or court  
5592 will conduct a hearing within a reasonable time to determine if the offender has violated his  
5593 conditions of parole or probation, the department shall hold an administrative hearing within a  
5594 reasonable time, unless the hearing is waived by the parolee or probationer, to determine if  
5595 there is probable cause to believe that a violation has occurred.

5596 (c) If there is a conviction for a crime based on the same charges as the probation or



5597 parole violation, or a finding by a federal or state court that there is probable cause to believe  
5598 that an offender has committed a crime based on the same charges as the probation or parole  
5599 violation, the department need not hold [its] an administrative hearing.

5600 (2) The appropriate officer or officers of the department shall, as soon as practical  
5601 following the department's administrative hearing, report to the court or the Board of Pardons  
5602 and Parole, furnishing a summary of the hearing, and may make recommendations regarding  
5603 the disposition to be made of the parolee or probationer. Pending any proceeding under this  
5604 section, the department may take custody of and detain the parolee or probationer involved for  
5605 a period not to exceed 72 hours excluding weekends and holidays.

5606 (3) If the hearing officer determines that there is probable cause to believe that the  
5607 offender has violated the conditions of his parole or probation, the department may detain the  
5608 offender for a reasonable period of time after the hearing or waiver, as necessary to arrange for  
5609 the incarceration of the offender. Written order of the department is sufficient authorization for  
5610 any peace officer to incarcerate the offender. The department may promulgate rules for the  
5611 implementation of this section.

5612 Section 179. Section **64-13e-104** is amended to read:

5613 **64-13e-104. Housing of state probationary inmates or state parole inmates --**  
5614 **Payments.**

5615 (1) (a) A county shall accept and house a state probationary inmate or a state parole  
5616 inmate in a county correctional facility, subject to available resources.

5617 (b) A county may release a number of inmates from a county correctional facility, but  
5618 not to exceed the number of state probationary inmates and state parole inmates in excess of  
5619 the number of inmates funded by the appropriation authorized in Subsection (2) if:

5620 (i) the state does not fully comply with the provisions of Subsection (9) for the most  
5621 current fiscal year; or

5622 (ii) funds appropriated by the Legislature for this purpose are less than 50% of the  
5623 average actual state daily incarceration rate.

5624 (2) Within funds appropriated by the Legislature for this purpose, the Division of

5625 Finance shall pay a county that houses a state probationary inmate or a state parole inmate at a  
5626 rate of 50% of the final state daily incarceration rate.

5627 (3) Funds appropriated by the Legislature under Subsection (2):

5628 (a) are nonlapsing;

5629 (b) may only be used for the purposes described in Subsection (2) and Subsection (10);

5630 and

5631 (c) may not be used for:

5632 (i) the costs of administering the payment described in this section; or

5633 (ii) payment of contract costs under Section [64-13e-103](#).

5634 (4) The costs described in Subsection (3)(c)(i) shall be covered by legislative  
5635 appropriation.

5636 (5) (a) The Division of Finance shall administer the payment described in Subsection  
5637 (2) and Subsection (10).

5638 (b) In accordance with Subsection (9), CCJJ shall, by rule made pursuant to Title 63G,  
5639 Chapter 3, Utah Administrative Rulemaking Act, establish procedures for the calculation of the  
5640 payment described in Subsection (2) and Subsection (10).

5641 (c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount  
5642 of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total  
5643 amount of the payments made does not exceed the amount appropriated by the Legislature for  
5644 the payments.

5645 (6) Counties that receive the payment described in Subsection (2) and Subsection (10)  
5646 shall, on at least a monthly basis, submit a report to CCJJ that includes:

5647 (a) the number of state probationary inmates and state parole inmates the county  
5648 housed under this section; [~~and~~]

5649 (b) the total number of state probationary inmate days of incarceration and state parole  
5650 inmate days of incarceration that were provided by the county[;];

5651 (c) the total number of offenders housed pursuant to Subsection [64-13-21\(2\)\(b\)](#); and

5652 (d) the total number of days of incarceration of offenders housed pursuant to

5653 Subsection 64-13-21(2)(b).

5654 (7) (a) On or before September 30 of each year, CCJJ shall compile the information  
5655 from the reports described in Subsection (6) that relate to the preceding state fiscal year and  
5656 provide a copy of the compilation to each county that submitted a report.

5657 (b) On or before October 15 of each year, CCJJ shall inform the Division of Finance  
5658 and each county of the exact amount of the payment described in this section that shall be made  
5659 to each county.

5660 (8) On or before December 15 of each year, the Division of Finance shall distribute the  
5661 payment described in Subsection (7)(b) in a single payment to each county.

5662 (9) (a) The amount paid to each county under Subsection (8) shall be calculated on a  
5663 pro rata basis, based on the average number of state probationary inmate days of incarceration  
5664 and the average state parole inmate days of incarceration that were provided by each county for  
5665 the preceding five state fiscal years[-]; and

5666 (b) if funds are available, the total number of days of incarceration of offenders housed  
5667 pursuant to Subsection 64-13-21(2)(b).

5668 (10) If funds appropriated under Subsection (2) remain after payments are made  
5669 pursuant to Subsection (8), the Division of Finance shall pay a county that houses in its jail a  
5670 person convicted of a felony who is on probation or parole and who is incarcerated pursuant to  
5671 Subsection 64-13-21(2)(b) on a pro rata basis not to exceed 50% of the final state daily  
5672 incarceration rate.

5673 Section 180. Section **72-7-402** is amended to read:

5674 **72-7-402. Limitations as to vehicle width, height, length, and load extensions.**

5675 (1) (a) Except as provided by statute, all state or federally approved safety devices and  
5676 any other lawful appurtenant devices, including refrigeration units, hitches, air line  
5677 connections, and load securing devices related to the safe operation of a vehicle are excluded  
5678 for purposes of measuring the width and length of a vehicle under the provisions of this part, if  
5679 the devices are not designed or used for carrying cargo.

5680 (b) Load-induced tire bulge is excluded for purposes of measuring the width of

5681 vehicles under the provisions of this part.

5682 (c) Appurtenances attached to the sides or rear of a recreational vehicle that is not a  
5683 commercial motor vehicle are excluded for purposes of measuring the width and length of the  
5684 recreational vehicle if the additional width or length of the appurtenances does not exceed six  
5685 inches.

5686 (2) A vehicle unladen or with a load may not exceed a width of 8-1/2 feet.

5687 (3) A vehicle unladen or with a load may not exceed a height of 14 feet.

5688 (4) (a) (i) A single-unit vehicle, unladen or with a load, may not exceed a length of 45  
5689 feet including front and rear bumpers.

5690 (ii) In this section, a truck tractor coupled to one or more semitrailers or trailers is not  
5691 considered a single-unit vehicle.

5692 (b) (i) Except as provided under Subsection (4)(b)(iii), a semitrailer, unladen or with a  
5693 load, may not exceed a length of 48 feet excluding refrigeration units, hitches, air line  
5694 connections, and safety appurtenances.

5695 (ii) There is no overall length limitation on a truck tractor and semitrailer combination  
5696 when the semitrailer length is 48 feet or less.

5697 (iii) A semitrailer that exceeds a length of 48 feet but does not exceed a length of 53  
5698 feet may operate on a route designated by the department or within one mile of that route.

5699 (c) (i) Two trailers coupled together, unladen or with a load, may not exceed an overall  
5700 length of 61 feet, measured from the front of the first trailer to the rear of the second trailer.

5701 (ii) There is no overall length limitation on a truck tractor and double trailer  
5702 combination when the trailers coupled together measure 61 feet or less.

5703 (d) All other combinations of vehicles, unladen or with a load, when coupled together,  
5704 may not exceed a total length of 65 feet, except the length limitations do not apply to  
5705 combinations of vehicles operated at night by a public utility when required for emergency  
5706 repair of public service facilities or properties, or when operated under a permit under Section  
5707 [72-7-406](#).

5708 (5) (a) Subject to Subsection (4), a vehicle or combination of vehicles may not carry

5709 any load extending more than three feet beyond the front of the body of the vehicle or more  
5710 than six feet beyond the rear of the bed or body of the vehicle.

5711 (b) A passenger vehicle may not carry any load extending beyond the line of the  
5712 fenders on the left side of the vehicle nor extending more than six inches beyond the line of the  
5713 fenders on the right side of the vehicle.

5714 (6) Any exception to this section must be authorized by a permit as provided under  
5715 Section 72-7-406.

5716 (7) Any person who violates this section is guilty of a class [B] C misdemeanor.  
5717 Section 181. Section 72-7-403 is amended to read:

5718 **72-7-403. Towing requirements and limitations on towing.**

5719 (1) (a) The draw-bar or other connection between any two vehicles, one of which is  
5720 towing or drawing the other on a highway, may not exceed 15 feet in length from one vehicle  
5721 to the other except:

5722 (i) in the case of a connection between any two vehicles transporting poles, pipe,  
5723 machinery, or structural material that cannot be dismembered when transported upon a pole  
5724 trailer as defined in Section 41-6a-102; or

5725 (ii) when operated under a permit under Section 72-7-406.

5726 (b) When the connection between the two vehicles is a chain, rope, or cable, a red flag  
5727 or other signal or cloth not less than 12 inches both in length and width shall be displayed on or  
5728 near the midpoint of the connection.

5729 (2) A person may not operate a combination of vehicles when any trailer, semitrailer,  
5730 or other vehicle being towed:

5731 (a) whips or swerves from side to side dangerously or unreasonably; or

5732 (b) fails to follow substantially in the path of the towing vehicle.

5733 (3) A person who violates this section is guilty of a class [B] C misdemeanor.

5734 Section 182. Section 72-7-404 is amended to read:

5735 **72-7-404. Maximum gross weight limitation for vehicles -- Bridge formula for**  
5736 **weight limitations -- Minimum mandatory fines.**

5737 (1) (a) As used in this section:

5738 (i) "Axle load" means the total load on all wheels whose centers may be included  
5739 between two parallel transverse vertical planes 40 inches apart.

5740 (ii) "Tandem axle" means two or more axles spaced not less than 40 inches nor more  
5741 than 96 inches apart and having at least one common point of weight suspension.

5742 (b) The tire load rating shall be marked on the tire sidewall. A tire, wheel, or axle may  
5743 not carry a greater weight than the manufacturer's rating.

5744 (2) (a) A vehicle may not be operated or moved on any highway in the state with:

5745 (i) a gross weight in excess of 10,500 pounds on one wheel;

5746 (ii) a single axle load in excess of 20,000 pounds; or

5747 (iii) a tandem axle load in excess of 34,000 pounds.

5748 (b) Subject to the limitations of Subsection (3), the gross vehicle weight of any vehicle  
5749 or combination of vehicles may not exceed 80,000 pounds.

5750 (3) (a) Subject to the limitations in Subsection (2), no group of two or more  
5751 consecutive axles between the first and last axle of a vehicle or combination of vehicles and no  
5752 vehicle or combination of vehicles may carry a gross weight in excess of the weight provided  
5753 by the following bridge formula, except as provided in Subsection (3)(b):

5754 
$$W = 500 \{LN/(N-1) + 12N+36\}$$

5755 (i) W = overall gross weight on any group of two or more consecutive axles to the  
5756 nearest 500 pounds.

5757 (ii) L = distance in feet between the extreme of any group of two or more consecutive  
5758 axles. When the distance in feet includes a fraction of a foot of one inch or more the next  
5759 larger number of feet shall be used.

5760 (iii) N = number of axles in the group under consideration.

5761 (b) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds  
5762 each if the overall distance between the first and last axles of the consecutive sets of tandem  
5763 axles is 36 feet or more.

5764 (4) Any exception to this section must be authorized by an overweight permit as

5765 provided in Section 72-7-406.

5766 (5) (a) Any person who violates this section is guilty of a class [B] C misdemeanor  
 5767 except that, notwithstanding Sections 76-3-301 and 76-3-302, the violator shall pay the largest  
 5768 minimum mandatory fine of either:

- 5769 (i) \$50 plus the sum of the overweight axle fines calculated under Subsection (5)(b); or
- 5770 (ii) \$50 plus the gross vehicle weight fine calculated under Subsection (5)(b).

5771 (b) The fine for each axle and a gross vehicle weight violation shall be calculated  
 5772 according to the following schedule:

5773	Number of Pounds Overweight	Axle Fine (Cents per Pound for Each Overweight Axle)	Gross Vehicle Weight Fine(Cents per Pound)
5774	1 - 2,000	0	0
5775	2,001 - 5,000	4	5
5776	5,001 - 8,000	5	5
5777	8,001 - 12,000	6	5
5778	12,001 - 16,000	7	5
5779	16,001 - 20,000	9	5
5780	20,001 - 25,000	11	5
5781	25,001 or more	13	5

5782 Section 183. Section 72-7-405 is amended to read:

5783 **72-7-405. Measuring vehicles for size and weight compliance -- Summary powers**  
 5784 **of peace officers -- Penalty for violations.**

5785 (1) Any peace officer having reason to believe that the height, width, length, or weight  
 5786 of a vehicle and load is unlawful may require the operator to stop the vehicle and submit to a  
 5787 measurement or weighing of the vehicle and load.

