

**Representative Gregory H. Hughes** proposes the following substitute bill:

1                   **DRIVER LICENSE SANCTIONS AND SENTENCING**  
2                   **REQUIREMENTS FOR DRIVING UNDER THE INFLUENCE**  
3                   **AND ALCOHOL RELATED OFFENSES**

4                   2009 GENERAL SESSION

5                   STATE OF UTAH

6                   **Chief Sponsor: Scott K. Jenkins**

7                   House Sponsor: Gregory H. Hughes

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8  
9                   **LONG TITLE**

10                  **General Description:**

11                  This bill modifies the Motor Vehicles Code and the Uniform Driver License Act by  
12                  amending driver license sanction requirements.

13                  **Highlighted Provisions:**

14                  This bill:

- 15                  ▶ increases the driver license suspension periods for certain driving under the  
16                  influence offenses committed on or after July 1, 2009:
- 17                      • from a period of 90 days to 120 days for a person 21 years of age or older on the  
18                      date of arrest who has violated certain driving under the influence or alcohol  
19                      related offenses for the first time;
  - 20                      • from a period of one year to two years for a person 21 years of age or older on  
21                      the date of arrest who has violated certain driving under the influence or alcohol  
22                      related offenses two or more times;
  - 23                      • from a period of 24 months to a period of 36 months for a person who is 21  
24                      years of age or older, who refuses to submit to a chemical test, and who has a  
25                      previous license sanction for certain alcohol related offenses;



26           • from a period of 90 days to until the person is 21 years of age or for a period of  
27 120 days, whichever is longer, for a person under 21 years of age on the date of  
28 arrest who has violated certain driving under the influence provisions for the  
29 first time;

30           • from a period of one year to until the person is 21 years of age or for a period of  
31 two years, whichever is longer, for a person under 21 years of age on the date of  
32 arrest who has violated certain driving under the influence provisions two or  
33 more times;

34           • from a period of 18 months to until the person is 21 years of age or for a period  
35 of 18 months, whichever is longer, for a person who is under 21 years of age  
36 and who refuses to submit to a chemical test; and

37           • from a period of 24 months to until the person is 21 years of age or for a period  
38 of 36 months, whichever is longer, for a person who is under 21 years of age  
39 who refuses to submit to a chemical test, and who has a previous license  
40 sanction for certain alcohol related offenses;

41           ▶ provides that a person is an interlock restricted driver if the person, within the last  
42 18 months, has been convicted of a driving under the influence violation;

43           ▶ requires a court to order a minor's driver license suspended for a period of one year  
44 if the minor violates certain alcohol related offenses for the first time and the  
45 violation was committed on or after July 1, 2009;

46           ▶ provides that a court may reduce a minor's license suspension for certain alcohol  
47 related offenses if the violation is the minor's first violation and the minor  
48 completes an educational series;

49           ▶ requires a court to order a minor's driver license suspended for a period of two years  
50 for a second or subsequent violation of certain alcohol related offenses and the  
51 violation was committed on or after July 1, 2009;

52           ▶ provides that for a second or subsequent violation of certain alcohol related  
53 offenses, a court shall order a minor to participate in an educational series and may  
54 order a minor to participate in a screening; and

55           ▶ makes technical changes.

56 **Monies Appropriated in this Bill:**

57 None

58 **Other Special Clauses:**

59 This bill takes effect on July 1, 2009.

60 This bill coordinates with H.B. 129, Alcoholic Beverage Related Amendments Related  
61 to Minors, by making substantive and technical amendments.

62 **Utah Code Sections Affected:**

63 AMENDS:

64 **32A-12-209**, as last amended by Laws of Utah 2008, Chapter 3

65 **32A-12-209.5**, as last amended by Laws of Utah 2008, Chapter 3

66 **41-6a-509**, as enacted by Laws of Utah 2005, Chapter 2

67 **41-6a-517**, as last amended by Laws of Utah 2006, Chapter 8

68 **41-6a-521**, as last amended by Laws of Utah 2008, Chapters 3 and 304

69 **41-6a-518.2**, as last amended by Laws of Utah 2008, Chapter 226

70 **53-3-219**, as last amended by Laws of Utah 2008, Chapter 3

71 **53-3-223**, as last amended by Laws of Utah 2008, Chapters 3, 226, and 304

72 **53-3-231**, as last amended by Laws of Utah 2008, Chapter 304

73 **76-9-701**, as last amended by Laws of Utah 2008, Chapter 3

74 **78A-6-606**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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76 *Be it enacted by the Legislature of the state of Utah:*

77 Section 1. Section **32A-12-209** is amended to read:

78 **32A-12-209. Unlawful purchase, possession, consumption by minors --**

79 **Measurable amounts in body.**

80 (1) Unless specifically authorized by this title, it is unlawful for any minor to:

81 (a) purchase any alcoholic beverage or product;

82 (b) attempt to purchase any alcoholic beverage or product;

83 (c) solicit another person to purchase any alcoholic beverage or product;

84 (d) possess any alcoholic beverage or product;

85 (e) consume any alcoholic beverage or product; or

86 (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.

87 (2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic

88 beverage or product for a minor for:

89 (a) any minor to misrepresent the minor's age; or

90 (b) any other person to misrepresent the age of a minor.

91 (3) It is unlawful for a minor to possess or consume any alcoholic beverage while

92 riding in a limousine or chartered bus.

93 ~~[(4) When a minor who is at least 18 years old, but younger than 21 years old, is found~~  
94 ~~by a court to have violated this section:]~~

95 ~~[(a) if the violation is the minor's first violation of this section, the court may suspend~~  
96 ~~the minor's driving privileges; or]~~

97 ~~[(b) if the violation is the minor's second or subsequent violation of this section, the~~  
98 ~~court shall suspend the minor's driving privileges.]~~

99 (4) If a minor is found by a court to have violated this section and the violation is the  
100 minor's second or subsequent violation of this section, the court:

101 (a) shall order the minor to participate in an educational series as defined in Section  
102 41-6a-501; and

103 (b) may order the minor to participate in a screening as defined in Section 41-6a-501.

104 (5) (a) When a minor who is at least 18 years old, but younger than 21 years old, is  
105 found by a court to have violated this section, the court hearing the case shall suspend the  
106 minor's driving privileges under Section 53-3-219.

107 (b) Notwithstanding the provision in Subsection (4)(a), the court may reduce the  
108 suspension period required under Section 53-3-219 if:

109 (i) the violation is the minor's first violation of this section; and

110 (ii) the minor completes an educational series as defined in Section 41-6a-501.

111 ~~[(5)]~~ (6) When a minor who is at least 13 years old, but younger than 18 years old, is  
112 found by the court to have violated this section, the provisions regarding suspension of the  
113 driver's license under Section 78A-6-606 apply to the violation.

114 ~~[(6)]~~ (7) When the court issues an order suspending a person's driving privileges for a  
115 violation of this section, the Driver License Division shall suspend the person's license under  
116 Section 53-3-219.

