

1 **Hit and Run and DUI Offense Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Todd Weiler

2
3 **LONG TITLE**

4 **General Description:**

5 This bill increases the penalty for leaving the scene of an accident and modifies deadlines
6 for an administrative driver license hearing following an individual's arrest for driving under
7 the influence.

8 **Highlighted Provisions:**

9 This bill:

- 10 ▶ increases penalties for convictions of leaving the scene of an accident with property
11 damage or injury if the operator has been previously convicted of:
- 12 • the same offense; or
 - 13 • driving under the influence;
- 14 ▶ creates a mitigation against an enhanced offense for an individual who obtains a negative
15 chemical test;
- 16 ▶ allows the Driver License Division to request a peace officer's presence for a driver
17 license suspension hearing; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill provides a special effective date.

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **41-1a-1101**, as last amended by Laws of Utah 2025, Chapter 220

26 **41-6a-401**, as last amended by Laws of Utah 2019, Chapters 149, 383

27 **41-6a-401.3**, as last amended by Laws of Utah 2011, Chapter 241

28 **41-6a-401.7**, as last amended by Laws of Utah 2015, First Special Session, Chapter 1
 29 **41-6a-505**, as last amended by Laws of Utah 2025, Chapter 471
 30 **41-6a-507**, as last amended by Laws of Utah 2025, Chapter 214
 31 **41-6a-521**, as last amended by Laws of Utah 2024, Chapter 153
 32 **53-3-105**, as last amended by Laws of Utah 2025, Chapter 471
 33 **53-3-223**, as last amended by Laws of Utah 2025, Chapter 296
 34 **53-3-231**, as last amended by Laws of Utah 2020, Chapter 177
 35 **53-3-414**, as last amended by Laws of Utah 2025, Chapter 296
 36 **53-3-418**, as last amended by Laws of Utah 2019, Chapter 77
 37 **53-10-403**, as last amended by Laws of Utah 2025, Chapters 173, 208 and 291

ENACTS:

39 **41-6a-401.8**, Utah Code Annotated 1953
 40 **41-6a-532**, Utah Code Annotated 1953

REPEALS:

42 **41-6a-401.5**, as last amended by Laws of Utah 2011, Chapter 241

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

45 Section 1. Section **41-1a-1101** is amended to read:

46 **41-1a-1101 . Seizure -- Circumstances where permitted -- Impound lot standards.**

47 (1) As used in this section:

48 (a)(i) "Criminal offense" means a class B misdemeanor offense, a class A
 49 misdemeanor offense, or a felony offense.

50 (ii) "Criminal offense" includes:

51 (A) a class B misdemeanor offense, a class A misdemeanor offense, or a felony
 52 offense described in Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2,
 53 Driver Licensing Act, Title 73, Chapter 18, State Boating Act, or Title 76, Utah
 54 Criminal Code; and

55 (B) a local ordinance that is a class B misdemeanor and is substantially similar to
 56 an offense listed in Subsection (1)(a)(ii)(A).

57 (b) "Operator" means the same as that term is defined in Section 41-6a-102.

58 (c) "Road rage event" means the commission of a criminal offense:

59 (i) by an operator of a vehicle;

60 (ii) in response to an incident that occurs or escalates upon a roadway; and

61 (iii) with the intent to endanger or intimidate an individual in another vehicle.

- 62 (d) "Roadway" means:
- 63 (i) a highway; or
- 64 (ii) a private road or driveway as defined in Section 41-6a-102.
- 65 (2) The division or any peace officer, without a warrant, may seize and take possession of
- 66 any vehicle, vessel, or outboard motor:
- 67 (a) that the division or the peace officer has probable cause to believe has been stolen;
- 68 (b) on which any identification number has been defaced, altered, or obliterated;
- 69 (c) that has been abandoned in accordance with Section 41-6a-1408;
- 70 (d) for which the applicant has written a check for registration or title fees that has not
- 71 been honored by the applicant's bank and that is not paid within 30 days;
- 72 (e) that is placed on the water with improper registration;
- 73 (f) that is being operated on a highway:
- 74 (i) with registration that has been expired for more than three months;
- 75 (ii) having never been properly registered by the current owner; or
- 76 (iii) with registration that is suspended or revoked;
- 77 (g)(i) that the division or the peace officer has probable cause to believe has been
- 78 involved in an accident described in Section 41-6a-401[;] or 41-6a-401.3[; ~~or~~
- 79 ~~41-6a-401.5~~]; and
- 80 (ii) whose operator did not remain at the scene of the accident until the operator
- 81 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7; or
- 82 (h) if the division or peace officer has probable cause to believe that the operator:
- 83 (i) failed to properly display the license plate on a motorcycle as described in Section
- 84 41-1a-404.1; or
- 85 (ii) used the motorcycle:
- 86 (A) to perform a wheelie in violation of Section 41-6a-606.1; or
- 87 (B) to engage in lane splitting in violation of Section 41-6a-704.1.
- 88 (3)(a) The division or a peace officer shall seize and take possession of a vehicle,
- 89 without a warrant, when:
- 90 (i) the division or the peace officer has probable cause to believe that an operator of
- 91 the vehicle engaged in a road rage event; and
- 92 (ii) the operator of the vehicle has been arrested in conjunction with the road rage
- 93 event.
- 94 (b) A peace officer may release a vehicle seized and possessed under Subsection (3)(a)
- 95 to the registered owner of the vehicle if the registered owner is not the individual

96 subject to arrest under Subsection (3)(a) and is immediately available, at the location
97 of the arrest, to take possession of the vehicle.

98 (4)(a) Subject to the restriction in Subsection (4)(b), the division or any peace officer,
99 without a warrant:

100 (i) shall seize and take possession of any vehicle that is being operated on a highway
101 without owner's or operator's security in effect for the vehicle as required under
102 Section 41-12a-301 and the vehicle was involved in an accident; or

103 (ii) may seize and take possession of any vehicle that is being operated on a highway
104 without owner's or operator's security in effect for the vehicle as required under
105 Section 41-12a-301 after the division or any peace officer makes a reasonable
106 determination whether the vehicle would:

107 (A) present a public safety concern to the operator or any of the occupants in the
108 vehicle; or

109 (B) prevent the division or the peace officer from addressing other public safety
110 considerations.

111 (b) The division or any peace officer may not seize and take possession of a vehicle
112 under Subsection (4)(a):

113 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's
114 security as defined in Section 41-12a-303.2 in the vehicle unless the division or
115 peace officer verifies that owner's or operator's security is not in effect for the
116 vehicle through the Uninsured Motorist Identification Database created in
117 accordance with Section 41-12a-803; or

118 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security
119 as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist
120 Identification Database created in accordance with Section 41-12a-803 indicates
121 that the owner's or operator's security is not in effect for the vehicle, unless the
122 division or a peace officer makes a reasonable attempt to independently verify that
123 owner's or operator's security is not in effect for the vehicle.

124 (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to
125 transport and store the vessel.

126 (6) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor
127 under this section shall comply with the provisions of Section 41-6a-1406.

128 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
129 the commission shall make rules setting standards for public garages, impound lots,

- 130 and impound yards that may be used by peace officers and the division.
- 131 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of
132 public garages, impound lots, or impound yards per geographical area.
- 133 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard
134 unless the crusher, dismantler, or salvage dealer meets all of the requirements for a
135 state impound yard set forth in this section and rules made in accordance with
136 Subsection (7)(a).
- 137 (d)(i) Rules made by the commission shall include a requirement that a state impound
138 yard have opaque fencing on any side of the state impound yard that has frontage
139 with a highway.
- 140 (ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link
141 fencing.
- 142 (8)(a) Except as provided under Subsection (8)(b), a person may not operate or allow to
143 be operated a vehicle stored in a public garage, impound lot, or impound yard
144 regulated under this part without prior written permission of the owner of the vehicle.
- 145 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking
146 space to another within the facility and that is necessary for the normal management
147 of the facility is not prohibited under Subsection (8)(a).
- 148 (9) A person who violates the provisions of Subsection (8) is guilty of a class C
149 misdemeanor.
- 150 (10) The division or the peace officer who seizes a vehicle shall record the mileage shown
151 on the vehicle's odometer at the time of seizure, if:
- 152 (a) the vehicle is equipped with an odometer; and
153 (b) the odometer reading is accessible to the division or the peace officer.
- 154 Section 2. Section **41-6a-401** is amended to read:
- 155 **41-6a-401 . Accident involving property damage -- Duties of operator, occupant,**
156 **and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**
- 157 (1) As used in this section:
- 158 (a) "Conviction" means the same as that term is defined in Section 77-38b-102.
- 159 [(a)] (b) "Knowledge" or "with knowledge" means, with respect to an individual's own
160 conduct or to circumstances surrounding an individual's conduct, that the individual
161 is aware of the nature of the conduct or the existing circumstances.
- 162 [(b)] (c) "Reason to believe" means information from which a reasonable person would
163 believe that the person may have been involved in an accident.

- 164 (2)(a) [~~The~~] An operator of a vehicle with knowledge that the operator was involved in,
165 or who has reason to believe that the operator may have been involved in, an accident
166 resulting only in damage to another vehicle or other property:
- 167 (i) may move the vehicle as soon as possible:
 - 168 (A) out of the travel lanes on any roadway to an adjacent shoulder, the nearest
169 suitable cross street, or other suitable location that does not obstruct traffic; or
 - 170 (B) off the freeway main lines, shoulders, medians, or adjacent areas to the nearest
171 safe location on an exit ramp shoulder, a frontage road, the nearest suitable
172 cross street, or other suitable location that does not obstruct traffic; and
 - 173 (ii) shall remain at the scene of the accident or the location described in Subsection
174 (2)(a)(i) until the operator has fulfilled the requirements of this section.
 - 175 (b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the
176 determination of fault for an accident.
 - 177 (c) If the operator has knowledge that the operator was involved in, or reason to believe
178 that the operator may have been involved in, an accident resulting in damage to
179 another vehicle or other property only after leaving the scene of the accident, the
180 operator shall immediately comply as nearly as possible with the requirements of this
181 section.
- 182 (3) Except as provided under Subsection (6), if the vehicle or other property is operated,
183 occupied, or attended by any person or if the owner of the vehicle or property is present,
184 the operator of the vehicle involved in the accident shall:
- 185 (a) give to the persons involved:
 - 186 (i) the operator's name, address, and the registration number of the vehicle being
187 operated; and
 - 188 (ii) the name of the insurance provider covering the vehicle being operated including
189 the phone number of the agent or provider; and
 - 190 (b) upon request and if available, exhibit the operator's license to:
 - 191 (i) any investigating peace officer present;
 - 192 (ii) the operator, occupant of, or person attending the vehicle or other property
193 damaged in the accident; and
 - 194 (iii) the owner of property damaged in the accident, if present.
- 195 (4) The operator of a vehicle involved in an accident shall immediately and by the quickest
196 means of communication available give notice or cause to give notice of the accident to
197 the nearest office of a law enforcement agency if the accident resulted in property

- 198 damage to an apparent extent of \$2,500 or more.
- 199 (5) Except as provided under Subsection (6), if the vehicle or other property damaged in the
200 accident is unattended, the operator of the vehicle involved in the accident shall:
- 201 (a) locate and notify the operator or owner of the vehicle or the owner of other property
202 damaged in the accident of the operator's name, address, and the registration number
203 of the vehicle causing the damage; or
- 204 (b) attach securely in a conspicuous place on the vehicle or other property a written
205 notice giving the operator's name, address, and the registration number of the vehicle
206 causing the damage.
- 207 (6) The operator of a vehicle that provides the information required under this section to an
208 investigating peace officer at the scene of the accident is exempt from providing the
209 information to other persons required under this section.
- 210 (7) An operator of a vehicle that has knowledge or has reason to believe that the operator
211 may have been involved in an accident and fails to comply with the provisions of this
212 section is guilty [~~of a class B misdemeanor~~] of an offense punishable as described in
213 Subsection (8).
- 214 (8)(a) Except as provided in Subsection (8)(b) or (c), a violation of Subsection (7) is a
215 class B misdemeanor.
- 216 (b) Except as provided in Subsection (8)(c), a violation of Subsection (7) is a class A
217 misdemeanor if, within 10 years before the day on which the operator committed the
218 current violation, the operator was convicted of:
- 219 (i) a violation of Subsection (7);
- 220 (ii) a misdemeanor offense relating to the duty to stop and remain at an accident
221 involving injury or death described in Section 41-6a-401.3;
- 222 (iii) a misdemeanor offense of driving under the influence described in Section
223 41-6a-502; or
- 224 (iv) a misdemeanor offense described in Subsections 41-6a-501(2)(a)(i) through (x).
- 225 (c) A violation of Subsection (7) is a third degree felony if the operator, within 10 years
226 before the day on which the operator committed the current violation:
- 227 (i) was convicted two or more times of:
- 228 (A) a violation of Subsection (7);
- 229 (B) a misdemeanor offense relating to the duty to stop and remain at an accident
230 involving injury or death described in Section 41-6a-401.3;
- 231 (C) driving under the influence described in Subsection 41-6a-502(2)(a) or (b); or

- 232 (D) a misdemeanor offense described in Subsections 41-6a-501(2)(a)(i) through
 233 (x); or
 234 (ii) was convicted of:
 235 (A) a felony offense relating to the duty to stop and remain at an accident
 236 involving injury or death described in Section 41-6a-401.3;
 237 (B) a class A misdemeanor under Subsection (8)(b);
 238 (C) a class A misdemeanor under Subsection (8)(b), for which judgment of
 239 conviction is subsequently reduced under Section 76-3-402;
 240 (D) a felony offense of driving under the influence, described in Section 41-6a-502;
 241 or
 242 (E) a felony of an offense described in Subsections 41-6a-501(2)(a)(i) through (x).
 243 (9) Notwithstanding any other provision of this section, an enhancement under this section
 244 based on one or more prior convictions is not applicable if, no later than six hours after
 245 the accident occurred, the operator voluntarily reports the accident to a law enforcement
 246 agency having jurisdiction over the location where the accident occurred.
 247 (10) In addition to any other factor authorized by law, the fact that an operator self-reported
 248 the accident to a law enforcement agency, regardless of the time elapsed since the
 249 accident, is a mitigating factor for purposes of sentencing.
 250 (11) When sentencing an operator convicted under Subsection (8)(b) or (c), the court shall
 251 comply with Section 41-6a-401.8.