5788 (2) A peace officer may require that the vehicle be driven to the nearest scales or  
 5789 port-of-entry if the scales or port-of-entry is within three miles.

5790 (3) (a) A peace officer, special function officer, or port-of-entry agent may measure or  
5791 weigh a vehicle and vehicle load for compliance with this chapter.

5792 (b) If, upon measuring or weighing a vehicle and load, it is determined that the height,  
5793 width, length, or weight is unlawful, the measuring or weighing peace officer, special function  
5794 officer, or port-of-entry agent may require the operator to park the vehicle in a suitable place.  
5795 The vehicle shall remain parked until the vehicle or its load is adjusted or a portion of the load  
5796 is removed to conform to legal limits. All materials unloaded shall be cared for by the owner  
5797 or operator of the vehicle at his risk.

5798 (4) An operator who fails or refuses to stop and submit the vehicle and load to a  
5799 measurement or weighing, or who fails or refuses when directed by a peace officer, special  
5800 function officer, or port-of-entry agent to comply with this section is guilty of a class [B] C  
5801 misdemeanor.

5802 (5) Any driver or owner of a vehicle who violates Section 72-7-404 or 72-7-406 is  
5803 guilty of a class [B] C misdemeanor.

5804 Section 184. Section 72-7-406 is amended to read:

5805 **72-7-406. Oversize permits and oversize and overweight permits for vehicles of**  
5806 **excessive size or weight -- Applications -- Restrictions -- Fees -- Rulemaking provisions --**  
5807 **Penalty.**

5808 (1) (a) The department may, upon receipt of an application and good cause shown,  
5809 issue in writing an oversize permit or an oversize and overweight permit. The oversize permit  
5810 or oversize and overweight permit may authorize the applicant to operate or move upon a  
5811 highway:

5812 (i) a vehicle or combination of vehicles, unladen or with a load weighing more than the  
5813 maximum weight specified in Section 72-7-404 for any wheel, axle, group of axles, or total  
5814 gross weight; or

5815 (ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or  
5816 length provisions under Section 72-7-402 or draw-bar length restriction under Subsection  
5817 72-7-403(1)(a).



5818 (b) Except as provided under Subsection (8), an oversize and overweight permit may  
5819 not be issued under this section to allow the transportation of a load that is reasonably divisible.

5820 (c) The maximum size or weight authorized by a permit under this section shall be  
5821 within limits that do not impair the state's ability to qualify for federal-aid highway funds.

5822 (d) The department may deny or issue a permit under this section to protect the safety  
5823 of the traveling public and to protect highway foundation, surfaces, or structures from undue  
5824 damage by one or more of the following:

5825 (i) limiting the number of trips the vehicle may make;

5826 (ii) establishing seasonal or other time limits within which the vehicle may operate or  
5827 move on the highway indicated;

5828 (iii) requiring security in addition to the permit to compensate for any potential damage  
5829 by the vehicle to any highway; and

5830 (iv) otherwise limiting the conditions of operation or movement of the vehicle.

5831 (e) Prior to granting a permit under this section, the department shall approve the route  
5832 of any vehicle or combination of vehicles.

5833 (2) An application for a permit under this section shall state:

5834 (a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of each  
5835 vehicle or combination of vehicles;

5836 (b) the proposed maximum load size and maximum size of each vehicle or  
5837 combination of vehicles;

5838 (c) the specific roads requested to be used under authority of the permit; and

5839 (d) if the permit is requested for a single trip or if other seasonal limits or time limits  
5840 apply.

5841 (3) Each oversize permit or oversize and overweight permit shall be carried in the  
5842 vehicle or combination of vehicles to which it refers and shall be available for inspection by  
5843 any peace officer, special function officer, port of entry agent, or other personnel authorized by  
5844 the department.

5845 (4) A permit under this section may not be issued or is not valid unless the vehicle or

5846 combination of vehicles is:

5847 (a) properly registered for the weight authorized by the permit; or

5848 (b) registered for a gross laden weight of 78,001 pounds or over, if the gross laden  
5849 weight authorized by the permit exceeds 80,000 pounds.

5850 (5) (a) (i) An oversize permit may be issued under this section for a vehicle or  
5851 combination of vehicles that exceeds one or more of the maximum width, height, or length  
5852 provisions under Section [72-7-402](#).

5853 (ii) Except for an annual oversize permit for an implement of husbandry under Section  
5854 [72-7-407](#) or for an annual oversize permit issued under Subsection (5)(a)(iii), only a single trip  
5855 oversize permit may be issued for a vehicle or combination of vehicles that is more than 14 feet  
5856 6 inches wide, 14 feet high, or 105 feet long.

5857 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
5858 the department shall make rules for the issuance of an annual oversize permit for a vehicle or  
5859 combination of vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long  
5860 if the department determines that the permit is needed to accommodate highway transportation  
5861 needs for multiple trips on a specified route.

5862 (b) The fee is \$30 for a single trip oversize permit under this Subsection (5). This  
5863 permit is valid for not more than 96 continuous hours.

5864 (c) The fee is \$75 for a semiannual oversize permit under this Subsection (5). This  
5865 permit is valid for not more than 180 continuous days.

5866 (d) The fee is \$90 for an annual oversize permit under this Subsection (5). This permit  
5867 is valid for not more than 365 continuous days.

5868 (6) (a) An oversize and overweight permit may be issued under this section for a  
5869 vehicle or combination of vehicles carrying a nondivisible load that exceeds one or more of the  
5870 maximum weight provisions of Section [72-7-404](#) up to a gross weight of 125,000 pounds.

5871 (b) The fee is \$60 for a single trip oversize and overweight permit under this  
5872 Subsection (6). This permit is valid for not more than 96 continuous hours.

5873 (c) A semiannual oversize and overweight permit under this Subsection (6) is valid for

5874 not more than 180 continuous days. The fee for this permit is:

5875 (i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of more  
5876 than 80,000 pounds, but not exceeding 84,000 pounds;

5877 (ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more  
5878 than 84,000 pounds, but not exceeding 112,000 pounds; and

5879 (iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more  
5880 than 112,000 pounds, but not exceeding 125,000 pounds.

5881 (d) An annual oversize and overweight permit under this Subsection (6) is valid for not  
5882 more than 365 continuous days. The fee for this permit is:

5883 (i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of more  
5884 than 80,000 pounds, but not exceeding 84,000 pounds;

5885 (ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more  
5886 than 84,000 pounds, but not exceeding 112,000 pounds; and

5887 (iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more  
5888 than 112,000 pounds, but not exceeding 125,000 pounds.

5889 (7) (a) A single trip oversize and overweight permit may be issued under this section  
5890 for a vehicle or combination of vehicles carrying a nondivisible load that exceeds:

5891 (i) one or more of the maximum weight provisions of Section [72-7-404](#); or

5892 (ii) a gross weight of 125,000 pounds.

5893 (b) (i) The fee for a single trip oversize and overweight permit under this Subsection  
5894 (7), which is valid for not more than 96 continuous hours, is \$.012 per mile for each 1,000  
5895 pounds above 80,000 pounds subject to the rounding described in Subsection (7)(c).

5896 (ii) The minimum fee that may be charged under this Subsection (7) is \$80.

5897 (iii) The maximum fee that may be charged under this Subsection (7) is \$540.

5898 (c) (i) The miles used to calculate the fee under this Subsection (7) shall be rounded up  
5899 to the nearest 50 mile increment.

5900 (ii) The pounds used to calculate the fee under this Subsection (7) shall be rounded up  
5901 to the nearest 25,000 pound increment.

5902 (iii) The dollar amount used to calculate the fee under this Subsection (7) shall be  
5903 rounded to the nearest \$10 increment.

5904 (8) (a) An oversize and overweight permit may be issued under this section for a  
5905 vehicle or combination of vehicles carrying a divisible load if:

5906 (i) the bridge formula under Subsection 72-7-404(3) is not exceeded; and

5907 (ii) the length of the vehicle or combination of vehicles is:

5908 (A) more than the limitations specified under Subsections 72-7-402(4)(c) and (d) or  
5909 Subsection 72-7-403(1)(a) but not exceeding 81 feet in cargo carrying length and the  
5910 application is for a single trip, semiannual trip, or annual trip permit; or

5911 (B) more than 81 feet in cargo carrying length but not exceeding 95 feet in cargo  
5912 carrying length and the application is for an annual trip permit.

5913 (b) The fee is \$60 for a single trip oversize and overweight permit under this  
5914 Subsection (8). The permit is valid for not more than 96 continuous hours.

5915 (c) The fee for a semiannual oversize and overweight permit under this Subsection (8),  
5916 which permit is valid for not more than 180 continuous days is:

5917 (i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of more  
5918 than 80,000 pounds, but not exceeding 84,000 pounds;

5919 (ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more  
5920 than 84,000 pounds, but not exceeding 112,000 pounds; and

5921 (iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more  
5922 than 112,000 pounds, but not exceeding 129,000 pounds.

5923 (d) The fee for an annual oversize and overweight permit under this Subsection (8),  
5924 which permit is valid for not more than 365 continuous days is:

5925 (i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of more  
5926 than 80,000 pounds, but not exceeding 84,000 pounds;

5927 (ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more  
5928 than 84,000 pounds, but not exceeding 112,000 pounds; and

5929 (iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more

5930 than 112,000 pounds, but not exceeding 129,000 pounds.

5931 (9) Permit fees collected under this section shall be credited monthly to the  
5932 Transportation Fund.

5933 (10) The department shall prepare maps, drawings, and instructions as guidance when  
5934 issuing permits under this section.

5935 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
5936 the department shall make rules governing the issuance and revocation of all permits under this  
5937 section and Section 72-7-407.

5938 (12) Any person who violates any of the terms or conditions of a permit issued under  
5939 this section:

5940 (a) may have the person's permit revoked; and

5941 (b) is guilty of a class [B] C misdemeanor, except that a violation of any rule made  
5942 under Subsection (11) is not subject to a criminal penalty.

5943 Section 185. Section 72-7-407 is amended to read:

5944 **72-7-407. Implements of husbandry -- Escort vehicle requirements -- Oversize**  
5945 **permit -- Penalty.**

5946 (1) As used in this section, "escort vehicle" means a motor vehicle, as defined under  
5947 Section 41-1a-102, that has its emergency warning lights operating, and that is being used to  
5948 warn approaching motorists by either preceding or following a slow or oversized vehicle,  
5949 object, or implement of husbandry being moved on the highway.

5950 (2) An implement of husbandry being moved on a highway shall be accompanied by:

5951 (a) front and rear escort vehicles when the implement of husbandry is 16 feet in width  
5952 or greater unless the implement of husbandry is moved by a farmer or rancher or the farmer or  
5953 rancher's employees in connection with an agricultural operation; or

5954 (b) one or more escort vehicles when the implement of husbandry is traveling on a  
5955 highway where special hazards exist related to weather, pedestrians, other traffic, or highway  
5956 conditions.

5957 (3) In addition to the requirements of Subsection (2), a person may not move an

5958 implement of husbandry on a highway during hours of darkness without lights and reflectors as  
5959 required under Section 41-6a-1608 or 41-6a-1609.

5960 (4) (a) Except for an implement of husbandry moved by a farmer or rancher or the  
5961 farmer's or rancher's employees in connection with an agricultural operation, a person may not  
5962 move an implement of husbandry on the highway without:

5963 (i) an oversize permit obtained under Section 72-7-406 if required;

5964 (ii) trained escort vehicle drivers and approved escort vehicles when required under  
5965 Subsection (2); and

5966 (iii) compliance with the vehicle weight requirements of Section 72-7-404.

5967 (b) (i) The department shall issue an annual oversize permit for the purpose of allowing  
5968 the movement of implements of husbandry on the highways in accordance with this chapter.

5969 (ii) The permit shall require the applicant to obtain verbal permission from the  
5970 department for each trip involving the movement of an implement of husbandry 16 feet or  
5971 greater in width.

5972 (5) Any person who violates this section is guilty of a class [B] C misdemeanor.

