

30 ▶ makes technical changes.

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **53-3-218**, as last amended by Laws of Utah 2009, Chapter 291



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

40 Section 1. Section **53-3-218** is amended to read:

41 **53-3-218. Court to report convictions and may recommend suspension of license**
42 **-- Severity of speeding violation defined.**

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

45 (2) (a) ~~[A]~~ Except as provided in Subsection (2)(c), a court having jurisdiction over
46 offenses committed under this chapter or any other law of this state, or under any municipal
47 ordinance regulating driving motor vehicles on highways or driving motorboats on the water,
48 shall forward to the division within 10 days, an abstract of the court record of the conviction or
49 plea held in abeyance of any person in the court for a reportable traffic or motorboating
50 violation of any laws or ordinances, and may recommend the suspension of the license of the
51 person convicted.

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

56 (c) (i) A court is not required to forward to the division within 10 days an abstract of
57 the court record of the conviction for a violation described in Subsection 53-3-220(1)(c) and

58 the Driver License Division is not required to suspend a person's license for a violation
59 described in Subsection 53-3-220(1)(c) if:

60 (A) the violation did not involve a motor vehicle; and

61 (B) the person convicted of a violation described in Subsection 53-3-220(1)(c):

62 (I) is participating in or has successfully completed substance abuse treatment at a
63 licensed substance abuse treatment program that is approved by the Division of Substance
64 Abuse and Mental Health in accordance with Section 62A-15-105; or

65 (II) is participating in or has successfully completed probation through the Department
66 of Corrections Adult Probation and Parole in accordance with Section 77-18-1.

67 (ii) If the person convicted of a violation described in Subsection 53-3-220(1)(c) fails
68 to comply with the terms of a substance abuse treatment program under Subsection
69 (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II):

70 (A) the substance abuse treatment program licensed by the Division of Substance
71 Abuse and Mental Health or the Department of Corrections Adult Probation and Parole shall
72 immediately provide an affidavit or other sworn information to the court notifying the court
73 that the person has failed to comply with the terms of a substance abuse treatment program
74 under Subsection (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II);

75 (B) upon receipt of an affidavit or sworn statement under Subsection (2)(c)(ii)(A), the
76 court shall immediately forward an abstract of the court record of the conviction for a violation
77 described in Subsection 53-3-220(1)(c) to the division; and

78 (C) the division shall immediately suspend the person's license in accordance with
79 Subsection 53-3-220(1)(c).

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

81 (a) the name, date of birth, and address of the party charged;

82 (b) the license certificate number of the party charged, if any;

83 (c) the registration number of the motor vehicle or motorboat involved;

84 (d) whether the motor vehicle was a commercial motor vehicle;

85 (e) whether the motor vehicle carried hazardous materials;

- 86 (f) whether the motor vehicle carried 16 or more occupants;
- 87 (g) whether the driver presented a commercial driver license;
- 88 (h) the nature of the offense;
- 89 (i) whether the offense involved an accident;
- 90 (j) the driver's blood alcohol content, if applicable;
- 91 (k) if the offense involved a speeding violation:
 - 92 (i) the posted speed limit;
 - 93 (ii) the actual speed; and
 - 94 (iii) whether the speeding violation occurred on a highway that is part of the interstate
 - 95 system as defined in Section 72-1-102;
- 96 (l) the date of the hearing;
- 97 (m) the plea;
- 98 (n) the judgment or whether bail was forfeited; and
- 99 (o) the severity of the violation, which shall be graded by the court as "minimum,"
- 100 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).
- 101 (4) When a convicted person secures a judgment of acquittal or reversal in any
- 102 appellate court after conviction in the court of first impression, the division shall reinstate his
- 103 license immediately upon receipt of a certified copy of the judgment of acquittal or reversal.
- 104 (5) Upon a conviction for a violation of the prohibition on using a handheld wireless
- 105 communication device for text messaging or electronic mail communication while operating a
- 106 moving motor vehicle under Section 41-6a-1716, a judge may order a suspension of the
- 107 convicted person's license for a period of three months.