252 Section 3. Section **41-6a-401.3** is amended to read:

253 **41-6a-401.3 . Accident involving injury or death -- Stop at accident -- Penalty.**

- 254 (1) As used in this section:
 255 (a) "Bodily injury" means the same as that term is defined in Section 76-1-101.5.
 256 ~~(a)~~ (b) "Conviction" means the same as that term is defined in Section 77-38b-102.
 257 (c) "Reason to believe" means information from which a reasonable ~~person~~ individual
 258 would believe that the ~~person~~ individual may have been involved in an accident.
 259 ~~(b)~~ (d) "Serious bodily injury" means bodily injury which involves a substantial risk of
 260 death, unconsciousness, extreme physical pain, protracted and obvious disfigurement,
 261 or protracted loss or impairment of the function of a bodily member, organ, or mental
 262 faculty.
 263 (2)(a) ~~The~~ An operator of a vehicle who has reason to believe that the operator may
 264 have been involved in an accident resulting in injury to~~a person~~ an individual shall:
 265 (i) immediately stop the vehicle at the scene of the accident or as close to it as

- 266 possible without obstructing traffic more than is necessary; and
- 267 (ii) remain at the scene of the accident until the operator has fulfilled the
- 268 requirements of Section 41-6a-401.7.
- 269 (b) If the operator has reason to believe that the operator may have been involved in an
- 270 accident only after leaving the scene of the accident, the operator shall immediately
- 271 comply as nearly as possible with the requirements of Section 41-6a-401.7.
- 272 ~~[(3)(a) Except as provided in Subsection (3)(b), a person who violates the provisions of~~
- 273 ~~Subsection (2):]~~
- 274 ~~[(i) is guilty of a class A misdemeanor if the accident resulted in injury to any person;~~
- 275 ~~and]~~
- 276 ~~[(ii) shall be fined not less than \$750.]~~
- 277 ~~[(b) A person who violates the provisions of Subsection (2):]~~
- 278 ~~[(i) is guilty of a third degree felony if the accident resulted in serious bodily injury to~~
- 279 ~~a person; and]~~
- 280 ~~[(ii) shall be fined not less than \$750.]~~
- 281 (3) An operator who violates Subsection (2) is guilty of an offense punishable as described
- 282 in Subsection (4).
- 283 (4)(a) Except as provided in Subsection (4)(b) or (4)(c), a violation of Subsection (2) is a
- 284 class A misdemeanor if the accident resulted in injury to an individual.
- 285 (b) Except as provided in Subsection (4)(c), a violation of Subsection (2) is a third
- 286 degree felony if:
- 287 (i) within 10 years before the day on which the operator committed the current
- 288 violation, the operator was convicted of two or more previous violations of the
- 289 offense described in Subsection (2);
- 290 (ii) the operator has previously been convicted of:
- 291 (A) a felony offense relating to the duty to stop and remain at an accident
- 292 involving injury or death, described in this section;
- 293 (B) a felony offense relating to the duty to stop and remain at an accident
- 294 involving injury or death, described in this section for which judgment of
- 295 conviction is subsequently reduced under Section 76-3-402;
- 296 (C) an offense of driving under the influence described in Section 41-6a-502; or
- 297 (D) an offense described in Subsections 41-6a-501(2)(a)(i) through (x); or
- 298 (iii) the accident results in serious bodily injury to an individual.
- 299 (c) A violation of Subsection (2) is a second degree felony if:

- 300 (i)(A) the accident results in serious bodily injury to an individual; and
 301 (B) the operator has previously been convicted under this section;
 302 (ii) within 10 years before the day on which the operator committed the current
 303 violation, the operator was convicted of two or more previous violations of the
 304 offense of driving under the influence described in Section 41-6a-502; or
 305 (iii) the accident results in the death of an individual.
 306 (5)(a) Except as provided in Subsection (5)(b), but notwithstanding any other provision
 307 of this section, an enhancement under this section based on one or more prior
 308 convictions is not applicable if, no later than six hours after the accident occurred, the
 309 operator voluntarily reports the accident to a law enforcement agency having
 310 jurisdiction over the location where the accident occurred.
 311 (b) Subsection (5)(a) does not affect any enhancement or penalty based on the existence
 312 of bodily injury, serious bodily injury, or death.
 313 (6) In addition to any other factor authorized by law, the fact that an operator self-reported
 314 the accident to a law enforcement agency, regardless of the time elapsed since the
 315 accident, is a mitigating factor for purposes of sentencing.
 316 (7) When sentencing an operator convicted under Subsection (4), the court shall comply
 317 with Section 41-6a-401.8.
 318 (8) An operator is guilty of a separate offense for each victim who suffers injury or death
 319 because of the operator's violation of this section.

320 Section 4. Section **41-6a-401.7** is amended to read:

321 **41-6a-401.7 . Accident involving injury, death, or property damage -- Duties of**
 322 **operator, occupant, and owner -- Exchange of information -- Notification of law**
 323 **enforcement -- Penalties.**

- 324 (1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 [~~or~~
 325 ~~41-6a-401.5~~] shall:
 326 (a) give to the persons involved:
 327 (i) the operator's name, address, and the registration number of the vehicle being
 328 operated; and
 329 (ii) the name of the insurance provider covering the vehicle being operated including
 330 the phone number of the agent or provider;
 331 (b) upon request and if available, exhibit the operator's license to:
 332 (i) any investigating peace officer present;
 333 (ii) the person struck;

- 334 (iii) the operator, occupant of, or person attending the vehicle or other property
335 damaged in the accident; and
- 336 (iv) the owner of property damaged in the accident, if present; and
- 337 (c) render to any person injured in the accident reasonable assistance, including
338 transporting or making arrangements for transporting, of the injured person to a
339 physician or hospital for medical treatment if:
- 340 (i) it is apparent that treatment is necessary; or
- 341 (ii) transportation is requested by the injured person.
- 342 (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 [~~or~~
343 ~~41-6a-401.5~~] shall immediately and by the quickest means of communication available
344 give notice or cause to give notice of the accident to the nearest office of a law
345 enforcement agency.
- 346 (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 [~~or~~
347 ~~41-6a-401.5~~] who is not the operator of the vehicle shall give or cause to give the
348 immediate notice required under Subsection (2) if:
- 349 (a) the operator of a vehicle involved in an accident is physically incapable of giving the
350 notice; and
- 351 (b) the occupant is capable of giving an immediate notice.
- 352 (4) Except as provided under Subsection (5), if a vehicle or other property damaged in the
353 accident is unattended, the operator of the vehicle involved in the accident shall:
- 354 (a) locate and notify the operator or owner of the vehicle or the owner of other property
355 damaged in the accident of the operator's name, address, and the registration number
356 of the vehicle causing the damage; or
- 357 (b) attach securely in a conspicuous place on the vehicle or other property a written
358 notice giving the operator's name, address, and the registration number of the vehicle
359 causing the damage.
- 360 (5) The operator of a vehicle that provides the information required under this section to an
361 investigating peace officer at the scene of the accident is exempt from providing the
362 information to other persons required under this section.

363 [~~(6) A violation of Subsection (4) is a class C misdemeanor.~~]

364 Section 5. Section **41-6a-401.8** is enacted to read:

365 **41-6a-401.8 . Sentencing requirements for a violation of operator duties at the**
366 **scene of an accident violations.**

367 (1) As used in this section:

- 368 (a) "24-7 sobriety program" means the same as that term is defined in Section
369 41-6a-515.5.
- 370 (b) "Assessment" means the same as that term is defined in Section 41-6a-501.
- 371 (c) "Screening" means the same as that term is defined in Section 41-6a-501.
- 372 (2) As part of a sentence for a conviction of a class A misdemeanor offense described in
373 Subsection 41-6a-401(8)(b) or 41-6a-401.3(4)(a):
- 374 (a) the court shall:
- 375 (i)(A) subject to Subsection (3), impose a jail sentence of not less than two days; or
376 (B) require the individual to work in a compensatory-service work program for
377 not less than 48 hours;
- 378 (ii) impose a fine of not less than \$700;
- 379 (iii)(A) order the individual to pay the administrative impound fee described in
380 Section 41-6a-1406; or
381 (B) if the administrative impound fee was paid by a party described in Subsection
382 41-6a-1406(6)(a), other than the individual sentenced, order the individual
383 sentenced to reimburse the party; and
- 384 (iv)(A) order the individual to pay the towing and storage fees described in
385 Section 72-9-603; or
386 (B) if the towing and storage fees were paid by a party described in Subsection
387 41-6a-1406(6)(a), other than the individual sentenced, order the individual
388 sentenced to reimburse the party; and
- 389 (b) the court may:
- 390 (i) order the individual to participate in a screening;
- 391 (ii) order the individual to participate in an assessment, if an assessment is found
392 appropriate by a screening under Subsection (2)(b)(i);
- 393 (iii) order the individual to obtain substance abuse treatment if the screening or
394 assessment described in Subsection (2)(b)(i) or (ii) determines that substance
395 abuse treatment is appropriate;
- 396 (iv) order the individual to participate in an educational series if the court does not
397 order substance abuse treatment under Subsection (2)(b)(iii);
- 398 (v) order probation for the individual in accordance with Section 41-6a-507; or
- 399 (vi) order the individual to participate in a 24-7 sobriety program if the individual is
400 21 years old or older.
- 401 (3)(a) If an individual described in Subsection (2) is participating in a 24-7 sobriety

- 402 program, the court may suspend the jail sentence imposed under Subsection (2)(a).
- 403 (b) If an individual described in Subsection (3)(a) fails to successfully complete all of
- 404 the requirements of the 24-7 sobriety program, the court shall impose the sentence
- 405 suspended under Subsection (3)(a).
- 406 (4) As part of a sentence for a conviction of a third degree felony offense described in
- 407 Subsection 41-6a-401(8)(c) or 41-6a-401.3(4)(b):
- 408 (a) the court shall:
- 409 (i)(A) subject to Subsection (5), impose a jail sentence of not less than 10 days; or
- 410 (B) impose a jail sentence of not less than five days in addition to home
- 411 confinement of not fewer than 30 consecutive days through the use of
- 412 electronic monitoring that includes a substance abuse testing instrument in
- 413 accordance with Section 41-6a-506;
- 414 (ii) order the individual to participate in an educational series if the court does not
- 415 order substance abuse treatment under Subsection (4)(b)(iii);
- 416 (iii) impose a fine of not less than \$800;
- 417 (iv) order probation for the individual in accordance with Section 41-6a-507;
- 418 (v)(A) order the individual to pay the administrative impound fee described in
- 419 Section 41-6a-1406; or
- 420 (B) if the administrative impound fee was paid by a party described in Subsection
- 421 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 422 sentenced to reimburse the party; and
- 423 (vi)(A) order the individual to pay the towing and storage fees described in
- 424 Section 72-9-603; or
- 425 (B) if the towing and storage fees were paid by a party described in Subsection
- 426 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 427 sentenced to reimburse the party; and
- 428 (b) the court may:
- 429 (i) order the individual to participate in a screening;
- 430 (ii) order the individual to participate in an assessment, if an assessment is found
- 431 appropriate by a screening under Subsection (4)(b)(i);
- 432 (iii) order the individual to obtain substance abuse treatment if the screening or
- 433 assessment described in Subsection (4)(b)(i) or (ii) determines that substance
- 434 abuse treatment is appropriate; or
- 435 (iv) order the individual to participate in a 24-7 sobriety program if the individual is

- 436 21 years old or older.
- 437 (5)(a) If an individual described in Subsection (4) is participating in a 24-7 sobriety
438 program, the court may suspend the jail sentence imposed under Subsection (4)(a)
439 after the individual has served a minimum of:
- 440 (i) five days of the jail sentence for a second conviction; or
441 (ii) 10 days of the jail sentence for a third or subsequent conviction.
- 442 (b) If an individual described in Subsection (5)(a) fails to successfully complete all of
443 the requirements of the 24-7 sobriety program, the court shall impose the sentence
444 suspended under Subsection (5)(a).
- 445 (6) As part of a sentence for a conviction of a second degree felony offense described in
446 Subsection 41-6a-401.3(4)(c):
- 447 (a) the court shall:
- 448 (i) subject to Subsection (7):
- 449 (A) impose a jail sentence of not less than 20 days;
450 (B) impose a jail sentence of not less than 10 days in addition to home
451 confinement of not fewer than 60 consecutive days through the use of
452 electronic monitoring that includes a substance abuse testing instrument in
453 accordance with Section 41-6a-506; or
- 454 (C) impose a jail sentence of not less than 10 days in addition to ordering the
455 individual to obtain substance abuse treatment, if the court finds that substance
456 abuse treatment is more likely to reduce recidivism than imposing a jail
457 sentence and is in the interest of public safety;
- 458 (ii) order the individual to participate in an educational series if the court does not
459 order substance abuse treatment under Subsection (6)(b)(iii);
- 460 (iii) impose a fine of not less than \$800;
- 461 (iv) order probation for the individual in accordance with Section 41-6a-507;
- 462 (v)(A) order the individual to pay the administrative impound fee described in
463 Section 41-6a-1406; or
- 464 (B) if the administrative impound fee was paid by a party described in Subsection
465 41-6a-1406(6)(a), other than the individual sentenced, order the individual
466 sentenced to reimburse the party; and
- 467 (vi)(A) order the individual to pay the towing and storage fees described in
468 Section 72-9-603; or
- 469 (B) if the towing and storage fees were paid by a party described in Subsection

