

Steve Eliason proposes the following substitute bill:

Identification Verification Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions relating to identification verification.

Highlighted Provisions:

This bill:

▸ provides that an authorized person shall verify proof of age for an individual who appears to be 35 years old or younger before the individual procures an alcoholic product at a restaurant;

▸ provides that an authorized person shall verify proof of age for each individual before the individual gains admittance to a bar or tavern or purchases beer from an off-premise beer retailer;

▸ authorizes an authorized person to temporarily confiscate a proof of age the authorized person determines is fake;

▸ provides that when a court designates an individual as an interdicted person, the court may require the individual to surrender the individual's Utah driver license or Utah identification card;

▸ provides that an individual who voluntarily applies for a driver license or an identification card with an interdicted person qualifier is not required to pay an administrative fee imposed by the Driver License Division; and

▸ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides retrospective operation.

Utah Code Sections Affected:

29 AMENDS:

30 **32B-1-407 (Effective upon governor's approval) (Applies beginning 01/01/26)**, as last
31 amended by Laws of Utah 2025, Chapter 471

32 **32B-4-405 (Effective upon governor's approval) (Applies beginning 01/01/26)**, as last
33 amended by Laws of Utah 2025, Chapter 471

34 **32B-5-306 (Effective upon governor's approval) (Applies beginning 01/01/26)**, as last
35 amended by Laws of Utah 2025, Chapter 471

36 **32B-7-202 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
37 Chapters 162, 173

38 **41-6a-505 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
39 Chapter 471

40 **41-6a-509 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
41 Chapter 471

42 **53-3-236 (Effective upon governor's approval)**, as enacted by Laws of Utah 2025,
43 Chapter 471

44 **53-3-805 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
45 Chapter 471

46 **76-5-102.1 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
47 Chapter 471

48 **76-5-207 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
49 Chapter 471

50

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

52 Section 1. Section **32B-1-407** is amended to read:

53 **32B-1-407 (Effective upon governor's approval) (Applies beginning 01/01/26).**

54 **Verification of proof of age by applicable licensees.**

55 (1) As used in this section, "applicable licensee" means:

56 [(a) a dining club;]

57 [(b)] (a) a bar;

58 [(c)] (b) a tavern;

59 [(d)] (c) a full-service restaurant;

60 [(e)] (d) a limited-service restaurant;

61 [(f)] (e) a beer-only restaurant; or

62 [(g)] (f) an off-premise beer retailer selling, offering for sale, or furnishing beer as

63 described in Subsection 32B-7-202(8).

64 (2) Notwithstanding any other provision of this part, an applicable licensee shall require
65 that an authorized person for the applicable licensee verify proof of age as provided in
66 this section.

67 (3)(a) An authorized person is required to verify proof of age under this section before
68 an individual[:] who appears to be 35 years old or younger

69 [~~(a) gains admittance to the premises of a bar licensee or tavern;~~]

70 [~~(b) procures an alcoholic product on the premises of a dining club licensee; or~~]

71 [~~(c) procures an alcoholic product in a dispensing area in the premises of a full-service~~
72 ~~restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant~~
73 ~~licensee.~~

74 (b) An authorized person is required to verify proof of age under this section before an
75 individual:

76 (i) gains admittance to the premises of a bar licensee or tavern; or

77 (ii) purchases beer from an off-premise beer retailer.

78 (c) When verifying proof of age under this Subsection (3), an authorized person shall
79 verify that:

80 (i) the individual's age on the proof of age is at least 21 years old;

81 (ii) the picture on the proof of age matches the individual; and

82 (iii) if the proof of age is a driver license issued by this state, that the individual is not
83 an interdicted person.

84 (4) To comply with Subsection (3), an authorized person shall:

85 (a) request that the individual present proof of age; and

86 (b)(i) verify the validity of the proof of age electronically under the verification
87 program created in Subsection (5); or

88 (ii) if the proof of age cannot be electronically verified as provided in Subsection
89 (4)(b)(i), request that the individual comply with a process established by the
90 commission by rule.

91 (5)(a) The commission shall establish by rule an electronic verification program that
92 includes the following:

93 (i) the specifications for the technology used by the applicable licensee to
94 electronically verify proof of age, including that the technology display to the
95 person described in Subsection (2) no more than the following for the individual
96 who presents the proof of age:

- 97 (A) the name;
- 98 (B) the age;
- 99 (C) the number assigned to the individual's proof of age by the issuing authority;
- 100 (D) the birth date;
- 101 (E) the gender; and
- 102 (F) the status and expiration date of the individual's proof of age; and
- 103 (ii) the security measures that shall be used by an applicable licensee to ensure that
- 104 information obtained under this section is:
- 105 (A) used by the applicable licensee only for purposes of verifying proof of age in
- 106 accordance with this section; and
- 107 (B) retained by the applicable licensee for seven days after the day on which the
- 108 applicable licensee obtains the information.
- 109 (b) The commission shall ensure that the electronic verification program described in
- 110 Subsection (5)(a) includes technology that [~~recognizes every state's unique hidden~~
- 111 ~~security features located on state issued identification cards to determine the validity~~
- 112 ~~of that particular card.] can determine the validity of a state issued identification card~~
- 113 from the barcode located on the back of the state issued identification card by:
- 114 (i) comparing the card's barcode to other legitimate barcodes; or
- 115 (ii) identifying patterns within legitimate state issued identification cards.
- 116 (6)(a) An applicable licensee may not disclose information obtained under this section
- 117 except as provided under this title.
- 118 (b) Information obtained under this section is considered a record for any purpose under
- 119 Chapter 5, Part 3, Retail Licensee Operational Requirements.
- 120 (7)(a) If, after an authorized person requests that an individual present proof of age in
- 121 accordance with Subsection (4), the authorized person determines that the proof of
- 122 age the individual presents is fake or the electronic verification program described in
- 123 Subsection (5) determines that the proof of age is fake, the authorized person may,
- 124 subject to Subsection (7)(b):
- 125 (i) temporarily confiscate the proof of age; and
- 126 (ii) call law enforcement and request that law enforcement verify the validity of the
- 127 proof of age.
- 128 (b) When an authorized person calls law enforcement in accordance with this Subsection
- 129 (7):
- 130 (i) if law enforcement is unavailable to verify the validity of the proof of age within

131 30 minutes, the authorized person shall immediately return the proof of age to the
 132 individual; or
 133 (ii) if law enforcement is available to verify the validity of the proof of age within 30
 134 minutes, the authorized person may maintain control over the proof of age until
 135 law enforcement arrives to verify the proof of age.

136 Section 2. Section **32B-4-405** is amended to read:

137 **32B-4-405 (Effective upon governor's approval) (Applies beginning 01/01/26).**

138 **Unlawful sale, offer for sale, or furnishing to interdicted person.**

139 (1) A person may not sell, offer for sale, or furnish an alcoholic product to a known
 140 interdicted person.

141 [~~(2) Prior to any sale or furnishing of an alcohol product, a person shall verify whether the~~
 142 ~~person is an interdicted person through examination of the person's identification card or~~
 143 ~~license certificate issued pursuant to Title 53, Chapter 3, Uniform Driver License Act, or~~
 144 ~~proof of age issued by another state or country.]~~

145 [~~(3)~~] (2) This section does not apply to the sale, offer for sale, or furnishing of an alcoholic
 146 product to an interdicted person:

- 147 (a) under an order of a health care practitioner who is authorized by law to write a
 148 prescription; or
- 149 (b) administered by a hospital or health care practitioner authorized by law to administer
 150 the alcoholic product for medicinal purposes.