5973 Section 186. Section 72-7-408 is amended to read:

5974 **72-7-408. Highway authority -- Restrictions on highway use -- Erection and**  
5975 **maintenance of signs designating restrictions -- Penalty.**

5976 (1) (a) Subject to Subsection (1)(b), a highway authority may by rule or ordinance  
5977 prescribe procedures and criteria which prohibit the operation of any vehicle or impose  
5978 restrictions on the weight of a vehicle upon any highway under its jurisdiction.

5979 (b) A highway authority may impose restrictions for a highway under Subsection (1)(a)  
5980 if an engineering inspection concludes that, due to deterioration caused by climatic conditions,  
5981 a highway will be seriously damaged or destroyed unless certain vehicles are prohibited or  
5982 vehicle weights are restricted.

5983 (2) The highway authority imposing restrictions under this section shall erect signs  
5984 citing the provisions of the rule or ordinance at each end of that portion of any highway  
5985 affected. The restriction is effective only when the signs are erected and maintained.

5986 (3) Any person who violates any restriction imposed under the authority of this section  
5987 is guilty of a class [B] C misdemeanor.

5988 Section 187. Section **72-7-409** is amended to read:

5989 **72-7-409. Loads on vehicles -- Limitations -- Confining, securing, and fastening**  
5990 **load required -- Penalty.**

5991 (1) As used in this section:

5992 (a) "Agricultural product" means any raw product which is derived from agriculture,  
5993 including silage, hay, straw, grain, manure, and other similar product.

5994 (b) "Vehicle" has the same meaning set forth in Section [41-1a-102](#).

5995 (2) A vehicle may not be operated or moved on any highway unless the vehicle is  
5996 constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise  
5997 escaping.

5998 (3) (a) In addition to the requirements under Subsection (2), a vehicle carrying dirt,  
5999 sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or  
6000 scrap metal shall have a covering over the entire load unless:

6001 (i) the highest point of the load does not extend above the top of any exterior wall or  
6002 sideboard of the cargo compartment of the vehicle; and

6003 (ii) the outer edges of the load are at least six inches below the top inside edges of the  
6004 exterior walls or sideboards of the cargo compartment of the vehicle.

6005 (b) In addition to the requirements under Subsection (2), a vehicle carrying trash or  
6006 garbage shall have a covering over the entire load.

6007 (c) The following material is exempt from the provisions of Subsection (3)(a):

6008 (i) hot mix asphalt;

6009 (ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form  
6010 not susceptible to being blown out of the vehicle;

6011 (iii) material being transported across a highway between two parcels of property that  
6012 would be contiguous but for the highway that is being crossed; and

6013 (iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers,

6014 bags, or packaging.

6015 (d) A chemical substance capable of coating or bonding a load so that the load is  
6016 confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a) so long  
6017 as the chemical substance remains effective at confining the load.

6018 (4) Subsections (2) and (3) do not apply to a vehicle or implement of husbandry  
6019 carrying an agricultural product, if the agricultural product is:

6020 (a) being transported in a manner which is not a hazard or a potential hazard to the safe  
6021 operation of the vehicle or to other highway users; and

6022 (b) loaded in a manner that only allows minimal spillage.

6023 (5) (a) An authorized vehicle performing snow removal services on a highway is  
6024 exempt from the requirements of this section.

6025 (b) This section does not prohibit the necessary spreading of any substance connected  
6026 with highway maintenance, construction, securing traction, or snow removal.

6027 (6) A person may not operate a vehicle with a load on any highway unless the load and  
6028 any load covering is fastened, secured, and confined to prevent the covering or load from  
6029 becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to  
6030 other highway users.

6031 (7) Before entering a highway, the operator of a vehicle carrying any material listed  
6032 under Subsection (3), shall remove all loose material on any portion of the vehicle not designed  
6033 to carry the material.

6034 (8) (a) Any person who violates this section is guilty of a class [B] C misdemeanor.

6035 (b) A person who violates a provision of this section shall be fined not less than:

6036 (i) \$200 for a violation; or

6037 (ii) \$500 for a second or subsequent violation within three years of a previous violation  
6038 of this section.

6039 (c) A person who violates a provision of this section while operating a commercial  
6040 vehicle as defined in Section [72-9-102](#) shall be fined:

6041 (i) not less than \$500 for a violation; or



6042 (ii) \$1,000 for a second or subsequent violation within three years of a previous  
6043 violation of this section.

6044 Section 188. Section 73-18-6 is amended to read:

6045 **73-18-6. Numbering of motorboats and sailboats required -- Exception.**

6046 (1) Every motorboat and sailboat on the waters of this state shall be numbered. No  
6047 person shall operate or give permission for the operation of any motorboat or sailboat on the  
6048 waters of this state unless the motorboat or sailboat is numbered in accordance with:

6049 (a) this chapter;

6050 (b) applicable federal law; or

6051 (c) a federally-approved numbering system of another state, if the owner is a resident  
6052 of that state and his motorboat or sailboat has not been in this state in excess of 60 days for the  
6053 calendar year.

6054 (2) The number assigned to a motorboat or sailboat in accordance with this chapter,  
6055 applicable federal law, or a federally-approved numbering system of another state shall be  
6056 displayed on each side of the bow of the motorboat or sailboat, except this requirement does  
6057 not apply to any vessel which has a valid marine document issued by the United States Coast  
6058 Guard.

6059 (3) A violation of this section is a class C misdemeanor.

6060 Section 189. Section 73-18-7 is amended to read:

6061 **73-18-7. Registration requirements -- Exemptions -- Fee -- Agents -- Records --**  
6062 **Period of registration and renewal -- Expiration -- Notice of transfer of interest or change**  
6063 **of address -- Duplicate registration card -- Invalid registration -- Powers of board.**

6064 (1) (a) Except as provided by Section 73-18-9, the owner of each motorboat and  
6065 sailboat on the waters of this state shall register it with the division as provided in this chapter.

6066 (b) A person may not place, give permission for the placement of, operate, or give  
6067 permission for the operation of a motorboat or sailboat on the waters of this state, unless the  
6068 motorboat or sailboat is registered as provided in this chapter.

6069 (2) (a) The owner of a motorboat or sailboat required to be registered shall file an

6070 application for registration with the division on forms approved by the division.

6071 (b) The owner of the motorboat or sailboat shall sign the application and pay the fee set  
6072 by the board in accordance with Section 63J-1-504.

6073 (c) Before receiving a registration card and registration decals, the applicant shall  
6074 provide the division with a certificate from the county assessor of the county in which the  
6075 motorboat or sailboat has situs for taxation, stating that:

6076 (i) the property tax on the motorboat or sailboat for the current year has been paid;

6077 (ii) in the county assessor's opinion, the property tax is a lien on real property sufficient  
6078 to secure the payment of the property tax; or

6079 (iii) the motorboat or sailboat is exempt by law from payment of property tax for the  
6080 current year.

6081 (d) If the board modifies the fee under Subsection (2)(b), the modification shall take  
6082 effect on the first day of the calendar quarter after 90 days from the day on which the board  
6083 provides the State Tax Commission:

6084 (i) notice from the board stating that the board will modify the fee; and

6085 (ii) a copy of the fee modification.

6086 (3) (a) Upon receipt of the application in the approved form, the division shall record  
6087 the receipt and issue to the applicant registration decals and a registration card that state the  
6088 number assigned to the motorboat or sailboat and the name and address of the owner.

6089 (b) The registration card shall be available for inspection on the motorboat or sailboat  
6090 for which it was issued, whenever that motorboat or sailboat is in operation.

6091 (4) The assigned number shall:

6092 (a) be painted or permanently attached to each side of the forward half of the motorboat  
6093 or sailboat;

6094 (b) consist of plain vertical block characters not less than three inches in height;

6095 (c) contrast with the color of the background and be distinctly visible and legible;

6096 (d) have spaces or hyphens equal to the width of a letter between the letter and numeral  
6097 groupings; and

6098 (e) read from left to right.

6099 (5) A motorboat or sailboat with a valid marine document issued by the United States  
6100 Coast Guard is exempt from the number display requirements of Subsection (4).

6101 (6) The nonresident owner of any motorboat or sailboat already covered by a valid  
6102 number that has been assigned to it according to federal law or a federally approved numbering  
6103 system of the owner's resident state is exempt from registration while operating the motorboat  
6104 or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity  
6105 period provided for in Subsection 73-18-9(1).

6106 (7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a  
6107 new application form and fee with the division, and the division shall issue a new registration  
6108 card and registration decals in the same manner as provided for in Subsections (2) and (3).

6109 (b) The division shall reassign the current number assigned to the motorboat or sailboat  
6110 to the new owner to display on the motorboat or sailboat.

6111 (8) If the United States Coast Guard has in force an overall system of identification  
6112 numbering for motorboats or sailboats within the United States, the numbering system  
6113 employed under this chapter by the board shall conform with that system.

6114 (9) (a) The division may authorize any person to act as its agent for the registration of  
6115 motorboats and sailboats.

6116 (b) A number assigned, a registration card, and registration decals issued by an agent of  
6117 the division in conformity with this chapter and rules of the board are valid.

6118 (10) (a) The Motor Vehicle Division shall classify all records of the division made or  
6119 kept according to this section in the same manner that motor vehicle records are classified  
6120 under Section 41-1a-116.

6121 (b) Division records are available for inspection in the same manner as motor vehicle  
6122 records pursuant to Section 41-1a-116.

6123 (11) (a) (i) Each registration, registration card, and decal issued under this chapter shall  
6124 continue in effect for 12 months, beginning with the first day of the calendar month of  
6125 registration.

6126           (ii) A registration may be renewed by the owner in the same manner provided for in the  
6127 initial application.

6128           (iii) The division shall reassign the current number assigned to the motorboat or  
6129 sailboat when the registration is renewed.

6130           (b) Each registration, registration card, and registration decal expires the last day of the  
6131 month in the year following the calendar month of registration.

6132           (c) If the last day of the registration period falls on a day in which the appropriate state  
6133 or county offices are not open for business, the registration of the motorboat or sailboat is  
6134 extended to 12 midnight of the next business day.

6135           (d) The division may receive applications for registration renewal and issue new  
6136 registration cards at any time before the expiration of the registration, subject to the availability  
6137 of renewal materials.

6138           (e) The new registration shall retain the same expiration month as recorded on the  
6139 original registration even if the registration has expired.

6140           (f) The year of registration shall be changed to reflect the renewed registration period.

6141           (g) If the registration renewal application is an application generated by the division  
6142 through its automated system, the owner is not required to surrender the last registration card or  
6143 duplicate.

6144           (12) (a) An owner shall notify the division of:

6145           (i) the transfer of all or any part of the owner's interest, other than creation of a security  
6146 interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

6147           (ii) the destruction or abandonment of the owner's motorboat or sailboat.

6148           (b) Notification must take place within 15 days of the transfer, destruction, or  
6149 abandonment.

6150           (c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates  
6151 its registration.

6152           (ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not  
6153 affect the owner's right to operate a motorboat or sailboat does not terminate the registration.

6154 (13) (a) A registered owner shall notify the division within 15 days if the owner's  
6155 address changes from the address appearing on the registration card and shall, as a part of this  
6156 notification, furnish the division with the owner's new address.

6157 (b) The board may provide in its rules for:

6158 (i) the surrender of the registration card bearing the former address; and

6159 (ii) (A) the replacement of the card with a new registration card bearing the new  
6160 address; or

6161 (B) the alteration of an existing registration card to show the owner's new address.

6162 (14) (a) If a registration card is lost or stolen, the division may collect a fee of \$4 for  
6163 the issuance of a duplicate card.

6164 (b) If a registration decal is lost or stolen, the division may collect a fee of \$3 for the  
6165 issuance of a duplicate decal.

6166 (15) A number other than the number assigned to a motorboat or sailboat or a number  
6167 for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached,  
6168 or otherwise displayed on either side of the bow of a motorboat or sailboat.

6169 (16) A motorboat or sailboat registration and number are invalid if obtained by  
6170 knowingly falsifying an application for registration.

6171 (17) The board may designate the suffix to assigned numbers, and by following the  
6172 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
6173 make rules for:

6174 (a) the display of registration decals;

6175 (b) the issuance and display of dealer numbers and registrations; and

6176 (c) the issuance and display of temporary registrations.

6177 (18) A violation of this section is a class C misdemeanor.

6178 Section 190. Section **73-18-8** is amended to read:

6179 **73-18-8. Safety equipment required to be on board vessels.**

6180 (1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person  
6181 on board, one personal flotation device that is approved for the type of use by the commandant

6182 of the United States Coast Guard.

6183 (b) Each personal flotation device shall be:

6184 (i) in serviceable condition;

6185 (ii) legally marked with the United States Coast Guard approval number; and

6186 (iii) of an appropriate size for the person for whom it is intended.

6187 (c) (i) Sailboards are exempt from the provisions of Subsection (1)(a).