- 470 41-6a-1406(6)(a), other than the individual sentenced, order the individual
471 sentenced to reimburse the party; and
- 472 (b) the court may order the individual to:
- 473 (i) participate in a screening;
- 474 (ii) participate in an assessment, if an assessment is found appropriate by a screening
475 under Subsection (6)(b)(i);
- 476 (iii) obtain substance abuse treatment if the screening or assessment described in
477 Subsection (6)(b)(i) or (ii) determines that substance abuse treatment is
478 appropriate; or
- 479 (iv) participate in a 24-7 sobriety program if the individual is 21 years old or older.
- 480 (7)(a) If an individual described in Subsection (6) is participating in a 24-7 sobriety
481 program, the court may suspend the jail sentence imposed under Subsection (6)(a)
482 after the individual has served a minimum of:
- 483 (i) five days of the jail sentence for a second conviction; or
- 484 (ii) 10 days of the jail sentence for a third or subsequent conviction.
- 485 (b) If an individual described in Subsection (7)(a) fails to successfully complete all of
486 the requirements of the 24-7 sobriety program, the court shall impose the sentence
487 suspended under Subsection (7)(a).
- 488 Section 6. Section **41-6a-505** is amended to read:
- 489 **41-6a-505 . Sentencing requirements for driving under the influence of alcohol,**
490 **drugs, or a combination of both violations.**
- 491 (1) As part of any sentence for a first conviction of extreme DUI:
- 492 (a) the court shall:
- 493 (i)(A) impose a jail sentence of not less than five days; or
- 494 (B) impose a jail sentence of not less than two days in addition to home
495 confinement of not fewer than 30 consecutive days through the use of
496 electronic monitoring that includes a substance abuse testing instrument in
497 accordance with Section 41-6a-506;
- 498 (ii) order the individual to participate in a screening;
- 499 (iii) order the individual to participate in an assessment, if it is found appropriate by a
500 screening under Subsection (1)(a)(ii);
- 501 (iv) order the individual to participate in an educational series if the court does not
502 order substance abuse treatment as described under Subsection (1)(b);
- 503 (v) impose a fine of not less than \$700;

- 504 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 505 (vii)(A) order the individual to pay the administrative impound fee described in
- 506 Section 41-6a-1406; or
- 507 (B) if the administrative impound fee was paid by a party described in Subsection
- 508 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 509 sentenced to reimburse the party;
- 510 (viii)(A) order the individual to pay the towing and storage fees described in
- 511 Section 72-9-603; or
- 512 (B) if the towing and storage fees were paid by a party described in Subsection
- 513 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 514 sentenced to reimburse the party;
- 515 (ix) unless the court determines and states on the record that an ignition interlock
- 516 system is not necessary for the safety of the community and in the best interest of
- 517 justice, order the installation of an ignition interlock system as described in
- 518 Section 41-6a-518; and
- 519 (x) designate the individual as an interdicted person for a period of time not to exceed
- 520 the probationary period, unless the court finds good cause to order a shorter or
- 521 longer time, and require the individual to surrender the individual's driver license
- 522 or identification card; and
- 523 (b) the court may:
- 524 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 525 treatment program determines that substance abuse treatment is appropriate;
- 526 (ii) order the individual to participate in a 24-7 sobriety program as defined in
- 527 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 528 (iii) order a combination of Subsections (1)(b)(i) and (ii).
- 529 (2)(a) If an individual described in Subsection (1) is participating in a 24-7 sobriety
- 530 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 531 imposed under Subsection (1)(a).
- 532 (b) If an individual described in Subsection (1) fails to successfully complete all of the
- 533 requirements of the 24-7 sobriety program, the court shall impose the suspended jail
- 534 sentence described in Subsection (2)(a).
- 535 (3) As part of any sentence for any first conviction of Section 41-6a-502 not described in
- 536 Subsection (1):
- 537 (a) the court shall:

- 538 (i)(A) impose a jail sentence of not less than two days; or
539 (B) require the individual to work in a compensatory-service work program for
540 not less than 48 hours;
- 541 (ii) order the individual to participate in a screening;
- 542 (iii) order the individual to participate in an assessment, if it is found appropriate by a
543 screening under Subsection (3)(a)(ii);
- 544 (iv) order the individual to participate in an educational series if the court does not
545 order substance abuse treatment as described under Subsection (3)(b);
- 546 (v) impose a fine of not less than \$700;
- 547 (vi)(A) order the individual to pay the administrative impound fee described in
548 Section 41-6a-1406; or
549 (B) if the administrative impound fee was paid by a party described in Subsection
550 41-6a-1406(6)(a), other than the individual sentenced, order the individual
551 sentenced to reimburse the party; and
- 552 (vii)(A) order the individual to pay the towing and storage fees described in
553 Section 72-9-603; or
554 (B) if the towing and storage fees were paid by a party described in Subsection
555 41-6a-1406(6)(a), other than the individual sentenced, order the individual
556 sentenced to reimburse the party; and
- 557 (b) the court may:
- 558 (i) order the individual to obtain substance abuse treatment if the substance abuse
559 treatment program determines that substance abuse treatment is appropriate;
- 560 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 561 (iii) order the individual to participate in a 24-7 sobriety program as defined in
562 Section 41-6a-515.5 if the individual is 21 years old or older;
- 563 (iv) order a combination of Subsections (3)(b)(i) through (iii); or
- 564 (v) designate the individual as an interdicted person for a period of time not to exceed
565 the probationary period, unless the court finds good cause to order a shorter or
566 longer time, and require the individual to surrender the individual's driver license
567 or identification card.
- 568 (4)(a) If an individual described in Subsection (3) is participating in a 24-7 sobriety
569 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
570 imposed under Subsection (3)(a).
- 571 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of

- 572 the requirements of the 24-7 sobriety program, the court shall impose the suspended
573 jail sentence described in Subsection (4)(a).
- 574 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
575 years of the current conviction under Section 41-6a-502 or the commission of the
576 offense upon which the current conviction amounts to extreme DUI:
- 577 (a) the court shall:
- 578 (i)(A) impose a jail sentence of not less than 20 days;
- 579 (B) impose a jail sentence of not less than 10 days in addition to home
580 confinement of not fewer than 60 consecutive days through the use of
581 electronic monitoring that includes a substance abuse testing instrument in
582 accordance with Section 41-6a-506; or
- 583 (C) impose a jail sentence of not less than 10 days in addition to ordering the
584 individual to obtain substance abuse treatment, if the court finds that substance
585 abuse treatment is more likely to reduce recidivism and is in the interests of
586 public safety;
- 587 (ii) order the individual to participate in a screening;
- 588 (iii) order the individual to participate in an assessment, if it is found appropriate by a
589 screening under Subsection (5)(a)(ii);
- 590 (iv) order the individual to participate in an educational series if the court does not
591 order substance abuse treatment as described under Subsection (5)(b);
- 592 (v) impose a fine of not less than \$800;
- 593 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 594 (vii) order the installation of an ignition interlock system as described in Section
595 41-6a-518;
- 596 (viii)(A) order the individual to pay the administrative impound fee described in
597 Section 41-6a-1406; or
- 598 (B) if the administrative impound fee was paid by a party described in Subsection
599 41-6a-1406(6)(a), other than the individual sentenced, order the individual
600 sentenced to reimburse the party;
- 601 (ix)(A) order the individual to pay the towing and storage fees described in
602 Section 72-9-603; or
- 603 (B) if the towing and storage fees were paid by a party described in Subsection
604 41-6a-1406(6)(a), other than the individual sentenced, order the individual
605 sentenced to reimburse the party; and

- 606 (x) designate the individual as an interdicted person for a period of time not to exceed
607 the probationary period, unless the court finds good cause to order a shorter or
608 longer time, and require the individual to surrender the individual's driver license
609 or identification card; and
- 610 (b) the court may:
- 611 (i) order the individual to obtain substance abuse treatment if the substance abuse
612 treatment program determines that substance abuse treatment is appropriate;
- 613 (ii) order the individual to participate in a 24-7 sobriety program as defined in
614 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 615 (iii) order a combination of Subsections (5)(b)(i) and (ii).
- 616 (6)(a) If an individual described in Subsection (5) is participating in a 24-7 sobriety
617 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
618 imposed under Subsection (5)(a) after the individual has served a minimum of:
- 619 (i) five days of the jail sentence for a second offense; or
620 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 621 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of
622 the requirements of the 24-7 sobriety program, the court shall impose the suspended
623 jail sentence described in Subsection (6)(a).
- 624 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
625 years of the current conviction under Section 41-6a-502 or the commission of the
626 offense upon which the current conviction is based and that does not qualify under
627 Subsection (5):
- 628 (a) the court shall:
- 629 (i)(A) impose a jail sentence of not less than 10 days; or
630 (B) impose a jail sentence of not less than 5 days in addition to home confinement
631 of not fewer than 30 consecutive days through the use of electronic monitoring
632 that includes a substance abuse testing instrument in accordance with Section
633 41-6a-506;
- 634 (ii) order the individual to participate in a screening;
- 635 (iii) order the individual to participate in an assessment, if it is found appropriate by a
636 screening under Subsection (7)(a)(ii);
- 637 (iv) order the individual to participate in an educational series if the court does not
638 order substance abuse treatment as described under Subsection (7)(b);
- 639 (v) impose a fine of not less than \$800;

- 640 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 641 (vii)(A) order the individual to pay the administrative impound fee described in
- 642 Section 41-6a-1406; or
- 643 (B) if the administrative impound fee was paid by a party described in Subsection
- 644 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 645 sentenced to reimburse the party; and
- 646 (viii)(A) order the individual to pay the towing and storage fees described in
- 647 Section 72-9-603; or
- 648 (B) if the towing and storage fees were paid by a party described in Subsection
- 649 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 650 sentenced to reimburse the party; and
- 651 (b) the court may:
- 652 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 653 treatment program determines that substance abuse treatment is appropriate;
- 654 (ii) order the individual to participate in a 24-7 sobriety program as defined in
- 655 Section 41-6a-515.5 if the individual is 21 years old or older;
- 656 (iii) order a combination of Subsections (7)(b)(i) and (ii); or
- 657 (iv) designate the individual as an interdicted person for a period of time not to
- 658 exceed the probationary period, unless the court finds good cause to order a
- 659 shorter or longer time, and require the individual to surrender the individual's
- 660 driver license or identification card.
- 661 (8)(a) If an individual described in Subsection (7) is participating in a 24-7 sobriety
- 662 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 663 imposed under Subsection (7)(a) after the individual has served a minimum of:
- 664 (i) five days of the jail sentence for a second offense; or
- 665 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 666 (b) If an individual described in Subsection (8)(a) fails to successfully complete all of
- 667 the requirements of the 24-7 sobriety program, the court shall impose the suspended
- 668 jail sentence described in Subsection (8)(a).
- 669 (9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
- 670 sentence and places the defendant on probation for a conviction of extreme DUI, the
- 671 court shall:
- 672 (a) impose a fine of not less than \$1,500;
- 673 (b) impose a jail sentence of not less than 120 days;

- 674 (c) order home confinement of not fewer than 120 consecutive days through the use of
675 electronic monitoring that includes a substance abuse testing instrument in
676 accordance with Section 41-6a-506;
- 677 (d) order supervised probation; and
- 678 (e) designate the individual as an interdicted person for a period of time not to exceed
679 the probationary period, unless the court finds good cause to order a shorter or longer
680 time, and require the individual to surrender the individual's driver license or
681 identification card.
- 682 (10)(a) For Subsection (9) or Subsection 41-6a-502(2)(c)(i), the court:
- 683 (i) shall impose an order requiring the individual to obtain a screening and
684 assessment for alcohol and substance abuse, and treatment as appropriate; and
- 685 (ii) may impose an order requiring the individual to participate in a 24-7 sobriety
686 program as defined in Section 41-6a-515.5 if the individual is 21 years old or
687 older.
- 688 (b) If an individual described in Subsection (10)(a)(ii) fails to successfully complete all
689 of the requirements of the 24-7 sobriety program, the court shall impose the
690 suspended prison sentence described in Subsection (9).
- 691 (11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
692 sentence and places the defendant on probation with a sentence not described in
693 Subsection (9), the court shall impose:
- 694 (a) a fine of not less than \$1,500;
- 695 (b) a jail sentence of not less than 60 days;
- 696 (c) home confinement of not fewer than 60 consecutive days through the use of
697 electronic monitoring that includes a substance abuse testing instrument in
698 accordance with Section 41-6a-506; and
- 699 (d) supervised probation.
- 700 (12)(a)(i) Except as described in Subsection (12)(a)(ii), a court may not suspend the
701 requirements of this section.
- 702 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).
- 703 (b) A court, with stipulation of both parties and approval from the judge, may convert a
704 jail sentence required in this section to electronic home confinement.
- 705 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation
706 under this section to be served in multiple two-day increments at weekly intervals if
707 the court determines that separate jail increments are necessary to ensure the

- 708 defendant can serve the statutorily required jail term and maintain employment.
- 709 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible
- 710 evidence that the individual had a blood or breath alcohol level of .16 or higher, the
- 711 court shall order the following, or describe on record why the order or orders are not
- 712 appropriate:
- 713 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and
- 714 (b) one or more of the following:
- 715 (i) the installation of an ignition interlock system as a condition of probation for the
- 716 individual in accordance with Section 41-6a-518;
- 717 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
- 718 device or remote alcohol monitor as a condition of probation for the individual; or
- 719 (iii) the imposition of home confinement through the use of electronic monitoring in
- 720 accordance with Section 41-6a-506.

