

1 **TRAFFIC SAFETY AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Don L. Ipson**

5 Senate Sponsor: John L. Valentine

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7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Traffic Code.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ clarifies that a person who fails to meet certain requirements when approaching an  
13 emergency vehicle shall attend an approved four hour live classroom defensive  
14 driving course;

15 ▶ provides that a person who fails to attend a classroom course within 90 days of  
16 sentencing for or pleading guilty to certain violations shall have the person's driver  
17 license suspended for a period of 90 days;

18 ▶ provides that the division shall shorten the 90-day suspension period effective  
19 immediately upon receiving a certificate of attendance of the required classroom  
20 course if the certificate of attendance is received prior to completion of the  
21 suspension period;

22 ▶ provides that a person whose license is suspended is required to pay certain license  
23 reinstatement fees, even if the suspension is shortened;

24 ▶ provides rulemaking authority for the Driver License Division; and

25 ▶ makes conforming changes.

26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-6a-904**, as last amended by Laws of Utah 2011, Chapter 183



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

35 Section 1. Section **41-6a-904** is amended to read:

36 **41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary**  
37 **emergency vehicle -- Duties of respective operators.**

38 (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon  
39 the immediate approach of an authorized emergency vehicle using audible or visual signals  
40 under Section 41-6a-212 or 41-6a-1625, shall:

41 (a) yield the right-of-way and immediately move to a position parallel to, and as close  
42 as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

43 (b) then stop and remain stopped until the authorized emergency vehicle has passed.

44 (2) The operator of a vehicle, upon approaching a stationary authorized emergency  
45 vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

46 (a) reduce the speed of the vehicle;

47 (b) provide as much space as practical to the stationary authorized emergency vehicle;

48 and

49 (c) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if  
50 practical, with due regard to safety and traffic conditions, make a lane change into a lane not  
51 adjacent to the authorized emergency vehicle.

52 (3) The operator of a vehicle, upon approaching a stationary tow truck or highway  
53 maintenance vehicle that is displaying flashing amber lights, shall:

54 (a) reduce the speed of the vehicle; and

55 (b) provide as much space as practical to the stationary tow truck or highway

56 maintenance vehicle.

57 (4) This section does not relieve the operator of an authorized emergency vehicle, tow

58 truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all  
59 persons using the highway.

60 (5) (a) (i) In addition to the penalties prescribed under Section 41-6a-202, [~~an~~  
61 ~~individual in violation of~~] a person who violates this section shall attend a four hour live  
62 classroom defensive driving course [on driving safety offered by an entity affiliated with the  
63 National Safety Council or] approved by:

64 (A) the Driver License Division; or

65 (B) a court [approved traffic school program on defensive driving] in this state.

66 (ii) Upon completion of the four hour live classroom course under Subsection (5)(a)(i),  
67 the person shall provide to the Driver License Division a certificate of attendance of the  
68 classroom course.

69 (b) [~~An individual who fails to provide to the Driver License Division a certificate of~~  
70 ~~attendance of the classroom course required under Subsection (5)(a), within 60 days of~~  
71 ~~sentencing or of pleading guilty, shall have the individual's driver license suspended] The  
72 Driver License Division shall suspend a person's driver license for a period of 90 days[-] if the  
73 person:~~

74 (i) violates a provision of Subsections (1) through (3); and

75 (ii) fails to meet the requirements of Subsection (5)(a)(i) within 90 days of sentencing  
76 for or pleading guilty to a violation of this section.

77 (c) Notwithstanding the provisions of Subsection (5)(b), the Driver License Division  
78 shall shorten the 90-day suspension period imposed under Subsection (5)(b) effective  
79 immediately upon receiving a certificate of attendance of the four hour live classroom course  
80 required under Subsection (5)(a)(i) if the certificate of attendance is received prior to  
81 completion of the suspension period.

82 (d) A person whose license is suspended under Subsection (5)(b) is required to pay the  
83 license reinstatement fees under Subsection 53-3-105(23), including a person whose  
84 suspension is shortened as described under Subsection (5)(c).

85 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

86 Driver License Division shall make rules to implement the provisions of this part.