

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 off-premise beer retailer, a state store, or a package agency shall request proof of age from each patron;

▸ requires that an off-premise beer retailer, a state store, or a package agency verify that an individual is not an interdicted person if the individual provides a Utah driver license as a proof of age;

▸ 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:

29 None

30 **Other Special Clauses:**

31 This bill provides a special effective date.

32 This bill provides retrospective operation.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **32B-1-407 (Effective upon governor's approval) (Applies beginning 01/01/26)**, as last
36 amended by Laws of Utah 2025, Chapter 471

37 **32B-4-405 (Effective upon governor's approval) (Applies beginning 01/01/26)**, as last
38 amended by Laws of Utah 2025, Chapter 471

39 **32B-5-306 (Effective upon governor's approval) (Applies beginning 01/01/26)**, as last
40 amended by Laws of Utah 2025, Chapter 471

41 **32B-7-202 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
42 Chapters 162, 173

43 **41-6a-505 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
44 Chapter 471

45 **41-6a-509 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
46 Chapter 471

47 **53-3-236 (Effective upon governor's approval)**, as enacted by Laws of Utah 2025,
48 Chapter 471

49 **53-3-805 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
50 Chapter 471

51 **76-5-102.1 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
52 Chapter 471

53 **76-5-207 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,
54 Chapter 471

55

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

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

58 **32B-1-407 (Effective upon governor's approval) (Applies beginning 01/01/26).**

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

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

61 [(a) a dining club;]

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

- 63 ~~[(e)]~~ (b) a tavern;
- 64 ~~[(d)]~~ (c) a full-service restaurant;
- 65 ~~[(e)]~~ (d) a limited-service restaurant;
- 66 ~~[(f)]~~ (e) a beer-only restaurant; or
- 67 ~~[(g)]~~ (f) an off-premise beer retailer selling, offering for sale, or furnishing beer as
- 68 described in Subsection 32B-7-202(8).
- 69 (2) Notwithstanding any other provision of this part, an applicable licensee shall require
- 70 that an authorized person for the applicable licensee verify proof of age as provided in
- 71 this section.
- 72 (3)(a) An authorized person is required to verify proof of age under this section before
- 73 an individual~~[:] who appears to be 35 years old or younger~~
- 74 ~~[(a) gains admittance to the premises of a bar licensee or tavern;]~~
- 75 ~~[(b) procures an alcoholic product on the premises of a dining club licensee; or]~~
- 76 ~~[(e)]~~ procures an alcoholic product in a dispensing area in the premises of a full-service
- 77 restaurant licensee, a limited-service restaurant licensee, or a beer-only restaurant
- 78 licensee.
- 79 (b) An authorized person is required to verify proof of age under this section before an
- 80 individual:
- 81 (i) gains admittance to the premises of a bar licensee or tavern; or
- 82 (ii) purchases beer from an off-premise beer retailer as described in Subsection
- 83 32B-7-202(8).
- 84 (c) When verifying proof of age under this Subsection (3), an authorized person shall
- 85 verify that:
- 86 (i) the individual's age on the proof of age is at least 21 years old;
- 87 (ii) the picture on the proof of age matches the individual; and
- 88 (iii) if the proof of age is a driver license issued by this state, that the individual is not
- 89 an interdicted person.
- 90 (4) To comply with Subsection (3), an authorized person shall:
- 91 (a) request that the individual present proof of age; and
- 92 (b)(i) verify the validity of the proof of age electronically under the verification
- 93 program created in Subsection (5); or
- 94 (ii) if the proof of age cannot be electronically verified as provided in Subsection
- 95 (4)(b)(i), request that the individual comply with a process established by the
- 96 commission by rule.

- 97 (5)(a) The commission shall establish by rule an electronic verification program that
98 includes the following:
- 99 (i) the specifications for the technology used by the applicable licensee to
100 electronically verify proof of age, including that the technology display to the
101 person described in Subsection (2) no more than the following for the individual
102 who presents the proof of age:
- 103 (A) the name;
104 (B) the age;
105 (C) the number assigned to the individual's proof of age by the issuing authority;
106 (D) the birth date;
107 (E) the gender; and
108 (F) the status and expiration date of the individual's proof of age; and
- 109 (ii) the security measures that shall be used by an applicable licensee to ensure that
110 information obtained under this section is:
- 111 (A) used by the applicable licensee only for purposes of verifying proof of age in
112 accordance with this section; and
113 (B) retained by the applicable licensee for seven days after the day on which the
114 applicable licensee obtains the information.
- 115 (b) The commission shall ensure that the electronic verification program described in
116 Subsection (5)(a) includes technology that [~~recognizes every state's unique hidden~~
117 ~~security features located on state issued identification cards to determine the validity~~
118 ~~of that particular card.~~] can determine the validity of a state issued identification card
119 from the barcode located on the back of the state issued identification card by:
- 120 (i) comparing the card's barcode to other legitimate barcodes; or
121 (ii) identifying patterns within legitimate state issued identification cards.
- 122 (6)(a) An applicable licensee may not disclose information obtained under this section
123 except as provided under this title.
- 124 (b) Information obtained under this section is considered a record for any purpose under
125 Chapter 5, Part 3, Retail Licensee Operational Requirements.
- 126 (7)(a) If, after an authorized person requests that an individual present proof of age in
127 accordance with Subsection (4), the authorized person determines that the proof of
128 age the individual presents is fake or the electronic verification program described in
129 Subsection (5) determines that the proof of age is fake, the authorized person may,
130 subject to Subsection (7)(b):

