

WASHINGTON COUNTY JUSTICE COURT, WASHINGTON COUNTY, UTAH
NOTIFICATION OF ENHANCEMENT – FAILURE TO STOP AT PORT OF ENTRY

Defendant: _____, Case No. _____

IF YOU ARE CONVICTED of the offense of Failure to Stop at Port of Entry, this conviction may be used to make a later charge more serious by raising the classification of that offense. This form provides notification of the current provisions of Utah State Law regarding enhancement; minimum/maximum penalties applicable to the different classifications of offenses; and the specific elements of your current charges. It does not notify you of other collateral consequences.

ELEMENTS

Class B misdemeanor - Failure to Stop at Port of Entry 72-9-502(1): Except under Subsection (3), a motor carrier operating a motor vehicle with a gross vehicle weight of 10,001 pounds or more or any motor vehicle carrying livestock as defined in Section 4-24-2 shall stop at a port-of-entry as required under this section.

72-9-102(4): “Motor carrier” means a person engaged in or transacting the business of transporting passengers, freight, merchandise, or other property by a commercial vehicle on a highway within this state and includes a tow truck business.

72-9-502(3): A motor vehicle required to stop at a port-of-entry under Subsection (1) is exempt from this section if: (a) the total one-way trip distance for the motor vehicle would be increased by more than 5% or three miles, whichever is greater if diverted to a port-of-entry; or (b) the motor vehicle is operating under a temporary port-of-entry by-pass permit issued under Subsection (4).

72-9-502(4): (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules for the issuance of a temporary port-of-entry by-pass permit exempting a motor vehicle from the provisions of Subsection (1) if the department determines that the permit is needed to accommodate highway transportation needs due to multiple daily or weekly trips in the proximity of a port-of-entry. (b) The rules under Subsection (4)(a) shall provide that one permit may be issued to a motor carrier for multiple motor vehicles.

ENHANCEMENT

72-9-701: Failure to Stop at a Port of Entry is a class B misdemeanor for a first offense and a class A misdemeanor for a second and subsequent offense

PENALTIES

Minimum/Maximum Sentences

Class B Misdemeanor:	0 days to 6 months jail	AND/OR	\$0 to \$1,950 in fines and surcharges, plus interest
Class A Misdemeanor:	0 days to 1 year jail	AND/OR	\$0 to \$4,793 in fines and surcharges, plus interest

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

_____ (Date) _____ (Defendant’s signature)