6188 (ii) The board may exempt certain types of vessels from the provisions of Subsection

6189 (1)(a) under certain conditions or upon certain waters.

6190 (d) The board may require by rule for personal flotation devices to be worn:

6191 (i) while a person is on board a certain type of vessel;

6192 (ii) by a person under a certain age; or

6193 (iii) on certain waters of the state.

6194 (e) For vessels 16 feet or more in length, there shall also be on board, one Type IV

6195 throwable personal flotation device which is approved for this use by the commandant of the

6196 United States Coast Guard.

6197 (2) The operator of a vessel operated between sunset and sunrise shall display lighted

6198 navigation lights approved by the division.

6199 (3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in

6200 any enclosure for any purpose, the vessel shall be equipped with an efficient natural or

6201 mechanical ventilation system that is capable of removing resulting gases before and during the

6202 time the vessel is occupied by any person.

6203 (4) Each vessel shall have fire extinguishing equipment on board.

6204 (5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame

6205 control device.

6206 (6) The board may:

6207 (a) require additional safety equipment by rule; and

6208 (b) adopt rules conforming with the requirements of this section which govern

6209 specifications for and the use of safety equipment.

6210 (7) A person may not operate or give permission for the operation of a vessel that is not  
6211 equipped as required by this section or rules promulgated under this section.

6212 (8) A violation of this section is a class C misdemeanor.

6213 Section 191. Section **73-18-8.1** is amended to read:

6214 **73-18-8.1. Capacity and certification label.**

6215 (1) Each vessel manufactured after November 1, 1972, which is less than 20 feet in  
6216 length, except a sailboat, canoe, kayak, inflatable vessel, or homemade motor boat must have a  
6217 United States Coast Guard capacity and certification label permanently affixed to the vessel  
6218 and clearly visible to the operator when boarding or operating the vessel. The capacity and  
6219 certification information may be combined together and displayed on one label.

6220 (2) No person shall operate, or give permission for the operation of, any vessel on the  
6221 waters of this state if it is loaded or powered in excess of the maximum capacity information  
6222 on the United States Coast Guard capacity label.

6223 (3) No person shall alter, deface, or remove any United States Coast Guard capacity or  
6224 certification information label affixed to a vessel.

6225 (4) No person shall operate, or give permission for the operation of, a vessel on the  
6226 waters of this state if the required United States Coast Guard capacity or certification  
6227 information label has been altered, defaced, or removed.

6228 (5) A violation of this section is a class C misdemeanor.

6229 Section 192. Section **73-18-13** is amended to read:

6230 **73-18-13. Duties of operator involved in accident -- Notification and reporting**  
6231 **procedures -- Use of accident reports -- Giving false information as misdemeanor.**

6232 (1) As used in this section, "agent" has the same meaning as provided in Section  
6233 [41-6a-404](#).

6234 (2) (a) It is the duty of the operator of a vessel involved in an accident, if the operator  
6235 can do so without seriously endangering the operator's own vessel, crew, or passengers, to  
6236 render aid to those affected by the accident as may be practicable.

6237 (b) The operator shall also give the operator's name, address, and identification of the

6238 operator's vessel in writing to:

6239 (i) any person injured; or

6240 (ii) the owner of any property damaged in the accident.

6241 (c) A violation of this Subsection (2) is a class B misdemeanor.

6242 (3) (a) The board shall adopt rules governing the notification and reporting procedure  
6243 for vessels involved in accidents.

6244 (b) The rules shall be consistent with federal requirements.

6245 (4) (a) Except as provided in Subsection (4)(b), all accident reports:

6246 (i) are protected and shall be for the confidential use of the division or other state,  
6247 local, or federal agencies having use for the records for official governmental statistical,  
6248 investigative, and accident prevention purposes; and

6249 (ii) may be disclosed only in a statistical form that protects the privacy of any person  
6250 involved in the accident.

6251 (b) The division shall disclose a written accident report and its accompanying data to:

6252 (i) a person involved in the accident, excluding a witness to the accident;

6253 (ii) a person suffering loss or injury in the accident;

6254 (iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i)  
6255 and (ii);

6256 (iv) a member of the press or broadcast news media;

6257 (v) a state, local, or federal agency that uses the records for official governmental,  
6258 investigative, or accident prevention purposes;

6259 (vi) law enforcement personnel when acting in their official governmental capacity;  
6260 and

6261 (vii) a licensed private investigator.

6262 (c) Information provided to a member of the press or broadcast news media under  
6263 Subsection (4)(b)(iv) may only include:

6264 (i) the name, age, sex, and city of residence of each person involved in the accident;

6265 (ii) the make and model year of each vehicle involved in the accident;



6266 (iii) whether or not each person involved in the accident was covered by a vehicle  
6267 insurance policy;

6268 (iv) the location of the accident; and

6269 (v) a description of the accident that excludes personal identifying information not  
6270 listed in Subsection (4)(c)(i).

6271 (5) (a) Except as provided in Subsection (5)(c), an accident report may not be used as  
6272 evidence in any civil or criminal trial, arising out of an accident.

6273 (b) Upon demand of any person who has, or claims to have, made the report, or upon  
6274 demand of any court, the division shall furnish a certificate showing that a specified accident  
6275 report has or has not been made to the division solely to prove a compliance or a failure to  
6276 comply with the requirement that a report be made to the division.

6277 (c) Accident reports may be used as evidence when necessary to prosecute charges  
6278 filed in connection with a violation of Subsection (6).

6279 (6) Any person who gives false information, knowingly or having reason to believe it is  
6280 false, in an oral or written report as required in this chapter, is guilty of a class [~~A~~] B  
6281 misdemeanor.

6282 Section 193. Section **73-18-15.1** is amended to read:

6283 **73-18-15.1. Vessel navigation and steering laws.**

6284 (1) The operator of a vessel shall maintain a proper lookout by sight and hearing at all  
6285 times to avoid the risk of collision.

6286 (2) When the operators of two motorboats approach each other where there is risk of  
6287 collision, each operator shall alter course to the right and pass on the left side of the other.

6288 (3) When the operators of two motorboats are crossing paths and are at risk of a  
6289 collision, the operator of the vessel that has the other vessel on its right side shall keep out of  
6290 the way and yield right-of-way if necessary.

6291 (4) The operator of any vessel overtaking any other vessel shall keep out of the way of  
6292 the vessel being overtaken.

6293 (5) The operator of a vessel underway shall keep out of the way of a:

- 6294 (a) vessel not under command;
- 6295 (b) vessel restricted in its ability to maneuver;
- 6296 (c) vessel engaged in fishing; and
- 6297 (d) sailing vessel.
- 6298 (6) If the operator of one of two vessels is to keep out of the way, the other vessel
- 6299 operator shall maintain his course and speed unless it becomes apparent the other vessel is not
- 6300 taking the appropriate action.
- 6301 (7) In narrow channels an operator of a vessel underway shall keep to the right of the
- 6302 middle of the channel.
- 6303 (8) The operator of a vessel shall proceed at a safe speed at all times so that the
- 6304 operator can take proper and effective action to avoid collision and be stopped within a
- 6305 distance appropriate to the prevailing circumstances or conditions.
- 6306 (9) (a) When the operators of two sailboats are approaching one another so as to
- 6307 involve risk of collision, one of the operators shall keep out of the way of the other as follows:
- 6308 (i) when each has the wind on a different side, the operator of the vessel that has the
- 6309 wind on the left side shall keep out of the way of the other;
- 6310 (ii) when both have the wind on the same side, the operator of the vessel that is to the
- 6311 windward shall keep out of the way of the vessel that is to leeward; and
- 6312 (iii) if the operator of a vessel with the wind on the left side sees a vessel to windward
- 6313 and cannot determine with certainty whether the other vessel has the wind on the left or on the
- 6314 right side, the operator shall keep out of way of the other vessel.
- 6315 (b) For purposes of this Subsection (9), the windward side shall be the side opposite
- 6316 that on which the mainsail is carried.
- 6317 (10) The operator of any vessel may not exceed a wakeless speed when within 150 feet
- 6318 of:
- 6319 (a) another vessel;
- 6320 (b) a person in or floating on the water;
- 6321 (c) a water skier being towed by another boat;

6322 (d) a water skier that had been towed behind the operator's vessel unless the skier is  
6323 still surfing or riding in an upright stance on the wake created by the vessel;

6324 (e) a water skier that had been towed behind another vessel and the skier is still surfing  
6325 or riding in an upright stance on the wake created by the other vessel;

6326 (f) a shore fisherman;

6327 (g) a launching ramp;

6328 (h) a dock; or

6329 (i) a designated swimming area.

6330 (11) The operator of a motorboat is responsible for any damage or injury caused by the  
6331 wake produced by the operator's motorboat.

6332 (12) (a) Except as provided in Subsection (12)(b), the operator of a motorboat that is  
6333 less than 65 feet in length may not exceed a wakeless speed while any person is riding upon the  
6334 bow decking, gunwales, transom, seatbacks, or motor cover.

6335 (b) Subsection (12)(a) does not apply if the motorboat is:

6336 (i) between 16 feet and 65 feet in length; and

6337 (ii) the motorboat is equipped with adequate rails or other safeguards to prevent a  
6338 person from falling overboard.

6339 (13) If a person is riding upon the bow decking of a motorboat that does not have  
6340 designed seating for passengers, the person shall straddle one of the upright supports of the  
6341 bow rail and may not block the vision of the operator.

6342 (14) The operator of a vessel may not tow a water skier or a person on another device:

6343 (a) unless an onboard observer, who is at least eight years of age, is designated by the  
6344 operator to watch the person being towed; or

6345 (b) between sunset and sunrise.

6346 (15) A person who violates this section is guilty of [~~a class C misdemeanor~~] an  
6347 infraction.

6348 Section 194. Section **73-18-15.2** is amended to read:

6349 **73-18-15.2. Minimum age of operators -- Boating safety course for youth to**

6350 **operate personal watercraft.**

6351 (1) (a) A person under 16 years of age may not operate a motorboat on the waters of  
6352 this state unless the person is under the on-board and direct supervision of a person who is at  
6353 least 18 years of age.

6354 (b) A person under 16 years of age may operate a sailboat, if the person is under the  
6355 direct supervision of a person who is at least 18 years of age.

6356 (2) A person who is at least 12 years of age or older but under 16 years of age may  
6357 operate a personal watercraft provided he:

6358 (a) is under the direct supervision of a person who is at least 18 years of age;

6359 (b) completes a boating safety course approved by the division; and

6360 (c) has in his possession a boating safety certificate issued by the boating safety course  
6361 provider.

6362 (3) A person who is at least 16 years of age but under 18 years of age may operate a  
6363 personal watercraft, if the person:

6364 (a) completes a boating safety course approved by the division; and

6365 (b) has in his possession a boating safety certificate issued by the boating safety course  
6366 provider.

6367 (4) A person required to attend a boating safety course under Subsection (3)(a) need  
6368 not be accompanied by a parent or legal guardian while completing a boating safety course.

6369 (5) A person may not give permission to another person to operate a vessel in violation  
6370 of this section.

6371 (6) As used in this section, "direct supervision" means oversight at a distance within  
6372 which visual contact is maintained.

6373 (7) (a) The division may collect fees set by the board in accordance with Section  
6374 [63J-1-504](#) from each person who takes the division's boating safety course to help defray the  
6375 cost of the boating safety course.

6376 (b) Money collected from the fees collected under Subsection (7)(a) shall be deposited  
6377 in the Boating Account.

6378 (8) A violation of this section is a class C misdemeanor.

6379 Section 195. Section **73-18-15.3** is amended to read:

6380 **73-18-15.3. Personal watercraft -- Prohibition on operation between sunset and**  
6381 **sunrise.**

6382 (1) A person may not operate a personal watercraft on the waters of this state between  
6383 sunset and sunrise.

6384 (2) A violation of this section is a class C misdemeanor.

6385 Section 196. Section **73-18-16** is amended to read:

6386 **73-18-16. Regattas, races, exhibitions -- Rules.**

6387 (1) The division may authorize the holding of regattas, motorboat or other boat races,  
6388 marine parades, tournaments, or exhibitions on any waters of this state.

6389 (2) The board may adopt rules concerning the safety of vessels and persons, either as  
6390 observers or participants, that do not conflict with the provisions of Subsections (3) and (4).

6391 (3) A person may elect, at the person's own risk, to wear a non-Coast Guard approved  
6392 personal floatation device if the person is on an American Water Ski Association regulation  
6393 tournament slalom course and is:

6394 (a) engaged in barefoot water skiing;

6395 (b) water skiing in an American Water Ski Association regulation competition;

6396 (c) a performer participating in a professional exhibition or other tournament; or

6397 (d) practicing for an event described in Subsection (3)(b) or (c).