- 131 (i) if the proof of age is a physical proof of age, temporarily confiscate the proof of
 132 age; and
 133 (ii) call law enforcement and request that law enforcement verify the validity of the
 134 proof of age.
 135 (b) When an authorized person calls law enforcement in accordance with this Subsection
 136 (7):
 137 (i) if law enforcement is unavailable to verify the validity of the proof of age within
 138 30 minutes, the authorized person shall immediately return the proof of age to the
 139 individual; or
 140 (ii) if law enforcement is available to verify the validity of the proof of age within 30
 141 minutes, the authorized person may maintain control over the proof of age until
 142 law enforcement arrives to verify the proof of age.

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

144 **32B-4-405 (Effective upon governor's approval) (Applies beginning 01/01/26).**

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

- 146 (1) A person may not sell, offer for sale, or furnish an alcoholic product to a known
 147 interdicted person.
 148 [~~(2) Prior to any sale or furnishing of an alcohol product, a person shall verify whether the~~
 149 ~~person is an interdicted person through examination of the person's identification card or~~
 150 ~~license certificate issued pursuant to Title 53, Chapter 3, Uniform Driver License Act, or~~
 151 ~~proof of age issued by another state or country.]~~
 152 (2)(a) Before the sale or furnishing of an alcoholic product to an individual, an
 153 off-premise beer retailer, a state store, or a package agency shall require that the
 154 individual provide proof of age.
 155 (b) If the proof of age provided required by Subsection (2)(a) is a Utah driver license or
 156 an identification card, the off-premise beer retailer, state store, or package agency
 157 shall verify that the individual is not an interdicted person.
 158 (3) This section does not apply to the sale, offer for sale, or furnishing of an alcoholic
 159 product to an interdicted person:
 160 (a) under an order of a health care practitioner who is authorized by law to write a
 161 prescription; or
 162 (b) administered by a hospital or health care practitioner authorized by law to administer
 163 the alcoholic product for medicinal purposes.

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

165 **32B-5-306 (Effective upon governor's approval) (Applies beginning 01/01/26).**

166 **Purchasing or selling alcoholic product.**

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

168 ~~(i)~~ (a) a minor;

169 ~~(ii)~~ (b) a person actually, apparently, or obviously intoxicated;

170 ~~(iii)~~ (c) a known interdicted person; or

171 ~~(iv)~~ (d) a known habitual drunkard.

172 ~~[(b) Prior to any sale or furnishing of an alcohol product, a retail licensee shall verify~~
 173 ~~whether the person is a minor or an interdicted person through examination of the~~
 174 ~~person's identification card or license certificate issued pursuant to Title 53, Chapter~~
 175 ~~3, Uniform Driver License Act, or proof of age issued by another state or country.]~~

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

178 (i) staff of the retail licensee; and

179 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.

180 (b) An individual may sell, offer for sale, or furnish an alcoholic product to a patron only
 181 if the individual is:

182 (i) staff of the retail licensee; and

183 (ii) designated and trained by the retail licensee to sell and serve an alcoholic product.

184 (c) Notwithstanding Subsection (2)(a) or (b), a patron who purchases bottled wine from
 185 staff of the retail licensee or carries bottled wine onto the retail licensee's premises
 186 pursuant to Section 32B-5-307 may thereafter serve wine from the bottle to the
 187 patron or others at the patron's table.

188 (3) The following may not purchase an alcoholic product for a patron:

189 (a) a retail licensee; or

190 (b) staff of a retail licensee.

191 (4) After a retail licensee closes the retail licensee's business at the licensed premises, the
 192 retail licensee may transfer the retail licensee's inventory of alcoholic product from that
 193 premises to another premises licensed under this chapter that is owned by the same retail
 194 licensee.