151 Section 3. Section **32B-5-306** is amended to read:

152 **32B-5-306 (Effective upon governor's approval) (Applies beginning 01/01/26).**

153 **Purchasing or selling alcoholic product.**

154 (1)[~~(a)~~] A retail licensee may not sell, offer for sale, or furnish an alcoholic product to:

- 155 [~~(i)~~] (a) a minor;
- 156 [~~(ii)~~] (b) a person actually, apparently, or obviously intoxicated;
- 157 [~~(iii)~~] (c) a known interdicted person; or
- 158 [~~(iv)~~] (d) a known habitual drunkard.

159 [~~(b) Prior to any sale or furnishing of an alcohol product, a retail licensee shall verify~~
 160 ~~whether the person is a minor or an interdicted person through examination of the~~
 161 ~~person's identification card or license certificate issued pursuant to Title 53, Chapter~~
 162 ~~3, Uniform Driver License Act, or proof of age issued by another state or country.]~~

163 (2)(a) A patron may only purchase an alcoholic product in the licensed premises of a
 164 retail licensee from and be served by an individual who is:

- 165 (i) staff of the retail licensee; and
 166 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.
 167 (b) An individual may sell, offer for sale, or furnish an alcoholic product to a patron only
 168 if the individual is:
 169 (i) staff of the retail licensee; and
 170 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.
 171 (c) Notwithstanding Subsection (2)(a) or (b), a patron who purchases bottled wine from
 172 staff of the retail licensee or carries bottled wine onto the retail licensee's premises
 173 pursuant to Section 32B-5-307 may thereafter serve wine from the bottle to the
 174 patron or others at the patron's table.
 175 (3) The following may not purchase an alcoholic product for a patron:
 176 (a) a retail licensee; or
 177 (b) staff of a retail licensee.
 178 (4) After a retail licensee closes the retail licensee's business at the licensed premises, the
 179 retail licensee may transfer the retail licensee's inventory of alcoholic product from that
 180 premises to another premises licensed under this chapter that is owned by the same retail
 181 licensee.

182 Section 4. Section **32B-7-202** is amended to read:

183 **32B-7-202 (Effective upon governor's approval). General operational**
 184 **requirements for off-premise beer retailer.**

- 185 (1)(a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply
 186 with the provisions of this title and any applicable rules made by the commission.
 187 ~~[(2)]~~ (b) Failure to comply with this section may result in a suspension or revocation of a
 188 local license and, on or after July 1, 2018, disciplinary action in accordance with
 189 Chapter 3, Disciplinary Actions and Enforcement Act.
 190 ~~[(3)]~~ (2)(a)(i) An off-premise beer retailer may not purchase, acquire, possess for the
 191 purpose of resale, or sell beer, except beer that the off-premise beer retailer
 192 lawfully purchases from:
 193 (A) a beer wholesaler licensee; or
 194 (B) a small brewer that manufactures the beer.
 195 (ii) A violation of Subsection ~~[(2)(a)]~~ (2)(a)(i) is a class A misdemeanor.
 196 (b)(i) If an off-premise beer retailer purchases beer under this Subsection (2) from a
 197 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only
 198 from a beer wholesaler licensee who is designated by the manufacturer to sell beer

199 in the geographical area in which the off-premise beer retailer is located, unless an
200 alternate wholesaler is authorized by the department to sell to the off-premise beer
201 retailer as provided in Section 32B-13-301.

202 (ii) A violation of Subsection [~~(2)(b)~~] (2)(b)(i) is a class B misdemeanor.

203 [~~(4)~~] (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a
204 container larger than two liters.

205 [~~(5)~~] (4)(a) Staff of an off-premise beer retailer, while on duty, may not:

206 (i) consume an alcoholic product; or

207 (ii) be intoxicated.

208 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer
209 unless:

210 (i) the sale is done under the supervision of a person 21 years old or older who is on
211 the licensed premises; and

212 (ii) the minor is at least 16 years old.

213 [~~(6)~~] (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic
214 product to:

215 (a) a minor;

216 (b) a person actually, apparently, or obviously intoxicated;

217 (c) a known interdicted person; or

218 (d) a known habitual drunkard.

219 [~~(7)~~] (6)(a) Subject to the other provisions of this Subsection (6), an off-premise beer
220 retailer shall:

221 (i) display all beer accessible by and visible to a patron in no more than two locations
222 on the retail sales floor, each of which is:

223 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only
224 beverage displayed; and

225 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a
226 cooler with a door from which the nonalcoholic beverages are not accessible,
227 or the beer is separated from the display of nonalcoholic beverages by a display
228 of one or more nonbeverage products or another physical divider; and

229 (ii) display a sign in the area described in Subsection (6)(a)(i) that:

230 (A) is prominent;

231 (B) is easily readable by a consumer;

232 (C) meets the requirements for format established by the commission by rule; and

- 233 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages
234 contain alcohol. Please read the label carefully."
- 235 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer
236 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- 237 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is
238 labeled, packaged, or advertised as:
- 239 (i) a malt cooler; or
240 (ii) a beverage that may provide energy.
- 241 (d) A violation of this Subsection (6) is an infraction.
- 242 (e)(i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection
243 (6)(a)(i) apply on and after May 9, 2017.
- 244 (ii) For a beer retailer that operates two or more off-premise beer retailers, the
245 provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.
- 246 ~~(8)~~ (7)(a) Staff of an off-premise beer retailer who directly supervises the sale of beer
247 or who sells beer to a patron for consumption off the premises of the off-premise beer
248 retailer shall wear a unique identification badge:
- 249 (i) on the front of the staff's clothing;
250 (ii) visible above the waist;
251 (iii) bearing the staff's:
252 (A) first or last name;
253 (B) initials; or
254 (C) unique identification in letters or numbers; and
255 (iv) with the number or letters on the unique identification badge being sufficiently
256 large to be clearly visible and identifiable while engaging in or directly
257 supervising the retail sale of beer.
- 258 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
259 unique identification badge assigned by the off-premise beer retailer that includes the
260 staff's:
261 (i) full name;
262 (ii) address; and
263 (iii)(A) driver license number; or
264 (B) similar identification number.
- 265 (c) An off-premise beer retailer shall make available a record required to be made or
266 maintained under this Subsection (7) for immediate inspection by:

- 267 (i) a peace officer;
- 268 (ii) a representative of the local authority that issues the off-premise beer retailer
- 269 license; or
- 270 (iii) for an off-premise beer retailer state license, a representative of the commission
- 271 or department.
- 272 (d) A local authority may impose a fine of up to \$250 against an off-premise beer
- 273 retailer that does not comply or require [its] the off-premise beer retailer's staff to
- 274 comply with this Subsection (7).
- 275 [(9)] (8)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
- 276 (i) at a drive-through window;
- 277 (ii) at a drive-up loading area, if the drive-up loading area is contiguous to the
- 278 off-premise beer retailer's licensed premises; or
- 279 (iii) subject to Subsection (8)(b), at a designated parking stall.
- 280 (b)(i) An off-premise beer retailer shall ensure that a parking stall described in
- 281 Subsection (8)(a)(iii) is:
- 282 (A) located on property that the off-premise beer retailer owns or has a legal right
- 283 to occupy;
- 284 (B) designated for picking up pre-ordered items from the off-premise beer retailer;
- 285 and
- 286 (C) labeled in a conspicuous manner that communicates the purpose described in
- 287 Subsection [(8)(b)(ii)] (8)(b)(i)(B).
- 288 (ii) An off-premise beer retailer may not sell, offer for sale, or furnish beer at a
- 289 designated parking stall described in Subsection (8)(a)(iii) unless:
- 290 (A) the off-premise beer retailer ensures that the individual purchasing the beer
- 291 purchases the beer before parking in the designated parking stall;
- 292 (B) the off-premise beer retailer delivers the beer directly from the off-premise
- 293 beer retailer's licensed premises to the designated parking stall;
- 294 (C) at the designated parking stall, staff of the off-premise beer retailer verifies the
- 295 purchaser's age in accordance with Section 32B-1-407; and
- 296 (D) the off-premise beer retailer maintains video surveillance of the designated
- 297 parking stall.
- 298 (c) Nothing in this Subsection (8) modifies the other requirements of this section.
- 299 (d) Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in
- 300 accordance with this Subsection (8) shall comply with the training requirements

301 described in Section 32B-1-703.