6398 (4) If a person is water skiing in an American Water Ski Association regulation  
6399 tournament slalom course, an observer and flag are not required if the vessel is:

6400 (a) equipped with a wide angle mirror with a viewing surface of at least 48 square  
6401 inches; and

6402 (b) operated by a person who is at least 18 years of age.

6403 (5) A violation of this section is a class C misdemeanor.

6404 Section 197. Section **73-18-20.4** is amended to read:

6405 **73-18-20.4. Duty to report falsified vessel or motor number.**

6406           (1) Any person owning or operating a marina, marine dealership, service station, public  
6407 garage, paint shop, or a vessel repair shop shall immediately notify the local police authorities  
6408 of any vessel or outboard motor that has any numbers that have apparently been altered,  
6409 obliterated, or removed.

6410           (2) A violation of this section is a class B misdemeanor.

6411           Section 198. Section **73-18-21** is amended to read:

6412           **73-18-21. Violation of chapter as class C misdemeanor.**

6413           Unless otherwise specified, any person who violates any provision of this chapter or  
6414 rule promulgated under this chapter is guilty of a class [B] C misdemeanor.

6415           Section 199. Section **73-18c-302** is amended to read:

6416           **73-18c-302. Operating motorboats without owner's or operator's security --**  
6417 **Penalty.**

6418           (1) Any owner of a motorboat on which owner's or operator's security is required under  
6419 Section **73-18c-301**, who operates the motorboat or permits it to be operated on waters of the  
6420 state without owner's security being in effect is guilty of a class [B] C misdemeanor.

6421           (2) Any other person who operates a motorboat upon waters of the state with the  
6422 knowledge that the owner does not have owner's security in effect for the motorboat is also  
6423 guilty of a class [B] C misdemeanor, unless that person has in effect owner's or operator's  
6424 security on a Utah-registered motorboat or its equivalent that covers the operation, by him or  
6425 her, of the motorboat in question.

6426           Section 200. Section **73-18c-304** is amended to read:

6427           **73-18c-304. Evidence of owner's or operator's security to be carried when**  
6428 **operating motorboat -- Defense -- Penalties.**

6429           (1) (a) (i) Except as provided in Subsection (1)(a)(ii), a person operating a motorboat  
6430 shall:

6431           (A) have in the person's immediate possession evidence of owner's or operator's  
6432 security for the motorboat the person is operating; and

6433           (B) display it upon demand of a peace officer.

- 6434 (ii) A person operating a government-owned or government-leased motorboat is  
6435 exempt from the requirements of Subsection (1)(a)(i).
- 6436 (b) Evidence of owner's or operator's security includes any one of the following:  
6437 (i) the operator's:  
6438 (A) insurance policy;  
6439 (B) binder notice;  
6440 (C) renewal notice; or  
6441 (D) card issued by an insurance company as evidence of insurance;  
6442 (ii) a copy of a surety bond, certified by the surety, which conforms to Section  
6443 73-18c-102;  
6444 (iii) a certificate of the state treasurer issued under Section 73-18c-305; or  
6445 (iv) a certificate of self-funded coverage issued under Section 73-18c-306.
- 6446 (2) It is an affirmative defense to a charge under this section that the person had  
6447 owner's or operator's security in effect for the motorboat the person was operating at the time of  
6448 the person's citation or arrest.
- 6449 (3) (a) A letter from an insurance producer or company verifying that the person had  
6450 the required liability insurance coverage on the date specified is considered proof of owner's or  
6451 operator's security for purposes of Subsection (2).
- 6452 (b) The court considering a citation issued under this section shall allow the letter  
6453 under Subsection (3)(a) and a copy of the citation to be faxed or mailed to the clerk of the court  
6454 to satisfy Subsection (2).
- 6455 (4) A violation of this section is a class [B] C misdemeanor.
- 6456 (5) If a person is convicted of a violation of this section and if the person is the owner  
6457 of a motorboat, the court shall:  
6458 (a) require the person to surrender the person's registration materials to the court; and  
6459 (b) forward the registration materials, together with a copy of the conviction, to the  
6460 division.
- 6461 (6) (a) Upon receiving notification from a court of a conviction for a violation of this

6462 section, the division shall revoke the person's motorboat registration.

6463 (b) Any registration revoked shall be renewed in accordance with Section 73-18-7.

6464 Section 201. Section 76-3-202 is amended to read:

6465 **76-3-202. Paroled persons -- Termination or discharge from sentence -- Time**  
6466 **served on parole -- Discretion of Board of Pardons and Parole.**

6467 (1) (a) Except as provided in Subsection (1)(b), every person committed to the state  
6468 prison to serve an indeterminate term and later released on parole shall, upon completion of  
6469 three years on parole outside of confinement and without violation, be terminated from the  
6470 person's sentence unless the parole is earlier terminated by the Board of Pardons and Parole or  
6471 is terminated pursuant to Section 64-13-21.

6472 (b) Every person committed to the state prison to serve an indeterminate term and later  
6473 released on parole on or after July 1, 2008, and who was convicted of any felony offense under  
6474 Title 76, Chapter 5, Offenses Against the Person, or any attempt, conspiracy, or solicitation to  
6475 commit any of these felony offenses, shall complete a term of parole that extends through the  
6476 expiration of the person's maximum sentence, unless the parole is earlier terminated by the  
6477 Board of Pardons and Parole.

6478 (2) Every person convicted of a second degree felony for violating Section 76-5-404,  
6479 forcible sexual abuse, or 76-5-404.1, sexual abuse of a child and aggravated sexual abuse of a  
6480 child, or attempting, conspiring, or soliciting the commission of a violation of any of those  
6481 sections, and who is paroled before July 1, 2008, shall, upon completion of 10 years parole  
6482 outside of confinement and without violation, be terminated from the sentence unless the  
6483 person is earlier terminated by the Board of Pardons and Parole.

6484 (3) (a) Every person convicted of a first degree felony for committing any offense listed  
6485 in Subsection (3)(b), or attempting, conspiring, or soliciting the commission of a violation of  
6486 any of those sections, shall complete a term of lifetime parole outside of confinement and  
6487 without violation unless the person is earlier terminated by the Board of Pardons and Parole.

6488 (b) The offenses referred to in Subsection (3)(a) are:

6489 (i) Section 76-5-301.1, child kidnapping;



- 6490 (ii) Subsection 76-5-302(1)(b)(vi), aggravated kidnapping involving a sexual offense;
  - 6491 (iii) Section 76-5-402, rape;
  - 6492 (iv) Section 76-5-402.1, rape of a child;
  - 6493 (v) Section 76-5-402.2, object rape;
  - 6494 (vi) Section 76-5-402.3, object rape of a child;
  - 6495 (vii) Subsection 76-5-403(2), forcible sodomy;
  - 6496 (viii) Section 76-5-403.1, sodomy on a child;
  - 6497 (ix) Section 76-5-404.1, sexual abuse of a child and aggravated sexual abuse of a child;
  - 6498 or
  - 6499 (x) Section 76-5-405, aggravated sexual assault.
- 6500 (4) Any person who violates the terms of parole, while serving parole, for any offense
- 6501 under Subsection (1), (2), or (3), shall at the discretion of the Board of Pardons and Parole be
- 6502 recommitted to prison to serve the portion of the balance of the term as determined by the
- 6503 Board of Pardons and Parole, but not to exceed the maximum term.
- 6504 (5) In order for a parolee convicted on or after May 5, 1997, to be eligible for early
- 6505 termination from parole, the parolee must provide to the Board of Pardons and Parole:
- 6506 (a) evidence that the parolee has completed high school classwork and has obtained a
  - 6507 high school graduation diploma, a GED certificate, or a vocational certificate; or
  - 6508 (b) documentation of the inability to obtain one of the items listed in Subsection (5)(a)
  - 6509 because of:
    - 6510 (i) a diagnosed learning disability; or
    - 6511 (ii) other justified cause.
  - 6512 (6) Any person paroled following a former parole revocation may not be discharged
  - 6513 from the person's sentence until:
    - 6514 (a) the person has served the applicable period of parole under this section outside of
    - 6515 confinement and without violation;
    - 6516 (b) the person's maximum sentence has expired; or
    - 6517 (c) the Board of Pardons and Parole orders the person to be discharged from the

6518 sentence.

6519 (7) (a) All time served on parole, outside of confinement and without violation,  
6520 constitutes service of the total sentence but does not preclude the requirement of serving the  
6521 applicable period of parole under this section, outside of confinement and without violation.

6522 (b) Any time a person spends outside of confinement after commission of a parole  
6523 violation does not constitute service of the total sentence unless the person is exonerated at a  
6524 parole revocation hearing.

6525 (c) (i) Any time a person spends in confinement awaiting a hearing before the Board of  
6526 Pardons and Parole or a decision by the board concerning revocation of parole constitutes  
6527 service of the sentence.

6528 (ii) In the case of exoneration by the board, the time spent is included in computing the  
6529 total parole term.

6530 (8) When any parolee without authority from the Board of Pardons and Parole absents  
6531 himself from the state or avoids or evades parole supervision, the period of absence, avoidance,  
6532 or evasion tolls the parole period.

6533 (9) (a) While on parole, time spent in confinement outside the state may not be credited  
6534 toward the service of any Utah sentence.

6535 (b) Time in confinement outside the state or in the custody of any tribal authority or the  
6536 United States government for a conviction obtained in another jurisdiction tolls the expiration  
6537 of the Utah sentence.

6538 (10) This section does not preclude the Board of Pardons and Parole from paroling or  
6539 discharging an inmate at any time within the discretion of the Board of Pardons and Parole  
6540 unless otherwise specifically provided by law.

6541 (11) A parolee sentenced to lifetime parole may petition the Board of Pardons and  
6542 Parole for termination of lifetime parole.

6543 Section 202. Section **76-6-206** is amended to read:

6544 **76-6-206. Criminal trespass.**

6545 (1) As used in this section, "enter" means intrusion of the entire body.

6546 (2) A person is guilty of criminal trespass if, under circumstances not amounting to  
 6547 burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section  
 6548 76-10-2402 regarding commercial obstruction:

6549 (a) the person enters or remains unlawfully on property and:

6550 (i) intends to cause annoyance or injury to any person or damage to any property,  
 6551 including the use of graffiti as defined in Section 76-6-107;

6552 (ii) intends to commit any crime, other than theft or a felony; or

6553 (iii) is reckless as to whether his presence will cause fear for the safety of another;

6554 (b) knowing the person's entry or presence is unlawful, the person enters or remains on  
 6555 property as to which notice against entering is given by:

6556 (i) personal communication to the actor by the owner or someone with apparent  
 6557 authority to act for the owner;

6558 (ii) fencing or other enclosure obviously designed to exclude intruders; or

6559 (iii) posting of signs reasonably likely to come to the attention of intruders; or

6560 (c) the person enters a condominium unit in violation of Subsection 57-8-7(8).

6561 (3) (a) A violation of Subsection (2)(a) or (b) is a class B misdemeanor unless it was  
 6562 committed in a dwelling, in which event it is a class A misdemeanor.

6563 (b) A violation of Subsection (2)(c) is an infraction.

6564 (4) It is a defense to prosecution under this section that:

6565 (a) the property was at the time open to the public [~~when the actor entered or~~  
 6566 ~~remained~~]; and

6567 (b) [~~the actor's conduct did not substantially interfere with the owner's use of the~~  
 6568 ~~property~~] the actor complied with all lawful conditions imposed on access to or remaining on  
 6569 the property.

