

DDS Legislative Update - 2015

HB206

- Improper passing of an active sanitation vehicle
- Adds new code section 40-6-16.1
 - o Fine of not more than \$250
 - o Must be reported to DDS as 40-6-16.1(b)
 - o 3 points, nolo will avoid points
- Effective July 1, 2015

HB118

- Adds new subsection: 40-6-241.2(b)(2)
 - o Relates to CMV only – report only if occurs in a CMV
 - o Report to DDS as:
 - 40-6-241.2(b)(2)(A) - Holding a wireless device for voice communication
 - 40-6-241.2(b)(2)(B) – >1 button on wireless device for voice comm
 - 40-6-241.2(b)(2)(C) – Reaching for wireless device
 - o FYI only: adds to 40-5-159(f) which imposes a civil penalty not to exceed \$2,750 in addition to any criminal fines for a violation of 40-6-241.2, and a civil penalty not to exceed \$11,000 for any employer that knowingly allows texting while driving
 - o Current violation code of 40-6-241.2 (texting while driving over age 18) now becomes, and should be reported as, 40-6-241.2(b)(1)
 - Convictions sent under 40-6-241.2 will be rejected
 - o 1 point offense, will impose a CMV DQ (serious traffic offense), \$150 fine with no surcharges to be imposed
 - o Effective May 12, 2015
- Revised 40-5-125 relating to driver's license fraud
 - o Revised (b) from "knowingly makes any false statement" to "any person who uses a false or fictitious name or give a false or fictitious address"
 - o Added (c) , "knowingly makes any false statement, conceals a material fact, or ... commits a fraud during the driver's license examination ..."
 - o Both subsections will be a violation of 16-10-20, False Statements and Writings
 - o A violation of 40-5-125(c) will be a "major traffic violation" for CDL DQ purposes
 - o A violation of 40-5-125(b) will be a CDL DQ of not less than 60 days
 - o Effective May 12, 2015

SB100

- Eliminates license suspensions for all underage alcohol convictions under 3-3-23
 - o Should no longer be reported to the DDS

- Eliminates license suspensions for school non-attendance and all school misconduct
 - o Only enrollment now required to obtain permit/license
 - o Should no longer be reported to the DDS

- Eliminates the mandatory license suspension (no longer HV contributors) for:
 - o Fraudulent or fictitious use of or application for a license as provided in 40-5-120 and 40-5-125
 - Still reported to the DDS as there are CDL DQ consequences
 - o Any felony forgery conviction related to an identification document
 - 16-9-1, 16-9-2, and 16-9-4
 - Should no longer be reported to the DDS

- Nolo will not avoid a license suspension for the mandatory offenses for drivers under 21
 - o Suspended by operation of law
 - o The court shall seize the license and send to the DDS

- Eliminates the mandatory license suspension for Gas Drive off (40-6-255) found in 40-5-57.2
 - o Should no longer be reported to the DDS

- Limited permits now allow “performing the normal duties of his or her occupation” in addition to travel to and from the place of employment

- Eliminates the mandatory license suspension for controlled substance convictions for offenses occurring on or after July 1, 2015
 - o Controlled substance convictions should no longer be reported to the DDS except:
 - Convictions of 16-13-30(b), 16-13-31, and 16-13-31.1 only when a motor vehicle was knowingly used in the commission of any felony involving the trafficking, manufacture, distribution, sale, transfer, dispensing, or possession with intent to manufacture, distribute, cultivate, sell, traffic in, or dispense a controlled substance or marijuana (40-5-151(e))
 - Lifetime CDL DQ
 - DUI Drug convictions under 40-6-391(a)(2), (a)(4), and (a)(6) must still be reported
 - Suspension period and reinstatement requirements found in 40-5-75
 - o 1st offense – 180 day hard suspension, RRP, \$210, no permit
 - o 2nd offense – 1 year hard suspension, RRP, \$310, no permit
 - o 3rd offense – Habitual Violator (HV)

- Permit availability/license restoration under 40-5-76(a) applies to DUI Drug convictions only when adjudicated in an accountability court (drug, mental health, or veteran's courts)
 - DUI Drug suspensions will run consecutive to any other active suspension on the driving record at the time of conviction
- Nolo accepted for Driving with a Suspended Registration under 40-6-15
 - o One nolo allowed within a 5 year period to avoid the license suspension
 - o Still a major traffic violation with a CDL DQ of at least one year
 - o Still an HV contributor
- Effective on July 1, 2015 and applies to all offenses which occur on or after that date