302 [~~(10)~~] (9) An off-premise beer retailer may not on the licensed premises:

303 (a) engage in or permit any form of:

304 (i) gambling, as defined in Section 76-9-1401; or

305 (ii) fringe gambling, as defined in Section 76-9-1401;

306 (b) have any fringe gaming device, video gaming device, or gambling device or record
307 as defined in Section 76-9-1401; or

308 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
309 the risking of something of value for a return or for an outcome when the return or
310 outcome is based upon an element of chance, excluding the playing of an amusement
311 device that confers only an immediate and unrecorded right of replay not
312 exchangeable for value.

313 [~~(11)~~] (10) An off-premise beer retailer may not knowingly allow a person on the licensed
314 premises to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or
315 Chapter 37a, Utah Drug Paraphernalia Act:

316 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2;
317 or

318 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in
319 Section 58-37a-3.

320 [~~(12)~~] (11) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is
321 intended to be frozen and consumed in a manner other than as a beverage, including beer
322 in the form of a freeze pop, popsicle, ice cream, or sorbet.

323 Section 5. Section **41-6a-505** is amended to read:

324 **41-6a-505 (Effective upon governor's approval). Sentencing requirements for**
325 **driving under the influence of alcohol, drugs, or a combination of both violations.**

326 (1) As part of any sentence for a first conviction of extreme DUI:

327 (a) the court shall:

328 (i)(A) impose a jail sentence of not less than five days; or

329 (B) impose a jail sentence of not less than two days in addition to home
330 confinement of not fewer than 30 consecutive days through the use of
331 electronic monitoring that includes a substance abuse testing instrument in
332 accordance with Section 41-6a-506;

333 (ii) order the individual to participate in a screening;

334 (iii) order the individual to participate in an assessment, if it is found appropriate by a

- 335 screening under Subsection (1)(a)(ii);
- 336 (iv) order the individual to participate in an educational series if the court does not
337 order substance abuse treatment as described under Subsection (1)(b);
- 338 (v) impose a fine of not less than \$700;
- 339 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 340 (vii)(A) order the individual to pay the administrative impound fee described in
341 Section 41-6a-1406; or
342 (B) if the administrative impound fee was paid by a party described in Subsection
343 41-6a-1406(6)(a), other than the individual sentenced, order the individual
344 sentenced to reimburse the party;
- 345 (viii)(A) order the individual to pay the towing and storage fees described in
346 Section 72-9-603; or
347 (B) if the towing and storage fees were paid by a party described in Subsection
348 41-6a-1406(6)(a), other than the individual sentenced, order the individual
349 sentenced to reimburse the party;
- 350 (ix) unless the court determines and states on the record that an ignition interlock
351 system is not necessary for the safety of the community and in the best interest of
352 justice, order the installation of an ignition interlock system as described in
353 Section 41-6a-518; and
- 354 (x) designate the individual as an interdicted person for a period of time not to exceed
355 the probationary period, unless the court finds good cause to order a shorter or
356 longer time, and require the individual to surrender the individual's Utah driver
357 license or Utah identification card; and
- 358 (b) the court may:
- 359 (i) order the individual to obtain substance abuse treatment if the substance abuse
360 treatment program determines that substance abuse treatment is appropriate;
- 361 (ii) order the individual to participate in a 24-7 sobriety program as defined in
362 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 363 (iii) order a combination of Subsections (1)(b)(i) and (ii).
- 364 (2)(a) If an individual described in Subsection (1) is participating in a 24-7 sobriety
365 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
366 imposed under Subsection (1)(a).
- 367 (b) If an individual described in Subsection (1) fails to successfully complete all of the
368 requirements of the 24-7 sobriety program, the court shall impose the suspended jail

- 369 sentence described in Subsection (2)(a).
- 370 (3) As part of any sentence for any first conviction of Section 41-6a-502 not described in
371 Subsection (1):
- 372 (a) the court shall:
- 373 (i)(A) impose a jail sentence of not less than two days; or
374 (B) require the individual to work in a compensatory-service work program for
375 not less than 48 hours;
- 376 (ii) order the individual to participate in a screening;
- 377 (iii) order the individual to participate in an assessment, if it is found appropriate by a
378 screening under Subsection (3)(a)(ii);
- 379 (iv) order the individual to participate in an educational series if the court does not
380 order substance abuse treatment as described under Subsection (3)(b);
- 381 (v) impose a fine of not less than \$700;
- 382 (vi)(A) order the individual to pay the administrative impound fee described in
383 Section 41-6a-1406; or
384 (B) if the administrative impound fee was paid by a party described in Subsection
385 41-6a-1406(6)(a), other than the individual sentenced, order the individual
386 sentenced to reimburse the party; and
- 387 (vii)(A) order the individual to pay the towing and storage fees described in
388 Section 72-9-603; or
389 (B) if the towing and storage fees were paid by a party described in Subsection
390 41-6a-1406(6)(a), other than the individual sentenced, order the individual
391 sentenced to reimburse the party; and
- 392 (b) the court may:
- 393 (i) order the individual to obtain substance abuse treatment if the substance abuse
394 treatment program determines that substance abuse treatment is appropriate;
- 395 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 396 (iii) order the individual to participate in a 24-7 sobriety program as defined in
397 Section 41-6a-515.5 if the individual is 21 years old or older;
- 398 (iv) order a combination of Subsections (3)(b)(i) through (iii); or
- 399 (v) designate the individual as an interdicted person for a period of time not to exceed
400 the probationary period, unless the court finds good cause to order a shorter or
401 longer time, and require the individual to surrender the individual's Utah driver
402 license or Utah identification card.