117 ~~[(7)]~~ (8) When the Department of Public Safety receives the arrest or conviction record  
118 of a person for a driving offense committed while the person's license is suspended pursuant to

119 this section, the department shall extend the suspension for an additional like period of time.

120 ~~[(8)]~~ (9) This section does not apply to a minor's consumption of an alcoholic beverage  
121 or product in accordance with this title:

122 (a) for medicinal purposes if:

123 (i) the minor is at least 18 years old; or

124 (ii) the alcoholic beverage or product is furnished by:

125 ~~[(i)]~~ (A) the parent or guardian of the minor; or

126 ~~[(ii)]~~ (B) the minor's physician or dentist; or

127 (b) as part of a church's or religious organization's religious services.

128 Section 2. Section **32A-12-209.5** is amended to read:

129 **32A-12-209.5. Unlawful admittance or attempt to gain admittance by minor.**

130 (1) It is unlawful for a minor to gain admittance or attempt to gain admittance to the  
131 premises of:

132 (a) a tavern; or

133 (b) a class D private club, except to the extent authorized by Subsection 32A-5-107(8).

134 (2) A minor who violates this section is guilty of a class C misdemeanor.

135 ~~[(3) When a minor who is at least 18 years old, but younger than 21 years old, is found  
136 by a court to have violated this section:]~~

137 ~~[(a) if the violation is the minor's first violation of this section, the court may suspend  
138 the minor's driving privileges; or]~~

139 ~~[(b) if the violation is the minor's second or subsequent violation of this section, the  
140 court shall suspend the minor's driving privileges.]~~

141 (3) If a minor is found by a court to have violated this section and the violation is the  
142 minor's second or subsequent violation of this section, the court:

143 (a) shall order the minor to participate in an educational series as defined in Section  
144 41-6a-501; and

145 (b) may order the minor to participate in a screening as defined in Section 41-6a-501.

146 (4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is  
147 found by a court to have violated this section, the court hearing the case shall suspend the  
148 minor's driving privileges under Section 53-3-219.

149 (b) Notwithstanding the provision in Subsection (3)(a), the court may reduce the

150 suspension period required under Section 53-3-219 if:

151 (i) the violation is the minor's first violation of this section; and

152 (ii) the minor completes an educational series as defined in Section 41-6a-501.

153 ~~[(4)]~~ (5) When a minor who is at least 13 years old, but younger than 18 years old, is  
154 found by a court to have violated this section, the provisions regarding suspension of the  
155 driver's license under Section 78A-6-606 apply to the violation.

156 ~~[(5)]~~ (6) When the court issues an order suspending a person's driving privileges for a  
157 violation of this section, the Driver License Division shall suspend the person's license under  
158 Section 53-3-219.

159 ~~[(6)]~~ (7) When the Department of Public Safety receives the arrest or conviction record  
160 of a person for a driving offense committed while the person's license is suspended pursuant to  
161 this section, the department shall extend the suspension for an additional like period of time.

162 Section 3. Section **41-6a-509** is amended to read:

163 **41-6a-509. Driver license suspension or revocation for a driving under the**  
164 **influence violation.**

165 (1) (a) The Driver License Division shall:

166 (i) if the person is 21 years of age or older at the time of arrest:

167 ~~[(i)]~~ (A) suspend for ~~[90 days]~~ a period of 120 days the operator's license of a person  
168 convicted for the first time under Section 41-6a-502[;] of an offense committed on or after July  
169 1, 2009; and

170 ~~[(i)]~~ (B) revoke for ~~[one year]~~ a period of two years the license of a person ~~[convicted~~  
171 ~~of any subsequent offense under Section 41-6a-502 or]~~ if:

172 (I) the person has a prior conviction as defined under Subsection 41-6a-501(2) [if]; and

173 (II) the current driving under the influence violation under Section 41-6a-502 is  
174 committed;

175 (Aa) within a period of ten years from the date of the prior violation; and

176 (Bb) on or after July 1, 2009;

177 (ii) if the person is under 21 years of age at the time of arrest:

178 (A) suspend the person's driver license until the person is 21 years of age or for a  
179 period of 120 days, whichever is longer, if the person is convicted for the first time of a driving  
180 under the influence violation under Section 41-6a-502 of an offense that was committed on or

181 after July 1, 2009;

182 (B) deny the person's application for a license or learner's permit until the person is 21  
183 years of age or for a period of 120 days, whichever is longer, if the person:

184 (I) is convicted for the first time of a driving under the influence violation under  
185 Section 41-6a-502 of an offense committed on or after July 1, 2009; and

186 (II) has not been issued an operator license;

187 (C) revoke the person's driver license until the person is 21 years of age or for a period  
188 of two years, whichever is longer, if:

189 (I) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

190 (II) the current driving under the influence violation under Section 41-6a-502 is  
191 committed:

192 (Aa) within a period of ten years from the date of the prior violation; and

193 (Bb) on or after July 1, 2009; or

194 (D) deny the person's application for a license or learner's permit until the person is 21  
195 years of age or for a period of two years, whichever is longer, if:

196 (I) the person has a prior conviction as defined under Subsection 41-6a-501(2);

197 (II) the current driving under the influence violation under Section 41-6a-502 is  
198 committed:

199 (Aa) within a period of ten years from the date of the prior violation; and

200 (Bb) on or after July 1, 2009; and

201 (III) the person has not been issued an operator license; and

202 (iii) suspend or revoke the license of a person as ordered by the court under Subsection  
203 (2).

204 (b) The Driver License Division shall suspend the operator's license of a person  
205 convicted under Section 41-6a-502 of an offense that was committed prior to July 1, 2009, for  
206 the suspension periods in effect prior to July 1, 2009.

207 ~~[(b)]~~ (c) The Driver License Division shall subtract from any suspension or revocation  
208 period the number of days for which a license was previously suspended under Section  
209 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon  
210 which the record of conviction is based.

211 (2) (a) (i) In addition to any other penalties provided in this section, a court may order

212 the operator's license of a person who is convicted of a violation of Section 41-6a-502 to be  
213 suspended or revoked for an additional period of 90 days, 180 days, one year, or two years to  
214 remove from the highways those persons who have shown they are safety hazards.

215 (ii) The additional suspension or revocation period provided in this Subsection (2) shall  
216 begin the date on which the individual would be eligible to reinstate the individual's driving  
217 privilege for a violation of Section 41-6a-502.

218 (b) If the court suspends or revokes the person's license under this Subsection (2), the  
219 court shall prepare and send to the Driver License Division an order to suspend or revoke that  
220 person's driving privileges for a specified period of time.

221 (3) (a) The court shall notify the Driver License Division if a person fails to:

222 (i) complete all court ordered:

223 (A) screening;

224 (B) assessment;

225 (C) educational series;

226 (D) substance abuse treatment; and

227 (E) hours of work in a compensatory-service work program; or

228 (ii) pay all fines and fees, including fees for restitution and treatment costs.