721 (14) If a court enters a class A misdemeanor or felony conviction that meets the definition

722 of extreme DUI:

- 723 (a) the sentencing court shall note the extreme DUI in the judgment of commitment; and
- 724 (b) the Board of Pardons and Parole shall consider the extreme DUI when calculating
- 725 the sentencing guideline.

726 Section 7. Section **41-6a-507** is amended to read:

727 **41-6a-507 . Supervised probation for certain driving under the influence**

728 **violations.**

- 729 (1) If supervised probation is ordered under Section 41-6a-401.8, 41-6a-505, or 41-6a-517:
- 730 (a) the court shall specify the period of the probation;
- 731 (b) the person shall pay all of the costs of the probation; and
- 732 (c) the court may order any other conditions of the probation.
- 733 (2)(a) Subject to Subsection (2)(b), the court shall provide the probation described in this
- 734 section by contract with a probation monitoring agency or a private probation
- 735 provider.
- 736 (b) If a court determines that a person is subject to supervised probation provided by the
- 737 Division of Adult Probation and Parole created in Section 64-14-202 for an offense
- 738 other than the offense for which probation is ordered under Section 41-6a-505 or
- 739 41-6a-517, the court may order supervised probation to be provided by the Division
- 740 of Adult Probation and Parole.
- 741 (3) The probation provider described in Subsection (2) shall monitor the person's

742 compliance with all conditions of the person's sentence, conditions of probation, and
 743 court orders received under this part and shall notify the court of any failure to comply
 744 with or complete that sentence or those conditions or orders.

745 (4)(a) The court may waive all or part of the costs associated with probation if the
 746 person is determined to be indigent by the court.

747 (b) The probation provider described in Subsection (2) shall cover the costs of waivers
 748 by the court under Subsection (4)(a).

749 Section 8. Section **41-6a-521** is amended to read:

750 **41-6a-521 . Revocation hearing for refusal -- Appeal.**

751 (1)(a) [~~A person~~] An individual who has been notified of the Driver License Division's
 752 intention to revoke the [~~person's~~] individual's license under Section 41-6a-520 is
 753 entitled to a hearing.

754 (b) [~~A request for the hearing shall be made-~~] An individual shall request to be heard in
 755 writing within 10 calendar days after the day on which [~~notice is provided~~] a peace
 756 officer provides notice.

757 (c) Upon request in a manner specified by the Driver License Division, the Driver
 758 License Division shall grant to the [~~person~~] individual an opportunity to be heard
 759 within [~~29~~] 45 days after the date of arrest.

760 (d) If the [~~person~~] individual does not make a request for a hearing before the Driver
 761 License Division under this Subsection (1), the [~~person's~~] individual's privilege to
 762 operate a motor vehicle in the state is revoked beginning on the [~~45th~~] 60th day after
 763 the date of arrest:

764 (i) for [~~a person~~] an individual 21 years old or older on the date of arrest, for a period
 765 of:

766 (A) except as provided in Subsection (1)(d)(i)(B) or (9), 18 months; or

767 (B) 36 months if the [~~person~~] individual previously committed an offense that
 768 occurred within the preceding 10 years from the date of the arrest that resulted
 769 in a:

770 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223,
 771 or 53-3-231;

772 (II) conviction under Section 41-6a-502 or a statute previously in effect in this
 773 state that would constitute a violation of Section 41-6a-502;

774 (III) conviction for an offense under Section 76-5-102.1; or

775 (IV) conviction for an offense under Section 76-5-207; or

- 776 (ii) for ~~[a person]~~ an individual under 21 years old on the date of arrest:
- 777 (A) except as provided in Subsection (1)(d)(ii)(B), until the ~~[person]~~ individual is
- 778 21 years old or for a period of two years, whichever is longer; or
- 779 (B) until the ~~[person]~~ individual is 21 years old or for a period of 36 months,
- 780 whichever is longer, if the ~~[person]~~ individual previously committed an offense
- 781 that occurred within the preceding 10 years from the date of the arrest that
- 782 resulted in a:
- 783 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223,
- 784 or 53-3-231;~~[-or]~~
- 785 (II) conviction for an offense under Section 41-6a-502 or a statute previously
- 786 in effect in this state that would constitute a violation of Section 41-6a-502;
- 787 (III) conviction for an offense under Section 76-5-102.1; or
- 788 (IV) conviction for an offense under Section 76-5-207.
- 789 (2)(a) Except as provided in Subsection (2)(b), ~~[if a hearing is requested by the person]~~ if
- 790 an individual requests a hearing, the ~~[hearing shall be conducted by the]~~ Driver
- 791 License Division shall hold the hearing in:
- 792 (i) the county in which the offense occurred; or
- 793 (ii) a county which is adjacent to the county in which the offense occurred.
- 794 (b) The Driver License Division may hold a hearing in ~~[some other]~~ another county if the
- 795 Driver License Division and the ~~[person]~~ individual both agree.
- 796 (3) The ~~[hearing shall be documented]~~ Driver License Division shall document the hearing
- 797 and shall cover the issues of:
- 798 (a) whether a peace officer had reasonable grounds to believe that ~~[a person]~~ an individual
- 799 was operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517,
- 800 41-6a-530, or 53-3-231; and
- 801 (b) whether the ~~[person]~~ individual refused to submit to ~~[the]~~ a test ~~[or tests under]~~ as
- 802 described in Section 41-6a-520.
- 803 (4)(a) In connection with the hearing, the ~~[division]~~ Driver License Division or ~~[its]~~ the
- 804 Driver License Division's authorized agent:
- 805 (i) may administer oaths and may issue subpoenas for the attendance of witnesses and
- 806 the production of relevant ~~[books and papers]~~ documents; and
- 807 (ii) shall issue subpoenas for the attendance of necessary peace officers.
- 808 (b) The Driver License Division shall pay witness fees and mileage from the
- 809 Transportation Fund in accordance with the rates established in Section 78B-1-119.

- 810 (5)(a) If after a hearing, the Driver License Division determines that the [~~person~~]
811 individual was requested to submit to a chemical test or tests and refused to submit to
812 the test or tests, or if the [~~person~~] individual fails to appear before the Driver License
813 Division as required in the notice, the Driver License Division shall revoke the [
814 ~~person's~~] individual's license or permit to operate a motor vehicle in Utah beginning
815 on the date the hearing is held:
- 816 (i) for [~~a person~~] an individual 21 years old or older on the date of arrest, for a period
817 of:
- 818 (A) except as provided in Subsection (5)(a)(i)(B) or (9), 18 months; or
819 (B) 36 months if the [~~person~~] individual previously committed an offense that
820 occurred within the preceding 10 years from the date of the arrest that resulted
821 in a:
- 822 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223,
823 or 53-3-231;
- 824 (II) conviction under Section 41-6a-502 or a statute previously in effect in this
825 state that would constitute a violation of Section 41-6a-502;
- 826 (III) conviction for an offense under Section 76-5-102.1; or
827 (IV) conviction for an offense under Section 76-5-207; or
- 828 (ii) for [~~a person under~~] an individual younger than 21 years [~~of age~~] old on the date of
829 arrest:
- 830 (A) except as provided in Subsection (5)(a)(ii)(B), until the [~~person~~] individual is
831 21 years old or for a period of two years, whichever is longer; or
832 (B) until the [~~person~~] individual is 21 years old or for a period of 36 months,
833 whichever is longer, if the [~~person~~] individual previously committed an offense
834 that occurred within the preceding 10 years from the date of the arrest that
835 resulted in a:
- 836 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223,
837 or 53-3-231;
- 838 (II) conviction under Section 41-6a-502 or a statute previously in effect in this
839 state that would constitute a violation of Section 41-6a-502;
- 840 (III) conviction for an offense under Section 76-5-102.1; or
841 (IV) conviction for an offense under Section 76-5-207.
- 842 (b) The Driver License Division shall also assess against the person, in addition to any
843 fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which

- 844 shall be paid before the person's driving privilege is reinstated, to cover
845 administrative costs.
- 846 (c) The ~~[fee shall be cancelled]~~ Driver License Division shall void the fee described in
847 Subsection (5)(b) if the ~~[person]~~ individual obtains an unappealed court decision
848 following a proceeding allowed under Subsection (2) that the revocation was
849 improper.
- 850 (6)(a) ~~[Any person]~~ An individual whose license has been revoked by the Driver License
851 Division under this section following an administrative hearing may ~~[seek judicial~~
852 review] file a petition for judicial review as described in Section 53-3-224 within 30
853 days after the Driver License Division issues a suspension order.
- 854 (b) Judicial review of an informal adjudicative proceeding is a trial.
- 855 (c) Venue is in the district court in the county in which the offense occurred.
- 856 (7) If the Driver License Division revokes ~~[a person's]~~ an individual's driving privilege
857 under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A), the ~~[person]~~
858 individual may petition the division and elect to become an ignition interlock restricted
859 driver after the driver serves at least 90 days of the revocation if the ~~[person]~~ individual:
- 860 (a) has a valid driving privilege, with the exception of the revocation under Subsection
861 (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A);
- 862 (b) installs an ignition interlock device in any vehicle owned or driven by the ~~[person]~~
863 individual in accordance with Section 53-3-1007;
- 864 (c) pays the license reinstatement application fees described in Subsections 53-3-105(26)
865 and (27);
- 866 (d) pays the appropriate original license fees under Section 53-3-105; and
- 867 (e) completes the license application process including successful completion of
868 required testing.
- 869 (8)(a) ~~[A person]~~ An individual who elects to become an ignition interlock restricted
870 driver under Subsection (7) shall remain an ignition interlock restricted driver for a
871 period of ~~[three]~~ two years.
- 872 (b) If the ~~[person]~~ individual described under Subsection (8)(a) removes an ignition
873 interlock device from a vehicle owned or driven by the ~~[person]~~ individual prior to the
874 expiration of the ~~[three-year]~~ two-year ignition interlock restriction period and does
875 not install a new ignition interlock device from the same or a different ignition
876 interlock provider within 24 hours:
- 877 (i) the ~~[person's]~~ individual's driving privilege shall be revoked under Subsection

- 878 (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A) for a period of 18 months
879 from the date the ignition interlock device was removed from the vehicle;
- 880 (ii) no days may be subtracted from the 18-month revocation period under Subsection
881 (8)(b)(i) for any days the [person] individual was in compliance with the interlock
882 restriction under Subsection (7);
- 883 (iii) the [person] individual is required to pay the license reinstatement application fee
884 under Subsection 53-3-105(26); and
- 885 (iv) the [person] individual may not elect to become an ignition interlock restricted
886 driver under this section.
- 887 (9)(a) Notwithstanding the provisions in Subsection (1)(d)(i)(A) or (5)(a)(i)(A), the
888 division shall reinstate [a person's] an individual's driving privilege before completion
889 of the revocation period imposed under Subsection (1)(d)(i)(A) or (5)(a)(i)(A) if:
- 890 (i) the reporting court notifies the Driver License Division that the [person] individual
891 is participating in or has successfully completed a 24-7 sobriety program as
892 defined in Section 41-6a-515.5;
- 893 (ii) the [person] individual has served at least 90 days of the revocation under
894 Subsection (1)(d)(i)(A) or (5)(a)(i)(A); and
- 895 (iii) the [person] individual has a valid driving privilege, with the exception of the
896 revocation under Subsection (1)(d)(i)(A) or (5)(a)(i)(A).
- 897 (b) If [a person's] an individual's driving privilege is reinstated under Subsection (9)(a),
898 the [person] individual is required to:
- 899 (i) install an ignition interlock device in any vehicle owned or driven by the [person]
900 individual in accordance with Section 53-3-1007;
- 901 (ii) pay the license reinstatement application fees described in Subsections
902 53-3-105(26) and (27);
- 903 (iii) pay the appropriate original license fees under Section 53-3-105; and
- 904 (iv) complete the license application process including successful completion of
905 required testing.
- 906 (c) If the reporting court notifies the Driver License Division that [a person] an individual
907 has failed to complete all requirements of the 24-7 sobriety program, the division:
- 908 (i) shall revoke the [person's] individual's driving privilege under Subsection
909 (1)(d)(i)(A) or (5)(a)(i)(A) for a period of 18 months from the date of the notice;
910 and
- 911 (ii) may not subtract any days from the 18-month revocation period for:

- 912 (A) days during which the [person's] individual's driving privilege previously was
 913 revoked; or
 914 (B) days during which the [person] individual was compliant with the 24-7
 915 sobriety program.

916 (10) A driver license reinstatement before completion of the revocation period authorized
 917 under this section does not apply to a CDL disqualification imposed under Section
 918 53-3-414.

919 Section 9. Section **41-6a-532** is enacted to read:

920 **41-6a-532 . DUI reporting system requirements.**

- 921 (1) As used in this section, "electronic DUI reporting system" means a software platform or
 922 electronic form used by a law enforcement agency to generate, submit, or store reports
 923 related to an investigation or arrest for driving under the influence under this part.
 924 (2) A vendor that provides an electronic DUI reporting system to a law enforcement agency
 925 shall ensure that the electronic DUI reporting system is capable of being updated to
 926 conform with statutory changes affecting offenses under this part.
 927 (3) A vendor described in Subsection (2) shall implement any update or change required to
 928 conform with a statutory change no later than the effective date of the statutory change.

929 Section 10. Section **53-3-105** is amended to read:

930 **53-3-105 . Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
 931 **and identification cards.**

932 Except as provided in Subsection (39), the following fees apply under this chapter:

- 933 (1) An original class D license application under Section 53-3-205 is \$52.
 934 (2) An original provisional license application for a class D license under Section 53-3-205
 935 is \$39.
 936 (3) An original limited term license application under Section 53-3-205 is \$32.
 937 (4) An original application for a motorcycle endorsement under Section 53-3-205 is \$18.
 938 (5) An original application for a taxicab endorsement under Section 53-3-205 is \$14.
 939 (6) A learner permit application under Section 53-3-210.5 is \$19.
 940 (7) A renewal of a class D license under Section 53-3-214 is \$52 unless Subsection (12)
 941 applies.
 942 (8) A renewal of a provisional license application for a class D license under Section
 943 53-3-214 is \$52.
 944 (9) A renewal of a limited term license application under Section 53-3-214 is \$32.
 945 (10) A renewal of a motorcycle endorsement under Section 53-3-214 is \$18.