- 403 (4)(a) If an individual described in Subsection (3) is participating in a 24-7 sobriety
404 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
405 imposed under Subsection (3)(a).
- 406 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of
407 the requirements of the 24-7 sobriety program, the court shall impose the suspended
408 jail sentence described in Subsection (4)(a).
- 409 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
410 years of the current conviction under Section 41-6a-502 or the commission of the
411 offense upon which the current conviction amounts to extreme DUI:
- 412 (a) the court shall:
- 413 (i)(A) impose a jail sentence of not less than 20 days;
- 414 (B) impose a jail sentence of not less than 10 days in addition to home
415 confinement of not fewer than 60 consecutive days through the use of
416 electronic monitoring that includes a substance abuse testing instrument in
417 accordance with Section 41-6a-506; or
- 418 (C) impose a jail sentence of not less than 10 days in addition to ordering the
419 individual to obtain substance abuse treatment, if the court finds that substance
420 abuse treatment is more likely to reduce recidivism and is in the interests of
421 public safety;
- 422 (ii) order the individual to participate in a screening;
- 423 (iii) order the individual to participate in an assessment, if it is found appropriate by a
424 screening under Subsection (5)(a)(ii);
- 425 (iv) order the individual to participate in an educational series if the court does not
426 order substance abuse treatment as described under Subsection (5)(b);
- 427 (v) impose a fine of not less than \$800;
- 428 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 429 (vii) order the installation of an ignition interlock system as described in Section
430 41-6a-518;
- 431 (viii)(A) order the individual to pay the administrative impound fee described in
432 Section 41-6a-1406; or
- 433 (B) if the administrative impound fee was paid by a party described in Subsection
434 41-6a-1406(6)(a), other than the individual sentenced, order the individual
435 sentenced to reimburse the party;
- 436 (ix)(A) order the individual to pay the towing and storage fees described in

- 437 Section 72-9-603; or
- 438 (B) if the towing and storage fees were paid by a party described in Subsection
- 439 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 440 sentenced to reimburse the party; and
- 441 (x) designate the individual as an interdicted person for a period of time not to exceed
- 442 the probationary period, unless the court finds good cause to order a shorter or
- 443 longer time, and require the individual to surrender the individual's Utah driver
- 444 license or Utah identification card; and
- 445 (b) the court may:
- 446 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 447 treatment program determines that substance abuse treatment is appropriate;
- 448 (ii) order the individual to participate in a 24-7 sobriety program as defined in
- 449 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 450 (iii) order a combination of Subsections (5)(b)(i) and (ii).
- 451 (6)(a) If an individual described in Subsection (5) is participating in a 24-7 sobriety
- 452 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 453 imposed under Subsection (5)(a) after the individual has served a minimum of:
- 454 (i) five days of the jail sentence for a second offense; or
- 455 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 456 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of
- 457 the requirements of the 24-7 sobriety program, the court shall impose the suspended
- 458 jail sentence described in Subsection (6)(a).
- 459 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
- 460 years of the current conviction under Section 41-6a-502 or the commission of the
- 461 offense upon which the current conviction is based and that does not qualify under
- 462 Subsection (5):
- 463 (a) the court shall:
- 464 (i)(A) impose a jail sentence of not less than 10 days; or
- 465 (B) impose a jail sentence of not less than 5 days in addition to home confinement
- 466 of not fewer than 30 consecutive days through the use of electronic monitoring
- 467 that includes a substance abuse testing instrument in accordance with Section
- 468 41-6a-506;
- 469 (ii) order the individual to participate in a screening;
- 470 (iii) order the individual to participate in an assessment, if it is found appropriate by a

- 471 screening under Subsection (7)(a)(ii);
- 472 (iv) order the individual to participate in an educational series if the court does not
473 order substance abuse treatment as described under Subsection (7)(b);
- 474 (v) impose a fine of not less than \$800;
- 475 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 476 (vii)(A) order the individual to pay the administrative impound fee described in
477 Section 41-6a-1406; or
- 478 (B) if the administrative impound fee was paid by a party described in Subsection
479 41-6a-1406(6)(a), other than the individual sentenced, order the individual
480 sentenced to reimburse the party; and
- 481 (viii)(A) order the individual to pay the towing and storage fees described in
482 Section 72-9-603; or
- 483 (B) if the towing and storage fees were paid by a party described in Subsection
484 41-6a-1406(6)(a), other than the individual sentenced, order the individual
485 sentenced to reimburse the party; and
- 486 (b) the court may:
- 487 (i) order the individual to obtain substance abuse treatment if the substance abuse
488 treatment program determines that substance abuse treatment is appropriate;
- 489 (ii) order the individual to participate in a 24-7 sobriety program as defined in
490 Section 41-6a-515.5 if the individual is 21 years old or older;
- 491 (iii) order a combination of Subsections (7)(b)(i) and (ii); or
- 492 (iv) designate the individual as an interdicted person for a period of time not to
493 exceed the probationary period, unless the court finds good cause to order a
494 shorter or longer time, and require the individual to surrender the individual's Utah
495 driver license or Utah identification card.
- 496 (8)(a) If an individual described in Subsection (7) is participating in a 24-7 sobriety
497 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
498 imposed under Subsection (7)(a) after the individual has served a minimum of:
- 499 (i) five days of the jail sentence for a second offense; or
- 500 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 501 (b) If an individual described in Subsection (8)(a) fails to successfully complete all of
502 the requirements of the 24-7 sobriety program, the court shall impose the suspended
503 jail sentence described in Subsection (8)(a).
- 504 (9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison

- 505 sentence and places the defendant on probation for a conviction of extreme DUI, the
506 court shall:
- 507 (a) impose a fine of not less than \$1,500;
 - 508 (b) impose a jail sentence of not less than 120 days;
 - 509 (c) order home confinement of not fewer than 120 consecutive days through the use of
510 electronic monitoring that includes a substance abuse testing instrument in
511 accordance with Section 41-6a-506;
 - 512 (d) order supervised probation; and
 - 513 (e) designate the individual as an interdicted person for a period of time not to exceed
514 the probationary period, unless the court finds good cause to order a shorter or longer
515 time, and require the individual to surrender the individual's Utah driver license or
516 Utah identification card.
- 517 (10)(a) For Subsection (9) or Subsection 41-6a-502(2)(c)(i), the court:
- 518 (i) shall impose an order requiring the individual to obtain a screening and
519 assessment for alcohol and substance abuse, and treatment as appropriate; and
 - 520 (ii) may impose an order requiring the individual to participate in a 24-7 sobriety
521 program as defined in Section 41-6a-515.5 if the individual is 21 years old or
522 older.
 - 523 (b) If an individual described in Subsection (10)(a)(ii) fails to successfully complete all
524 of the requirements of the 24-7 sobriety program, the court shall impose the
525 suspended prison sentence described in Subsection (9).
- 526 (11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
527 sentence and places the defendant on probation with a sentence not described in
528 Subsection (9), the court shall impose:
- 529 (a) a fine of not less than \$1,500;
 - 530 (b) a jail sentence of not less than 60 days;
 - 531 (c) home confinement of not fewer than 60 consecutive days through the use of
532 electronic monitoring that includes a substance abuse testing instrument in
533 accordance with Section 41-6a-506; and
 - 534 (d) supervised probation.
- 535 (12)(a)(i) Except as described in Subsection (12)(a)(ii), a court may not suspend the
536 requirements of this section.
- 537 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).
 - 538 (b) A court, with stipulation of both parties and approval from the judge, may convert a

- 539 jail sentence required in this section to electronic home confinement.
- 540 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation
- 541 under this section to be served in multiple two-day increments at weekly intervals if
- 542 the court determines that separate jail increments are necessary to ensure the
- 543 defendant can serve the statutorily required jail term and maintain employment.
- 544 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible
- 545 evidence that the individual had a blood or breath alcohol level of .16 or higher, the
- 546 court shall order the following, or describe on record why the order or orders are not
- 547 appropriate:
- 548 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and
- 549 (b) one or more of the following:
- 550 (i) the installation of an ignition interlock system as a condition of probation for the
- 551 individual in accordance with Section 41-6a-518;
- 552 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
- 553 device or remote alcohol monitor as a condition of probation for the individual; or
- 554 (iii) the imposition of home confinement through the use of electronic monitoring in
- 555 accordance with Section 41-6a-506.

