

SUSPENSION OF DRIVING PRIVILEGES

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Jack R. Draxler

LONG TITLE

General Description:

This bill modifies the Uniform Driver License Act by amending provisions relating to the suspension of driving privileges.

Highlighted Provisions:

This bill:

- ▶ provides that a judge may order the revocation of a person's driver license for a period of one year if the person is convicted of careless driving and the violation causes or results in the death of another person;
- ▶ provides that the Driver License Division shall revoke, deny, suspend, or disqualify the license of a person upon receiving a record of the person's conviction for manslaughter or negligent homicide if the death of another person resulted from driving a motor vehicle;
- ▶ provides that a court shall forward the report of the manslaughter or negligent homicide conviction resulting from driving a motor vehicle to the Driver License Division; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 30 **41-6a-1715**, as last amended by Laws of Utah 2009, Chapter 292
- 31 **53-3-218**, as last amended by Laws of Utah 2009, Chapter 291
- 32 **76-5-205**, as last amended by Laws of Utah 2001, First Special Session, Chapter 4
- 33 **76-5-206**, as enacted by Laws of Utah 1973, Chapter 196

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

36 Section 1. Section **41-6a-1715** is amended to read:

37 **41-6a-1715. Careless driving defined and prohibited.**

38 (1) A person operating a motor vehicle is guilty of careless driving if the person:

39 (a) commits two or more moving traffic violations under this chapter in a series of acts
40 within a single continuous period of driving covering three miles or less in total distance; or

41 (b) commits a moving traffic violation under this chapter other than a moving traffic
42 violation under Part 6, Speed Restrictions, while being distracted by one or more activities
43 taking place within the vehicle that are not related to the operation of a motor vehicle,
44 including:

45 (i) using a wireless telephone or other electronic device unless the person is using
46 hands-free talking and listening features while operating the motor vehicle;

47 (ii) searching for an item in the vehicle; or

48 (iii) attending to personal hygiene or grooming.

49 (2) A violation of this section is a class C misdemeanor.

50 (3) In addition to the penalty provided under this section or any other section, a judge
51 may order the revocation of the convicted person's driver license if the violation causes or
52 results in the death of another person in accordance with Subsection 53-3-218(6).

53 Section 2. Section **53-3-218** is amended to read:

54 **53-3-218. Court to report convictions and may recommend suspension of license**
55 **-- Severity of speeding violation defined.**

56 (1) As used in this section, "conviction" means conviction by the court of first
57 impression or final administrative determination in an administrative traffic proceeding.

58 (2) (a) A court having jurisdiction over offenses committed under this chapter or any
59 other law of this state, or under any municipal ordinance regulating driving motor vehicles on
60 highways or driving motorboats on the water, shall forward to the division within 10 days, an
61 abstract of the court record of the conviction or plea held in abeyance of any person in the
62 court for a reportable traffic or motorboating violation of any laws or ordinances, and may
63 recommend the suspension of the license of the person convicted.

64 (b) When the division receives a court record of a conviction or plea in abeyance for a
65 motorboat violation, the division may only take action against a person's driver license if the
66 motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the
67 Influence and Reckless Driving.

68 (3) The abstract shall be made in the form prescribed by the division and shall include:

- 69 (a) the name, date of birth, and address of the party charged;
- 70 (b) the license certificate number of the party charged, if any;
- 71 (c) the registration number of the motor vehicle or motorboat involved;
- 72 (d) whether the motor vehicle was a commercial motor vehicle;
- 73 (e) whether the motor vehicle carried hazardous materials;
- 74 (f) whether the motor vehicle carried 16 or more occupants;
- 75 (g) whether the driver presented a commercial driver license;
- 76 (h) the nature of the offense;
- 77 (i) whether the offense involved an accident;
- 78 (j) the driver's blood alcohol content, if applicable;
- 79 (k) if the offense involved a speeding violation:
 - 80 (i) the posted speed limit;
 - 81 (ii) the actual speed; and
 - 82 (iii) whether the speeding violation occurred on a highway that is part of the interstate
- 83 system as defined in Section 72-1-102;
- 84 (l) the date of the hearing;
- 85 (m) the plea;

86 (n) the judgment or whether bail was forfeited; and

87 (o) the severity of the violation, which shall be graded by the court as "minimum,"
88 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

89 (4) When a convicted person secures a judgment of acquittal or reversal in any
90 appellate court after conviction in the court of first impression, the division shall reinstate [his]
91 the convicted person's license immediately upon receipt of a certified copy of the judgment of
92 acquittal or reversal.

93 (5) Upon a conviction for a violation of the prohibition on using a handheld wireless
94 communication device for text messaging or electronic mail communication while operating a
95 moving motor vehicle under Section 41-6a-1716, a judge may order a suspension of the
96 convicted person's license for a period of three months.

97 (6) Upon a conviction for a violation of careless driving under Section 41-6a-1715
98 that causes or results in the death of another person, a judge may order a revocation of the
99 convicted person's license for a period of one year.

100 Section 3. Section **76-5-205** is amended to read:

101 **76-5-205. Manslaughter.**

102 (1) Criminal homicide constitutes manslaughter if the actor:

103 (a) recklessly causes the death of another;

104 (b) commits a homicide which would be murder, but the offense is reduced pursuant
105 to Subsection 76-5-203(4); or

106 (c) commits murder, but special mitigation is established under Section 76-5-205.5.

107 (2) Manslaughter is a felony of the second degree.

108 (3) (a) In addition to the penalty provided under this section or any other section, a
109 person who is convicted of violating this section shall have the person's driver license revoked
110 under Section 53-3-220 if the death of another person results from driving a motor vehicle.

111 (b) The court shall forward the report of the conviction resulting from driving a motor
112 vehicle to the Driver License Division in accordance with Section 53-3-218.

113 Section 4. Section **76-5-206** is amended to read:

114 **76-5-206. Negligent homicide.**

115 (1) Criminal homicide constitutes negligent homicide if the actor, acting with criminal
116 negligence, causes the death of another.

117 (2) Negligent homicide is a class A misdemeanor.

118 (3) (a) In addition to the penalty provided under this section or any other section, a
119 person who is convicted of violating this section shall have the person's driver license revoked
120 under Section 53-3-220 if the death of another person results from driving a motor vehicle.

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