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

196 **32B-7-202 (Effective upon governor's approval). General operational**
 197 **requirements for off-premise beer retailer.**

198 (1)(a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply

- 199 with the provisions of this title and any applicable rules made by the commission.
- 200 [~~(2)~~] (b) Failure to comply with this section may result in a suspension or revocation of a
201 local license and, on or after July 1, 2018, disciplinary action in accordance with
202 Chapter 3, Disciplinary Actions and Enforcement Act.
- 203 [~~(3)~~] (2)(a)(i) An off-premise beer retailer may not purchase, acquire, possess for the
204 purpose of resale, or sell beer, except beer that the off-premise beer retailer
205 lawfully purchases from:
- 206 (A) a beer wholesaler licensee; or
207 (B) a small brewer that manufactures the beer.
- 208 (ii) A violation of Subsection [~~(2)~~(a)] (2)(a)(i) is a class A misdemeanor.
- 209 (b)(i) If an off-premise beer retailer purchases beer under this Subsection (2) from a
210 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only
211 from a beer wholesaler licensee who is designated by the manufacturer to sell beer
212 in the geographical area in which the off-premise beer retailer is located, unless an
213 alternate wholesaler is authorized by the department to sell to the off-premise beer
214 retailer as provided in Section 32B-13-301.
- 215 (ii) A violation of Subsection [~~(2)~~(b)] (2)(b)(i) is a class B misdemeanor.
- 216 [~~(4)~~] (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a
217 container larger than two liters.
- 218 [~~(5)~~] (4)(a) Staff of an off-premise beer retailer, while on duty, may not:
- 219 (i) consume an alcoholic product; or
220 (ii) be intoxicated.
- 221 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer
222 unless:
- 223 (i) the sale is done under the supervision of a person 21 years old or older who is on
224 the licensed premises; and
225 (ii) the minor is at least 16 years old.
- 226 [~~(6)~~] (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic
227 product to:
- 228 (a) a minor;
229 (b) a person actually, apparently, or obviously intoxicated;
230 (c) a known interdicted person; or
231 (d) a known habitual drunkard.
- 232 [~~(7)~~] (6)(a) Subject to the other provisions of this Subsection (6), an off-premise beer

- 233 retailer shall:
- 234 (i) display all beer accessible by and visible to a patron in no more than two locations
- 235 on the retail sales floor, each of which is:
- 236 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only
- 237 beverage displayed; and
- 238 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a
- 239 cooler with a door from which the nonalcoholic beverages are not accessible,
- 240 or the beer is separated from the display of nonalcoholic beverages by a display
- 241 of one or more nonbeverage products or another physical divider; and
- 242 (ii) display a sign in the area described in Subsection (6)(a)(i) that:
- 243 (A) is prominent;
- 244 (B) is easily readable by a consumer;
- 245 (C) meets the requirements for format established by the commission by rule; and
- 246 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages
- 247 contain alcohol. Please read the label carefully."
- 248 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer
- 249 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- 250 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is
- 251 labeled, packaged, or advertised as:
- 252 (i) a malt cooler; or
- 253 (ii) a beverage that may provide energy.
- 254 (d) A violation of this Subsection (6) is an infraction.
- 255 (e)(i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection
- 256 (6)(a)(i) apply on and after May 9, 2017.
- 257 (ii) For a beer retailer that operates two or more off-premise beer retailers, the
- 258 provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.
- 259 ~~[(8)]~~ (7)(a) Staff of an off-premise beer retailer who directly supervises the sale of beer
- 260 or who sells beer to a patron for consumption off the premises of the off-premise beer
- 261 retailer shall wear a unique identification badge:
- 262 (i) on the front of the staff's clothing;
- 263 (ii) visible above the waist;
- 264 (iii) bearing the staff's:
- 265 (A) first or last name;
- 266 (B) initials; or

- 267 (C) unique identification in letters or numbers; and
- 268 (iv) with the number or letters on the unique identification badge being sufficiently
- 269 large to be clearly visible and identifiable while engaging in or directly
- 270 supervising the retail sale of beer.
- 271 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
- 272 unique identification badge assigned by the off-premise beer retailer that includes the
- 273 staff's:
- 274 (i) full name;
- 275 (ii) address; and
- 276 (iii)(A) driver license number; or
- 277 (B) similar identification number.
- 278 (c) An off-premise beer retailer shall make available a record required to be made or
- 279 maintained under this Subsection (7) for immediate inspection by:
- 280 (i) a peace officer;
- 281 (ii) a representative of the local authority that issues the off-premise beer retailer
- 282 license; or
- 283 (iii) for an off-premise beer retailer state license, a representative of the commission
- 284 or department.
- 285 (d) A local authority may impose a fine of up to \$250 against an off-premise beer
- 286 retailer that does not comply or require [its] the off-premise beer retailer's staff to
- 287 comply with this Subsection (7).
- 288 [(9)] (8)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer:
- 289 (i) at a drive-through window;
- 290 (ii) at a drive-up loading area, if the drive-up loading area is contiguous to the
- 291 off-premise beer retailer's licensed premises; or
- 292 (iii) subject to Subsection (8)(b), at a designated parking stall.
- 293 (b)(i) An off-premise beer retailer shall ensure that a parking stall described in
- 294 Subsection (8)(a)(iii) is:
- 295 (A) located on property that the off-premise beer retailer owns or has a legal right
- 296 to occupy;
- 297 (B) designated for picking up pre-ordered items from the off-premise beer retailer;
- 298 and
- 299 (C) labeled in a conspicuous manner that communicates the purpose described in
- 300 Subsection [(8)(b)(ii)] (8)(b)(i)(B).