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

557 **41-6a-509 (Effective upon governor's approval). Driver license suspension or**

558 **revocation for a driving under the influence violation.**

- 559 (1)(a) The Driver License Division shall, if the person is 21 years old or older at the time
- 560 of arrest:
- 561 (i) suspend for a period of 120 days the operator's license of a person convicted for
- 562 the first time under Section 41-6a-502 or 76-5-102.1; or
- 563 (ii) revoke for a period of two years the license of a person if:
- 564 (A) the person has a prior conviction as defined under Subsection 41-6a-501(2);
- 565 and
- 566 (B) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
- 567 committed within a period of 10 years from the date of the prior violation.
- 568 (b)(i) If a person elects to become an interlock restricted driver under Subsection
- 569 53-3-223(10)(a), the Driver License Division may not suspend the operator's
- 570 license for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i)
- 571 unless the person fails to complete 120 days of the interlock restriction.
- 572 (ii) If a person elects to become an interlock restricted driver under Subsection

- 573 53-3-223(10)(a), and the person fails to complete the full 120 days of interlock
574 restriction, the Driver License Division:
- 575 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a
576 period of 120 days from the date the ignition interlock system was removed
577 from the vehicle; and
- 578 (B) may not reduce the 120-day suspension for any days the person was compliant
579 with the interlock restriction under Subsection 53-3-223(10)(a).
- 580 (c)(i) If a person elects to become an interlock restricted driver under Subsection
581 41-6a-521(7), the Driver License Division may not suspend the operator's license
582 for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i) unless the
583 person fails to complete three years of the interlock restriction under Subsection
584 41-6a-521(7).
- 585 (ii) If a person elects to become an interlock restricted driver under Subsection
586 41-6a-521(7), and the person fails to complete the full three years of interlock
587 restriction, the Driver License Division:
- 588 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a
589 period of 120 days from the date the ignition interlock system was removed
590 from the vehicle; and
- 591 (B) may not reduce the 120-day suspension for any days the person was compliant
592 with the interlock restriction under Subsection 41-6a-521(7).
- 593 (2) The Driver License Division shall, if the person is 19 years old or older but under 21
594 years old at the time of arrest:
- 595 (a) suspend the person's driver license until the person is 21 years old or for a period of
596 one year, whichever is longer, if the person is convicted for the first time of a
597 violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 of an offense that was
598 committed on or after July 1, 2011;
- 599 (b) deny the person's application for a license or learner's permit until the person is 21
600 years old or for a period of one year, whichever is longer, if the person:
- 601 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1,
602 or 76-5-207 of an offense committed on or after July 1, 2011; and
- 603 (ii) has not been issued an operator license;
- 604 (c) revoke the person's driver license until the person is 21 years old or for a period of
605 two years, whichever is longer, if:
- 606 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

- 607 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
608 committed within a period of 10 years from the date of the prior violation; or
- 609 (d) deny the person's application for a license or learner's permit until the person is 21
610 years old or for a period of two years, whichever is longer, if:
- 611 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
612 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
613 committed within a period of 10 years from the date of the prior violation; and
614 (iii) the person has not been issued an operator license.
- 615 (3) The Driver License Division shall, if the person is under 19 years old at the time of
616 arrest:
- 617 (a) suspend the person's driver license until the person is 21 years old if the person is
618 convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or
619 76-5-207;
- 620 (b) deny the person's application for a license or learner's permit until the person is 21
621 years old if the person:
- 622 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1,
623 or 76-5-207; and
624 (ii) has not been issued an operator license;
- 625 (c) revoke the person's driver license until the person is 21 years old if:
- 626 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
627 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
628 committed within a period of 10 years from the date of the prior violation; or
- 629 (d) deny the person's application for a license or learner's permit until the person is 21
630 years old if:
- 631 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
632 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
633 committed within a period of 10 years from the date of the prior violation; and
634 (iii) the person has not been issued an operator license.
- 635 (4) The Driver License Division shall suspend or revoke the license of a person as ordered
636 by the court under Subsection (9).
- 637 (5) The Driver License Division shall subtract from any suspension or revocation period the
638 number of days for which a license was previously suspended under Section 53-3-223 or
639 53-3-231, if the previous suspension was based on the same occurrence upon which the
640 record of conviction is based.

- 641 (6) If a conviction recorded as impaired driving is amended to a driving under the influence
642 conviction under Section 41-6a-502, 76-5-102.1, or 76-5-207 in accordance with
643 Subsection 41-6a-502.5(3)(a)(ii), the Driver License Division:
- 644 (a) may not subtract from any suspension or revocation any time for which a license was
645 previously suspended or revoked under Section 53-3-223 or 53-3-231; and
 - 646 (b) shall start the suspension or revocation time under Subsection (1) on the date of the
647 amended conviction.
- 648 (7) A court that reported a conviction of a violation of Section 41-6a-502, 76-5-102.1, or
649 76-5-207 for a violation that occurred on or after July 1, 2009, to the Driver License
650 Division may shorten the suspension period imposed under Subsection (2)(a) or (b) or
651 Subsection (3)(a) or (b) prior to completion of the suspension period if the person:
- 652 (a) completes at least six months of the license suspension;
 - 653 (b) completes a screening;
 - 654 (c) completes an assessment, if it is found appropriate by a screening under Subsection
655 (7)(b);
 - 656 (d) completes substance abuse treatment if it is found appropriate by the assessment
657 under Subsection (7)(c);
 - 658 (e) completes an educational series if substance abuse treatment is not required by an
659 assessment under Subsection (7)(c) or the court does not order substance abuse
660 treatment;
 - 661 (f) has not been convicted of a violation of any motor vehicle law in which the person
662 was involved as the operator of the vehicle during the suspension period imposed
663 under Subsection (2)(a) or (b) or Subsection (3)(a) or (b);
 - 664 (g) has complied with all the terms of the person's probation or all orders of the court if
665 not ordered to probation; and
 - 666 (h)(i) is 18 years old or older and provides a sworn statement to the court that the
667 person has not unlawfully consumed alcohol during the suspension period
668 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or
669 (ii) is under 18 years old and has the person's parent or legal guardian provide an
670 affidavit or sworn statement to the court certifying that to the parent or legal
671 guardian's knowledge the person has not unlawfully consumed alcohol during the
672 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or
673 (b).
- 674 (8) If the court shortens a person's license suspension period in accordance with the

675 requirements of Subsection (7), the court shall forward the order shortening the person's
676 suspension period to the Driver License Division in a manner specified by the division
677 prior to the completion of the suspension period imposed under Subsection (2)(a) or (b)
678 or Subsection (3)(a) or (b).

679 (9)(a)(i) In addition to any other penalties provided in this section, a court may order
680 the operator's license of a person who is convicted of a violation of Section
681 41-6a-502, 76-5-102.1, or 76-5-207 to be suspended or revoked for an additional
682 period of 90 days, 120 days, 180 days, one year, or two years to remove from the
683 highways those persons who have shown they are safety hazards.

684 (ii) The additional suspension or revocation period provided in this Subsection (9)
685 shall begin the date on which the individual would be eligible to reinstate the
686 individual's driving privilege for a violation of Section 41-6a-502, 76-5-102.1, or
687 76-5-207.

688 (b) If the court suspends or revokes the person's license under this Subsection (9), the
689 court shall prepare and send to the Driver License Division an order to suspend or
690 revoke that person's driving privileges for a specified period of time.

691 (10)(a) The court shall notify the Driver License Division if a person fails to complete
692 all court ordered:

693 (i) screenings;

694 (ii) assessments;

695 (iii) educational series;

696 (iv) substance abuse treatment; and

697 (v) hours of work in a compensatory-service work program.