229 (b) Upon receiving the notification described in Subsection (3)(a), the division shall  
230 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

231 Section 4. Section **41-6a-517** is amended to read:

232 **41-6a-517. Definitions -- Driving with any measurable controlled substance in the**  
233 **body -- Penalties -- Arrest without warrant.**

234 (1) As used in this section:

235 (a) "Controlled substance" means any substance scheduled under Section 58-37-4.

236 (b) "Practitioner" has the same meaning as provided in Section 58-37-2.

237 (c) "Prescribe" has the same meaning as provided in Section 58-37-2.

238 (d) "Prescription" has the same meaning as provided in Section 58-37-2.

239 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not  
240 operate or be in actual physical control of a motor vehicle within this state if the person has any  
241 measurable controlled substance or metabolite of a controlled substance in the person's body.

242 (3) It is an affirmative defense to prosecution under this section that the controlled



243 substance was:

- 244 (a) involuntarily ingested by the accused;
- 245 (b) prescribed by a practitioner for use by the accused; or
- 246 (c) otherwise legally ingested.

247 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B  
248 misdemeanor.

249 (b) A person who violates this section is subject to conviction and sentencing under  
250 both this section and any applicable offense under Section 58-37-8.

251 (5) A peace officer may, without a warrant, arrest a person for a violation of this  
252 section when the officer has probable cause to believe the violation has occurred, although not  
253 in the officer's presence, and if the officer has probable cause to believe that the violation was  
254 committed by the person.

255 (6) The Driver License Division shall:

256 (a) if the person is 21 years of age or older on the date of arrest:

257 ~~[(a)]~~ (i) suspend, for ~~[90 days]~~ a period of 120 days, the driver license of a person  
258 convicted under Subsection (2)[;] of an offense committed on or after July 1, 2009; or

259 ~~[(b)]~~ (ii) revoke, for ~~[one year]~~ a period of two years, the driver license of a person  
260 [convicted of a second or subsequent offense under Subsection (2) or] if:

261 (A) the person has a prior conviction as defined under Subsection 41-6a-501(2)[,if];  
262 and

263 (B) the current violation under Subsection (2) is committed;

264 (I) within a period of ten years after the date of the prior violation; and

265 (II) on or after July 1, 2009;

266 (b) if the person is under 21 years of age on the date of arrest:

267 (i) suspend, until the person is 21 years of age or for a period of 120 days, the driver  
268 license of a person convicted under Subsection (2) of an offense committed on or after July 1,  
269 2009; or

270 (ii) revoke, until the person is 21 years of age or for a period of two years, the driver  
271 license of a person if:

272 (A) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

273 (B) the current violation under Subsection (2) is committed;

274 (I) within a period of ten years after the date of the prior violation; and  
275 (II) on or after July 1, 2009;  
276 (c) subtract from any suspension or revocation period the number of days for which a  
277 license was previously suspended under Section 53-3-223 or 53-3-231, if the previous  
278 suspension was based on the same occurrence upon which the record of conviction is based[-];  
279 and

280 (d) deny, suspend, or revoke a person's license for the denial and suspension periods in  
281 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was  
282 committed prior to July 1, 2009.

283 (7) (a) The court shall notify the Driver License Division if a person fails to:  
284 (i) complete all court ordered screening and assessment, educational series, and  
285 substance abuse treatment; or

286 (ii) pay all fines and fees, including fees for restitution and treatment costs.

287 (b) Upon receiving the notification, the division shall suspend the person's driving  
288 privilege in accordance with Subsections 53-3-221(2) and (3).

289 (8) The court shall order supervised probation in accordance with Section 41-6a-507  
290 for a person convicted under Subsection (2).

291 Section 5. Section **41-6a-518.2** is amended to read:

292 **41-6a-518.2. Interlock restricted driver -- Penalties for operation without ignition**  
293 **interlock system.**

294 (1) As used in this section:

295 (a) "ignition interlock system" means a constant monitoring device or any similar  
296 device that:

297 (i) is in working order at the time of operation or actual physical control; and

298 (ii) is certified by the Commissioner of Public Safety in accordance with Subsection  
299 41-6a-518(8); and

300 (b) (i) "interlock restricted driver" means a person who:

301 (A) has been ordered by a court or the Board of Pardons and Parole as a condition of  
302 probation or parole not to operate a motor vehicle without an ignition interlock system;

303 (B) within the last 18 months has been convicted of a driving under the influence  
304 violation under Section 41-6a-502 that was committed on or after July 1, 2009;

305           ~~[(B)]~~ (C) (I) within the last three years has been convicted of an offense that occurred  
306 after May 1, 2006 which would be a conviction as defined under Section 41-6a-501; and

307           (II) the offense described under Subsection (1)(b)(i)(B)(I) is committed within ten  
308 years from the date that one or more prior offenses was committed if the prior offense resulted  
309 in a conviction as defined in Subsection 41-6a-501(2);

310           ~~[(C)]~~ (D) within the last three years has been convicted of a violation of this section;

311           ~~[(D)]~~ (E) within the last three years has had the person's driving privilege revoked for  
312 refusal to submit to a chemical test under Section 41-6a-520, which refusal occurred after May  
313 1, 2006;

314           ~~[(E)]~~ (F) within the last three years has been convicted of a violation of Section  
315 41-6a-502 and was under the age of 21 at the time the offense was committed;

316           ~~[(F)]~~ (G) within the last six years has been convicted of a felony violation of Section  
317 41-6a-502 for an offense that occurred after May 1, 2006; or

318           ~~[(G)]~~ (H) within the last ten years has been convicted of automobile homicide under  
319 Section 76-5-207 for an offense that occurred after May 1, 2006; and

320           (ii) "interlock restricted driver" does not include a person if:

321           (A) the person's conviction described in Subsection (1)(b)(i)(B)(I) is a conviction under  
322 Section 41-6a-517; and

323           (B) all of the person's prior convictions described in Subsection (1)(b)(i)(B)(II) are  
324 convictions under Section 41-6a-517.

325           (2) For purposes of this section, a plea of guilty or no contest to a violation of Section  
326 41-6a-502 which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,  
327 prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently  
328 reduced or dismissed in accordance with the plea in abeyance agreement.

329           (3) An interlock restricted driver that operates or is in actual physical control of a  
330 vehicle in this state without an ignition interlock system is guilty of a class B misdemeanor.

331           (4) (a) It is an affirmative defense to a charge of a violation of Subsection (3) if:

332           (i) an interlock restricted driver:

333           (A) operated or was in actual physical control of a vehicle owned by the interlock  
334 restricted driver's employer;

335           (B) had given written notice to the employer of the interlock restricted driver's

336 interlock restricted status prior to the operation or actual physical control under Subsection  
337 (4)(a)(i); and

338 (C) had on the interlock restricted driver's person or in the vehicle at the time of  
339 operation or physical control proof of having given notice to the interlock restricted driver's  
340 employer; and

341 (ii) the operation or actual physical control under Subsection (4)(a)(i)(A) was in the  
342 scope of the interlock restricted driver's employment.