- 301 (ii) An off-premise beer retailer may not sell, offer for sale, or furnish beer at a
302 designated parking stall described in Subsection (8)(a)(iii) unless:
- 303 (A) the off-premise beer retailer ensures that the individual purchasing the beer
304 purchases the beer before parking in the designated parking stall;
- 305 (B) the off-premise beer retailer delivers the beer directly from the off-premise
306 beer retailer's licensed premises to the designated parking stall;
- 307 (C) at the designated parking stall, staff of the off-premise beer retailer verifies the
308 purchaser's age in accordance with Section 32B-1-407; and
- 309 (D) the off-premise beer retailer maintains video surveillance of the designated
310 parking stall.
- 311 (c) Nothing in this Subsection (8) modifies the other requirements of this section.
- 312 (d) Staff of an off-premise beer retailer that sells, offers for sale, or furnishes beer in
313 accordance with this Subsection (8) shall comply with the training requirements
314 described in Section 32B-1-703.
- 315 ~~[(10)]~~ (9) An off-premise beer retailer may not on the licensed premises:
- 316 (a) engage in or permit any form of:
- 317 (i) gambling, as defined in Section 76-9-1401; or
- 318 (ii) fringe gambling, as defined in Section 76-9-1401;
- 319 (b) have any fringe gaming device, video gaming device, or gambling device or record
320 as defined in Section 76-9-1401; or
- 321 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires
322 the risking of something of value for a return or for an outcome when the return or
323 outcome is based upon an element of chance, excluding the playing of an amusement
324 device that confers only an immediate and unrecorded right of replay not
325 exchangeable for value.
- 326 ~~[(11)]~~ (10) An off-premise beer retailer may not knowingly allow a person on the licensed
327 premises to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or
328 Chapter 37a, Utah Drug Paraphernalia Act:
- 329 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2;
330 or
- 331 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in
332 Section 58-37a-3.
- 333 ~~[(12)]~~ (11) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is
334 intended to be frozen and consumed in a manner other than as a beverage, including beer

335 in the form of a freeze pop, popsicle, ice cream, or sorbet.

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

337 **41-6a-505 (Effective upon governor's approval). Sentencing requirements for**
338 **driving under the influence of alcohol, drugs, or a combination of both violations.**

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

340 (a) the court shall:

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

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

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

347 (iii) order the individual to participate in an assessment, if it is found appropriate by a
348 screening under Subsection (1)(a)(ii);

349 (iv) order the individual to participate in an educational series if the court does not
350 order substance abuse treatment as described under Subsection (1)(b);

351 (v) impose a fine of not less than \$700;

352 (vi) order probation for the individual in accordance with Section 41-6a-507;

353 (vii)(A) order the individual to pay the administrative impound fee described in
354 Section 41-6a-1406; or

355 (B) if the administrative impound fee was paid by a party described in Subsection
356 41-6a-1406(6)(a), other than the individual sentenced, order the individual
357 sentenced to reimburse the party;

358 (viii)(A) order the individual to pay the towing and storage fees described in
359 Section 72-9-603; or

360 (B) if the towing and storage fees were paid by a party described in Subsection
361 41-6a-1406(6)(a), other than the individual sentenced, order the individual
362 sentenced to reimburse the party;

363 (ix) unless the court determines and states on the record that an ignition interlock
364 system is not necessary for the safety of the community and in the best interest of
365 justice, order the installation of an ignition interlock system as described in
366 Section 41-6a-518; and

367 (x) designate the individual as an interdicted person for a period of time not to exceed
368 the probationary period, unless the court finds good cause to order a shorter or