698 (b) Subject to Subsection 53-3-218(3), upon receiving the notification described in
699 Subsection (10)(a), the division shall suspend the person's driving privilege in
700 accordance with Subsection 53-3-221(2).

701 (11)(a) A court that reported a conviction of a violation of Section 41-6a-502 to the
702 Driver License Division may shorten the suspension or revocation period imposed
703 under Subsection (1) before completion of the suspension or revocation period if the
704 person:

705 (i) is participating in or has successfully completed a 24-7 sobriety program as
706 defined in Section 41-6a-515.5;

707 (ii)(A) is participating in or has successfully completed a problem solving court
708 program approved by the Judicial Council, including a driving under the

- 709 influence court program, a drug court program, or a veterans treatment court
710 program; and
- 711 (B) has elected to become an interlock restricted driver as a condition of probation
712 during the remainder of the person's suspension or revocation period in
713 accordance with Section 41-6a-518; or
- 714 (iii) has had their operator license suspended under Subsection (1)(a)(i), and the court
715 does not have a problem solving court program approved by the Judicial Council
716 or access to a 24-7 sobriety program as defined in Section 41-6a-515.5, if the
717 person:
- 718 (A) has installed an ignition interlock device in any vehicle owned or driven by
719 the person in accordance with Section 53-3-1007; and
- 720 (B) did not inflict bodily injury upon another as a proximate result of having
721 operated the vehicle in a negligent manner.
- 722 (b) If a court shortens a person's license suspension or revocation period in accordance
723 with the requirements of this Subsection (11), the court shall forward the order
724 shortening the person's suspension or revocation period to the Driver License
725 Division in a manner specified by the division.
- 726 (c) The court shall notify the Driver License Division, in a manner specified by the
727 Driver License Division, if a person fails to complete or comply with a condition that
728 allowed the court to shorten the person's license suspension or revocation period
729 under Subsection (11)(a).
- 730 (d)(i)(A) Upon receiving the notification described in Subsection (11)(c), for a
731 first offense, the division shall suspend the person's driving privilege for a
732 period of 120 days from the date of notice.
- 733 (B) For a suspension described under Subsection (11)(d)(i)(A), no days shall be
734 subtracted from the 120-day suspension period for which a driving privilege
735 was previously suspended under this section or Section 53-3-223, if the
736 previous suspension was based on the same occurrence upon which the
737 conviction under Section 41-6a-502 is based.
- 738 (ii)(A) Upon receiving the notification described in Subsection (11)(c), for a
739 second or subsequent offense, the division shall revoke the person's driving
740 privilege for a period of two years from the date of notice.
- 741 (B) For a license revocation described in Subsection (11)(d)(ii)(A), no days shall
742 be subtracted from the two-year revocation period for which a driving privilege

743 was previously revoked under this section or Section 53-3-223, if the previous
744 revocation was based on the same occurrence upon which the conviction under
745 Section 41-6a-502 is based.

746 (12) If a court designates a person as an interdicted person as provided in Section 41-6a-505,
747 the court shall:

748 (a) require the person to surrender the person's Utah identification card or Utah driver
749 license;

750 (b) notify the Driver License Division that the person is an interdicted person; and

751 (c) provide the person's identification card or driver license to the Driver License
752 Division.

753 Section 7. Section **53-3-236** is amended to read:

754 **53-3-236 (Effective upon governor's approval). Interdicted person identifier --**
755 **License notation.**

756 (1) If the division receives a notification from a court as provided in Section 41-6a-505,
757 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the
758 division:

759 (a)(i) may accept an application from the individual for a duplicate license that
760 includes an interdicted person identifier; and

761 (ii) if the individual submits an application and qualifies for a license certificate, may
762 provide a license certificate with the interdicted person identifier; or

763 (b)(i) may accept an application from the individual for a renewal of a license or an
764 original license with an interdicted person identifier; and

765 (ii) if the individual submits an application and qualifies for a license certificate, may
766 provide a license certificate with an interdicted person identifier.

767 (2) The division may not provide to an individual a license certificate without the
768 interdicted person identifier during the time period the court has designated the person
769 as an interdicted person.

770 (3)(a) An individual may voluntarily apply for a duplicate license, original license, or
771 renewal of a license that includes an interdicted person identifier.

772 (b) An individual [~~that~~] who voluntarily applies for a duplicate license, original license,
773 or renewal of a license with an interdicted person identifier may not apply for another
774 duplicate license, original license, or renewal of a license without the interdicted
775 person identifier for at least 30 days after the application for the license certificate
776 with the interdicted person identifier.

777 (c) An individual who voluntarily applies for a duplicate license, original license, or
 778 renewal of a license with an interdicted person identifier is not required to pay the fee
 779 described in Subsection (5).

780 (4) An individual may not hold a license certificate with an interdicted person identifier
 781 while also holding another license certificate.

782 (5) [The] Subject to Subsection (3)(c), the division may charge an administrative fee as
 783 described in Subsection 53-3-105(40) to an individual to process and provide a license
 784 certificate with an interdicted person identifier.

785 (6) An individual who is designated as an interdicted person by a court is subject to the
 786 duplicate license fee and other fees necessary to administer the license certificate with
 787 the interdicted person identifier.

788 Section 8. Section **53-3-805** is amended to read:

789 **53-3-805 (Effective upon governor's approval). Identification card -- Contents --**
 790 **Specifications.**

791 (1) As used in this section:

792 (a) "Authorized guardian" means the same as that term is defined in Section 53-3-207.

793 (b) "Health care professional" means the same as that term is defined in Section 53-3-207.

794 (c) "Invisible condition" means the same as that term is defined in Section 53-3-207.

795 (d) "Invisible condition identification symbol" means the same as that term is defined in
 796 Section 53-3-207.

797 (2)(a) The division shall issue an identification card that bears:

798 (i) the distinguishing number assigned to the individual by the division;

799 (ii) the name, birth date, and Utah residence address of the individual;

800 (iii) a brief description of the individual for the purpose of identification;

801 (iv) a photograph of the individual;

802 (v) a photograph or other facsimile of the individual's signature;

803 (vi) an indication whether the individual intends to make an anatomical gift under
 804 Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act; and

805 (vii) if the individual states that the individual is a veteran of the United States
 806 military on the application for an identification card in accordance with Section
 807 53-3-804 and provides verification that the individual received an honorable or
 808 general discharge from the United States Armed Forces, an indication that the
 809 individual is a United States military veteran for a regular identification card or a
 810 limited-term identification card issued on or after July 1, 2011.

