

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

36 WHEREAS, 23 U.S.C. 159 requires withholding 10% of certain federal aid from states
37 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 state's
57 determination to enforce its own law on the subject, which provides that persons convicted of
58 certain drug-related offenses will not have their driver licenses revoked or suspended if the

59 violation did not involve a motor vehicle and the convicted person is participating in, or has
60 successfully completed, substance abuse treatment at a licensed substance abuse treatment
61 program that is approved by the Division of Substance Abuse and Mental Health or is
62 participating in, or has successfully completed, probation through the Department of
63 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.

Legislative Review Note
as of 2-16-10 11:32 AM

Office of Legislative Research and General Counsel

Fiscal Note**H.C.R. 15 - Resolution to the Secretary of Transportation on Revocation of
Driver Licenses**

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