- 946 (11) A renewal of a taxicab endorsement under Section 53-3-214 is \$14.
- 947 (12) A renewal of a class D license for an individual 65 and older under Section 53-3-214 is
948 \$27.
- 949 (13) An extension of a class D license under Section 53-3-214 is \$42 unless Subsection (17)
950 applies.
- 951 (14) An extension of a provisional license application for a class D license under Section
952 53-3-214 is \$42.
- 953 (15) An extension of a motorcycle endorsement under Section 53-3-214 is \$18.
- 954 (16) An extension of a taxicab endorsement under Section 53-3-214 is \$14.
- 955 (17) An extension of a class D license for an individual 65 and older under Section 53-3-214
956 is \$22.
- 957 (18) An original or renewal application for a commercial class A, B, or C license or an
958 original or renewal of a provisional commercial class A or B license under Part 4,
959 Uniform Commercial Driver License Act, is \$52.
- 960 (19) A commercial class A, B, or C license skills test is \$78.
- 961 (20) Each original CDL endorsement for passengers, hazardous material, double or triple
962 trailers, or tankers is \$9.
- 963 (21) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
964 Driver License Act, is \$9.
- 965 (22) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License
966 Act, is \$9.
- 967 (23)(a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.
- 968 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.
- 969 (24) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.
- 970 (25) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.
- 971 (26)(a) A license reinstatement application under Section 53-3-205 is \$40.
- 972 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
973 combination of alcohol and any drug-related offense is \$45 in addition to the fee
974 under Subsection (26)(a).
- 975 (27)(a)(i) An administrative fee for license reinstatement after an alcohol, drug, or
976 combination of alcohol and any drug-related offense under Section 41-6a-520,
977 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any
978 drug-related offense under Part 4, Uniform Commercial Driver License Act, is [
979 ~~\$255~~] \$262.

980 (ii) Seven dollars of the fee described in Subsection (27)(a)(i) shall be deposited into
 981 the General Fund.

982 (b) [~~This~~] The administrative fee described in Subsection (27)(a)(i) is in addition to the
 983 fees under Subsection (26).

984 (28)(a) An administrative fee for providing the driving record of a driver under Section
 985 53-3-104 or 53-3-420 is \$8.

986 (b) The division may not charge for a report furnished under Section 53-3-104 to a
 987 municipal, county, state, or federal agency.

988 (29) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

989 (30)(a) Except as provided under Subsections (30)(b) and (c), an identification card
 990 application under Section 53-3-808 is \$23.

991 (b) An identification card application under Section 53-3-808 for a person with a
 992 disability, as defined in 42 U.S.C. Sec. 12102, is \$17.

993 (c) A fee may not be charged for an identification card application if the individual
 994 applying:

995 (i)(A) has not been issued a Utah driver license;

996 (B) is indigent; and

997 (C) is at least 18 years old;

998 (ii) submits written verification that the individual is homeless, as defined in Section
 999 26B-3-207, a person who is homeless, as defined in Section 35A-5-302, or a child
 1000 or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:

1001 (A) a homeless shelter, as defined in Section 35A-16-305;

1002 (B) a permanent housing, permanent, supportive, or transitional facility, as defined
 1003 in Section 35A-5-302;

1004 (C) the Department of Workforce Services; or

1005 (D) a local educational agency liaison for homeless children and youth designated
 1006 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii); or

1007 (iii) is under 26 years old and submits written verification that the individual:

1008 (A) is in the custody of the Division of Child and Family Services; or

1009 (B) was in the custody of the Division of Child and Family Services but is no
 1010 longer in the custody of the Division of Child and Family Services due to the
 1011 individual's age.

1012 (31)(a) An extension of a regular identification card under Subsection 53-3-807(4) for a
 1013 person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.

- 1014 (b) The fee described in Subsection (31)(a) is waived if the applicant submits written
1015 verification that the individual is homeless, as defined in Section 26B-3-207, or a
1016 person who is homeless, as defined in Section 35A-5-302, or a child or youth who is
1017 homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
- 1018 (i) a homeless shelter, as defined in Section 35A-16-305;
 - 1019 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
1020 Section 35A-5-302;
 - 1021 (iii) the Department of Workforce Services;
 - 1022 (iv) a homeless service provider as verified by the Department of Workforce Services
1023 as described in Section 26B-8-113; or
 - 1024 (v) a local educational agency liaison for homeless children and youth designated
1025 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).
- 1026 (32)(a) An extension of a regular identification card under Subsection 53-3-807(5) is
1027 \$23.
- 1028 (b) The fee described in Subsection (32)(a) is waived if the applicant submits written
1029 verification that the individual is homeless, as defined in Section 26B-3-207, or a
1030 person who is homeless, as defined in Section 35A-5-302, from:
- 1031 (i) a homeless shelter, as defined in Section 35A-16-305;
 - 1032 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
1033 Section 35A-5-302;
 - 1034 (iii) the Department of Workforce Services; or
 - 1035 (iv) a homeless service provider as verified by the Department of Workforce Services
1036 as described in Section 26B-8-113.
- 1037 (33) In addition to any license application fees collected under this chapter, the division
1038 shall impose on individuals submitting fingerprints in accordance with Section
1039 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for
1040 the services the Bureau of Criminal Identification provides under Section 53-3-205.5.
- 1041 (34) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.
- 1042 (35) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.
- 1043 (36) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.
- 1044 (37) An original driving privilege card application under Section 53-3-207 is \$32.
- 1045 (38) A renewal of a driving privilege card application under Section 53-3-207 is \$23.
- 1046 (39) A fee may not be charged for an original class D license application, original
1047 provisional license application for a class D license, or a learner permit application if the

1048 individual applying is:
 1049 (a) under ~~[the]~~26 years old; and
 1050 (b) submits written verification that the individual:
 1051 (i) is in the custody of the Division of Child and Family Services; or
 1052 (ii) was in the custody of the Division of Child and Family Services but is no longer
 1053 in the custody of the Division of Child and Family Services due to the individual's
 1054 age.

1055 (40) An administrative fee to add an interdicted person identifier to a license certificate
 1056 under Section 53-3-236 or identification card under Section 53-3-805 is \$7.

1057 Section 11. Section **53-3-223** is amended to read:

1058 **53-3-223 . Chemical test for driving under the influence -- Temporary license --**
 1059 **Hearing and decision -- Suspension and fee -- Judicial review.**

1060 (1)(a) If a peace officer has reasonable grounds to believe that an individual may be
 1061 violating or has violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, the
 1062 peace officer may, ~~[in connection with]~~ when arresting the individual, request that the
 1063 individual submit to a chemical test or tests to be administered in compliance with [
 1064 ~~the standards under~~]Section 41-6a-520.

1065 (b) In this section, a reference to Section 41-6a-502 includes any similar local ordinance
 1066 adopted in compliance with Subsection 41-6a-510(1).

1067 (2) The peace officer shall advise an individual ~~[prior to]~~ before the individual's submission
 1068 to a chemical test that a test result ~~[indicating]~~ showing:

1069 (a) a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207 shall[;] result
 1070 in suspension or revocation of the individual's driver license; and

1071 (b) the existence of a blood alcohol content sufficient to render the individual incapable
 1072 of safely driving a motor vehicle may[;] result in suspension or revocation of the
 1073 individual's [~~license to drive a motor vehicle]~~ driver license.

1074 (3) If the individual submits to a chemical test and the test results ~~[indicate]~~ show a blood or
 1075 breath alcohol content in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or
 1076 76-5-207, or if a peace officer ~~[makes a determination]~~ determines, based on reasonable
 1077 grounds, that the individual is otherwise in violation of Section 41-6a-502, 76-5-102.1,
 1078 or 76-5-207, a peace officer shall, on behalf of the division and within 24 hours of arrest,
 1079 give notice of the division's intention to suspend the individual's license to drive a motor
 1080 vehicle.

1081 (4) When a peace officer gives notice on behalf of the division, the peace officer shall

- 1082 supply to the driver, in a manner specified by the division, ~~[basic-]~~information regarding
1083 how to obtain a prompt hearing before the division.
- 1084 (5) As a matter of procedure, a peace officer shall send to the division within 10 calendar
1085 days after the day on which ~~[notice is provided]~~ the peace officer provides notice:
- 1086 (a) a copy of the citation issued for the offense;
- 1087 (b) a signed report in a manner specified by the division ~~[indicating-]~~ showing the
1088 chemical test results, if any; and
- 1089 (c) any other basis for the peace officer's determination that the individual has violated
1090 Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207.
- 1091 (6)(a)(i) Upon request by an individual, in a manner specified by the division, the
1092 division shall grant to the individual an opportunity to be heard within ~~[29]~~ 45 days
1093 after the date of arrest.
- 1094 (ii) The individual shall submit a request to be heard ~~[shall be made-]~~ within 10
1095 calendar days ~~[of-]~~ after the day on which ~~[notice is provided-]~~ the peace officer
1096 provides notice under Subsection (5).
- 1097 (b)(i) Except as provided in Subsection (6)(b)(ii), ~~[a hearing, if held, shall be before~~
1098 ~~the division]~~ if the division holds a hearing, the division shall hold the hearing in:
- 1099 (A) the county in which the arrest occurred; or
- 1100 (B) a county that is adjacent to the county in which the arrest occurred.
- 1101 (ii) The division may hold a hearing in ~~[some other-]~~ another county if the division
1102 and the individual both agree.
- 1103 (c) The division shall document the hearing ~~[shall be documented-]~~ and shall cover the
1104 issues of:
- 1105 (i) whether a peace officer had reasonable grounds to believe the individual was
1106 driving a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1,
1107 or 76-5-207;
- 1108 (ii) whether the individual refused to submit to ~~[the-]~~ a test; and
- 1109 (iii) the test results, if any.
- 1110 (d)(i) In connection with a hearing, the division or ~~[its-]~~ the division's authorized agent:
- 1111 (A) may administer oaths and may issue subpoenas for the attendance of witnesses
1112 and the production of relevant ~~[books and papers]~~ documents; ~~[or]~~ and
- 1113 (B) may issue subpoenas for the attendance of necessary peace officers.
- 1114 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
1115 accordance with the rates established in Section 78B-1-119.

- 1116 (e) The division may designate one or more employees to conduct the hearing.
- 1117 (f) ~~[Any decision made after a hearing before any designated employee]~~ After a hearing,
- 1118 a determination made by an authorized agent is ~~[as]~~ valid and binding as if made by
- 1119 the division.
- 1120 (7)(a) If, after a hearing, the division determines that a peace officer had reasonable
- 1121 grounds to believe that the individual was driving a motor vehicle in violation of
- 1122 Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the individual failed to
- 1123 appear before the division as required in the notice, or if a hearing is not requested
- 1124 under this section, the division shall:
- 1125 (i) if the individual is 21 years old or older at the time of arrest, suspend the
- 1126 individual's license or permit to operate a motor vehicle for a period of:
- 1127 (A) 120 days beginning on the ~~[45th]~~ 60th day after the date of arrest for a first
- 1128 suspension; or
- 1129 (B) two years beginning on the ~~[45th]~~ 60th day after the date of arrest for a second
- 1130 or subsequent suspension for an offense that occurred within the previous 10
- 1131 years; or
- 1132 (ii) if the individual is under 21 years old at the time of arrest:
- 1133 (A) suspend the individual's license or permit to operate a motor vehicle:
- 1134 (I) for a period of six months, beginning on the ~~[45th]~~ 60th day after the date of
- 1135 arrest for a first suspension; or
- 1136 (II) until the individual is 21 years old or for a period of two years, whichever
- 1137 is longer, beginning on the ~~[45th]~~ 60th day after the date of arrest for a
- 1138 second or subsequent suspension for an offense that occurred within the
- 1139 previous 10 years; or
- 1140 (B) deny the individual's application for a license or learner's permit:
- 1141 (I) for a period of six months beginning on the ~~[45th]~~ 60th day after the date of
- 1142 the arrest for a first suspension, if the individual has not been issued an
- 1143 operator license; or
- 1144 (II) until the individual is 21 years old or for a period of two years, whichever
- 1145 is longer, beginning on the ~~[45th]~~ 60th day after the date of arrest for a
- 1146 second or subsequent suspension for an offense that occurred within the
- 1147 previous 10 years.
- 1148 (b)(i) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i)(A), the division shall
- 1149 reinstate an individual's license ~~[prior to]~~ before completion of the 120 day

- 1150 suspension period imposed under Subsection (7)(a)(i)(A):
- 1151 (A) immediately upon receiving written verification of the individual's dismissal
1152 of a charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or
1153 76-5-207, if the written verification is received [~~prior to~~] before completion of
1154 the suspension period; or
- 1155 (B) no sooner than 60 days beginning on the [~~45th~~] 60th day after the date of arrest
1156 upon receiving written verification of the individual's reduction of a charge for
1157 a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the
1158 written verification is received [~~prior to~~] before completion of the suspension
1159 period.
- 1160 (ii) Notwithstanding [~~the provisions in~~] Subsection (7)(a)(i)(A), the division shall
1161 reinstate an individual's license [~~prior to~~] before completion of the 120-day
1162 suspension period imposed under Subsection (7)(a)(i)(A) immediately upon
1163 receiving written verification of the individual's conviction of impaired driving
1164 under Section 41-6a-502.5 if:
- 1165 (A) the written verification is received [~~prior to~~] before completion of the
1166 suspension period; and
- 1167 (B) the reporting court notifies the [~~Driver License Division~~] division that the
1168 defendant is participating in or has successfully completed the program of a
1169 driving under the influence court as defined in Section 41-6a-501.
- 1170 (iii) [~~If an individual's license is reinstated under~~] If the division reinstates the
1171 individual's license as described in this Subsection (7)(b), the individual [~~is~~
1172 ~~required to~~] shall pay the license reinstatement application fees under Subsections
1173 53-3-105(26) and (27).
- 1174 (iv) The driver license reinstatements authorized under this Subsection (7)(b) only
1175 apply to a 120-day suspension period imposed under Subsection (7)(a)(i)(A).
- 1176 [~~(v) A driver license reinstatement authorized under this Subsection (7)(b) does not~~
1177 ~~apply to a CDL disqualification imposed under Section 53-3-414.~~]
- 1178 (8)(a)(i) The division shall assess against an individual, in addition to [~~any~~] a fee
1179 imposed under Subsection 53-3-205(12) for driving under the influence, a fee
1180 under Section 53-3-105 to cover administrative costs, which shall be paid before
1181 the individual's driving privilege is reinstated.
- 1182 (ii) [~~This fee shall be cancelled~~] The division shall void the fee described in
1183 Subsection (8)(a)(i) if the individual obtains an unappealed division hearing or

1184 court decision that the suspension was ~~[not proper]~~ improper.

