

DRIVER LICENSE REVISIONS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Kay L. McIff

LONG TITLE

General Description:

This bill modifies the Uniform Driver License Act by amending provisions relating to the suspension or revocation of a driver license.

Highlighted Provisions:

This bill:

► provides that the Driver License Division may extend to a person a limited driving privilege to and from the person's place of employment when the person's original denial, suspension, revocation, or disqualification involved certain driving under the influence offenses if:

- the person has had the period of the first denial, suspension, revocation, or disqualification extended for a period of at least three years;

- the Driver License Division receives written verification from the person's primary care physician that to the physician's knowledge the person has not used any narcotic drug or other controlled substance except as prescribed by a licensed medical practitioner within the last three years and that the physician is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely; and

- for a period of one year prior to the date of the request for a limited driving privilege the person has not been convicted of a violation of any motor vehicle law in which the person was the operator of the vehicle or the Driver License Division has not received a report of an arrest for a violation of any motor vehicle law or a report of an accident in which the person was involved as an

30 operator of the vehicle;

31 ▶ provides that the discretionary privilege authorized is limited to when the limited
32 privilege is necessary for the person to commute to school or work and may be
33 granted only once during certain periods; and

34 ▶ makes technical changes.

35 **Monies Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **53-3-220**, as last amended by Laws of Utah 2008, Chapters 3, 226, and 296



42
43 *Be it enacted by the Legislature of the state of Utah:*

44 Section 1. Section **53-3-220** is amended to read:

45 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
46 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
47 **Limited driving privileges.**

48 (1) (a) The division shall immediately revoke or, when this chapter or Title 41,
49 Chapter 6a, Traffic Code, specifically provides for denial, suspension, or disqualification, the
50 division shall deny, suspend, or disqualify the license of a person upon receiving a record of
51 the person's conviction for:

52 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or
53 automobile homicide under Section 76-5-207;

54 (ii) driving or being in actual physical control of a motor vehicle while under the
55 influence of alcohol, any drug, or combination of them to a degree that renders the person
56 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited
57 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

58 (iii) driving or being in actual physical control of a motor vehicle while having a blood
59 or breath alcohol content prohibited in Section 41-6a-502 or as prohibited in an ordinance that
60 complies with the requirements of Subsection 41-6a-510(1);

61 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
62 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles
63 or regulating driving on highways;

64 (v) any felony under the motor vehicle laws of this state;

65 (vi) any other felony in which a motor vehicle is used to facilitate the offense;

66 (vii) failure to stop and render aid as required under the laws of this state if a motor
67 vehicle accident results in the death or personal injury of another;

68 (viii) two charges of reckless driving, impaired driving, or any combination of reckless
69 driving and impaired driving committed within a period of 12 months; but if upon a first
70 conviction of reckless driving or impaired driving the judge or justice recommends suspension
71 of the convicted person's license, the division may after a hearing suspend the license for a
72 period of three months;

73 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as
74 required in Section 41-6a-210;

75 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
76 requires disqualification;

77 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
78 allowing the discharge of a firearm from a vehicle;

79 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
80 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);

81 (xiii) operating or being in actual physical control of a motor vehicle while having any
82 measurable controlled substance or metabolite of a controlled substance in the person's body in
83 violation of Section 41-6a-517;

84 (xiv) until July 30, 2015, operating or being in actual physical control of a motor
85 vehicle while having any alcohol in the person's body in violation of Section 53-3-232;

86 (xv) operating or being in actual physical control of a motor vehicle while having any
87 measurable or detectable amount of alcohol in the person's body in violation of Section
88 41-6a-530;

89 (xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in
90 violation of Section 41-6a-606; or

91 (xvii) operating or being in actual physical control of a motor vehicle in this state
92 without an ignition interlock system in violation of Section 41-6a-518.2.

93 (b) The division shall immediately revoke the license of a person upon receiving a
94 record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for:

95 (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
96 allowing the discharge of a firearm from a vehicle; or

97 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
98 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).

99 (c) Except when action is taken under Section 53-3-219 for the same offense, the
100 division shall immediately suspend for six months the license of a person upon receiving a
101 record of conviction for:

102 (i) any violation of:

103 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

104 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

105 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

106 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

107 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

108 (ii) any criminal offense that prohibits:

109 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any
110 substance that is prohibited under the acts described in Subsection (1)(c)(i); or

111 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or
112 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).

113 (2) The division shall extend the period of the first denial, suspension, revocation, or

114 disqualification for an additional like period, to a maximum of one year for each subsequent
115 occurrence, upon receiving:

116 (a) a record of the conviction of any person on a charge of driving a motor vehicle
117 while the person's license is denied, suspended, revoked, or disqualified;

118 (b) a record of a conviction of the person for any violation of the motor vehicle law in
119 which the person was involved as a driver;

120 (c) a report of an arrest of the person for any violation of the motor vehicle law in
121 which the person was involved as a driver; or

122 (d) a report of an accident in which the person was involved as a driver.

123 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
124 driving while the person's license is denied, suspended, disqualified, or revoked, the person is
125 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,
126 or revocation originally imposed under Section 53-3-221.

127 (4) (a) The division may extend to a person the limited privilege of driving a motor
128 vehicle to and from the person's place of employment or within other specified limits on
129 recommendation of the [trial] judge in any case where a person is convicted of any of the
130 offenses referred to in Subsections (1) and (2) except:

131 (i) automobile homicide under Subsection (1)(a)(i);

132 (ii) those offenses referred to in Subsections (1)(a)(ii), (a)(iii), (a)(xi), (a)(xii), (a)(xiii),
133 (1)(b), and (1)(c); and

134 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,
135 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,
136 41-6a-517, a local ordinance which complies with the requirements of Subsection
137 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the
138 person was charged with violating as a result of a plea bargain after having been originally
139 charged with violating one or more of these sections or ordinances[-], unless:

140 (A) the person has had the period of the first denial, suspension, revocation, or
141 disqualification extended for a period of at least three years;

142 (B) the division receives written verification from the person's primary care physician
143 that:

144 (I) to the physician's knowledge the person has not used any narcotic drug or other
145 controlled substance except as prescribed by a licensed medical practitioner within the last
146 three years; and

147 (II) the physician is not aware of any physical, emotional, or mental impairment that
148 would affect the person's ability to operate a motor vehicle safely; and

149 (C) for a period of one year prior to the date of the request for a limited driving
150 privilege:

151 (I) the person has not been convicted of a violation of any motor vehicle law in which
152 the person was involved as the operator of the vehicle;

153 (II) the division has not received a report of an arrest for a violation of any motor
154 vehicle law in which the person was involved as the operator of the vehicle; and

155 (III) the division has not received a report of an accident in which the person was
156 involved as an operator of a vehicle.

157 (b) (i) [This] Except as provided in Subsection (4)(b)(ii), the discretionary privilege
158 authorized in this Subsection (4):

159 (A) is limited to when undue hardship would result from a failure to grant the
160 privilege; and

161 (B) may be granted only once to any person during any single period of denial,
162 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
163 or disqualification.

164 (ii) The discretionary privilege authorized in Subsection (4)(a)(iii):

165 (A) is limited to when the limited privilege is necessary for the person to commute to
166 school or work; and

167 (B) may be granted only once to any person during any single period of denial,
168 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
169 or disqualification.

170 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
171 Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or
172 denied under this chapter.