- 811 (b) An identification card issued by the division may not bear the individual's social
812 security number or place of birth.
- 813 (3)(a) The card shall be of an impervious material, resistant to wear, damage, and
814 alteration.
- 815 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
816 prescribed by the commissioner.
- 817 (4) At the applicant's request, the card may include a statement that the applicant has a
818 special medical problem or allergies to certain drugs, for the purpose of medical
819 treatment.
- 820 (5)(a) The division shall include or affix an invisible condition identification symbol on
821 an individual's identification card if the individual or the individual's authorized
822 guardian, on a form prescribed by the department:
- 823 (i) requests the division to include the invisible condition identification symbol;
824 (ii) provides written verification from a health care professional that the individual is
825 an individual with an invisible condition; and
826 (iii) submits a signed waiver of liability for the release of any medical information to:
- 827 (A) the department;
828 (B) any person who has access to the individual's medical information as recorded
829 on the individual's driving record or the Utah Criminal Justice Information
830 System under this chapter;
831 (C) any other person who may view or receive notice of the individual's medical
832 information by seeing the individual's identification card or the individual's
833 information in the Utah Criminal Justice Information System;
834 (D) a local law enforcement agency that receives a copy of the form described in
835 this Subsection (5)(a) and enters the contents of the form into the local law
836 enforcement agency's record management system or computer-aided dispatch
837 system; and
838 (E) a dispatcher who accesses the information regarding the individual's invisible
839 condition through the use of a local law enforcement agency's record
840 management system or computer-aided dispatch system.
- 841 (b) As part of the form described in Subsection (5)(a), the department shall advise the
842 individual or the individual's authorized guardian that by submitting the request and
843 signed waiver, the individual or the individual's authorized guardian consents to the
844 release of the individual's medical information to any person described in Subsection

- 845 (5)(a)(iii), even if the person is otherwise ineligible to access the individual's medical
846 information under state or federal law.
- 847 (c) The division may not:
- 848 (i) charge a fee to include the invisible condition identification symbol on the
849 individual's identification card; or
- 850 (ii) after including the invisible condition identification symbol on the individual's
851 previously issued identification card, require the individual to provide subsequent
852 written verification described in Subsection (5)(a)(ii) to include the invisible
853 condition identification symbol on the individual's extended identification card.
- 854 (d) The division shall confirm with the Division of Professional Licensing that the health
855 care professional described in Subsection (5)(a)(ii) holds a current state license.
- 856 (e) The inclusion of an invisible condition identification symbol on an individual's
857 identification card in accordance with Subsection (5)(a) does not confer any legal
858 rights or privileges on the individual, including parking privileges for individuals
859 with disabilities under Section 41-1a-414.
- 860 (f) For each individual issued an identification card under this section that includes an
861 invisible condition identification symbol, the division shall include in the division's
862 database a brief description of the nature of the individual's invisible condition in the
863 individual's record and provide the brief description to the Utah Criminal Justice
864 Information System.
- 865 (g) Except as provided in this section, the division may not release the information
866 described in Subsection (5)(f).
- 867 (h) Within 30 days after the day on which the division receives an individual's or the
868 individual's authorized guardian's written request, the division shall:
- 869 (i) remove from the individual's record in the division's database the invisible
870 condition identification symbol and the brief description described in Subsection
871 (5)(f); and
- 872 (ii) provide the individual's updated record to the Utah Criminal Justice Information
873 System.
- 874 (6)(a) If the division receives a notification from a court as provided in Section
875 41-6a-505, 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted
876 person, the division:
- 877 (i) may accept an application from the individual for an identification card that
878 includes an interdicted person identifier; and

- 879 (ii) if the individual submits an application and qualifies for an identification card,
880 may provide an identification card with the interdicted person identifier.
- 881 (b)(i) An individual may voluntarily apply for an identification card that includes an
882 interdicted person identifier.
- 883 (ii) An individual [~~that~~] who voluntarily applies for an identification card with an
884 interdicted person identifier may not apply for another identification card without
885 the interdicted person identifier for at least 30 days after the application for the
886 identification card with the interdicted person identifier.
- 887 (iii) An individual who voluntarily applies for an identification card with an
888 interdicted person identifier is not required to pay the fee described in Subsection
889 (6)(d).
- 890 (c) The division may not provide to an individual an identification card without the
891 interdicted person identifier during the time period the court has designated the
892 person as an interdicted person.
- 893 (d) [~~The~~] Subject to Subsection (6)(b)(iii), the division may charge an administrative fee
894 as described in Subsection 53-3-105(40) to an individual to process and provide an
895 identification card with an interdicted person identifier.
- 896 (e) An individual who is designated as an interdicted person by a court is subject to the
897 identification card fee and other fees necessary to administer the identification card
898 with an interdicted person identifier.
- 899 (7) As provided in Section 63G-2-302, the information described in Subsection (5)(a) is a
900 private record for purposes of Title 63G, Chapter 2, Government Records Access and
901 Management Act.
- 902 (8)(a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated by
903 the applicant in accordance with division rule.
- 904 (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
905 Management Act, the division may, upon request, release to an organ procurement
906 organization, as defined in Section 26B-8-301, the names and addresses of all
907 individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make
908 an anatomical gift.
- 909 (ii) An organ procurement organization may use released information only to:
910 (A) obtain additional information for an anatomical gift registry; and
911 (B) inform applicants of anatomical gift options, procedures, and benefits.
- 912 (9) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management

913 Act, the division may release to the Department of Veterans and Military Affairs the
914 names and addresses of all individuals who indicate their status as a veteran under
915 Subsection 53-3-804(2)(l).

916 (10) The division and the division's employees are not liable, as a result of false or
917 inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or
918 indirect:

- 919 (a) loss;
- 920 (b) detriment; or
- 921 (c) injury.

922 (11)(a) The division may issue a temporary regular identification card to an individual
923 while the individual obtains the required documentation to establish verification of
924 the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).

925 (b) A temporary regular identification card issued under this Subsection (11) shall be
926 recognized and grant the individual the same privileges as a regular identification
927 card.

928 (c) A temporary regular identification card issued under this Subsection (11) is invalid:

- 929 (i) when the individual's regular identification card has been issued;
- 930 (ii) when, for good cause, an applicant's application for a regular identification card
931 has been refused; or
- 932 (iii) upon expiration of the temporary regular identification card.

933 (d) The division shall coordinate with the Department of Corrections in providing an
934 inmate with a temporary regular identification card as described in Section 64-13-10.6.

935 Section 9. Section **76-5-102.1** is amended to read:

936 **76-5-102.1 (Effective upon governor's approval). Negligently operating a vehicle**
937 **resulting in injury.**

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

- 939 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 940 (ii) "Drug" means the same as that term is defined in Section 76-5-207.
- 941 (iii) "Negligent" or "negligence" means the same as that term is defined in Section
942 76-5-207.
- 943 (iv) "Vehicle" means the same as that term is defined in Section 41-6a-501.

944 (b) Terms defined in Section 76-1-101.5 apply to this section.

945 (2) An actor commits negligently operating a vehicle resulting in injury if the actor:

- 946 (a)(i) operates a vehicle in a negligent manner causing bodily injury to another; and

- 947 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
948 test shows that the actor has a blood or breath alcohol concentration of .05
949 grams or greater at the time of the test;
- 950 (B) is under the influence of alcohol, a drug, or the combined influence of alcohol
951 and a drug to a degree that renders the actor incapable of safely operating a
952 vehicle; or
- 953 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
954 of operation; or
- 955 (b)(i) operates a vehicle in a criminally negligent manner causing bodily injury to
956 another; and
- 957 (ii) has in the actor's body any measurable amount of a controlled substance.
- 958 (3) Except as provided in Subsection (4), a violation of Subsection (2) is:
- 959 (a)(i) a class A misdemeanor; ~~or~~
- 960 (ii) a third degree felony if the actor has two or more driving under the influence
961 related convictions under Subsection 41-6a-501(2)(a), each of which is within 10
962 years of:
- 963 (A) the current conviction; or
- 964 (B) the commission of the offense upon which the current conviction is based;
- 965 (iii) a third degree felony, if the current conviction is at any time after the conviction
966 of:
- 967 (A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2),
968 that is a felony; or
- 969 (B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of
970 conviction is reduced under Section 76-3-402; or
- 971 (iv) a third degree felony if the bodily injury is serious bodily injury; and
- 972 (b) a separate offense for each victim suffering bodily injury as a result of the actor's
973 violation of this section, regardless of whether the injuries arise from the same
974 episode of driving.
- 975 (4) An actor is not guilty of negligently operating a vehicle resulting in injury under
976 Subsection (2)(b) if:
- 977 (a) the controlled substance was obtained under a valid prescription or order, directly
978 from a practitioner while acting in the course of the practitioner's professional
979 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 980 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or