343 (b) The affirmative defense under Subsection (4)(a) does not apply to:

344 (i) an employer-owned motor vehicle that is made available to an interlock restricted  
345 driver for personal use; or

346 (ii) a motor vehicle owned by a business entity that is all or partly owned or controlled  
347 by the interlock restricted driver.

348 Section 6. Section **41-6a-521** is amended to read:

349 **41-6a-521. Revocation hearing for refusal -- Appeal.**

350 (1) (a) A person who has been notified of the Driver License Division's intention to  
351 revoke the person's license under Section 41-6a-520 is entitled to a hearing.

352 (b) A request for the hearing shall be made in writing within ten calendar days after the  
353 day on which notice is provided.

354 (c) Upon request in a manner specified by the Driver License Division, the Driver  
355 License Division shall grant to the person an opportunity to be heard within 29 days after the  
356 date of arrest.

357 (d) If the person does not make a request for a hearing before the Driver License  
358 Division under this Subsection (1), the person's privilege to operate a motor vehicle in the state  
359 is revoked beginning on the 30th day after the date of arrest:

360 (i) for a person 21 years of age or older on the date of arrest, for a period of:

361 ~~[(i)]~~ (A) 18 months unless Subsection (1)(d)~~[(ii)]~~(i)(B) applies; or

362 ~~[(ii) 24]~~ (B) 36 months, if the arrest was made on or after July 1, 2009, and the person  
363 has had a previous:

364 ~~[(A)]~~ (I) license sanction for an offense that occurred within the previous ten years  
365 from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or  
366 53-3-232; or

367           ~~(B)~~ (II) conviction for an offense that occurred within the previous ten years from the  
368 date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would  
369 constitute a violation of Section 41-6a-502[-];

370           (ii) for a person under 21 years of age on the date of arrest:

371           (A) until the person is 21 years of age or for a period of 18 months, whichever is  
372 longer, if the arrest was made on or after July 1, 2009, unless Subsection (1)(d)(ii)(B) applies;

373 or

374           (B) until the person is 21 years of age or for a period of 36 months, whichever is  
375 longer, if the arrest was made on or after July 1, 2009, and the person has had a previous:

376           (I) license sanction for an offense that occurred within the previous ten years from the  
377 date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or  
378 53-3-232; or

379           (II) conviction for an offense that occurred within the previous ten years from the date  
380 of arrest under Section 41-6a-502 or a statute previously in effect in this state that would  
381 constitute a violation of Section 41-6a-502; or

382           (iii) for a person that was arrested prior to July 1, 2009, for the suspension periods in  
383 effect prior to July 1, 2009.

384           (2) (a) Except as provided in Subsection (2)(b), if a hearing is requested by the person,  
385 the hearing shall be conducted by the Driver License Division in the county in which the  
386 offense occurred.

387           (b) The Driver License Division may hold a hearing in some other county if the Driver  
388 License Division and the person both agree.

389           (3) The hearing shall be documented and shall cover the issues of:

390           (a) whether a peace officer had reasonable grounds to believe that a person was  
391 operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 41-6a-530, 53-3-231,  
392 or 53-3-232; and

393           (b) whether the person refused to submit to the test or tests under Section 41-6a-520.

394           (4) (a) In connection with the hearing, the division or its authorized agent:

395           (i) may administer oaths and may issue subpoenas for the attendance of witnesses and  
396 the production of relevant books and papers; and

397           (ii) shall issue subpoenas for the attendance of necessary peace officers.

398 (b) The Driver License Division shall pay witness fees and mileage from the  
399 Transportation Fund in accordance with the rates established in Section 78B-1-119.

400 (5) (a) If after a hearing, the Driver License Division determines that the person was  
401 requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the  
402 person fails to appear before the Driver License Division as required in the notice, the Driver  
403 License Division shall revoke the person's license or permit to operate a motor vehicle in Utah  
404 beginning on the date the hearing is held:

405 (i) for a person 21 years of age or older on the date of arrest, for a period of:

406 ~~[(i)]~~ (A) 18 months unless Subsection (5)(a)~~[(ii)]~~(i)(B) applies; or

407 ~~[(ii)-24]~~ (B) 36 months, if the arrest was made on or after July 1, 2009, and the person  
408 has had a previous:

409 ~~[(A)]~~ (I) license sanction for an offense that occurred within the previous ten years  
410 from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or  
411 53-3-232; or

412 ~~[(B)]~~ (II) conviction for an offense that occurred within the previous ten years from the  
413 date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would  
414 constitute a violation of Section 41-6a-502[-];

415 (ii) for a person under 21 years of age on the date of arrest:

416 (A) until the person is 21 years of age or for a period of 18 months, whichever is  
417 longer, for an arrest that was made on or after July 1, 2009, and unless Subsection (5)(a)(ii)(B)  
418 applies; or

419 (B) until the person is 21 years of age or for a period of 36 months, whichever is  
420 longer, if the arrest was made on or after July 1, 2009, and the person has had a previous:

421 (I) license sanction for an offense that occurred within the previous ten years from the  
422 date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or  
423 53-3-232; or

424 (II) conviction for an offense that occurred within the previous ten years from the date  
425 of arrest under Section 41-6a-502 or a statute previously in effect in this state that would  
426 constitute a violation of Section 41-6a-502; or

427 (iii) for a person that was arrested prior to July 1, 2009, for the revocation periods in  
428 effect prior to July 1, 2009.

429 (b) The Driver License Division shall also assess against the person, in addition to any  
430 fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be paid  
431 before the person's driving privilege is reinstated, to cover administrative costs.

432 (c) The fee shall be cancelled if the person obtains an unappealed court decision  
433 following a proceeding allowed under Subsection (2) that the revocation was improper.

434 (6) (a) Any person whose license has been revoked by the Driver License Division  
435 under this section following an administrative hearing may seek judicial review.

436 (b) Judicial review of an informal adjudicative proceeding is a trial.

437 (c) Venue is in the district court in the county in which the offense occurred.

438 Section 7. Section **53-3-219** is amended to read:

439 **53-3-219. Suspension of minor's driving privileges.**

440 (1) The division shall immediately suspend all driving privileges of any person upon  
441 receipt of an order suspending driving privileges under Section 32A-12-209, Section  
442 32A-12-209.5, Subsection 76-9-701(1), or Section 78A-6-606.