6570 Section 203. Section 76-10-503 is amended to read:

6571 **76-10-503. Restrictions on possession, purchase, transfer, and ownership of**  
 6572 **dangerous weapons by certain persons -- Exceptions.**

6573 (1) For purposes of this section:

- 6574 (a) A Category I restricted person is a person who:
- 6575 (i) has been convicted of any violent felony as defined in Section [76-3-203.5](#);
- 6576 (ii) is on probation or parole for any felony;
- 6577 (iii) is on parole from a secure facility as defined in Section [62A-7-101](#);
- 6578 (iv) within the last 10 years has been adjudicated delinquent for an offense which if
- 6579 committed by an adult would have been a violent felony as defined in Section [76-3-203.5](#); ~~[or]~~
- 6580 (v) is an alien who is illegally or unlawfully in the United States~~[-]~~; or
- 6581 (vi) is on probation for a conviction of possessing a substance classified in Schedule I
- 6582 or II in Section [58-37-8](#), or a controlled substance analog or a substance listed in Section
- 6583 [58-37-4.2](#).
- 6584 (b) A Category II restricted person is a person who:
- 6585 (i) has been convicted of any felony;
- 6586 (ii) within the last seven years has been adjudicated delinquent for an offense which if
- 6587 committed by an adult would have been a felony;
- 6588 (iii) is an unlawful user of a controlled substance as defined in Section [58-37-2](#);
- 6589 (iv) is in possession of a dangerous weapon and is knowingly and intentionally in
- 6590 unlawful possession of a Schedule I or II controlled substance as defined in Section [58-37-2](#);
- 6591 (v) has been found not guilty by reason of insanity for a felony offense;
- 6592 (vi) has been found mentally incompetent to stand trial for a felony offense;
- 6593 (vii) has been adjudicated as mentally defective as provided in the Brady Handgun
- 6594 Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed
- 6595 to a mental institution;
- 6596 (viii) has been dishonorably discharged from the armed forces; or
- 6597 (ix) has renounced his citizenship after having been a citizen of the United States.
- 6598 (c) As used in this section, a conviction of a felony or adjudication of delinquency for
- 6599 an offense which would be a felony if committed by an adult does not include:
- 6600 (i) a conviction or adjudication of delinquency for an offense pertaining to antitrust
- 6601 violations, unfair trade practices, restraint of trade, or other similar offenses relating to the

6602 regulation of business practices not involving theft or fraud; or

6603           (ii) a conviction or adjudication of delinquency which, according to the law of the  
6604 jurisdiction in which it occurred, has been expunged, set aside, reduced to a misdemeanor by  
6605 court order, pardoned or regarding which the person's civil rights have been restored unless the  
6606 pardon, reduction, expungement, or restoration of civil rights expressly provides that the person  
6607 may not ship, transport, possess, or receive firearms.

6608           (d) It is the burden of the defendant in a criminal case to provide evidence that a  
6609 conviction or adjudication of delinquency is subject to an exception provided in Subsection  
6610 (1)(c), after which it is the burden of the state to prove beyond a reasonable doubt that the  
6611 conviction or adjudication of delinquency is not subject to that exception.

6612           (2) A Category I restricted person who intentionally or knowingly agrees, consents,  
6613 offers, or arranges to purchase, transfer, possess, use, or have under the person's custody or  
6614 control, or who intentionally or knowingly purchases, transfers, possesses, uses, or has under  
6615 the person's custody or control:

6616           (a) any firearm is guilty of a second degree felony; or

6617           (b) any dangerous weapon other than a firearm is guilty of a third degree felony.

6618           (3) A Category II restricted person who intentionally or knowingly purchases, transfers,  
6619 possesses, uses, or has under the person's custody or control:

6620           (a) any firearm is guilty of a third degree felony; or

6621           (b) any dangerous weapon other than a firearm is guilty of a class A misdemeanor.

6622           (4) A person may be subject to the restrictions of both categories at the same time.

6623           (5) If a higher penalty than is prescribed in this section is provided in another section  
6624 for one who purchases, transfers, possesses, uses, or has under this custody or control any  
6625 dangerous weapon, the penalties of that section control.

6626           (6) It is an affirmative defense to a charge based on the definition in Subsection  
6627 (1)(b)(iv) that the person was:

6628           (a) in possession of a controlled substance pursuant to a lawful order of a practitioner  
6629 for use of a member of the person's household or for administration to an animal owned by the

6630 person or a member of the person's household; or

6631 (b) otherwise authorized by law to possess the substance.

6632 (7) (a) It is an affirmative defense to transferring a firearm or other dangerous weapon  
6633 by a person restricted under Subsection (2) or (3) that the firearm or dangerous weapon:

6634 (i) was possessed by the person or was under the person's custody or control before the  
6635 person became a restricted person;

6636 (ii) was not used in or possessed during the commission of a crime or subject to  
6637 disposition under Section [24-3-103](#);

6638 (iii) is not being held as evidence by a court or law enforcement agency;

6639 (iv) was transferred to a person not legally prohibited from possessing the weapon; and

6640 (v) unless a different time is ordered by the court, was transferred within 10 days of the  
6641 person becoming a restricted person.

6642 (b) Subsection (7)(a) is not a defense to the use, purchase, or possession on the person  
6643 of a firearm or other dangerous weapon by a restricted person.

6644 (8) (a) A person may not sell, transfer, or otherwise dispose of any firearm or  
6645 dangerous weapon to any person, knowing that the recipient is a person described in  
6646 Subsection (1)(a) or (b).

6647 (b) A person who violates Subsection (8)(a) when the recipient is:

6648 (i) a person described in Subsection (1)(a) and the transaction involves a firearm, is  
6649 guilty of a second degree felony;

6650 (ii) a person described in Subsection (1)(a) and the transaction involves any dangerous  
6651 weapon other than a firearm, and the transferor has knowledge that the recipient intends to use  
6652 the weapon for any unlawful purpose, is guilty of a third degree felony;

6653 (iii) a person described in Subsection (1)(b) and the transaction involves a firearm, is  
6654 guilty of a third degree felony; or

6655 (iv) a person described in Subsection (1)(b) and the transaction involves any dangerous  
6656 weapon other than a firearm, and the transferor has knowledge that the recipient intends to use  
6657 the weapon for any unlawful purpose, is guilty of a class A misdemeanor.

6658 (9) (a) A person may not knowingly solicit, persuade, encourage or entice a dealer or  
6659 other person to sell, transfer or otherwise dispose of a firearm or dangerous weapon under  
6660 circumstances which the person knows would be a violation of the law.

6661 (b) A person may not provide to a dealer or other person any information that the  
6662 person knows to be materially false information with intent to deceive the dealer or other  
6663 person about the legality of a sale, transfer or other disposition of a firearm or dangerous  
6664 weapon.

6665 (c) "Materially false information" means information that portrays an illegal transaction  
6666 as legal or a legal transaction as illegal.

6667 (d) A person who violates this Subsection (9) is guilty of:

6668 (i) a third degree felony if the transaction involved a firearm; or

6669 (ii) a class A misdemeanor if the transaction involved a dangerous weapon other than a  
6670 firearm.

6671 Section 204. Section **77-1-3** is amended to read:

6672 **77-1-3. Definitions.**

6673 For the purpose of this act:

6674 (1) "Criminal action" means the proceedings by which a person is charged, accused,  
6675 and brought to trial for a public offense.

6676 (2) "Indictment" means an accusation in writing presented by a grand jury to the  
6677 district court charging a person with a public offense.

6678 (3) "Information" means an accusation, in writing, charging a person with a public  
6679 offense which is presented, signed, and filed in the office of the clerk where the prosecution is  
6680 commenced pursuant to Section [77-2-1.1](#).

6681 (4) "Magistrate" means a justice or judge of a court of record or not of record or a  
6682 commissioner of such a court appointed in accordance with Section [78A-5-107](#), except that the  
6683 authority of a court commissioner to act as a magistrate shall be limited by rule of the judicial  
6684 council. The judicial council rules shall not exceed constitutional limitations upon the  
6685 delegation of judicial authority.

6686           (5) "Risk and needs assessment" means an actuarial tool validated on offenders that  
6687 determines:

6688           (a) an individual's risk of reoffending; and

6689           (b) the criminal risk factors that, when addressed, reduce the individual's risk of  
6690 reoffending.

6691           Section 205. Section 77-18-1 is amended to read:

6692           **77-18-1. Suspension of sentence -- Pleas held in abeyance -- Probation --**  
6693 **Supervision -- Presentence investigation -- Standards -- Confidentiality -- Terms and**  
6694 **conditions -- Termination, revocation, modification, or extension -- Hearings -- Electronic**  
6695 **monitoring.**

6696           (1) On a plea of guilty or no contest entered by a defendant in conjunction with a plea  
6697 in abeyance agreement, the court may hold the plea in abeyance as provided in Title 77,  
6698 Chapter 2a, Pleas in Abeyance, and under the terms of the plea in abeyance agreement.

6699           (2) (a) On a plea of guilty, guilty with a mental illness, no contest, or conviction of any  
6700 crime or offense, the court may, after imposing sentence, suspend the execution of the sentence  
6701 and place the defendant on probation. The court may place the defendant:

6702           (i) on probation under the supervision of the Department of Corrections except in cases  
6703 of class C misdemeanors or infractions;

6704           (ii) on probation with an agency of local government or with a private organization; or

6705           (iii) on bench probation under the jurisdiction of the sentencing court.

6706           (b) (i) The legal custody of all probationers under the supervision of the department is  
6707 with the department.

6708           (ii) The legal custody of all probationers under the jurisdiction of the sentencing court  
6709 is vested as ordered by the court.

6710           (iii) The court has continuing jurisdiction over all probationers.

6711           (3) (a) The department shall establish supervision and presentence investigation  
6712 standards for all individuals referred to the department. These standards shall be based on:

6713           (i) the type of offense;



6714            (ii) the results of a risk and needs assessment;  
6715            [~~(ii)~~] (iii) the demand for services;  
6716            [~~(iii)~~] (iv) the availability of agency resources;  
6717            [~~(iv) the~~] (v) public safety; and  
6718            [~~(v)~~] (vi) other criteria established by the department to determine what level of  
6719 services shall be provided.

6720            (b) Proposed supervision and investigation standards shall be submitted to the Judicial  
6721 Council and the Board of Pardons and Parole on an annual basis for review and comment prior  
6722 to adoption by the department.

6723            (c) The Judicial Council and the department shall establish procedures to implement  
6724 the supervision and investigation standards.

6725            (d) The Judicial Council and the department shall annually consider modifications to  
6726 the standards based upon criteria in Subsection (3)(a) and other criteria as they consider  
6727 appropriate.

6728            (e) The Judicial Council and the department shall annually prepare an impact report  
6729 and submit it to the appropriate legislative appropriations subcommittee.

6730            (4) Notwithstanding other provisions of law, the department is not required to  
6731 supervise the probation of persons convicted of class B or C misdemeanors or infractions or to  
6732 conduct presentence investigation reports on class C misdemeanors or infractions. However,  
6733 the department may supervise the probation of class B misdemeanants in accordance with  
6734 department standards.

6735            (5) (a) Before the imposition of any sentence, the court may, with the concurrence of  
6736 the defendant, continue the date for the imposition of sentence for a reasonable period of time  
6737 for the purpose of obtaining a presentence investigation report from the department or  
6738 information from other sources about the defendant.

6739            (b) The presentence investigation report shall include:

6740            (i) a victim impact statement according to guidelines set in Section [77-38a-203](#)  
6741 describing the effect of the crime on the victim and the victim's family;

6742 (ii) a specific statement of pecuniary damages, accompanied by a recommendation  
6743 from the department regarding the payment of restitution with interest by the defendant in  
6744 accordance with Title 77, Chapter 38a, Crime Victims Restitution Act;

6745 (iii) findings from any screening and any assessment of the offender conducted under  
6746 Section 77-18-1.1;

6747 (iv) recommendations for treatment of the offender; and

6748 (v) the number of days since the commission of the offense that the offender has spent  
6749 in the custody of the jail and the number of days, if any, the offender was released to a  
6750 supervised release or alternative incarceration program under Section 17-22-5.5.

6751 (c) The contents of the presentence investigation report are protected and are not  
6752 available except by court order for purposes of sentencing as provided by rule of the Judicial  
6753 Council or for use by the department.

6754 (6) (a) The department shall provide the presentence investigation report to the  
6755 defendant's attorney, or the defendant if not represented by counsel, the prosecutor, and the  
6756 court for review, three working days prior to sentencing. Any alleged inaccuracies in the  
6757 presentence investigation report, which have not been resolved by the parties and the  
6758 department prior to sentencing, shall be brought to the attention of the sentencing judge, and  
6759 the judge may grant an additional 10 working days to resolve the alleged inaccuracies of the  
6760 report with the department. If after 10 working days the inaccuracies cannot be resolved, the  
6761 court shall make a determination of relevance and accuracy on the record.

6762 (b) If a party fails to challenge the accuracy of the presentence investigation report at  
6763 the time of sentencing, that matter shall be considered to be waived.

6764 (7) At the time of sentence, the court shall receive any testimony, evidence, or  
6765 information the defendant or the prosecuting attorney desires to present concerning the  
6766 appropriate sentence. This testimony, evidence, or information shall be presented in open court  
6767 on record and in the presence of the defendant.

