

## Session 108 - (1989-1990)

### H 3848 General Bill, By House Education and Public Works

A Bill to amend Sections 56-1-40 and 56-1-180, relating to issuance of drivers' licenses and special restricted licenses, so as to increase the age when a person may obtain a license from sixteen to sixteen years and six months or obtain a special restricted license from fifteen years to fifteen years and six months and to require a report on the effect of the age increase; to amend Section 56-5-1520, as amended, relating to speed limits, so as to increase the penalties for exceeding the limits and to provide that the penalty for exceeding the posted limit by thirty miles and hour or more includes a driver's license suspension for thirty days, and to provide that a portion of fines for speeding paid to the Department of Highways and Public Transportation must be used for more extensive patrol of secondary roads and for additional highway safety programs; to amend Section 56-1-720, as amended, relating to the point system for violations of moving violations, so as to provide for a six-point assessment for driving through, around, or under a closed railroad crossing gate or barrier; to amend Section 56-7-10, as amended, relating to uniform traffic tickets, so as to provide that the Department of Highways and Public Transportation shall promulgate procedures relative to them; to amend Section 56-5-6190, relating to the general penalty for violations of traffic regulations, so as to increase the fine penalty from not more than one hundred dollars to not more than two hundred dollars; to amend Section 56-1-1020, relating to habitual offenders, so as to provide as a ground for declaring a person a habitual offender, driving under suspension for failure to file proof of financial responsibility; to amend Section 56-10-270, as amended, relating to the unlawful operation of an uninsured motor vehicle, so as to increase the penalties for violations and to provide that only convictions which occurred within ten years immediately preceding the date of the last violation constitute prior convictions; to amend Sections 56-9-340, 56-10-240, and 56-10-260, all as amended, relating to return of license plates and registrations for noncompliance with the Financial Responsibility Act and making false certification in regard to insurance, so as to increase the penalty for failure to return them and for false certification, to provide that only convictions which occurred within ten years immediately preceding the date of the last violation constitute prior convictions, to provide that the insurer give notice of cancellation or expiration of liability insurance coverage in another manner acceptable to the Department in addition to certified mail, and provide that the Department must give notice of cancellation or suspension of registration privileges to the vehicle owner by first class instead of certified mail; to amend Section 56-10-250, relating to selling to a family member a motor vehicle whose registration and license plates have been suspended, so as to increase penalties for violations and to provide that only convictions which occurred within ten years immediately preceding the date of the last violation constitute prior convictions; to amend Section 56-1-350, relating to return to the Department of Highways and Public Transportation of suspended, cancelled, or revoked drivers' licenses, so as to increase the penalties for violations; to amend Sections 56-1-450 and 56-1-460, as amended, relating to unlawful operation after conviction for which suspension or revocation of license is mandatory, so as to increase penalties for persons caught driving who never had a license and who have been convicted previously of a violation for which suspension or revocation of a driver's license would have been mandatory if he had been licensed to drive; to amend Section 56-1-1100, as amended, relating to habitual offenders, so as to provide that a driver's license may not be issued reinstated to a habitual offender until five years after the expiration of the suspension term; to amend Section 56-5-2775, relating to school buses, so as to increase the penalties for failure to stop for them and to provide for a court to order public service employment; to amend Section 56-5-2715, relating to highway grade crossings and railroad signs, so as to provide penalties for failure to stop at them; to amend Section 56-5-2920, relating to reckless driving, so as to increase penalties for reckless driving and establish separate punishment with increase penalties including a thirty-day driver's license suspension for conviction of first offense reckless driving which results in personal injury to another person and to provide that only convictions which occurred within ten years immediately preceding the date of the last violation constitute prior convictions; to amend Section 56-5-2910, relating to reckless driving, so as to provide for mandatory imprisonment of a person convicted of the crime and increase the maximum punishment from five to ten years; to amend Section 56-5-2950 relating to drug and alcohol testing, so as to require drivers involved in accidents resulting in death to submit to drug or alcohol testing; to amend Section 17-7-80, relating to coroners, so as to provide a procedure for tests for the presence of alcohol in the blood of a driver, passenger, pedestrian, swimmer, or boat occupant dying in a vehicle or boat accident; to amend the 1976 Code by adding Section 56-1-745 so as to provide for the suspension or delay of issuance of a driver's license of a person convicted of acts which persons at least thirteen years of age and under twenty-one years of age are prohibited from performing; to amend Chapter 1 of Title 56 by adding Article 11 so as to provide for the suspension of the driver's license of a person who purchases beer or wine for a person who may not lawfully purchase it or who transfers or gives such a person beer, wine, or alcoholic beverages; to amend Section 56-5-2940, as amended, relating to penalties for violations of Section 56-5-2930 (DUI), so as to increase the penalties and permit the court to order the service of public service; to amend Section 56-5-2930, relating to the prohibition against driving a vehicle while under the influence of intoxicating liquor or drugs or like substances, so as to make it unlawful to operate a vehicle under certain conditions; to amend