443 ~~[(a) Upon]~~ (2) (a) (i) Except as provided in Subsection (2)(a)(ii), upon receipt of the  
444 first order suspending a person's driving privileges under Section 32A-12-209 or  
445 32A-12-209.5, Subsection 76-9-701(1), or Section 78A-6-606 for a violation that was  
446 committed on or after July 1, 2009, the division shall:

447 (A) impose a suspension [for 90 days or,] for a period of one year;

448 (B) if the person [is under the age of eligibility for a driver license, the suspension shall  
449 begin on the date of conviction and continue for the first 90 days following the date of  
450 eligibility.] has not been issued an operator license, deny the person's application for a license  
451 or learner's permit for a period of one year; or

452 (C) if the person is under the age of eligibility for a driver license, deny the person's  
453 application for a license or learner's permit beginning on the date of conviction and continuing  
454 for one year beginning on the date of eligibility for a driver license.

455 (ii) Upon receipt of the first order suspending a person's driving privileges under this  
456 section, the division shall reduce the suspension period under Subsection (2)(a)(i)(A), (B), or  
457 (C) if ordered by the court in accordance with Subsection 32A-12-209(4)(b),  
458 32A-12-209(3)(b), 76-9-701(3)(b), or 78A-6-606(3)(b).

459 (b) Upon receipt of a second or subsequent order suspending a person's driving

460 privileges under Section 32A-12-209 or 32A-12-209.5, Subsection 76-9-701(1), or Section  
461 78A-6-606 for a violation that was committed on or after July 1, 2009, the division shall  
462 [impose a suspension for six months or, if the person is under the age of eligibility for a driver  
463 license, the suspension shall begin on the date of conviction and continue for the first six  
464 months following the date of eligibility.];

465 (i) impose a suspension for a period of two years; or

466 (ii) if the person has not been issued an operator license or is under the age of  
467 eligibility for a driver license, deny the person's application for a license or learner's permit for  
468 a period of two years.

469 (c) The Driver License Division shall impose a suspension for the suspension period in  
470 effect prior to July 1, 2009, if the order suspending driving privileges under Section  
471 32A-12-209 or 32A-12-209.5, Subsection 76-9-701(1), or Section 78A-6-606 is for a violation  
472 committed prior to July 1, 2009.

473 (3) The Driver License Division shall subtract from any suspension or revocation  
474 period for a conviction of a violation of Section 32A-12-209 the number of days for which a  
475 license was previously suspended under Section 53-3-231, if the previous sanction was based  
476 on the same occurrence upon which the record of conviction is based.

477 ~~[(c) Upon receipt of a third or subsequent order suspending a person's driving~~  
478 ~~privileges, the division shall impose a suspension for one year or, if the person is under the age~~  
479 ~~of eligibility for a driver license, the suspension shall begin on the date of conviction and~~  
480 ~~continue for one year beginning on the date of eligibility.]~~

481 ~~[(2)]~~ (4) After reinstatement of the license under Subsection (1)(a), a report authorized  
482 under Section 53-3-104 may not contain evidence of the suspension of a minor's license under  
483 this section if the minor has not been convicted of any other offense for which the suspension  
484 under Subsection (1)(a) may be extended.

485 Section 8. Section **53-3-223** is amended to read:

486 **53-3-223. Chemical test for driving under the influence -- Temporary license --**  
487 **Hearing and decision -- Suspension and fee -- Judicial review.**

488 (1) (a) If a peace officer has reasonable grounds to believe that a person may be  
489 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a  
490 certain blood or breath alcohol concentration and driving under the influence of any drug,



491 alcohol, or combination of a drug and alcohol or while having any measurable controlled  
492 substance or metabolite of a controlled substance in the person's body in violation of Section  
493 41-6a-517, the peace officer may, in connection with arresting the person, request that the  
494 person submit to a chemical test or tests to be administered in compliance with the standards  
495 under Section 41-6a-520.

496 (b) In this section, a reference to Section 41-6a-502 includes any similar local  
497 ordinance adopted in compliance with Subsection 41-6a-510(1).

498 (2) The peace officer shall advise a person prior to the person's submission to a  
499 chemical test that a test result indicating a violation of Section 41-6a-502 or 41-6a-517 shall,  
500 and the existence of a blood alcohol content sufficient to render the person incapable of safely  
501 driving a motor vehicle may, result in suspension or revocation of the person's license to drive  
502 a motor vehicle.

503 (3) If the person submits to a chemical test and the test results indicate a blood or  
504 breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer  
505 makes a determination, based on reasonable grounds, that the person is otherwise in violation  
506 of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of  
507 arrest, give notice of the division's intention to suspend the person's license to drive a motor  
508 vehicle.

509 (4) (a) When a peace officer gives notice on behalf of the division, the peace officer  
510 shall:

511 (i) take the Utah license certificate or permit, if any, of the driver;

512 (ii) issue a temporary license certificate effective for only 29 days from the date of  
513 arrest; and

514 (iii) supply to the driver, in a manner specified by the division, basic information  
515 regarding how to obtain a prompt hearing before the division.

516 (b) A citation issued by a peace officer may, if provided in a manner specified by the  
517 division, also serve as the temporary license certificate.

518 (5) As a matter of procedure, a peace officer shall send to the division within ten  
519 calendar days after the day on which notice is provided:

520 (a) the person's license certificate;

521 (b) a copy of the citation issued for the offense;

522 (c) a signed report in a manner specified by the division indicating the chemical test  
523 results, if any; and

524 (d) any other basis for the peace officer's determination that the person has violated  
525 Section 41-6a-502 or 41-6a-517.

526 (6) (a) Upon request in a manner specified by the division, the division shall grant to  
527 the person an opportunity to be heard within 29 days after the date of arrest. The request to be  
528 heard shall be made within ten calendar days of the day on which notice is provided under  
529 Subsection (5).

530 (b) (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the  
531 division in the county in which the arrest occurred.

532 (ii) The division may hold a hearing in some other county if the division and the person  
533 both agree.

534 (c) The hearing shall be documented and shall cover the issues of:

535 (i) whether a peace officer had reasonable grounds to believe the person was driving a  
536 motor vehicle in violation of Section 41-6a-502 or 41-6a-517;

537 (ii) whether the person refused to submit to the test; and

538 (iii) the test results, if any.

539 (d) (i) In connection with a hearing the division or its authorized agent:

540 (A) may administer oaths and may issue subpoenas for the attendance of witnesses and  
541 the production of relevant books and papers; or

542 (B) may issue subpoenas for the attendance of necessary peace officers.

543 (ii) The division shall pay witness fees and mileage from the Transportation Fund in  
544 accordance with the rates established in Section 78B-1-119.

545 (e) The division may designate one or more employees to conduct the hearing.

546 (f) Any decision made after a hearing before any designated employee is as valid as if  
547 made by the division.