6768 (8) While on probation, and as a condition of probation, the court may require that the  
6769 defendant:

- 6770 (a) perform any or all of the following:
- 6771 (i) pay, in one or several sums, any fine imposed at the time of being placed on  
6772 probation;
- 6773 (ii) pay amounts required under Title 77, Chapter 32a, Defense Costs;
- 6774 (iii) provide for the support of others for whose support the defendant is legally liable;
- 6775 (iv) participate in available treatment programs, including any treatment program in  
6776 which the defendant is currently participating, if the program is acceptable to the court;
- 6777 (v) serve a period of time, not to exceed one year, in a county jail designated by the  
6778 department, after considering any recommendation by the court as to which jail the court finds  
6779 most appropriate;
- 6780 (vi) serve a term of home confinement, which may include the use of electronic  
6781 monitoring;
- 6782 (vii) participate in compensatory service restitution programs, including the  
6783 compensatory service program provided in Section [76-6-107.1](#);
- 6784 (viii) pay for the costs of investigation, probation, and treatment services;
- 6785 (ix) make restitution or reparation to the victim or victims with interest in accordance  
6786 with Title 77, Chapter 38a, Crime Victims Restitution Act; and
- 6787 (x) comply with other terms and conditions the court considers appropriate; and
- 6788 (b) if convicted on or after May 5, 1997:
- 6789 (i) complete high school classwork and obtain a high school graduation diploma, a  
6790 GED certificate, or a vocational certificate at the defendant's own expense if the defendant has  
6791 not received the diploma, GED certificate, or vocational certificate prior to being placed on  
6792 probation; or
- 6793 (ii) provide documentation of the inability to obtain one of the items listed in  
6794 Subsection (8)(b)(i) because of:
- 6795 (A) a diagnosed learning disability; or
- 6796 (B) other justified cause.
- 6797 (9) The department shall collect and disburse the account receivable as defined by

6798 Section 76-3-201.1, with interest and any other costs assessed under Section 64-13-21 during:

6799 (a) the parole period and any extension of that period in accordance with Subsection  
6800 77-27-6(4); and

6801 (b) the probation period in cases for which the court orders supervised probation and  
6802 any extension of that period by the department in accordance with Subsection (10).

6803 (10) (a) (i) Probation may be terminated at any time at the discretion of the court or  
6804 upon completion without violation of 36 months probation in felony or class A misdemeanor  
6805 cases, [~~or~~] 12 months in cases of class B or C misdemeanors or infractions, or as allowed  
6806 pursuant to Section 64-13-21 regarding earned credits.

6807 (ii) (A) If, upon expiration or termination of the probation period under Subsection  
6808 (10)(a)(i), there remains an unpaid balance upon the account receivable as defined in Section  
6809 76-3-201.1, the court may retain jurisdiction of the case and continue the defendant on bench  
6810 probation for the limited purpose of enforcing the payment of the account receivable. If the  
6811 court retains jurisdiction for this limited purpose, the court may order the defendant to pay to  
6812 the court the costs associated with continued probation under this Subsection (10).

6813 (B) In accordance with Section 77-18-6, the court shall record in the registry of civil  
6814 judgments any unpaid balance not already recorded and immediately transfer responsibility to  
6815 collect the account to the Office of State Debt Collection.

6816 (iii) Upon motion of the Office of State Debt Collection, prosecutor, victim, or upon its  
6817 own motion, the court may require the defendant to show cause why the defendant's failure to  
6818 pay should not be treated as contempt of court.

6819 (b) (i) The department shall notify the sentencing court, the Office of State Debt  
6820 Collection, and the prosecuting attorney in writing in advance in all cases when termination of  
6821 supervised probation will occur by law.

6822 (ii) The notification shall include a probation progress report and complete report of  
6823 details on outstanding accounts receivable.

6824 (11) (a) (i) Any time served by a probationer outside of confinement after having been  
6825 charged with a probation violation and prior to a hearing to revoke probation does not

6826 constitute service of time toward the total probation term unless the probationer is exonerated  
6827 at a hearing to revoke the probation.

6828           (ii) Any time served in confinement awaiting a hearing or decision concerning  
6829 revocation of probation does not constitute service of time toward the total probation term  
6830 unless the probationer is exonerated at the hearing.

6831           (iii) Any time served in confinement awaiting a hearing or decision concerning  
6832 revocation of probation constitutes service of time toward a term of incarceration imposed as a  
6833 result of the revocation of probation.

6834           (b) The running of the probation period is tolled upon the filing of a violation report  
6835 with the court alleging a violation of the terms and conditions of probation or upon the issuance  
6836 of an order to show cause or warrant by the court.

6837           (12) (a) (i) Probation may not be modified or extended except upon waiver of a hearing  
6838 by the probationer or upon a hearing and a finding in court that the probationer has violated the  
6839 conditions of probation.

6840           (ii) Probation may not be revoked except upon a hearing in court and a finding that the  
6841 conditions of probation have been violated.

6842           (b) (i) Upon the filing of an affidavit alleging with particularity facts asserted to  
6843 constitute violation of the conditions of probation, the court that authorized probation shall  
6844 determine if the affidavit establishes probable cause to believe that revocation, modification, or  
6845 extension of probation is justified.

6846           (ii) If the court determines there is probable cause, it shall cause to be served on the  
6847 defendant a warrant for the defendant's arrest or a copy of the affidavit and an order to show  
6848 cause why the defendant's probation should not be revoked, modified, or extended.

6849           (c) (i) The order to show cause shall specify a time and place for the hearing and shall  
6850 be served upon the defendant at least five days prior to the hearing.

6851           (ii) The defendant shall show good cause for a continuance.

6852           (iii) The order to show cause shall inform the defendant of a right to be represented by  
6853 counsel at the hearing and to have counsel appointed if the defendant is indigent.

- 6854 (iv) The order shall also inform the defendant of a right to present evidence.
- 6855 (d) (i) At the hearing, the defendant shall admit or deny the allegations of the affidavit.
- 6856 (ii) If the defendant denies the allegations of the affidavit, the prosecuting attorney  
6857 shall present evidence on the allegations.
- 6858 (iii) The persons who have given adverse information on which the allegations are  
6859 based shall be presented as witnesses subject to questioning by the defendant unless the court  
6860 for good cause otherwise orders.
- 6861 (iv) The defendant may call witnesses, appear and speak in the defendant's own behalf,  
6862 and present evidence.
- 6863 (e) (i) After the hearing the court shall make findings of fact.
- 6864 (ii) Upon a finding that the defendant violated the conditions of probation, the court  
6865 may order the probation revoked, modified, continued, or that the entire probation term  
6866 commence anew.
- 6867 [~~(iii) If probation is revoked, the defendant shall be sentenced or the sentence  
6868 previously imposed shall be executed.~~]
- 6869 (iii) If a period of incarceration is imposed for a violation, the defendant shall be  
6870 sentenced within the guidelines established by the Utah Sentencing Commission pursuant to  
6871 Subsection 63M-7-404(4), unless the judge determines that:
- 6872 (A) the defendant needs substance abuse or mental health treatment, as determined by a  
6873 risk and needs assessment, that warrants treatment services that are immediately available in  
6874 the community; or
- 6875 (B) the sentence previously imposed shall be executed.
- 6876 (iv) If the defendant had, prior to the imposition of a term of incarceration or the  
6877 execution of the previously imposed sentence under this Subsection (12), served time in jail as  
6878 a condition of probation or due to a violation of probation under Subsection 77-18-1(12)(e)(iii),  
6879 the time the probationer served in jail constitutes service of time toward the sentence  
6880 previously imposed.
- 6881 (13) The court may order the defendant to commit himself or herself to the custody of

6882 the Division of Substance Abuse and Mental Health for treatment at the Utah State Hospital as  
6883 a condition of probation or stay of sentence, only after the superintendent of the Utah State  
6884 Hospital or the superintendent's designee has certified to the court that:

- 6885 (a) the defendant is appropriate for and can benefit from treatment at the state hospital;
- 6886 (b) treatment space at the hospital is available for the defendant; and
- 6887 (c) persons described in Subsection 62A-15-610(2)(g) are receiving priority for  
6888 treatment over the defendants described in this Subsection (13).

6889 (14) Presentence investigation reports are classified protected in accordance with Title  
6890 63G, Chapter 2, Government Records Access and Management Act. Notwithstanding Sections  
6891 63G-2-403 and 63G-2-404, the State Records Committee may not order the disclosure of a  
6892 presentence investigation report. Except for disclosure at the time of sentencing pursuant to  
6893 this section, the department may disclose the presentence investigation only when:

- 6894 (a) ordered by the court pursuant to Subsection 63G-2-202(7);
- 6895 (b) requested by a law enforcement agency or other agency approved by the department  
6896 for purposes of supervision, confinement, and treatment of the offender;
- 6897 (c) requested by the Board of Pardons and Parole;
- 6898 (d) requested by the subject of the presentence investigation report or the subject's  
6899 authorized representative; or
- 6900 (e) requested by the victim of the crime discussed in the presentence investigation  
6901 report or the victim's authorized representative, provided that the disclosure to the victim shall  
6902 include only information relating to statements or materials provided by the victim, to the  
6903 circumstances of the crime including statements by the defendant, or to the impact of the crime  
6904 on the victim or the victim's household.

6905 (15) (a) The court shall consider home confinement as a condition of probation under  
6906 the supervision of the department, except as provided in Sections 76-3-406 and 76-5-406.5.

6907 (b) The department shall establish procedures and standards for home confinement,  
6908 including electronic monitoring, for all individuals referred to the department in accordance  
6909 with Subsection (16).

6910 (16) (a) If the court places the defendant on probation under this section, it may order  
6911 the defendant to participate in home confinement through the use of electronic monitoring as  
6912 described in this section until further order of the court.

6913 (b) The electronic monitoring shall alert the department and the appropriate law  
6914 enforcement unit of the defendant's whereabouts.

6915 (c) The electronic monitoring device shall be used under conditions which require:

6916 (i) the defendant to wear an electronic monitoring device at all times; and

6917 (ii) that a device be placed in the home of the defendant, so that the defendant's  
6918 compliance with the court's order may be monitored.

6919 (d) If a court orders a defendant to participate in home confinement through electronic  
6920 monitoring as a condition of probation under this section, it shall:

6921 (i) place the defendant on probation under the supervision of the Department of  
6922 Corrections;

6923 (ii) order the department to place an electronic monitoring device on the defendant and  
6924 install electronic monitoring equipment in the residence of the defendant; and

6925 (iii) order the defendant to pay the costs associated with home confinement to the  
6926 department or the program provider.

6927 (e) The department shall pay the costs of home confinement through electronic  
6928 monitoring only for those persons who have been determined to be indigent by the court.

6929 (f) The department may provide the electronic monitoring described in this section  
6930 either directly or by contract with a private provider.

6931 Section 206. Section **77-27-1** is amended to read:

6932 **77-27-1. Definitions.**

6933 As used in this chapter:

6934 (1) "Appearance" means any opportunity to address the board, a board member, a  
6935 panel, or hearing officer, including an interview.

6936 (2) "Board" means the Board of Pardons and Parole.

6937 (3) "Case action plan" means a document developed by the Department of Corrections



6938 that identifies the program priorities for the treatment of the offender, including the criminal  
6939 risk factors as determined by a risk and needs assessment conducted by the department.

6940 [~~3~~] (4) "Commission" means the Commission on Criminal and Juvenile Justice.

6941 [~~4~~] (5) "Commutation" is the change from a greater to a lesser punishment after  
6942 conviction.

6943 (6) "Criminal risk factors" means a person's characteristics and behaviors that:

6944 (a) affect that person's risk of engaging in criminal behavior; and

6945 (b) are diminished when addressed by effective treatment, supervision, and other  
6946 support resources resulting in reduced risk of criminal behavior.

6947 [~~5~~] (7) "Department" means the Department of Corrections.

6948 [~~6~~] (8) "Expiration" occurs when the maximum sentence has run.

6949 [~~7~~] (9) "Family" means persons related to the victim as a spouse, child, sibling,  
6950 parent, or grandparent, or the victim's legal guardian.

6951 [~~8~~] (10) "Hearing" means an appearance before the board, a panel, a board member or  
6952 hearing examiner, at which an offender or inmate is afforded an opportunity to be present and  
6953 address the board, and encompasses the term "full hearing."

6954 [~~9~~] (11) "Location," in reference to a hearing, means the physical location at which  
6955 the board, a panel, a board member, or a hearing examiner is conducting the hearing, regardless  
6956 of the location of any person participating by electronic means.

6957 [~~10~~] (12) "Open session" means any hearing before the board, a panel, a board  
6958 member, or a hearing examiner which is open to the public, regardless of the location of any  
6959 person participating by electronic means.

6960 [~~11~~] (13) "Panel" means members of the board assigned by the chairperson to a  
6961 particular case.

6962 [~~12~~] (14) "Pardon" is an act of grace that forgives a criminal conviction and restores  
6963 the rights and privileges forfeited by or because of the criminal conviction. A pardon releases  
6964 an offender from the entire punishment prescribed for a criminal offense and from disabilities  
6965 that are a consequence of the criminal conviction. A pardon reinstates any civil rights lost as a

6966 consequence of conviction or punishment for a criminal offense.