the 1976 Code by adding Section 56-5-2931 so as to make it unlawful for a person under twenty-one years of age to operate a motor vehicle at a time when a measurable alcohol content is in the person's blood, to provide for implied consent to tests, procedures relating to administering the tests, and penalties for refusal to submit to test; to amend Section 56-5-2945, relating to accidents resulting in great bodily injury or death, so as to make the provisions apply to operating a vehicle instead of driving a vehicle; to amend Section 56-5-2950, as amended, relating to implied consent to tests of breath, blood or urine to determine presence of alcohol or drugs, so as to change references to breathalyzer to breath analysis, to increase the driver's license suspension or denial for a person who refuses to submit to such a test from ninety to one hundred twenty days, to provide that if a person submits to such a test and the test proves that he has more than the lawful amount of alcohol or drugs in his system the suspension or denial is ninety days, to provide for the immediate confiscation of the driver's license or permit of a person who refuses such a test or who tests as having more than a lawful amount of alcohol or drugs in his system and to provide that the notice and order which is given to the person at the time of confiscation serves as a temporary ten-day license, to provide for a review of the notice and order by the Department of Highways and Public Transportation if requested within the ten-day period, to provide a procedure for the administrative review as it applies to a refusal by a person to submit to a test or to a person found to have had more than a lawful amount of alcohol in his system; to amend Section 22-3-550, relating to magistrates, so as to increase their criminal jurisdiction to include violations of Sections 56-1-350, 56-1-450, 56-1-460 (a)(1) and (b)(1), 56-5-1520(d), 56-5-2715, 56-5-2775, 56-5-2920, 56-5-2931, and 56-5-2940(1), 56-5-6190, and for first and second offenses only violations of Sections 56-9-340, 56-10-240, 56-10-250, 56-10-260, and 56-10-270; to amend Section 56-1-520, relating to jurisdiction of recorders and municipal courts, so as to provide that they have the same jurisdiction as magistrates in violations involving drivers' licenses; and to repeal Sections 56-1-463, 56-1-465, and 56-7-20 relating to lack of notice of payment of fines or penalties and notice of suspensions and uniform traffic tickets.

<b>04/11/89</b>	<b>House</b>	<b>Introduced, read first time, placed on calendar without reference HJ-7</b>
<b>04/12/89</b>	<b>House</b>	<b>Retaining place on calendar committed to Committee on Judiciary HJ-22</b>
<b>01/09/90</b>	<b>House</b>	<b>Committee report: Favorable with amendment Judiciary HJ-18</b>
<b>01/18/90</b>	<b>House</b>	<b>Debate adjourned until Wednesday, January 24, 1990 HJ-30</b>
<b>01/24/90</b>	<b>House</b>	<b>Debate adjourned until Wednesday, January 31, 1990 HJ-33</b>
<b>02/01/90</b>	<b>House</b>	<b>Debate adjourned until Tuesday, February 6, 1990 HJ-9</b>
<b>02/06/90</b>	<b>House</b>	<b>Objection by Rep. Taylor, Farr, J. Brown &amp; Smith HJ-56</b>
<b>02/07/90</b>	<b>House</b>	<b>Objection withdrawn by Rep. Smith HJ-47</b>
<b>02/21/90</b>	<b>House</b>	<b>Objection withdrawn by Rep. Farr HJ-48</b>
<b>02/21/90</b>	<b>House</b>	<b>Objection by Rep. Fant &amp; Blanding HJ-48</b>
<b>04/05/90</b>	<b>House</b>	<b>Objection withdrawn by Rep. Farr HJ-31</b>
<b>04/05/90</b>	<b>House</b>	<b>Debate adjourned until Tuesday, April 10, 1990 HJ-7</b>
<b>04/18/90</b>	<b>House</b>	<b>Debate adjourned until Tuesday, April 24, 1990 HJ-2</b>
<b>04/24/90</b>	<b>House</b>	<b>Debate adjourned until Wednesday, April 25, 1990 HJ-26</b>
<b>04/25/90</b>	<b>House</b>	<b>Objection by Rep. Kirsh HJ-37</b>