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

- 403 41-6a-1406(6)(a), other than the individual sentenced, order the individual
404 sentenced to reimburse the party; and
- 405 (b) the court may:
- 406 (i) order the individual to obtain substance abuse treatment if the substance abuse
407 treatment program determines that substance abuse treatment is appropriate;
- 408 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 409 (iii) order the individual to participate in a 24-7 sobriety program as defined in
410 Section 41-6a-515.5 if the individual is 21 years old or older;
- 411 (iv) order a combination of Subsections (3)(b)(i) through (iii); or
- 412 (v) designate the individual as an interdicted person for a period of time not to exceed
413 the probationary period, unless the court finds good cause to order a shorter or
414 longer time, and require the individual to surrender the individual's Utah driver
415 license or Utah identification card.
- 416 (4)(a) If an individual described in Subsection (3) is participating in a 24-7 sobriety
417 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
418 imposed under Subsection (3)(a).
- 419 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of
420 the requirements of the 24-7 sobriety program, the court shall impose the suspended
421 jail sentence described in Subsection (4)(a).
- 422 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
423 years of the current conviction under Section 41-6a-502 or the commission of the
424 offense upon which the current conviction amounts to extreme DUI:
- 425 (a) the court shall:
- 426 (i)(A) impose a jail sentence of not less than 20 days;
- 427 (B) impose a jail sentence of not less than 10 days in addition to home
428 confinement of not fewer than 60 consecutive days through the use of
429 electronic monitoring that includes a substance abuse testing instrument in
430 accordance with Section 41-6a-506; or
- 431 (C) impose a jail sentence of not less than 10 days in addition to ordering the
432 individual to obtain substance abuse treatment, if the court finds that substance
433 abuse treatment is more likely to reduce recidivism and is in the interests of
434 public safety;
- 435 (ii) order the individual to participate in a screening;
- 436 (iii) order the individual to participate in an assessment, if it is found appropriate by a

- 437 screening under Subsection (5)(a)(ii);
- 438 (iv) order the individual to participate in an educational series if the court does not
- 439 order substance abuse treatment as described under Subsection (5)(b);
- 440 (v) impose a fine of not less than \$800;
- 441 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 442 (vii) order the installation of an ignition interlock system as described in Section
- 443 41-6a-518;
- 444 (viii)(A) order the individual to pay the administrative impound fee described in
- 445 Section 41-6a-1406; or
- 446 (B) if the administrative impound fee was paid by a party described in Subsection
- 447 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 448 sentenced to reimburse the party;
- 449 (ix)(A) order the individual to pay the towing and storage fees described in
- 450 Section 72-9-603; or
- 451 (B) if the towing and storage fees were paid by a party described in Subsection
- 452 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 453 sentenced to reimburse the party; and
- 454 (x) designate the individual as an interdicted person for a period of time not to exceed
- 455 the probationary period, unless the court finds good cause to order a shorter or
- 456 longer time, and require the individual to surrender the individual's Utah driver
- 457 license or Utah identification card; and
- 458 (b) the court may:
- 459 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 460 treatment program determines that substance abuse treatment is appropriate;
- 461 (ii) order the individual to participate in a 24-7 sobriety program as defined in
- 462 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 463 (iii) order a combination of Subsections (5)(b)(i) and (ii).
- 464 (6)(a) If an individual described in Subsection (5) is participating in a 24-7 sobriety
- 465 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 466 imposed under Subsection (5)(a) after the individual has served a minimum of:
- 467 (i) five days of the jail sentence for a second offense; or
- 468 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 469 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of
- 470 the requirements of the 24-7 sobriety program, the court shall impose the suspended

- 471 jail sentence described in Subsection (6)(a).
- 472 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
473 years of the current conviction under Section 41-6a-502 or the commission of the
474 offense upon which the current conviction is based and that does not qualify under
475 Subsection (5):
- 476 (a) the court shall:
- 477 (i)(A) impose a jail sentence of not less than 10 days; or
478 (B) impose a jail sentence of not less than 5 days in addition to home confinement
479 of not fewer than 30 consecutive days through the use of electronic monitoring
480 that includes a substance abuse testing instrument in accordance with Section
481 41-6a-506;
- 482 (ii) order the individual to participate in a screening;
- 483 (iii) order the individual to participate in an assessment, if it is found appropriate by a
484 screening under Subsection (7)(a)(ii);
- 485 (iv) order the individual to participate in an educational series if the court does not
486 order substance abuse treatment as described under Subsection (7)(b);
- 487 (v) impose a fine of not less than \$800;
- 488 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 489 (vii)(A) order the individual to pay the administrative impound fee described in
490 Section 41-6a-1406; or
491 (B) if the administrative impound fee was paid by a party described in Subsection
492 41-6a-1406(6)(a), other than the individual sentenced, order the individual
493 sentenced to reimburse the party; and
- 494 (viii)(A) order the individual to pay the towing and storage fees described in
495 Section 72-9-603; or
496 (B) if the towing and storage fees were paid by a party described in Subsection
497 41-6a-1406(6)(a), other than the individual sentenced, order the individual
498 sentenced to reimburse the party; and
- 499 (b) the court may:
- 500 (i) order the individual to obtain substance abuse treatment if the substance abuse
501 treatment program determines that substance abuse treatment is appropriate;
- 502 (ii) order the individual to participate in a 24-7 sobriety program as defined in
503 Section 41-6a-515.5 if the individual is 21 years old or older;
- 504 (iii) order a combination of Subsections (7)(b)(i) and (ii); or