1185 (b) An individual whose license has been suspended by the division under this section
 1186 following an administrative hearing may file a petition for judicial review as
 1187 described in Subsection 53-3-224 within 30 days after the division issues an order of
 1188 suspension~~[for a hearing on the matter which, if held, is governed by Section~~
 1189 ~~53-3-224]~~.

1190 (9)(a) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i), the division shall
 1191 reinstate an individual's license before completion of the suspension period imposed
 1192 under Subsection (7)(a)(i) if:

1193 (i)(A) the reporting court notifies the ~~[Driver License Division]~~ division that the
 1194 individual is participating in or has successfully completed a 24-7 sobriety
 1195 program as defined in Section 41-6a-515.5; or

1196 (B) the reporting court notifies the ~~[Driver License Division]~~ division that the
 1197 individual is participating in or has successfully completed a problem solving
 1198 court program approved by the Judicial Council, including a driving under the
 1199 influence court program or a drug court program, and has elected to become an
 1200 interlock restricted driver as a condition of probation during the remainder of
 1201 the individual's suspension period in accordance with Section 41-6a-518; and

1202 (ii) the individual has a valid driving privilege, ~~[with the exception of]~~ except for the
 1203 suspension under Subsection (7)(a)(i).

1204 (b) If ~~[an]~~ the division reinstates an individual's license ~~[is reinstated under]~~ as described
 1205 in Subsection (9)(a), the individual ~~[is required to]~~ shall pay the license reinstatement
 1206 application fees under Subsections 53-3-105(26) and (27).

1207 (10)(a) If the division suspends an individual's license for an alcohol related offense
 1208 under Subsection (7)(a)(i)(A), the individual may petition the division and elect to
 1209 become an ignition interlock restricted driver if the individual:

1210 (i) has a valid driving privilege, with the exception of the suspension under
 1211 Subsection (7)(a)(i)(A);

1212 (ii) installs an ignition interlock device in any vehicle owned or driven by the
 1213 individual in accordance with Section 53-3-1007; and

1214 (iii) pays the license reinstatement application fees described in Subsections
 1215 53-3-105(26) and (27).

1216 (b)(i) The individual shall remain an ignition interlock restricted driver for a period of
 1217 120 days from the original effective date of the suspension under Subsection

- 1218 (7)(a)(i)(A).
- 1219 (ii) If the individual removes an ignition interlock device from a vehicle owned or
1220 driven by the individual [~~prior to~~] before the expiration of the 120-day ignition
1221 interlock restriction period and does not install a new ignition interlock device
1222 from the same or a different provider within 24 hours:
- 1223 (A) the division shall suspend the individual's driver license [~~shall be suspended~~
1224 ~~under~~] as described in Subsection (7)(a)(i)(A) for the remainder of the 120-day
1225 ignition interlock restriction period;
- 1226 (B) the individual [~~is required to~~] shall pay the license reinstatement application
1227 fee under Subsection 53-3-105(26); and
- 1228 (C) the individual may not elect to become an ignition interlock restricted driver
1229 under this section.
- 1230 (c) If an individual elects to become an ignition interlock restricted driver under
1231 Subsection (10)(a), the provisions under Subsection (7)(b) do not apply.
- 1232 (11)(a) If the division suspends an individual's license for an alcohol related offense
1233 under Subsection (7)(a)(i)(B), the individual may petition the division and elect to
1234 become an ignition interlock restricted driver after the driver serves at least 90 days
1235 of the suspension if the individual:
- 1236 (i) was charged with a violation of Section 41-6a-502 that is a misdemeanor;
- 1237 (ii) has a valid driving privilege, with the exception of the suspension under
1238 Subsection (7)(a)(i)(B);
- 1239 (iii) installs an ignition interlock device in any vehicle owned or driven by the
1240 individual in accordance with Section 53-3-1007; and
- 1241 (iv) pays the license reinstatement application fees described in Subsections
1242 53-3-105(26) and (27)[;] .
- 1243 (b)(i) The individual shall remain an ignition interlock restricted driver for a period of
1244 two years from the original effective date of the suspension under Subsection
1245 (7)(a)(i)(B).
- 1246 (ii) If the individual removes an ignition interlock device from a vehicle owned or
1247 driven by the individual [~~prior to~~] before the expiration of the two-year ignition
1248 interlock restriction period and does not install a new ignition interlock device
1249 from the same or a different provider within 24 hours:
- 1250 (A) the division shall suspend the individual's driver license [~~shall be suspended~~
1251 ~~under~~] as described in Subsection (7)(a)(i)(B) for the remainder of the two-year

1252 ignition interlock restriction period;
 1253 (B) the individual ~~[is required to]~~ shall pay the license reinstatement application
 1254 fee under Subsection 53-3-105(26); and
 1255 (C) the individual may not elect to become an ignition interlock restricted driver
 1256 under this section.

1257 (c) Notwithstanding Subsections (11)(a) and (b), if a court convicts the individual ~~[is~~
 1258 ~~subsequently convicted]~~ of the violation of Section 41-6a-502 that ~~[gave rise to]~~
 1259 prompted the suspension under Subsection (7)(a)(i)(B), the division shall revoke the
 1260 individual's license under Subsection 41-6a-509(1)(a)(ii), and the individual is no
 1261 longer an ignition interlock restricted driver under this Subsection (11).

1262 (12)(a) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i)(B), the division shall
 1263 reinstate an individual's license ~~[prior to]~~ before completion of the two-year
 1264 suspension period imposed under Subsection (7)(a)(i)(B) immediately upon receiving
 1265 written verification of the individual's dismissal of a charge for a violation of Section
 1266 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written verification is received [
 1267 ~~prior to]~~ before completion of the suspension period.

1268 (b) If the individual elected to become an ignition interlock restricted driver under
 1269 Subsection (11), and the division receives written verification of the individual's
 1270 dismissal of a charge for violation of Section 41-6a-502, the driver is no longer an
 1271 ignition interlock restricted driver under Subsection (11)(b)(i), and the division shall
 1272 reinstate the individual's license ~~[prior to]~~ before the completion of the two-year
 1273 ignition interlock restriction period under Subsection (11)(b)(i).

1274 (13) A driver license reinstatement before completion of the suspension period authorized
 1275 under this section does not apply to a CDL disqualification imposed under Section
 1276 53-3-414.

1277 Section 12. Section **53-3-231** is amended to read:

1278 **53-3-231 . Person under 21 may not operate a vehicle or motorboat with**
 1279 **detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing**
 1280 **and decision -- Suspension of license or operating privilege -- Fees -- Judicial review --**
 1281 **Referral to local substance abuse authority or program.**

1282 (1)(a) As used in this section:

1283 (i) "Local substance abuse authority" ~~[has the same meaning as provided]~~ means the
 1284 same as that term is defined in Section 62A-15-102.

1285 (ii) "Substance abuse program" means ~~[any]~~ a substance abuse program licensed by

1286 the Department of Human Services or the Department of Health and approved by
1287 the local substance abuse authority.

1288 (b) Calculations of blood, breath, or urine alcohol concentration under this section shall
1289 be made in accordance with ~~[the procedures in]~~ Subsection 41-6a-502(1).

1290 (2)(a) ~~[A person]~~ An individual younger than 21 ~~[years of age]~~ years old may not operate
1291 or be in actual physical control of a vehicle or motorboat with any measurable blood,
1292 breath, or urine alcohol concentration in the ~~[person's]~~ individual's body as shown by
1293 a chemical test.

1294 (b) ~~[A person]~~ An individual who violates Subsection (2)(a), in addition to any other
1295 applicable penalties arising out of the incident, shall have the ~~[person's]~~ individual's
1296 operator license denied or suspended as provided in Subsection (7).

1297 (3)(a) When a peace officer has reasonable grounds to believe that ~~[a person]~~ an
1298 individual may be violating or has violated Subsection (2), the peace officer may, ~~[in~~
1299 ~~connection with]~~ when arresting the ~~[person]~~ individual for a violation of Section
1300 32B-4-409, request that the ~~[person]~~ individual submit to a chemical test or tests to be
1301 administered in compliance with ~~[the standards under]~~ Section 41-6a-520.

1302 (b) The peace officer shall advise ~~[a person prior to the person's]~~ an individual before the
1303 individual's submission to a chemical test that a test result indicating a violation of
1304 Subsection (2)(a) will result in denial or suspension of the ~~[person's]~~ individual's
1305 license to operate a motor vehicle or a refusal to issue a license.

1306 (c) If the ~~[person]~~ individual submits to a chemical test and the test results ~~[indicate]~~
1307 show a blood, breath, or urine alcohol content in violation of Subsection (2)(a), or if a
1308 peace officer ~~[makes a determination]~~ determines, based on reasonable grounds, that
1309 the ~~[person]~~ individual is otherwise in violation of Subsection (2)(a), a peace officer
1310 shall, on behalf of the division and within 24 hours of the arrest, give notice of the
1311 division's intention to deny or suspend the ~~[person's]~~ individual's license to operate a
1312 vehicle or refusal to issue a license under this section.

1313 (4) When a peace officer gives notice on behalf of the division, the peace officer shall
1314 supply to the operator, in a manner specified by the division, basic information
1315 regarding how to obtain a prompt hearing before the division.

1316 (5) As a matter of procedure, a peace officer shall send to the division within 10 calendar
1317 days after the day on which ~~[notice is provided]~~ the peace officer provides notice:

1318 (a) a copy of the citation issued for the offense;

1319 (b) a signed report in a manner specified by the ~~[Driver License Division indicating]~~

- 1320 division showing the chemical test results, if any; and
- 1321 (c) any other basis for a peace officer's determination that the ~~[person]~~ individual has
- 1322 violated Subsection (2).
- 1323 (6)(a)(i) Upon request by an individual, in a manner specified by the division, the [
- 1324 ~~Driver License Division]~~ division shall grant to the ~~[person]~~ individual an
- 1325 opportunity to be heard within ~~[29]~~ 45 days after the date of arrest under Section
- 1326 32B-4-409.
- 1327 (ii) The ~~[request shall be made]~~ individual shall request a hearing described in
- 1328 Subsection (6)(a)(i) within 10 calendar days [of] after the day on which [notice is
- 1329 provided] the peace officer provides notice.
- 1330 (b)(i) Except as provided in Subsection (6)(b)(ii), ~~[a hearing, if held, shall be before~~
- 1331 ~~the division in]~~ if the division holds a hearing, the division shall hold the hearing in:
- 1332 (A) the county in which the arrest occurred; or
- 1333 (B) a county that is adjacent to the county in which the arrest occurred.
- 1334 (ii) The division may hold a hearing in ~~[some other]~~ another county if the division and
- 1335 the ~~[person]~~ individual both agree.
- 1336 (c) The ~~[hearing shall be documented]~~ division shall document the hearing and shall
- 1337 cover the issues of:
- 1338 (i) whether a peace officer had reasonable grounds to believe the ~~[person]~~ individual
- 1339 was operating a motor vehicle or motorboat in violation of Subsection (2)(a);
- 1340 (ii) whether the ~~[person]~~ individual refused to submit to ~~[the]~~ a test; and
- 1341 (iii) the test results, if any.
- 1342 (d) In connection with a hearing, the division or ~~[its]~~ the division's authorized agent may:
- 1343 (i) administer oaths and ~~[may]~~ issue subpoenas for the attendance of witnesses and
- 1344 the production of relevant ~~[books and papers and records as defined in Section~~
- 1345 ~~46-4-102.]~~ documents; and
- 1346 (ii) issue subpoenas for the attendance of necessary peace officers.
- 1347 (e) One or more members of the division may conduct the hearing.
- 1348 ~~[(f) Any decision made after a hearing before any number of the members of the~~
- 1349 ~~division is as valid as if made after a hearing before the full membership of the~~
- 1350 ~~division.]~~
- 1351 (f) After a hearing, a determination made by an authorized agent is valid and binding as
- 1352 if made by the division.
- 1353 (7) If, after a hearing, the division determines that a peace officer had reasonable grounds to

1354 believe that the [person] individual was driving a motor vehicle in violation of
1355 Subsection (2)(a), if the [person] individual fails to appear before the division as required
1356 in the notice, or if the [person] individual does not request a hearing under this section,
1357 the division shall for [a person] an individual under 21 years [of age] old on the date of
1358 arrest:

