

1 **RESOLUTION TO THE SECRETARY OF TRANSPORTATION**
2 **ON REVOCATION OF DRIVER LICENSES**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Rebecca D. Lockhart**

6 Senate Sponsor: Curtis S. Bramble

8 **LONG TITLE**

9 **General Description:**

10 This concurrent resolution of the Legislature and the Governor expresses opposition to
11 a federal requirement that the state of Utah pass a law requiring revocation or
12 suspension of a person's driver license for any drug-related offense, and expresses the
13 Legislature's and the Governor's determination that Utah law will provide exceptions to
14 the revocation or suspension of a driver license for any drug-related offense.

15 **Highlighted Provisions:**

16 This resolution:

17 ▶ expresses the Legislature's and the Governor's opposition to a federal requirement
18 that the state pass a law requiring revocation or suspension of a person's driver
19 license for any drug-related offense; and

20 ▶ expresses the Legislature's and the Governor's determination that Utah will enforce
21 its own law, which provides that persons convicted of certain drug-related offenses
22 will not have their driver licenses revoked if:

- 23 • the violation did not involve a motor vehicle; and
- 24 • the convicted person is participating in or has successfully completed substance
25 abuse treatment at a licensed substance abuse treatment program that is
26 approved by the Division of Substance Abuse and Mental Health or is
27 participating in, or has successfully completed, probation through the
28 Department of Corrections Adult Probation and Parole.

29 **Special Clauses:**

30 None

31

32 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

33 WHEREAS, 23 U.S.C. Sec. 159 requires states to enact legislation requiring the
34 revocation or suspension of an individual's driver license for at least six months upon
35 conviction of any drug-related offense;

36 WHEREAS, 23 U.S.C. Sec. 159 requires withholding 10% of certain federal aid from
37 states that fail to enact this legislation;

38 WHEREAS, the federal government should not dictate policy or legislation of this kind
39 for the state;

40 WHEREAS, for Utah to be exempt from this federal requirement, the Governor must
41 submit to the United States Secretary of Transportation a written certification that he is
42 opposed to the enactment or enforcement of a law related to revocation of a person's driver
43 license for any drug-related offense, and also submit a written certification that the Utah
44 Legislature has adopted a resolution expressing opposition to the federal requirement; and

45 WHEREAS, the state of Utah shall enforce its own driver license law, which provides
46 that Utah's Driver License Division is not required to suspend a person's license for a violation
47 of certain drug-related offenses if the violation did not involve a motor vehicle and the
48 convicted person is participating in, or has successfully completed, substance abuse treatment
49 at a licensed substance abuse treatment program that is approved by the Division of Substance
50 Abuse and Mental Health or is participating in, or has successfully completed, probation
51 through the Department of Corrections Adult Probation and Parole:

52 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
53 Governor concurring therein, declare their opposition to the enactment or enforcement of a
54 federal law mandating, in all circumstances, the revocation or suspension of an individual's
55 driver license upon conviction of any drug-related offense.

56 BE IT FURTHER RESOLVED that the Legislature and the Governor declare the
57 state's determination to enforce its own law on the subject, which provides that persons

58 convicted of certain drug-related offenses will not have their driver licenses revoked or
59 suspended if the violation did not involve a motor vehicle and the convicted person is
60 participating in, or has successfully completed, substance abuse treatment at a licensed
61 substance abuse treatment program that is approved by the Division of Substance Abuse and
62 Mental Health or is participating in, or has successfully completed, probation through the
63 Department of Corrections Adult Probation and Parole.

64 BE IT FURTHER RESOLVED that a copy of this resolution be prepared and delivered
65 to the Governor of the state of Utah, and that the Governor submit a copy of the resolution to
66 the United States Secretary of Transportation.

67 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Utah
68 Department of Transportation and to the members of Utah's congressional delegation.