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

- 539 (11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
540 sentence and places the defendant on probation with a sentence not described in
541 Subsection (9), the court shall impose:
- 542 (a) a fine of not less than \$1,500;
 - 543 (b) a jail sentence of not less than 60 days;
 - 544 (c) home confinement of not fewer than 60 consecutive days through the use of
545 electronic monitoring that includes a substance abuse testing instrument in
546 accordance with Section 41-6a-506; and
 - 547 (d) supervised probation.
- 548 (12)(a)(i) Except as described in Subsection (12)(a)(ii), a court may not suspend the
549 requirements of this section.
- 550 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).
- 551 (b) A court, with stipulation of both parties and approval from the judge, may convert a
552 jail sentence required in this section to electronic home confinement.
- 553 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation
554 under this section to be served in multiple two-day increments at weekly intervals if
555 the court determines that separate jail increments are necessary to ensure the
556 defendant can serve the statutorily required jail term and maintain employment.
- 557 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible
558 evidence that the individual had a blood or breath alcohol level of .16 or higher, the
559 court shall order the following, or describe on record why the order or orders are not
560 appropriate:
- 561 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and
 - 562 (b) one or more of the following:
 - 563 (i) the installation of an ignition interlock system as a condition of probation for the
564 individual in accordance with Section 41-6a-518;
 - 565 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
566 device or remote alcohol monitor as a condition of probation for the individual; or
 - 567 (iii) the imposition of home confinement through the use of electronic monitoring in
568 accordance with Section 41-6a-506.
- 569 Section 6. Section **41-6a-509** is amended to read:
- 570 **41-6a-509 (Effective upon governor's approval). Driver license suspension or**
571 **revocation for a driving under the influence violation.**
- 572 (1)(a) The Driver License Division shall, if the person is 21 years old or older at the time

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

- 607 years old at the time of arrest:
- 608 (a) suspend the person's driver license until the person is 21 years old or for a period of
609 one year, whichever is longer, if the person is convicted for the first time of a
610 violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 of an offense that was
611 committed on or after July 1, 2011;
- 612 (b) deny the person's application for a license or learner's permit until the person is 21
613 years old or for a period of one year, whichever is longer, if the person:
- 614 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1,
615 or 76-5-207 of an offense committed on or after July 1, 2011; and
616 (ii) has not been issued an operator license;
- 617 (c) revoke the person's driver license until the person is 21 years old or for a period of
618 two years, whichever is longer, if:
- 619 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
620 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
621 committed within a period of 10 years from the date of the prior violation; or
- 622 (d) deny the person's application for a license or learner's permit until the person is 21
623 years old or for a period of two years, whichever is longer, if:
- 624 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
625 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
626 committed within a period of 10 years from the date of the prior violation; and
627 (iii) the person has not been issued an operator license.
- 628 (3) The Driver License Division shall, if the person is under 19 years old at the time of
629 arrest:
- 630 (a) suspend the person's driver license until the person is 21 years old if the person is
631 convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or
632 76-5-207;
- 633 (b) deny the person's application for a license or learner's permit until the person is 21
634 years old if the person:
- 635 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1,
636 or 76-5-207; and
637 (ii) has not been issued an operator license;
- 638 (c) revoke the person's driver license until the person is 21 years old if:
- 639 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
640 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is

- 641 committed within a period of 10 years from the date of the prior violation; or
- 642 (d) deny the person's application for a license or learner's permit until the person is 21
- 643 years old if:
- 644 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
- 645 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
- 646 committed within a period of 10 years from the date of the prior violation; and
- 647 (iii) the person has not been issued an operator license.
- 648 (4) The Driver License Division shall suspend or revoke the license of a person as ordered
- 649 by the court under Subsection (9).
- 650 (5) The Driver License Division shall subtract from any suspension or revocation period the
- 651 number of days for which a license was previously suspended under Section 53-3-223 or
- 652 53-3-231, if the previous suspension was based on the same occurrence upon which the
- 653 record of conviction is based.
- 654 (6) If a conviction recorded as impaired driving is amended to a driving under the influence
- 655 conviction under Section 41-6a-502, 76-5-102.1, or 76-5-207 in accordance with
- 656 Subsection 41-6a-502.5(3)(a)(ii), the Driver License Division:
- 657 (a) may not subtract from any suspension or revocation any time for which a license was
- 658 previously suspended or revoked under Section 53-3-223 or 53-3-231; and
- 659 (b) shall start the suspension or revocation time under Subsection (1) on the date of the
- 660 amended conviction.
- 661 (7) A court that reported a conviction of a violation of Section 41-6a-502, 76-5-102.1, or
- 662 76-5-207 for a violation that occurred on or after July 1, 2009, to the Driver License
- 663 Division may shorten the suspension period imposed under Subsection (2)(a) or (b) or
- 664 Subsection (3)(a) or (b) prior to completion of the suspension period if the person:
- 665 (a) completes at least six months of the license suspension;
- 666 (b) completes a screening;
- 667 (c) completes an assessment, if it is found appropriate by a screening under Subsection
- 668 (7)(b);
- 669 (d) completes substance abuse treatment if it is found appropriate by the assessment
- 670 under Subsection (7)(c);
- 671 (e) completes an educational series if substance abuse treatment is not required by an
- 672 assessment under Subsection (7)(c) or the court does not order substance abuse
- 673 treatment;
- 674 (f) has not been convicted of a violation of any motor vehicle law in which the person

