

Effective 5/12/2015

78A-6-606 Suspension of license for certain offenses.

- (1) This section applies to a minor who is at least 13 years of age when found by the court to be within its jurisdiction by the commission of an offense under:
 - (a) Section 32B-4-409;
 - (b) Section 32B-4-410;
 - (c) Section 32B-4-411;
 - (d) Section 58-37-8;
 - (e) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
 - (f) Title 58, Chapter 37b, Imitation Controlled Substances Act; or
 - (g) Subsection 76-9-701(1).
- (2) If the court hearing the case determines that the minor committed an offense under Section 58-37-8 or Title 58, Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b, Imitation Controlled Substances Act, the court shall prepare and send to the Driver License Division of the Department of Public Safety an order to suspend that minor's driving privileges.
- (3)
 - (a) The court hearing the case shall suspend the minor's driving privileges if the minor violated Section 32B-4-409, Section 32B-4-410, or Subsection 76-9-701(1).
 - (b) Notwithstanding the requirement in Subsection (2) or (3)(a), the court may reduce the suspension period required under Section 53-3-219 if:
 - (i) the violation is the minor's first violation of:
 - (A) Section 32B-4-409;
 - (B) Section 32B-4-410;
 - (C) Section 58-37-8;
 - (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
 - (E) Title 58, Chapter 37b, Imitation Controlled Substances Act; or
 - (F) Subsection 76-9-701(1); and
 - (ii)
 - (A) the minor completes an educational series as defined in Section 41-6a-501; or
 - (B) the minor demonstrates substantial progress in substance abuse treatment.
 - (c) Notwithstanding the requirement in Subsection (2) or (3)(a) and in accordance with the requirements of Section 53-3-219, the court may reduce the suspension period required under Section 53-3-219 if:
 - (i) the violation is the minor's second or subsequent violation of:
 - (A) Section 32B-4-409;
 - (B) Section 32B-4-410;
 - (C) Section 58-37-8;
 - (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
 - (E) Title 58, Chapter 37b, Imitation Controlled Substances Act; or
 - (F) Subsection 76-9-701(1);
 - (ii) the minor has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance abuse treatment; and
 - (iii)
 - (A) the person is 18 years of age or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (3)(a); or
 - (B) the person is under 18 years of age and has the person's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's

- knowledge the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (3)(a).
- (d) If a minor commits a proof of age violation, as defined in Section 32B-4-411:
- (i) the court shall forward a record of adjudication to the Department of Public Safety for a first or subsequent violation; and
 - (ii) the minor's driving privileges will be suspended:
 - (A) for a period of at least one year under Section 53-3-220 for a first conviction for a violation of Section 32B-4-411; or
 - (B) for a period of two years for a second or subsequent conviction for a violation of Section 32B-4-411.
- (e) Notwithstanding the requirement in Subsection (3)(d), the court may reduce the suspension period imposed under Subsection (3)(d)(ii)(A) if:
- (i) the violation is the minor's first violation of Section 32B-4-411; and
 - (ii)
 - (A) the minor completes an educational series as defined in Section 41-6a-501; or
 - (B) the minor demonstrates substantial progress in substance abuse treatment.
- (f) Notwithstanding the requirement in Subsection (3)(d), the court may reduce the suspension period imposed under Subsection (3)(d)(ii)(B) if:
- (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;
 - (ii) the minor has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance abuse treatment; and
 - (iii)
 - (A) the person is 18 years of age or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (3)(d)(ii)(B); or
 - (B) the person is under 18 years of age and has the person's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (3)(d)(ii)(B).
- (4) A minor's license shall be suspended under Section 53-3-219 when a court issues an order suspending the minor's driving privileges for a violation of:
- (a) Section 32B-4-409;
 - (b) Section 32B-4-410;
 - (c) Section 58-37-8;
 - (d) Title 58, Chapter 37a, Utah Drug Paraphernalia Act, or Title 37b, Imitation Controlled Substances Act; or
 - (e) Subsection 76-9-701(1).
- (5) When the Department of Public Safety receives the arrest or conviction record of a person for a driving offense committed while the person's license is suspended under this section, the Department of Public Safety shall extend the suspension for a like period of time.

Amended by Chapter 165, 2015 General Session
Amended by Chapter 258, 2015 General Session