- 981 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
982 58-37-4.2 if:
- 983 (i) the actor is the subject of medical research conducted by a holder of a valid license
984 to possess controlled substances under Section 58-37-6; and
985 (ii) the substance was administered to the actor by the medical researcher.
- 986 (5)(a) A judge imposing a sentence under this section may consider:
- 987 (i) the adult sentencing and supervision length guidelines, as defined in Section
988 63M-7-401.1;
- 989 (ii) the defendant's history;
- 990 (iii) the facts of the case;
- 991 (iv) aggravating and mitigating factors; or
992 (v) any other relevant fact.
- 993 (b) The judge may not impose a lesser sentence than would be required for a conviction
994 based on the defendant's history under Section 41-6a-505.
- 995 (c) The standards for chemical breath analysis under Section 41-6a-515 and the
996 provisions for the admissibility of chemical test results under Section 41-6a-516
997 apply to determination and proof of blood alcohol content under this section.
- 998 (d) A calculation of blood or breath alcohol concentration under this section shall be
999 made in accordance with Subsection 41-6a-502(3).
- 1000 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
1001 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 1002 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
1003 admissible except if prohibited by the Utah Rules of Evidence, the United States
1004 Constitution, or the Utah Constitution.
- 1005 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
1006 described in this section may not be held in abeyance.
- 1007 (6)(a) A judge imposing a sentence under this section shall designate the defendant as an
1008 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
1009 not to exceed the probationary period, unless the court finds good cause to order a
1010 shorter or longer time.
- 1011 (b) If a court designates a person as an interdicted person as provided in Subsection
1012 (6)(a), the court shall:
- 1013 (i) require the person to surrender the person's Utah identification card or Utah driver
1014 license;

- 1015 (ii) notify the Driver License Division that the person is an interdicted person; and
 1016 (iii) provide the person's identification card or driver license to the Driver License
 1017 Division.

1018 Section 10. Section **76-5-207** is amended to read:

1019 **76-5-207 (Effective upon governor's approval). Automobile homicide -- Penalties**
 1020 **-- Evidence.**

1021 (1)(a) As used in this section:

1022 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.

1023 (ii) "Criminally negligent" means the same as that term is described in Subsection
 1024 76-2-103(4).

1025 (iii) "Drug" means:

1026 (A) a controlled substance;

1027 (B) a drug as defined in Section 58-37-2; or

1028 (C) a substance that, when knowingly, intentionally, or recklessly taken into the
 1029 human body, can impair the ability of an individual to safely operate a vehicle.

1030 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that
 1031 degree of care that reasonable and prudent persons exercise under like or similar
 1032 circumstances.

1033 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.

1034 (b) Terms defined in Section 76-1-101.5 apply to this section.

1035 (2) An actor commits automobile homicide if the actor:

1036 (a)(i) operates a vehicle in a negligent or criminally negligent manner causing the
 1037 death of another individual; and

1038 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
 1039 test shows that the actor has a blood or breath alcohol concentration of .05
 1040 grams or greater at the time of the test;

1041 (B) is under the influence of alcohol, any drug, or the combined influence of
 1042 alcohol and any drug to a degree that renders the actor incapable of safely
 1043 operating a vehicle; or

1044 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
 1045 of operation; or

1046 (b)(i) operates a vehicle in a criminally negligent manner causing death to another;
 1047 and

1048 (ii) has in the actor's body any measurable amount of a controlled substance.

- 1049 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
1050 (a) a second degree felony, punishable by a term of imprisonment of not less than five
1051 years nor more than 15 years; and
1052 (b) a separate offense for each victim suffering death as a result of the actor's violation
1053 of this section, regardless of whether the deaths arise from the same episode of
1054 driving.
- 1055 (4) An actor is not guilty of a violation of automobile homicide under Subsection (2)(b) if:
1056 (a) the controlled substance was obtained under a valid prescription or order, directly
1057 from a practitioner while acting in the course of the practitioner's professional
1058 practice, or as otherwise authorized by Title 58, Occupations and Professions;
1059 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
1060 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
1061 58-37-4.2 if:
1062 (i) the actor is the subject of medical research conducted by a holder of a valid license
1063 to possess controlled substances under Section 58-37-6; and
1064 (ii) the substance was administered to the actor by the medical researcher.
- 1065 (5)(a) A judge imposing a sentence under this section may consider:
1066 (i) the adult sentencing and supervision length guidelines, as defined in Section
1067 63M-7-401.1;
1068 (ii) the defendant's history;
1069 (iii) the facts of the case;
1070 (iv) aggravating and mitigating factors; or
1071 (v) any other relevant fact.
- 1072 (b) The judge may not impose a lesser sentence than would be required for a conviction
1073 based on the defendant's history under Section 41-6a-505.
- 1074 (c) The standards for chemical breath analysis as provided by Section 41-6a-515 and the
1075 provisions for the admissibility of chemical test results as provided by Section
1076 41-6a-516 apply to determination and proof of blood alcohol content under this
1077 section.
- 1078 (d) A calculation of blood or breath alcohol concentration under this section shall be
1079 made in accordance with Subsection 41-6a-502(3).
- 1080 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
1081 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 1082 (f) Evidence of a defendant's blood or breath alcohol content or drug content is

1083 admissible except when prohibited by the Utah Rules of Evidence, the United States
1084 Constitution, or the Utah Constitution.

1085 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
1086 described in this section may not be held in abeyance.

1087 (6) If, when imposing a sentence under this section, the court finds that it is in the interest
1088 of justice to suspend the imposition of prison, the court shall detail the finding on the
1089 record, including why a suspended prison sentence is in the interest of justice.

1090 (7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than
1091 three years nor more than 15 years if the court details on the record why it is in the
1092 interest of justice.

1093 (8)(a) A judge imposing a sentence under this section shall designate the defendant as an
1094 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
1095 not to exceed the probationary period, unless the court finds good cause to order a
1096 shorter or longer time.

1097 (b) If a court designates a person as an interdicted person as provided in Subsection
1098 (8)(a), the court shall:

1099 (i) require the person to surrender the person's Utah identification card or Utah driver
1100 license;

1101 (ii) notify the Driver License Division that the person is an interdicted person; and

1102 (iii) provide the person's identification card or driver license to the Driver License
1103 Division.

1104 Section 11. **Effective Date.**

1105 This bill takes effect:

1106 (1) except as provided in Subsection (2), May 6, 2026; or

1107 (2) if approved by two-thirds of all members elected to each house:

1108 (a) upon approval by the governor;

1109 (b) without the governor's signature, the day following the constitutional time limit of
1110 Utah Constitution, Article VII, Section 8; or

1111 (c) in the case of a veto, the date of veto override.

1112 Section 12. **Retrospective operation.**

1113 The following sections have retrospective operation to January 1, 2026:

1114 (1) Section 32B-1-407 (Effective upon governor's approval) (Applies beginning 01/01/26);

1115 (2) Section 32B-4-405 (Effective upon governor's approval) (Applies beginning 01/01/26);

1116 and

1117 (3) Section 32B-5-306 (Effective upon governor's approval) (Applies beginning 01/01/26).