- 675 was involved as the operator of the vehicle during the suspension period imposed
676 under Subsection (2)(a) or (b) or Subsection (3)(a) or (b);
- 677 (g) has complied with all the terms of the person's probation or all orders of the court if
678 not ordered to probation; and
- 679 (h)(i) is 18 years old or older and provides a sworn statement to the court that the
680 person has not unlawfully consumed alcohol during the suspension period
681 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or
- 682 (ii) is under 18 years old and has the person's parent or legal guardian provide an
683 affidavit or sworn statement to the court certifying that to the parent or legal
684 guardian's knowledge the person has not unlawfully consumed alcohol during the
685 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or
686 (b).
- 687 (8) If the court shortens a person's license suspension period in accordance with the
688 requirements of Subsection (7), the court shall forward the order shortening the person's
689 suspension period to the Driver License Division in a manner specified by the division
690 prior to the completion of the suspension period imposed under Subsection (2)(a) or (b)
691 or Subsection (3)(a) or (b).
- 692 (9)(a)(i) In addition to any other penalties provided in this section, a court may order
693 the operator's license of a person who is convicted of a violation of Section
694 41-6a-502, 76-5-102.1, or 76-5-207 to be suspended or revoked for an additional
695 period of 90 days, 120 days, 180 days, one year, or two years to remove from the
696 highways those persons who have shown they are safety hazards.
- 697 (ii) The additional suspension or revocation period provided in this Subsection (9)
698 shall begin the date on which the individual would be eligible to reinstate the
699 individual's driving privilege for a violation of Section 41-6a-502, 76-5-102.1, or
700 76-5-207.
- 701 (b) If the court suspends or revokes the person's license under this Subsection (9), the
702 court shall prepare and send to the Driver License Division an order to suspend or
703 revoke that person's driving privileges for a specified period of time.
- 704 (10)(a) The court shall notify the Driver License Division if a person fails to complete
705 all court ordered:
- 706 (i) screenings;
- 707 (ii) assessments;
- 708 (iii) educational series;

- 709 (iv) substance abuse treatment; and
- 710 (v) hours of work in a compensatory-service work program.
- 711 (b) Subject to Subsection 53-3-218(3), upon receiving the notification described in
- 712 Subsection (10)(a), the division shall suspend the person's driving privilege in
- 713 accordance with Subsection 53-3-221(2).
- 714 (11)(a) A court that reported a conviction of a violation of Section 41-6a-502 to the
- 715 Driver License Division may shorten the suspension or revocation period imposed
- 716 under Subsection (1) before completion of the suspension or revocation period if the
- 717 person:
- 718 (i) is participating in or has successfully completed a 24-7 sobriety program as
- 719 defined in Section 41-6a-515.5;
- 720 (ii)(A) is participating in or has successfully completed a problem solving court
- 721 program approved by the Judicial Council, including a driving under the
- 722 influence court program, a drug court program, or a veterans treatment court
- 723 program; and
- 724 (B) has elected to become an interlock restricted driver as a condition of probation
- 725 during the remainder of the person's suspension or revocation period in
- 726 accordance with Section 41-6a-518; or
- 727 (iii) has had their operator license suspended under Subsection (1)(a)(i), and the court
- 728 does not have a problem solving court program approved by the Judicial Council
- 729 or access to a 24-7 sobriety program as defined in Section 41-6a-515.5, if the
- 730 person:
- 731 (A) has installed an ignition interlock device in any vehicle owned or driven by
- 732 the person in accordance with Section 53-3-1007; and
- 733 (B) did not inflict bodily injury upon another as a proximate result of having
- 734 operated the vehicle in a negligent manner.
- 735 (b) If a court shortens a person's license suspension or revocation period in accordance
- 736 with the requirements of this Subsection (11), the court shall forward the order
- 737 shortening the person's suspension or revocation period to the Driver License
- 738 Division in a manner specified by the division.
- 739 (c) The court shall notify the Driver License Division, in a manner specified by the
- 740 Driver License Division, if a person fails to complete or comply with a condition that
- 741 allowed the court to shorten the person's license suspension or revocation period
- 742 under Subsection (11)(a).