6967       ~~[(13)]~~ (15) "Parole" is a release from imprisonment on prescribed conditions which, if  
6968 satisfactorily performed by the parolee, enables the parolee to obtain a termination of his  
6969 sentence.

6970       ~~[(14)]~~ (16) "Probation" is an act of grace by the court suspending the imposition or  
6971 execution of a convicted offender's sentence upon prescribed conditions.

6972       ~~[(15)]~~ (17) "Reprieve or respite" is the temporary suspension of the execution of the  
6973 sentence.

6974       ~~[(16)]~~ (18) "Termination" is the act of discharging from parole or concluding the  
6975 sentence of imprisonment prior to the expiration of the sentence.

6976       ~~[(17)]~~ (19) "Victim" means:

6977       (a) a person against whom the defendant committed a felony or class A misdemeanor  
6978 offense, and regarding which offense a hearing is held under this chapter; or

6979       (b) the victim's family, if the victim is deceased as a result of the offense for which a  
6980 hearing is held under this chapter.

6981       Section 207. Section **77-27-5.4** is enacted to read:

6982       **77-27-5.4. Earned time program.**

6983       (1) The board shall establish an earned time program that reduces the period of  
6984 incarceration for offenders who successfully complete specified programs, the purpose of  
6985 which is to reduce the risk of recidivism.

6986       (2) The earned time program shall:

6987       (a) provide not less than four months of earned time credit for the completion of the  
6988 highest ranked priority in the offender's case action plan;

6989       (b) provide not less than four months of earned time credit for completion of one of the  
6990 recommended programs in the offender's case action plan; or

6991       (c) allow the board to grant in its discretion earned time credit in addition to the earned  
6992 time credit provided under Subsections (2)(a) and (b).

6993       (3) The program may not provide earned time credit for offenders:

6994 (a) whose previously ordered release date does not provide enough time for the Board  
6995 of Pardons and Parole to grant the earned time credit;

6996 (b) who have been sentenced by the court to a term of life without the possibility of  
6997 parole; or

6998 (c) who have been ordered by the Board of Pardons and Parole to serve a life sentence.

6999 (4) The board may order the forfeiture of earned time credits under this section if the  
7000 offender commits a major disciplinary infraction.

7001 (5) The department shall notify the board not more than 30 days after an offender  
7002 completes a priority in the case action plan.

7003 (6) The board shall collect data for the fiscal year regarding the operation of the earned  
7004 time credit program, including:

7005 (a) the number of offenders who have earned time credit under this section in the prior  
7006 year;

7007 (b) the amount of time credit earned in the prior year;

7008 (c) the number of offenders who forfeited earned time credit; and

7009 (d) additional related information as requested by the Commission on Criminal and  
7010 Juvenile Justice.

7011 (7) The board shall collaborate with the Department of Corrections in the  
7012 establishment of the earned time credit program.

7013 (8) To the extent possible, programming and hearings shall be provided early enough  
7014 in an offender's incarceration to allow the offender to earn time credit.

7015 Section 208. Section **77-27-10** is amended to read:

7016 **77-27-10. Conditions of parole -- Inmate agreement to warrant -- Rulemaking --**  
7017 **Intensive early release parole program.**

7018 (1) (a) When the Board of Pardons and Parole releases an offender on parole, it shall  
7019 issue to the parolee a certificate setting forth the conditions of parole, including the use of  
7020 graduated sanctions pursuant to Section [64-13-21](#), which the offender shall accept and agree to  
7021 as evidenced by the offender's signature affixed to the agreement.

7022 (b) The parole agreement shall require that the inmate agree in writing that the board  
7023 may issue a warrant and conduct a parole revocation hearing if:

7024 (i) the board determines after the grant of parole that the inmate willfully provided to  
7025 the board false or inaccurate information that the board finds was significant in the board's  
7026 determination to grant parole; or

7027 (ii) (A) the inmate has engaged in criminal conduct prior to the granting of parole; and

7028 (B) the board did not have information regarding the conduct at the time parole was  
7029 granted.

7030 (c) A copy of the agreement shall be delivered to the Department of Corrections and a  
7031 copy shall be given to the parolee. The original shall remain with the board's file.

7032 (2) (a) If an offender convicted of violating or attempting to violate Section  
7033 [76-5-301.1](#), Subsection [76-5-302\(1\)](#), Section [76-5-402](#), [76-5-402.1](#), [76-5-402.2](#), [76-5-402.3](#),  
7034 [76-5-403](#), [76-5-403.1](#), [76-5-404](#), [76-5-404.1](#), or [76-5-405](#), is released on parole, the board shall  
7035 order outpatient mental health counseling and treatment as a condition of parole.

7036 (b) The board shall develop standards and conditions of parole under this Subsection  
7037 (2) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

7038 (c) This Subsection (2) does not apply to intensive early release parole.

7039 (3) (a) In addition to the conditions set out in Subsection (1), the board may place  
7040 offenders in an intensive early release parole program. The board shall determine the  
7041 conditions of parole which are reasonably necessary to protect the community as well as to  
7042 protect the interests of the offender and to assist the offender to lead a law-abiding life.

7043 (b) The offender is eligible for this program only if the offender:

7044 (i) has not been convicted of a sexual offense; or

7045 (ii) has not been sentenced pursuant to Section [76-3-406](#).

7046 (c) The department shall:

7047 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
7048 Rulemaking Act, for operation of the program;

7049 (ii) adopt and implement internal management policies for operation of the program;

7050 (iii) determine whether or not to refer an offender into this program within 120 days  
7051 from the date the offender is committed to prison by the sentencing court; and

7052 (iv) make the final recommendation to the board regarding the placement of an  
7053 offender into the program.

7054 (d) The department may not consider credit for time served in a county jail awaiting  
7055 trial or sentencing when calculating the 120-day period.

7056 (e) The prosecuting attorney or sentencing court may refer an offender for  
7057 consideration by the department for participation in the program.

7058 (f) The board shall determine whether or not to place an offender into this program  
7059 within 30 days of receiving the department's recommendation.

7060 (4) This program shall be implemented by the department within the existing budget.

7061 (5) During the time the offender is on parole, the department shall collect from the  
7062 offender the monthly supervision fee authorized by Section 64-13-21.

7063 (6) When a parolee commits a violation of the parole agreement, the department may:

7064 (a) impose a graduated sanction pursuant to Section 64-13-21; or

7065 (b) when the graduated sanctions matrix under Subsection 63M-7-404(6) indicates,  
7066 refer the parolee to the Board of Pardons and Parole for revocation of parole.

7067 Section 209. Section 77-27-11 is amended to read:

7068 **77-27-11. Revocation of parole.**

7069 (1) The board may revoke the parole of any person who is found to have violated any  
7070 condition of his parole.

7071 (2) (a) If a parolee is [~~detained~~] confined by the Department of Corrections or any law  
7072 enforcement official for a suspected violation of parole, the Department of Corrections shall  
7073 immediately report the alleged violation to the board, by means of an incident report, and make  
7074 any recommendation regarding the incident.

7075 (b) No parolee may be held for a period longer than 72 hours, excluding weekends and  
7076 holidays, without first obtaining a warrant.

7077 (3) Any member of the board may issue a warrant based upon a certified warrant

7078 request to a peace officer or other persons authorized to arrest, detain, and return to actual  
7079 custody a parolee, and may upon arrest or otherwise direct the Department of Corrections to  
7080 determine if there is probable cause to believe that the parolee has violated the conditions of his  
7081 parole.

7082 (4) Upon a finding of probable cause, a parolee may be further detained or imprisoned  
7083 again pending a hearing by the board or its appointed examiner.

7084 (5) (a) The board or its appointed examiner shall conduct a hearing on the alleged  
7085 violation, and the parolee shall have written notice of the time and location of the hearing, the  
7086 alleged violation of parole, and a statement of the evidence against him.

7087 (b) The board or its appointed examiner shall provide the parolee the opportunity:

7088 (i) to be present;

7089 (ii) to be heard;

7090 (iii) to present witnesses and documentary evidence;

7091 (iv) to confront and cross-examine adverse witnesses, absent a showing of good cause  
7092 for not allowing the confrontation; and

7093 (v) to be represented by counsel when the parolee is mentally incompetent or pleading  
7094 not guilty.

7095 (c) If heard by an appointed examiner, the examiner shall make a written decision  
7096 which shall include a statement of the facts relied upon by the examiner in determining the  
7097 guilt or innocence of the parolee on the alleged violation and a conclusion as to whether the  
7098 alleged violation occurred. The appointed examiner shall then refer the case to the board for  
7099 disposition.

7100 (d) Final decisions shall be reached by majority vote of the members of the board  
7101 sitting and the parolee shall be promptly notified in writing of the board's findings and  
7102 decision.

7103 (6) (a) Parolees found to have violated the conditions of parole may, at the discretion of  
7104 the board, be returned to parole, have restitution ordered, or be imprisoned again as determined  
7105 by the board, not to exceed the maximum term, or be subject to any other conditions the board

7106 may impose within its discretion.

7107 (b) If the board revokes parole for a violation and orders incarceration, the board shall  
7108 impose a period of incarceration consistent with the guidelines under Subsection  
7109 63M-7-404(5).

7110 (c) The following periods of time constitute service of time toward the period of  
7111 incarceration imposed under Subsection (6)(b):

7112 (i) time served in jail by a parolee awaiting a hearing or decision concerning revocation  
7113 of parole; and

7114 (ii) time served in jail by a parolee due to a violation of parole under Subsection  
7115 64-13-6(2).

7116 Section 210. Section **78A-5-201** is amended to read:

7117 **78A-5-201. Creation and expansion of existing drug court programs -- Definition**  
7118 **of drug court program -- Criteria for participation in drug court programs -- Reporting**  
7119 **requirements.**

7120 (1) There may be created a drug court program in any judicial district that  
7121 demonstrates:

7122 (a) the need for a drug court program; and

7123 (b) the existence of a collaborative strategy between the court, prosecutors, defense  
7124 counsel, corrections, and substance abuse treatment services to reduce substance abuse by  
7125 offenders.

7126 (2) The collaborative strategy in each drug court program shall:

7127 (a) include monitoring and evaluation components to measure program effectiveness;

7128 and

7129 (b) be submitted to, for the purpose of coordinating the disbursement of funding, the:

7130 (i) executive director of the Department of Human Services;

7131 (ii) executive director of the Department of Corrections; and

7132 (iii) state court administrator.

7133 (3) (a) Funds disbursed to a drug court program shall be allocated as follows:

- 7134 (i) 87% to the Department of Human Services for testing, treatment, and case  
7135 management; and
- 7136 (ii) 13% to the Administrative Office of the Courts for increased judicial and court  
7137 support costs.
- 7138 (b) This provision does not apply to federal block grant funds.
- 7139 (4) A drug court program shall include continuous judicial supervision using a  
7140 cooperative approach with prosecutors, defense counsel, corrections, substance abuse treatment  
7141 services, juvenile court probation, and the Division of Child and Family Services as appropriate  
7142 to promote public safety, protect participants' due process rights, and integrate substance abuse  
7143 treatment with justice system case processing.
- 7144 (5) Screening criteria for participation in a drug court program shall include:
- 7145 (a) a plea to, conviction of, or adjudication for a nonviolent drug offense or  
7146 drug-related offense;
- 7147 (b) an agreement to frequent alcohol and other drug testing;
- 7148 (c) participation in one or more substance abuse treatment programs; and
- 7149 (d) an agreement to submit to sanctions for noncompliance with drug court program  
7150 requirements.
- 7151 (6) (a) The Judicial Council shall develop rules prescribing eligibility requirements for  
7152 participation in adult criminal drug courts.
- 7153 (b) Acceptance of an offender into a drug court shall be based on a risk and needs  
7154 assessment, without regard to the nature of the offense.
- 7155 Section 211. **Effective date.**
- 7156 (1) Except as provided in Subsections (2) and (3), this bill takes effect on May 12,  
7157 2015.
- 7158 (2) Section 64-13e-104 takes effect on July 1, 2015; and
- 7159 (3) The following sections take effect on October 1, 2015:
- 7160 (a) Section 58-37-8;
- 7161 (b) Section 64-13-6;



- 7162            (c) Section 64-13-10.5;
- 7163            (d) Section 64-13-14.5;
- 7164            (e) Section 64-13-21;
- 7165            (f) Section 64-13-29;
- 7166            (g) Section 76-3-202;
- 7167            (h) Section 77-18-1;
- 7168            (i) Section 77-27-10; and
- 7169            (j) Section 77-27-11.