- 1359 (a) deny the [person's] individual's license until the [person] individual complies with
1360 Subsection (10)(b)(i) but for a period of not less than six months beginning on the [
1361 45th] 60th day after the date of arrest for a first offense under Subsection (2)(a);
- 1362 (b) suspend the [person's] individual's license until the [person] individual complies with
1363 Subsection (10)(b)(i) and until the [person] individual is 21 years [of age] old or for a
1364 period of two years, whichever is longer, beginning on the [45th] 60th day after the
1365 date of arrest for a second or subsequent offense under Subsection (2)(a) within 10
1366 years of a prior denial or suspension;
- 1367 (c) deny the [person's] individual's application for a license or learner's permit until the [
1368 person] individual complies with Subsection (10)(b)(i) but for a period of not less
1369 than six months beginning on the [45th] 60th day after the date of the arrest, if:
1370 (i) the [person] individual has not been issued an operator license; and
1371 (ii) the suspension is for a first offense under Subsection (2)(a); and
- 1372 (d) deny the [person's] individual's application for a license or learner's permit until the [
1373 person] individual complies with Subsection (10)(b)(i) and until the [person] individual
1374 is 21 years [of age] old or for a period of two years, whichever is longer, beginning on
1375 the [45th] 60th day after the date of the arrest, if:
1376 (i) the [person] individual has not been issued an operator license; and
1377 (ii) the suspension is for a second or subsequent offense under Subsection (2)(a)
1378 committed within 10 years of a prior denial or suspension.
- 1379 (8)(a)(i) Following denial or suspension the division shall assess against [a person] an
1380 individual, in addition to any fee imposed under Subsection 53-3-205(12), a fee
1381 under Section 53-3-105, which shall be paid before the person's driving privilege
1382 is reinstated, to cover administrative costs.
- 1383 (ii) [~~This fee shall be canceled.~~] The division shall void the fee described in
1384 Subsection (8)(a)(i) if the [person] individual obtains an unappealed division
1385 hearing or court decision that the suspension was [not proper] improper.
- 1386 (b) [~~A person.~~] An individual whose operator license has been denied, suspended, or
1387 postponed by the division under this section following an administrative hearing may

1388 file a petition for judicial review as described in Section 53-3-224 within 30 days
1389 after the day on which the division issues a suspension [~~for a hearing on the matter~~
1390 ~~which, if held, is governed by Section 53-3-224.~~] order.

1391 (9) After reinstatement of an operator license for a first offense under this section, a report
1392 authorized under Section 53-3-104 may not contain evidence of the denial or suspension
1393 of the [~~person's~~] individual's operator license under this section if the [~~person~~] individual
1394 has not been convicted of any other offense for which the denial or suspension may be
1395 extended.

1396 (10)(a) In addition to the penalties in Subsection (8), [~~a person~~] an individual who
1397 violates Subsection (2)(a) shall:

1398 (i) obtain an assessment and recommendation for appropriate action from a substance
1399 abuse program, but any associated costs shall be the [~~person's~~] individual's
1400 responsibility; or

1401 (ii) be referred by the division to the local substance abuse authority for an
1402 assessment and recommendation for appropriate action.

1403 (b)(i) Reinstatement of the [~~person's~~] individual's operator license or the right to
1404 obtain an operator license within five years of the effective date of the license
1405 sanction under Subsection (7) is contingent upon successful completion of the
1406 action recommended by the local substance abuse authority or the substance abuse
1407 program.

1408 (ii) The local substance abuse authority's or the substance abuse program's
1409 recommended action shall be determined by an assessment of the [~~person's~~]
1410 individual's alcohol abuse and may include:

1411 (A) a targeted education and prevention program;

1412 (B) an early intervention program; or

1413 (C) a substance abuse treatment program.

1414 (iii) Successful completion of the recommended action shall be determined by
1415 standards established by the Division of Substance Abuse and Mental Health.

1416 (c) At the conclusion of the penalty period imposed under Subsection (2), the local
1417 substance abuse authority or the substance abuse program shall notify the division of
1418 the [~~person's~~] individual's status regarding completion of the recommended action.

1419 (d) The local substance abuse authorities and the substance abuse programs shall
1420 cooperate with the division in:

1421 (i) conducting the assessments;

- 1422 (ii) making appropriate recommendations for action; and
 1423 (iii) notifying the division about the [person's] individual's status regarding
 1424 completion of the recommended action.
- 1425 (e)(i) The local substance abuse authority is responsible for the cost of the assessment
 1426 of the [person's] individual's alcohol abuse, if the assessment is conducted by the
 1427 local substance abuse authority.
- 1428 (ii) The local substance abuse authority or a substance abuse program selected by [a
 1429 person] an individual is responsible for:
- 1430 (A) conducting an assessment of the [person's] individual's alcohol abuse; and
 1431 (B) for making a referral to an appropriate program on the basis of the findings of
 1432 the assessment.
- 1433 (iii)(A) The [person] individual who violated Subsection (2)(a) is responsible for
 1434 all costs and fees associated with the recommended program to which the [
 1435 person] individual selected or is referred.
- 1436 (B) The costs and fees under Subsection (10)(e)(iii)(A) shall be based on a sliding
 1437 scale consistent with the local substance abuse authority's policies and
 1438 practices regarding fees for services or determined by the substance abuse
 1439 program.

1440 Section 13. Section **53-3-414** is amended to read:

1441 **53-3-414 . CDL disqualification or suspension -- Grounds and duration --**

1442 **Procedure.**

- 1443 (1)(a) An individual who holds or is required to hold a CDL is disqualified from driving
 1444 a commercial motor vehicle for a period of not less than one year effective seven
 1445 days from the date of notice to the driver if convicted of a first offense of:
- 1446 (i) driving a motor vehicle while impaired or under the influence of alcohol, drugs, a
 1447 controlled substance, or more than one of these;
- 1448 (ii) driving a commercial motor vehicle while the concentration of alcohol in the
 1449 individual's blood, breath, or urine is .04 grams or more;
- 1450 (iii) leaving the scene of an accident involving a motor vehicle the individual was
 1451 driving;
- 1452 (iv) failing to provide reasonable assistance or identification when involved in an
 1453 accident resulting in[?] personal injury or death in accordance with Section
 1454 41-6a-401.3;
 1455 [~~(A) personal injury in accordance with Section 41-6a-401.3; or]~~

- 1456 [~~(B) death in accordance with Section 41-6a-401.5;~~
1457 (v) using a motor vehicle in the commission of a felony;
1458 (vi) refusal to submit to a test to determine the concentration of alcohol in the
1459 individual's blood, breath, or urine;
1460 (vii) driving a commercial motor vehicle while the individual's commercial driver
1461 license is disqualified in accordance with the provisions of this section for
1462 violating an offense described in this section; or
1463 (viii) operating a commercial motor vehicle in a negligent manner causing the death
1464 of another including the offenses of manslaughter under Section 76-5-205,
1465 negligent homicide under Section 76-5-206, or automobile homicide under
1466 Section 76-5-207.
- 1467 (b) The division shall subtract from any disqualification period under Subsection (1)(a)(i)
1468 the number of days for which a license was previously disqualified under Subsection
1469 (1)(a)(ii) or (14) if the previous disqualification was based on the same occurrence
1470 upon which the record of conviction is based.
- 1471 (2) If any of the violations under Subsection (1) occur while the driver is transporting a
1472 hazardous material required to be placarded, the driver is disqualified for not less than
1473 three years.
- 1474 (3)(a) Except as provided under Subsection (4), a driver of a motor vehicle who holds or
1475 is required to hold a CDL is disqualified for life from driving a commercial motor
1476 vehicle if convicted of or administrative action is taken for two or more of any of the
1477 offenses under Subsection (1) or (14) arising from two or more separate incidents.
- 1478 (b) An individual who is convicted of or administrative action is taken for an offense
1479 under Subsection (5):
1480 (i) is disqualified for life from driving a commercial motor vehicle; and
1481 (ii) may not be reinstated under Subsection (4).
- 1482 (c) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.
- 1483 (4)(a) Any driver disqualified for life from driving a commercial motor vehicle under
1484 this section may apply to the division for reinstatement of the driver's CDL if the
1485 driver:
1486 (i) has both voluntarily enrolled in and successfully completed an appropriate
1487 rehabilitation program that:
1488 (A) meets the standards of the division; and
1489 (B) complies with 49 C.F.R. Sec. 383.51;

- 1490 (ii) has served a minimum disqualification period of 10 years; and
1491 (iii) has fully met the standards for reinstatement of commercial motor vehicle
1492 driving privileges established by rule of the division.
- 1493 (b) If a reinstated driver is subsequently convicted of another disqualifying offense
1494 under this section, the driver is permanently disqualified for life and is ineligible to
1495 again apply for a reduction of the lifetime disqualification.
- 1496 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified for
1497 life from driving a commercial motor vehicle if the driver uses a motor vehicle in the
1498 commission of any felony involving:
- 1499 (a) the manufacturing, distributing, or dispensing of a controlled substance; or
1500 (b) an act or practice of severe forms of trafficking in persons as defined and described
1501 in 22 U.S.C. Sec. 7102(11).
- 1502 (6)(a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds or
1503 is required to hold a CDL is disqualified for not less than:
- 1504 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
1505 serious traffic violations; and
1506 (ii) 120 days if the driver is convicted of three or more serious traffic violations.
- 1507 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic
1508 violations:
- 1509 (i) occur within three years of each other;
1510 (ii) arise from separate incidents; and
1511 (iii) involve the use or operation of a commercial motor vehicle.
- 1512 (c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is
1513 disqualified from driving a commercial motor vehicle and the division receives notice
1514 of a subsequent conviction for a serious traffic violation that results in an additional
1515 disqualification period under this Subsection (6), the subsequent disqualification
1516 period is effective beginning on the ending date of the current serious traffic violation
1517 disqualification period.
- 1518 (7)(a) A driver of a commercial motor vehicle who is convicted of violating an
1519 out-of-service order while driving a commercial motor vehicle is disqualified from
1520 driving a commercial motor vehicle for a period not less than:
- 1521 (i) 180 days if the driver is convicted of a first violation;
1522 (ii) two years if, during any 10 year period, the driver is convicted of two violations
1523 of out-of-service orders in separate incidents;

- 1524 (iii) three years but not more than five years if, during any 10 year period, the driver
1525 is convicted of three or more violations of out-of-service orders in separate
1526 incidents;
- 1527 (iv) 180 days but not more than two years if the driver is convicted of a first violation
1528 of an out-of-service order while transporting hazardous materials required to be
1529 placarded or while operating a motor vehicle designed to transport 16 or more
1530 passengers, including the driver; or
- 1531 (v) three years but not more than five years if, during any 10 year period, the driver is
1532 convicted of two or more violations, in separate incidents, of an out-of-service
1533 order while transporting hazardous materials required to be placarded or while
1534 operating a motor vehicle designed to transport 16 or more passengers, including
1535 the driver.
- 1536 (b) A driver of a commercial motor vehicle who is convicted of a first violation of an
1537 out-of-service order is subject to a civil penalty of not less than \$2,500.
- 1538 (c) A driver of a commercial motor vehicle who is convicted of a second or subsequent
1539 violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.
- 1540 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is
1541 disqualified for not less than 60 days if the division determines, in its check of the
1542 driver's driver license status, application, and record prior to issuing a CDL or at any
1543 time after the CDL is issued, that the driver has falsified information required to apply
1544 for a CDL in this state.
- 1545 (9) A driver of a commercial motor vehicle who is convicted of violating a
1546 railroad-highway grade crossing provision under Section 41-6a-1205, while driving a
1547 commercial motor vehicle is disqualified from driving a commercial motor vehicle for a
1548 period not less than:
- 1549 (a) 60 days if the driver is convicted of a first violation;
- 1550 (b) 120 days if, during any three-year period, the driver is convicted of a second
1551 violation in separate incidents; or
- 1552 (c) one year if, during any three-year period, the driver is convicted of three or more
1553 violations in separate incidents.
- 1554 (10)(a) The division shall update its records and notify the CDLIS within 10 days of
1555 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the
1556 action taken.
- 1557 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL, the

- 1558 division shall notify the licensing authority of the issuing state or other jurisdiction
1559 and the CDLIS within 10 days after the action is taken.
- 1560 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this
1561 state, the division shall notify the CDLIS within 10 days after the action is taken.
- 1562 (11)(a) The division may immediately suspend or disqualify the CDL of a driver without
1563 a hearing or receiving a record of the driver's conviction when the division has reason
1564 to believe that the:
- 1565 (i) CDL was issued by the division through error or fraud;
 - 1566 (ii) applicant provided incorrect or incomplete information to the division;
 - 1567 (iii) applicant cheated on any part of a CDL examination;
 - 1568 (iv) driver no longer meets the fitness standards required to obtain a CDL; or
 - 1569 (v) driver poses an imminent hazard.
- 1570 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with Section
1571 53-3-221.
- 1572 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the
1573 suspension order or cancel the CDL.
- 1574 (12)(a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is
1575 required to hold a CDL is disqualified for not less than:
- 1576 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
1577 serious traffic violations; and
 - 1578 (ii) 120 days if the driver is convicted of three or more serious traffic violations.
- 1579 (b) The disqualifications under Subsection (12)(a) are effective only if the serious traffic
1580 violations:
- 1581 (i) occur within three years of each other;
 - 1582 (ii) arise from separate incidents; and
 - 1583 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving
1584 privilege from at least one of the violations.
- 1585 (c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified
1586 from driving a commercial motor vehicle and the division receives notice of a
1587 subsequent conviction for a serious traffic violation that results in an additional
1588 disqualification period under this Subsection (12), the subsequent disqualification
1589 period is effective beginning on the ending date of the current serious traffic violation
1590 disqualification period.
- 1591 (13)(a) Upon receiving a notice that an individual has entered into a plea of guilty or no

1592 contest to a violation of a disqualifying offense described in this section which plea is
 1593 held in abeyance pursuant to a plea in abeyance agreement, the division shall
 1594 disqualify, suspend, cancel, or revoke the individual's CDL for the period required
 1595 under this section for a conviction of that disqualifying offense, even if the charge
 1596 has been subsequently reduced or dismissed in accordance with the plea in abeyance
 1597 agreement.