548 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable  
549 grounds to believe that the person was driving a motor vehicle in violation of Section  
550 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the  
551 notice, or if a hearing is not requested under this section, the division shall [~~suspend the~~  
552 ~~person's license or permit to operate a motor vehicle~~];

553 (i) if the person is 21 years of age or older at the time of arrest and the arrest was made  
554 on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a  
555 period of:

556 ~~[(i) 90 days]~~ (A) 120 days beginning on the 30th day after the date of arrest for a first  
557 suspension; or

558 ~~[(ii) one year]~~ (B) two years beginning on the 30th day after the date of arrest for a  
559 second or subsequent suspension for an offense that occurred within the previous ten years[-];  
560 or

561 (ii) if the person is under 21 years of age at the time of arrest and the arrest was made  
562 on or after July 1, 2009:

563 (A) suspend the person's license or permit to operate a motor vehicle:

564 (I) until the person is 21 years of age or for a period of 120 days, whichever is longer,  
565 beginning on the 30th day after the date of arrest for a first suspension; or

566 (II) until the person is 21 years of age or for a period of two years, whichever is longer,  
567 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an  
568 offense that occurred within the previous ten years; or

569 (B) deny the person's application for a license or learner's permit:

570 (I) until the person is 21 years of age or for a period of 120 days, whichever is longer,  
571 for a first suspension if the person has not been issued an operator license; or

572 (II) until the person is 21 years of age or for a period of two years, whichever is longer,  
573 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an  
574 offense that occurred within the previous ten years.

575 (b) The division shall deny or suspend a person's license for the denial and suspension  
576 periods in effect prior to July 1, 2009 for an offense that was committed prior to July 1, 2009.

577 ~~[(b)]~~ (c) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division  
578 shall reinstate a person's license prior to completion of the [90-day] 120 day suspension period  
579 imposed under Subsection (7)(a)(i)(A):

580 (A) immediately upon receiving written verification of the person's dismissal of a  
581 charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received  
582 prior to completion of the suspension period; or

583 (B) no sooner than 60 days beginning on the 30th day after the date of arrest upon

584 receiving written verification of the person's reduction of a charge for a violation of Section  
585 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the  
586 suspension period.

587 (ii) If a person's license is reinstated under this Subsection (7)(~~(b)~~)(c), the person is  
588 required to pay the license reinstatement fees under Subsections 53-3-105(23) and (24).

589 (iii) The driver license reinstatements authorized under this Subsection (7)(~~(b)~~)(c) only  
590 apply to a ~~[90-day]~~ 120 day suspension period imposed under Subsection (7)(a)(i)(A).

591 (8) (a) The division shall assess against a person, in addition to any fee imposed under  
592 Subsection 53-3-205(12) for driving under the influence, a fee under Section 53-3-105 to cover  
593 administrative costs, which shall be paid before the person's driving privilege is reinstated. This  
594 fee shall be cancelled if the person obtains an unappealed division hearing or court decision  
595 that the suspension was not proper.

596 (b) A person whose license has been suspended by the division under this section  
597 following an administrative hearing may file a petition within 30 days after the suspension for a  
598 hearing on the matter which, if held, is governed by Section 53-3-224.

599 Section 9. Section **53-3-231** is amended to read:

600 **53-3-231. Person under 21 may not operate a vehicle or motorboat with**  
601 **detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing**  
602 **and decision -- Suspension of license or operating privilege -- Fees -- Judicial review --**  
603 **Referral to local substance abuse authority or program.**

604 (1) (a) As used in this section:

605 (i) "Local substance abuse authority" has the same meaning as provided in Section  
606 62A-15-102.

607 (ii) "Substance abuse program" means any substance abuse program licensed by the  
608 Department of Human Services or the Department of Health and approved by the local  
609 substance abuse authority.

610 (b) Calculations of blood, breath, or urine alcohol concentration under this section shall  
611 be made in accordance with the procedures in Subsection 41-6a-502(1).

612 (2) (a) A person younger than 21 years of age may not operate or be in actual physical  
613 control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol  
614 concentration in the person's body as shown by a chemical test.

615 (b) A person who violates Subsection (2)(a), in addition to any other applicable  
616 penalties arising out of the incident, shall have the person's operator license denied or  
617 suspended as provided in Subsection (8).

618 (3) (a) When a peace officer has reasonable grounds to believe that a person may be  
619 violating or has violated Subsection (2), the peace officer may, in connection with arresting the  
620 person for a violation of Section 32A-12-209, request that the person submit to a chemical test  
621 or tests to be administered in compliance with the standards under Section 41-6a-520.

622 (b) The peace officer shall advise a person prior to the person's submission to a  
623 chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or  
624 suspension of the person's license to operate a motor vehicle or a refusal to issue a license.

625 (c) If the person submits to a chemical test and the test results indicate a blood, breath,  
626 or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a  
627 determination, based on reasonable grounds, that the person is otherwise in violation of  
628 Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the  
629 arrest, give notice of the division's intention to deny or suspend the person's license to operate a  
630 vehicle or refusal to issue a license under this section.

631 (4) When a peace officer gives notice on behalf of the division, the peace officer shall:

632 (a) take the Utah license certificate or permit, if any, of the operator;

633 (b) issue a temporary license certificate effective for only 29 days from the date of  
634 arrest if the driver had a valid operator's license; and

635 (c) supply to the operator, in a manner specified by the division, basic information  
636 regarding how to obtain a prompt hearing before the division.

637 (5) A citation issued by a peace officer may, if provided in a manner specified by the  
638 division, also serve as the temporary license certificate under Subsection (4)(b).

639 (6) As a matter of procedure, a peace officer shall send to the division within ten  
640 calendar days after the day on which notice is provided:

641 (a) the person's driver license certificate, if any;

642 (b) a copy of the citation issued for the offense;

643 (c) a signed report in a manner specified by the Driver License Division indicating the  
644 chemical test results, if any; and

645 (d) any other basis for a peace officer's determination that the person has violated

646 Subsection (2).

647 (7) (a) (i) Upon request in a manner specified by the division, the Driver License  
648 Division shall grant to the person an opportunity to be heard within 29 days after the date of  
649 arrest under Section 32A-12-209.

650 (ii) The request shall be made within ten calendar days of the day on which notice is  
651 provided.

652 (b) (i) Except as provided in Subsection (7)(b)(ii), a hearing, if held, shall be before the  
653 division in the county in which the arrest occurred.

654 (ii) The division may hold a hearing in some other county if the division and the person  
655 both agree.

656 (c) The hearing shall be documented and shall cover the issues of:

657 (i) whether a peace officer had reasonable grounds to believe the person was operating  
658 a motor vehicle or motorboat in violation of Subsection (2)(a);

659 (ii) whether the person refused to submit to the test; and

660 (iii) the test results, if any.

661 (d) In connection with a hearing, the division or its authorized agent may administer  
662 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant  
663 books and papers and records as defined in Section 46-4-102.

664 (e) One or more members of the division may conduct the hearing.

665 (f) Any decision made after a hearing before any number of the members of the  
666 division is as valid as if made after a hearing before the full membership of the division.

