Exhibit No. 3
Date 1-28-05
Bill No. SB 104

Amendments to Senate Bill No. 104
1st Reading Copy

Requested by Senator Jesse Laslovich

For the Senate Judiciary Committee

Prepared by Valencia Lane
(originally prepared by Brenda Nordlund of AG's office)
January 24, 2005 (9:17am)

1. Page 2, line 18 through line 19.
Following: "older" on line 18
Strike: remainder of line 18 through "vehicle" on line 19

2. Page 3, line 7 through line 8.
Following: "age" on line 7
Strike: remainder of line 7 through "vehicle" on line 8

3. Page 3, line 9 through line 10.
Following: "family" on line 9
Strike: remainder of line 9 through "licensee" on line 10

4. Page 3, line 25.
Following: "report of"
Insert: "a second or subsequent"

5. Page 3, line 26.
Following: "license for"
Strike: "90 days upon a first conviction and for"
Following: "6 months"
Strike: "upon a second or subsequent conviction"

- END -

(2) If a parent or a legal guardian for a person under 18 years of age cannot certify that the person has a 6-month conviction-free record for traffic, alcohol, and drug violations and no pending traffic, alcohol, or drug citations, the department may extend the person's instruction permit or traffic education learner's license for an additional 1-year period or until the person's 18th birthday, whichever occurs first.

(3) The requirements of subsections (1)(a) through (1)(c) do not apply to a person under 18 years of age who has been licensed in another state for at least 6 months and surrenders a valid driver's license from that state.

NEW SECTION. **Section 3. First year restrictions on driver's license issued to minor.** (1) A driver's license issued to a person who is under 18 years of age is subject to the following restrictions for 1 year from the date of issuance of the license or until the person is 18 years of age, whichever occurs first:

(a) A restricted licensee may not operate a motor vehicle, required by 61-9-409 to be equipped with seatbelts, unless each occupant of the motor vehicle is wearing a seatbelt, as defined in 61-13-102, or is properly restrained, as required under 61-9-420. The number of motor vehicle occupants may not exceed the number of seatbelts with which the motor vehicle is equipped.

(b) A restricted licensee may not operate a motor vehicle between the hours of 11 p.m. and 5 a.m. unless the restricted licensee is:

(i) accompanied by a licensed driver who is 21 years of age or older ~~and who is seated in the front seat of the motor vehicle~~ or, if the restricted licensee is operating a motorcycle, the restricted licensee is under the immediate and proximate supervision of a licensed driver who is 21 years of age or older and who is riding with the licensee and is operating a separate motorcycle or other motor vehicle;

(ii) driving to the restricted licensee's place of employment from the restricted licensee's residence, is returning to the restricted licensee's residence from the restricted licensee's place of employment, or is driving in the course and scope of employment;

(iii) driving from the restricted licensee's residence to a school-sponsored event at a school attended by the restricted licensee, including any site for school-provided transportation to and from the event, or is returning from the event or site to the restricted licensee's residence;

(iv) driving from the restricted licensee's residence to an event sponsored by a religious organization or is returning from the event to the restricted licensee's residence;

(v) driving for a purpose related to a medical emergency, fire emergency, or law enforcement-related

(OVER)

emergency;

(vi) driving for the sole purpose of transporting farm or ranch products, machinery, or supplies within 150 miles of a farm or ranch headquarters; or

(vii) an emancipated minor.

(c) (i) For the first 6 months of the 1-year restriction period, a restricted licensee may not operate a motor vehicle with more than one passenger who is under 21 years of age unless:

(A) the restricted licensee is supervised by a licensed driver who is at least 21 years of age ~~and who is the only passenger in the front seat of the motor vehicle~~; or

(B) the additional passengers under 21 years of age are members of the restricted licensee's family ~~and only one passenger is in the front seat of the motor vehicle with the restricted licensee~~.

(ii) For the second 6 months of the 1-year restriction period, a restricted licensee may not operate a motor vehicle with more than three passengers who are under 21 years of age unless:

(A) the restricted licensee is supervised by a licensed driver who is at least 21 years of age; or

(B) the additional passengers under 21 years of age are members of the licensee's family.

(iii) For the first 6 months of the 1-year restriction period, a restricted licensee may not operate a motorcycle with a passenger who is under 21 years of age.

(2) For purposes of this section, the term "restricted licensee" includes a person under 18 years of age who holds a motorcycle-only endorsement issued by the department and the term "motor vehicle" includes a motorcycle, except when otherwise noted.

NEW SECTION. **Section 4. Operation of motor vehicle by minor in violation of restricted first-year license -- penalty.** (1) A person whose driver's license is restricted under [section 3] may not operate a motor vehicle, including a motorcycle, in violation of a restriction imposed under that section.

(2) A person convicted under this section shall be fined an amount not to exceed $500.

(3) Upon receipt of a report of a second or subsequent conviction under this section, the department shall suspend the person's driver's license for ~~90 days upon a first conviction and for~~ 6 months ~~upon a second or subsequent conviction~~. A probationary driver's license may not be issued during the period of suspension.

NEW SECTION. **Section 5. Education on distracted driving.** (1) The department, in consultation with the superintendent of public instruction, shall encourage schools providing traffic education to include in the