1598 (b) The division shall report the plea in abeyance to the CDLIS within 10 days of taking
 1599 the action under Subsection (13)(a).

1600 (c) A plea which is held in abeyance may not be removed from an individual's driving
 1601 record for 10 years from the date of the plea in abeyance agreement, even if the
 1602 charge is:

1603 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or

1604 (ii) expunged under Title 77, Chapter 40a, Expungement of Criminal Records.

1605 (14) The division shall disqualify the CDL of a driver for an arrest of a violation of Section
 1606 41-6a-502 when administrative action is taken against the operator's driving privilege
 1607 pursuant to Section 53-3-223 for a period of:

1608 (a) one year; or

1609 (b) three years if the violation occurred while transporting hazardous materials.

1610 (15) The division may concurrently impose any disqualification periods that arise under this
 1611 section while a driver is disqualified by the Secretary of the United States Department of
 1612 Transportation under 49 C.F.R. Sec. 383.52 for posing an imminent hazard.

1613 Section 14. Section **53-3-418** is amended to read:

1614 **53-3-418 . Prohibited alcohol level for drivers -- Procedures, including hearing.**

1615 (1) ~~[A person]~~ An individual who holds or is required to hold a CDL may not drive a
 1616 commercial motor vehicle in this state if the ~~[person]~~ individual:

1617 (a) has sufficient alcohol in the ~~[person's]~~ individual's body that a subsequent chemical
 1618 test shows that the ~~[person]~~ individual has a blood or breath alcohol concentration of
 1619 .04 grams or greater at the time of the test after the alleged driving of the commercial
 1620 motor vehicle;

1621 (b) is under the influence of alcohol, any drug, or the combined influence of alcohol and
 1622 any drug to degree that renders the ~~[person]~~ individual incapable of safely driving a
 1623 commercial motor vehicle; or

1624 (c) has a blood or breath alcohol concentration of .04 grams or greater at the time of
 1625 driving the commercial motor vehicle.

- 1626 (2) [~~A person~~] An individual who holds or is required to hold a CDL and who drives a
1627 commercial motor vehicle in this state is considered to have given the [~~person's~~]
1628 individual's consent to a test or tests of the [~~person's~~] individual's blood, breath, or urine
1629 to determine the concentration of alcohol or the presence of other drugs in the [~~person's~~]
1630 individual's physical system.
- 1631 (3) If a peace officer or port-of-entry agent has reasonable cause to believe that [~~a person~~] an
1632 individual may be violating this section, the peace officer or port-of-entry agent may
1633 request the [~~person~~] individual to submit to a chemical test to be administered in
1634 compliance with Section 41-6a-515.
- 1635 (4) When a peace officer or port-of-entry agent requests [~~a person~~] an individual to submit
1636 to a test under this section, the peace officer or port-of-entry agent shall advise the [~~person~~]
1637 individual that test results [~~indicating~~] showing a violation of Subsection (1) or
1638 refusal to submit to [~~any~~] a test requested will result in the [~~person's~~] individual's
1639 disqualification under Section 53-3-414 from driving a commercial motor vehicle.
- 1640 (5) If test results under this section [~~indicate~~] show a violation of Subsection (1) or the [~~person~~]
1641 individual refuses to submit to [~~any~~] a test requested under this section, a peace
1642 officer or port-of-entry agent shall, on behalf of the division and within 24 hours of the
1643 arrest, give the [~~person~~] individual notice of the division's intention to disqualify the [~~person's~~]
1644 individual's privilege to drive a commercial motor vehicle.
- 1645 (6) When a peace officer or port-of-entry agent gives notice under Subsection (5), the peace
1646 officer or port-of-entry agent shall:
- 1647 (a) provide the driver, in a manner specified by the division, basic information regarding
1648 how to obtain a prompt hearing before the division; and
- 1649 (b) issue a 24-hour out-of-service order.
- 1650 (7) As a matter of procedure, a peace officer or port-of-entry agent shall, within 10 calendar
1651 days after the day on which notice is provided, send to the division a copy of the notice,
1652 and a report signed by the peace officer or port-of-entry agent that [~~indicates~~] shows the
1653 results of any chemical test administered or that the person refused a test.
- 1654 (8)(a) [~~A person~~] An individual disqualified under this section has the right to a hearing
1655 regarding the disqualification.
- 1656 (b) The request for the hearing shall be submitted to the division in a manner specified
1657 by the division and shall be made within 10 calendar days of the date the notice was
1658 issued.
- 1659 (c) If requested, the hearing shall be conducted within [~~29~~] 45 days after the date of arrest.

- 1660 (9)(a)(i) Except as provided in Subsection (9)(a)(ii), a hearing held under this section
 1661 shall be held before the division and in:
- 1662 (A) the county where the notice was issued; or
 1663 (B) a county that is adjacent to the county where the notice was issued.
- 1664 (ii) The division may hold a hearing in ~~[some other]~~ another county if the division and
 1665 the ~~[person]~~ individual both agree.
- 1666 (b) ~~[The hearing shall be documented.]~~ The division shall document the hearing and shall
 1667 determine:
- 1668 (i) whether the peace officer or port-of-entry agent had reasonable grounds to believe
 1669 the ~~[person]~~ individual had been driving a commercial motor vehicle in violation
 1670 of this section;
- 1671 (ii) whether the ~~[person]~~ individual refused to submit to ~~[any]~~ a requested test; and
 1672 (iii) ~~[any]~~ each test ~~[results]~~ result obtained.
- 1673 (c) In connection with a hearing, the division or ~~[its]~~ the division's authorized agent may:
 1674 (i) administer oaths and ~~[may]~~ issue subpoenas for the attendance of witnesses and
 1675 the production of relevant ~~[books and]~~ documents[-] ; and
 1676 (ii) may issue subpoenas for the attendance of necessary peace officers.
- 1677 (d) One or more members of the division may conduct the hearing.
- 1678 ~~[(e) A decision made after a hearing before any number of members of the division is as~~
 1679 ~~valid as if the hearing were held before the full membership of the division.]~~
- 1680 (e) After a hearing, a determination made by an authorized agent is valid and binding as
 1681 if made by the division;
- 1682 (f) After a hearing under this section the division shall indicate by order if the ~~[person's]~~
 1683 individual's CDL is disqualified.
- 1684 (g) If the ~~[person]~~ individual for whom the hearing is held fails to appear before the
 1685 division as required in the notice, the division shall indicate by order if the ~~[person's]~~
 1686 individual's CDL is disqualified.
- 1687 (10)~~[(a)]~~ If the division disqualifies ~~[a person]~~ an individual's commercial driving
 1688 privilege under this section following an administrative hearing, the ~~[person]~~
 1689 individual may petition for ~~[a hearing under]~~ judicial review as described in Section
 1690 53-3-224 within 30 days after the day on which the division issues a disqualification
 1691 order.
- 1692 ~~[(b) The petition shall be filed within 30 days after the division issues the~~
 1693 ~~disqualification.]~~

- 1694 (11)(a) [~~A person~~] An individual who violates this section shall be punished in
1695 accordance with Section 53-3-414.
- 1696 (b)(i) In accordance with Section 53-3-414, the first disqualification under this
1697 section shall be for one year, and a second disqualification shall be for life.
- 1698 (ii) A disqualification under Section 53-3-414 begins on the [~~45th~~] 60th day after the
1699 date of arrest.
- 1700 (12)(a) In addition to the fees imposed under Section 53-3-205 for reinstatement of a
1701 CDL, a fee under Section 53-3-105 to cover administrative costs shall be paid before
1702 the driving privilege is reinstated.
- 1703 (b) [~~The fees under Sections 53-3-105 and 53-3-205 shall be canceled~~] The division
1704 shall void the fees described in Subsection (12)(a) if an unappealed hearing at the
1705 division or court level determines the disqualification was [~~not proper~~] improper.
- 1706 (13) Notwithstanding the provisions of this section, a blood test taken under this section is
1707 subject to Section 77-23-213.
- 1708 Section 15. Section **53-10-403** is amended to read:
- 1709 **53-10-403 . DNA specimen analysis -- Application to offenders, including minors.**
- 1710 (1) Sections 53-10-403.6, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to:
- 1711 (a) a person who has pled guilty to or has been convicted of any of the offenses under
1712 Subsection (2)(a) or (b) on or after July 1, 2002;
- 1713 (b) a person who has pled guilty to or has been convicted by any other state or by the
1714 United States government of an offense which if committed in this state would be
1715 punishable as one or more of the offenses listed in Subsection (2)(a) or (b) on or after
1716 July 1, 2003;
- 1717 (c) a person who has been booked on or after January 1, 2011, through December 31,
1718 2014, for any offense under Subsection (2)(c);
- 1719 (d) a person who has been booked:
- 1720 (i) by a law enforcement agency that is obtaining a DNA specimen on or after May
1721 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any
1722 felony offense; or
- 1723 (ii) on or after January 1, 2015, for any felony offense; or
- 1724 (e) a minor:
- 1725 (i)(A) who is adjudicated by the juvenile court for an offense described in
1726 Subsection (2) that is within the jurisdiction of the juvenile court on or after
1727 July 1, 2002; or

- 1728 (B) who is adjudicated by the juvenile court for an offense described in
 1729 Subsection (2) and is in the legal custody of the Division of Juvenile Justice
 1730 and Youth Services for the offense on or after July 1, 2002; and
 1731 (ii) who is 14 years old or older at the time of the commission of the offense
 1732 described in Subsection (2).
- 1733 (2) Offenses referred to in Subsection (1) are:
- 1734 (a) any felony or class A misdemeanor under the Utah Code;
- 1735 (b) any offense under Subsection (2)(a):
- 1736 (i) for which the court enters a judgment for conviction to a lower degree of offense
 1737 under Section 76-3-402; or
- 1738 (ii) regarding which the court allows the defendant to enter a plea in abeyance as
 1739 defined in Section 77-2a-1; or
- 1740 (c)(i) any violent felony as defined in Section 53-10-403.5;
- 1741 (ii) sale or use of body parts, Section 26B-8-315;
- 1742 (iii) failure to stop at an accident that resulted in death, Section ~~[41-6a-401.5]~~
 1743 41-6a-401.3;
- 1744 (iv) operating a motor vehicle with any amount of a controlled substance in an
 1745 individual's body and causing serious bodily injury or death, as codified before
 1746 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
 1747 58-37-8(2)(g);
- 1748 (v) a felony violation of enticing a minor, Section 76-5-417;
- 1749 (vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);
- 1750 (vii) a felony violation of propelling a substance or object at a correctional officer, a
 1751 peace officer, or an employee or a volunteer, including health care providers,
 1752 Section 76-5-102.6;
- 1753 (viii) automobile homicide, Subsection 76-5-207(2)(b);
- 1754 (ix) aggravated human trafficking, Section 76-5-310, and aggravated human
 1755 smuggling, Section 76-5-310.1;
- 1756 (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
- 1757 (xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;
- 1758 (xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;
- 1759 (xiii) sale of a child, Section 76-7-203;
- 1760 (xiv) aggravated escape, Section 76-8-309.3;
- 1761 (xv) a felony violation of threatened or attempted assault on an elected official,

- 1762 Section 76-8-313;
- 1763 (xvi) threat with intent to impede, intimidate, interfere, or retaliate against a judge or
- 1764 a member of the Board of Pardons and Parole or acting against a family member
- 1765 of a judge or a member of the Board of Pardons and Parole, Section 76-8-316;
- 1766 (xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge
- 1767 or a member of the Board of Pardons and Parole or acting against a family
- 1768 member of a judge or a member of the Board of Pardons and Parole, Section
- 1769 76-8-316.2;
- 1770 (xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate
- 1771 against a judge or a member of the Board of Pardons and Parole or acting against
- 1772 a family member of a judge or a member of the Board of Pardons and Parole,
- 1773 Section 76-8-316.4;
- 1774 (xix) attempted murder with intent to impede, intimidate, interfere, or retaliate
- 1775 against a judge or a member of the Board of Pardons and Parole or acting against
- 1776 a family member of a judge or a member of the Board of Pardons and Parole,
- 1777 Section 76-8-316.6;
- 1778 (xx) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 1779 (xxi) assembling for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 1780 (xxii) a felony violation of sexual battery, Section 76-5-418;
- 1781 (xxiii) a felony violation of lewdness involving a child, Section 76-5-420;
- 1782 (xxiv) a felony violation of abuse or desecration of a dead human body, Section
- 1783 76-5-802;
- 1784 (xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section
- 1785 76-15-302;
- 1786 (xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction,
- 1787 Section 76-15-303;
- 1788 (xxvii) possession of a concealed firearm in the commission of a violent felony,
- 1789 Subsection 76-11-202(3)(c);
- 1790 (xxviii) assault with the intent to commit bus hijacking with a dangerous weapon as
- 1791 described in Subsection 76-9-1503(3)(b);
- 1792 (xxix) aggravated commercial obstruction, Section 76-9-114;
- 1793 (xxx) a felony violation of failure to register as a sex or kidnap offender, Section
- 1794 53-29-305;
- 1795 (xxxi) repeat violation of a protective order, Subsection 77-36-1.1(4); or

1796 (xxxii) violation of condition for release after arrest under Section 78B-7-802.
1797 Section 16. **Repealer.**
1798 This bill repeals:
1799 Section **41-6a-401.5, Accident involving death -- Stop at accident -- Penalty.**
1800 Section 17. **Effective Date.**
1801 This bill takes effect on July 1, 2026.