667 (8) If, after a hearing, the division determines that a peace officer had reasonable  
668 grounds to believe that the person was driving a motor vehicle in violation of Subsection (2)(a),  
669 if the person fails to appear before the division as required in the notice, or if the person does  
670 not request a hearing under this section, the division shall:

671 (a) deny the person's license until the person is 21 years of age or for a period of [~~90~~  
672 ~~days~~] 120 days, whichever is longer, beginning on the 30th day after the date of arrest for a first  
673 offense under Subsection (2)(a) committed on or after July 1, 2009;

674 (b) suspend the person's license until the person is 21 years of age or for a period of  
675 [~~one year~~] two years, whichever is longer, beginning on the 30th day after the date of arrest for  
676 a second or subsequent offense under Subsection (2)(a);

- 677            (i) within [~~three~~] ten years of a prior denial or suspension; [~~or~~] and  
678            (ii) committed on or after July 1, 2009;
- 679            (c) deny the person's application for a license or learner's permit until the person is [~~17~~]  
680 21 years of age or for a period of one year, whichever is longer, if:
- 681            (i) the person has not been issued an operator license[-]; and  
682            (ii) the suspension is for a first offense under Subsection (2)(a) committed on or after  
683 July 1, 2009;
- 684            (d) deny the person's application for a license or learner's permit until the person is 21  
685 years of age or for a period of two years, whichever is longer, if:
- 686            (i) the person has not been issued an operator license; and  
687            (ii) the suspension is for a second or subsequent offense under Subsection (2)(a):  
688            (A) within ten years of a prior denial or suspension; and  
689            (B) committed on or after July 1, 2009; or  
690            (e) deny or suspend a person's license for the denial and suspension periods in effect  
691 prior to July 1, 2009, for a violation under Subsection (2)(a) that was committed prior to July 1,  
692 2009.
- 693            (9) (a) (i) Following denial or suspension the division shall assess against a person, in  
694 addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105,  
695 which shall be paid before the person's driving privilege is reinstated, to cover administrative  
696 costs.
- 697            (ii) This fee shall be canceled if the person obtains an unappealed division hearing or  
698 court decision that the suspension was not proper.
- 699            (b) A person whose operator license has been denied, suspended, or postponed by the  
700 division under this section following an administrative hearing may file a petition within 30  
701 days after the suspension for a hearing on the matter which, if held, is governed by Section  
702 53-3-224.
- 703            (10) After reinstatement of an operator license for a first offense under this section, a  
704 report authorized under Section 53-3-104 may not contain evidence of the denial or suspension  
705 of the person's operator license under this section if the person has not been convicted of any  
706 other offense for which the denial or suspension may be extended.
- 707            (11) (a) In addition to the penalties in Subsection (8), a person who violates Subsection

708 (2)(a) shall:

709 (i) obtain an assessment and recommendation for appropriate action from a substance  
710 abuse program, but any associated costs shall be the person's responsibility; or

711 (ii) be referred by the division to the local substance abuse authority for an assessment  
712 and recommendation for appropriate action.

713 (b) (i) Reinstatement of the person's operator license or the right to obtain an operator  
714 license is contingent upon successful completion of the action recommended by the local  
715 substance abuse authority or the substance abuse program.

716 (ii) The local substance abuse authority's or the substance abuse program's  
717 recommended action shall be determined by an assessment of the person's alcohol abuse and  
718 may include:

719 (A) a targeted education and prevention program;

720 (B) an early intervention program; or

721 (C) a substance abuse treatment program.

722 (iii) Successful completion of the recommended action shall be determined by  
723 standards established by the Division of Substance Abuse and Mental Health.

724 (c) At the conclusion of the penalty period imposed under Subsection (2), the local  
725 substance abuse authority or the substance abuse program shall notify the division of the  
726 person's status regarding completion of the recommended action.

727 (d) The local substance abuse authorities and the substance abuse programs shall  
728 cooperate with the division in:

729 (i) conducting the assessments;

730 (ii) making appropriate recommendations for action; and

731 (iii) notifying the division about the person's status regarding completion of the  
732 recommended action.

733 (e) (i) The local substance abuse authority is responsible for the cost of the assessment  
734 of the person's alcohol abuse, if the assessment is conducted by the local substance abuse  
735 authority.

736 (ii) The local substance abuse authority or a substance abuse program selected by a  
737 person is responsible for:

738 (A) conducting an assessment of the person's alcohol abuse; and



739 (B) for making a referral to an appropriate program on the basis of the findings of the  
740 assessment.

741 (iii) (A) The person who violated Subsection (2)(a) is responsible for all costs and fees  
742 associated with the recommended program to which the person selected or is referred.

743 (B) The costs and fees under Subsection (11)(e)(iii)(A) shall be based on a sliding scale  
744 consistent with the local substance abuse authority's policies and practices regarding fees for  
745 services or determined by the substance abuse program.

746 Section 10. Section **76-9-701** is amended to read:

747 **76-9-701. Intoxication -- Release of arrested person or placement in detoxification**  
748 **center.**

749 (1) A person is guilty of intoxication if the person is under the influence of alcohol, a  
750 controlled substance, or any substance having the property of releasing toxic vapors, to a  
751 degree that the person may endanger the person or another, in a public place or in a private  
752 place where the person unreasonably disturbs other persons.

753 (2) (a) A peace officer or a magistrate may release from custody a person arrested  
754 under this section if the peace officer or magistrate believes imprisonment is unnecessary for  
755 the protection of the person or another.

756 (b) A peace officer may take the arrested person to a detoxification center or other  
757 special facility as an alternative to incarceration or release from custody.

758 ~~[(3) When a person who is at least 18 years old, but younger than 21 years old, is found  
759 by a court to have violated this section:]~~

760 ~~[(a) if the violation is the person's first violation of this section, the court may suspend  
761 the person's driving privileges; or]~~

762 ~~[(b) if the violation is the person's second or subsequent violation of this section, the  
763 court shall suspend the person's driving privileges:]~~

764 (3) If a minor is found by a court to have violated this section and the violation is the  
765 minor's second or subsequent violation of this section, the court:

766 (a) shall order the minor to participate in an educational series as defined in Section  
767 41-6a-501; and

768 (b) may order the minor to participate in a screening as defined in Section 41-6a-501.

769 (4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is

770 found by a court to have violated this section, the court hearing the case shall suspend the  
771 minor's driving privileges under Section 53-3-219.

772 (b) Notwithstanding the requirement in Subsection (3)(a), the court may reduce the  
773 suspension period required under Section 53-3-219 if:

774 (i) the violation is the minor's first violation of this section; and

775 (ii) the minor completes an educational series as defined in Section 41-6a-501.

776 [(4)] (5) When a person who is at least 13 years old, but younger than 18 years old, is  
777 found by a court to have violated this section, the provisions regarding suspension of the  
778 driver's license under Section 78A-6-606 apply to the violation.

779 [(5)] (6) When the court issues an order suspending a person's driving privileges for a  
780 violation of this section, the person's driver license shall be suspended under Section 53-3-219.

781 [(6)] (7) An offense under this section is a class C misdemeanor.

782 Section 11. Section **78A-6-606** is amended to read:

783 **78A-6-606. Suspension of license for certain offenses.**

784 (1) This section applies to minors who are at least 13 years of age when found by the  
785 court to be within its jurisdiction by the commission of any offense under:

786 (a) Section 58-37-8;

787 (b) Section 32A-12-209;

788 (c) Section 32A-12-209.5;

789 (d) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

790 (e) Title 58, Chapter 37b, Imitation Controlled Substances; or

791 (f) Subsection 76-9-701(1).

792 (2) If the court hearing the case determines that the minor committed an offense under  
793 Section 58-37-8 or Title 58, Chapter 37a or 37b, the court shall prepare and send to the Driver  
794 License Division of the Department of Public Safety an order to suspend that minor's driving  
795 privileges.

796 (3) (a) [~~If the court hearing the case determines that the minor violated Section~~  
797 ~~32A-12-209, Section 32A-12-209.5, or Subsection 76-9-701(1), and the violation is the~~  
798 ~~minor's: (a) first violation, the] The court [may] hearing the case shall suspend the minor's  
799 driving privileges[; or (b) second or subsequent violation, the court shall suspend the minor's  
800 driving privileges.] if:~~

801 (i) the minor violated Section 32A-12-209 or 32A-12-209.5 or Subsection 76-9-701(1);  
802 and

803 (ii) the violation described in Subsection (3)(a)(i) was committed on or after July 1,  
804 2009.

805 (b) Notwithstanding the requirement in Subsection (3)(a), the court may reduce the  
806 suspension period required under Section 53-3-219 if:

807 (i) the violation is the minor's first violation of Section 32A-12-209 or 32A-12-209.5  
808 or Subsection 76-9-701(1); and

809 (ii) the minor completes an educational series as defined in Section 41-6a-501.

810 (c) The suspension periods and requirements that were in effect prior to July 1, 2009,  
811 apply:

812 (i) to a minor that violated Section 32A-12-209 or 32A-12-209.5 or Subsection  
813 76-9-701(1); and

814 (ii) for a violation that was committed prior to July 1, 2009.

815 (4) A minor's license shall be suspended under Section 53-3-219 when a court issues  
816 an order suspending the minor's driving privileges for a violation of:

817 (a) Section 32A-12-209;

818 (b) Section 32A-12-209.5;

819 (c) Section 58-37-8;

820 (d) Title 58, Chapter 37a or 37b; or

821 (e) Subsection 76-9-701(1).

822 (5) When the Department of Public Safety receives the arrest or conviction record of a  
823 person for a driving offense committed while his license is suspended under this section, the  
824 department shall extend the suspension for a like period of time.

825 Section 12. **Effective date.**

826 This bill takes effect on July 1, 2009.

827 Section 13. **Coordinating S.B. 272 with H.B. 129 -- Substantive and technical**  
828 **amendments.**

829 If this S.B. 272 and H.B. 129, Alcoholic Beverage Related Amendments Related to  
830 Minors, both pass, it is the intent of the Legislature that the Office of Legislative Research and  
831 General Counsel, in preparing the Utah Code database for publication modify:

832 (1) Subsection 32A-12-209(5)(a) to read as follows:

833 " ~~H~~→ [(3)] (5) ←H (a) When a minor who is at least 18 years old, but younger than 21  
833a years old, is

834 found by a court to have violated this section, except as provided in Section 32A-12-223, the  
835 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.";

836 (2) Subsection 32A-12-209.5(4)(a) to read as follows:

837 "(4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is  
838 found by a court to have violated this section, except as provided in Section 32A-12-223, the  
839 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.";

840 (3) Subsection 53-3-220(1)(d) as amended in H.B. 129 to read as follows:

841 "(d) (i) The division shall immediately suspend for one year the license of a person  
842 upon receiving a record of:

843 (A) conviction for the first time for a violation under Section 32A-12-223; or

844 (B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a  
845 violation under Section 32A-12-223.

846 (ii) The division shall immediately suspend for a period of two years the license of a  
847 person upon receiving a record of:

848 (A) (I) conviction for a second or subsequent violation under Section 32A-12-223; and

849 (II) the violation described in Subsection (1)(d)(ii)(A)(I) is within ten years of a prior  
850 conviction for a violation under Section 32A-12-223; or

851 (B) (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court  
852 Act of 1996, for a violation under Section 32A-12-223; and

853 (II) the adjudication described in Subsection (1)(d)(ii)(B)(I) is within ten years of a  
854 prior adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation  
855 under Section 32A-12-223.

856 (iii) Upon receipt of a record under Subsection (1)(d)(i) or (ii), the division shall:

857 (A) for a conviction or adjudication described in Subsection (1)(d)(i):

858 (I) impose a suspension for one year beginning on the date of conviction; or

859 (II) if the person is under the age of eligibility for a driver license, impose a suspension  
860 that begins on the date of conviction and continues for one year beginning on the date of  
861 eligibility for a driver license; or

862 (B) for a conviction or adjudication described in Subsection (1)(d)(ii):

863 (I) impose a suspension for a period of two years; or  
864 (II) if the person is under the age of eligibility for a driver license, impose a suspension  
865 that begins on the date of conviction and continues for two years beginning on the date of  
866 eligibility for a driver license."; and  
867 (4) Subsection 78A-6-606(3) to read as follows:  
868 "(3) (a) The court hearing the case shall suspend the minor's driving privileges if:  
869 (i) the minor violated Section 32A-12-209 or 32A-12-209.5 or Subsection 76-9-701(1);  
870 and  
871 (ii) the violation described in Subsection (3)(a)(i) was committed on or after July 1,  
872 2009.  
873 (b) Notwithstanding the requirement in Subsection (3)(a), the court may reduce the  
874 suspension period required under Section 53-3-219 if:  
875 (i) the violation is the minor's first violation of Section 32A-12-209 or 32A-12-209.5  
876 or Subsection 76-9-701(1); and  
877 (ii) the minor completes an educational series as defined in Section 41-6a-501.  
878 (c) The suspension periods and requirements that were in effect prior to July 1, 2009,  
879 apply:  
880 (i) to a minor that violated Section 32A-12-209 or 32A-12-209.5 or Subsection  
881 76-9-701(1); and  
882 (ii) for a violation that was committed prior to July 1, 2009.  
883 (d) If a minor commits a proof of age violation, as defined in Section 32A-12-223:  
884 (i) the court shall forward a record of adjudication to the Department of Public Safety  
885 for a first or subsequent violation; and  
886 (ii) the minor's driving privileges will be suspended:  
887 (A) for a period of at least one year under Section 53-3-220 for a first conviction for a  
888 violation of Section 32A-12-223; or  
889 (B) for a period of two years for a second or subsequent conviction for a violation of  
890 Section 32A-12-223."