743 (d)(i)(A) Upon receiving the notification described in Subsection (11)(c), for a
 744 first offense, the division shall suspend the person's driving privilege for a
 745 period of 120 days from the date of notice.

746 (B) For a suspension described under Subsection (11)(d)(i)(A), no days shall be
 747 subtracted from the 120-day suspension period for which a driving privilege
 748 was previously suspended under this section or Section 53-3-223, if the
 749 previous suspension was based on the same occurrence upon which the
 750 conviction under Section 41-6a-502 is based.

751 (ii)(A) Upon receiving the notification described in Subsection (11)(c), for a
 752 second or subsequent offense, the division shall revoke the person's driving
 753 privilege for a period of two years from the date of notice.

754 (B) For a license revocation described in Subsection (11)(d)(ii)(A), no days shall
 755 be subtracted from the two-year revocation period for which a driving privilege
 756 was previously revoked under this section or Section 53-3-223, if the previous
 757 revocation was based on the same occurrence upon which the conviction under
 758 Section 41-6a-502 is based.

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

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

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

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

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

767 **53-3-236 (Effective upon governor's approval). Interdicted person identifier --**
 768 **License notation.**

769 (1) If the division receives a notification from a court as provided in Section 41-6a-505,
 770 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the
 771 division:

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

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

776 (b)(i) may accept an application from the individual for a renewal of a license or an

- 777 original license with an interdicted person identifier; and
 778 (ii) if the individual submits an application and qualifies for a license certificate, may
 779 provide a license certificate with an interdicted person identifier.
- 780 (2) The division may not provide to an individual a license certificate without the
 781 interdicted person identifier during the time period the court has designated the person
 782 as an interdicted person.
- 783 (3)(a) An individual may voluntarily apply for a duplicate license, original license, or
 784 renewal of a license that includes an interdicted person identifier.
- 785 (b) An individual [~~that~~] who voluntarily applies for a duplicate license, original license,
 786 or renewal of a license with an interdicted person identifier may not apply for another
 787 duplicate license, original license, or renewal of a license without the interdicted
 788 person identifier for at least 30 days after the application for the license certificate
 789 with the interdicted person identifier.
- 790 (c) An individual who voluntarily applies for a duplicate license, original license, or
 791 renewal of a license with an interdicted person identifier is not required to pay the fee
 792 described in Subsection (5).
- 793 (4) An individual may not hold a license certificate with an interdicted person identifier
 794 while also holding another license certificate.
- 795 (5) [~~The~~] Subject to Subsection (3)(c), the division may charge an administrative fee as
 796 described in Subsection 53-3-105(40) to an individual to process and provide a license
 797 certificate with an interdicted person identifier.
- 798 (6) An individual who is designated as an interdicted person by a court is subject to the
 799 duplicate license fee and other fees necessary to administer the license certificate with
 800 the interdicted person identifier.

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

802 **53-3-805 (Effective upon governor's approval). Identification card -- Contents --**
 803 **Specifications.**

- 804 (1) As used in this section:
- 805 (a) "Authorized guardian" means the same as that term is defined in Section 53-3-207.
 806 (b) "Health care professional" means the same as that term is defined in Section 53-3-207.
 807 (c) "Invisible condition" means the same as that term is defined in Section 53-3-207.
 808 (d) "Invisible condition identification symbol" means the same as that term is defined in
 809 Section 53-3-207.
- 810 (2)(a) The division shall issue an identification card that bears:

- 811 (i) the distinguishing number assigned to the individual by the division;
812 (ii) the name, birth date, and Utah residence address of the individual;
813 (iii) a brief description of the individual for the purpose of identification;
814 (iv) a photograph of the individual;
815 (v) a photograph or other facsimile of the individual's signature;
816 (vi) an indication whether the individual intends to make an anatomical gift under
817 Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act; and
818 (vii) if the individual states that the individual is a veteran of the United States
819 military on the application for an identification card in accordance with Section
820 53-3-804 and provides verification that the individual received an honorable or
821 general discharge from the United States Armed Forces, an indication that the
822 individual is a United States military veteran for a regular identification card or a
823 limited-term identification card issued on or after July 1, 2011.
- 824 (b) An identification card issued by the division may not bear the individual's social
825 security number or place of birth.
- 826 (3)(a) The card shall be of an impervious material, resistant to wear, damage, and
827 alteration.
- 828 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
829 prescribed by the commissioner.
- 830 (4) At the applicant's request, the card may include a statement that the applicant has a
831 special medical problem or allergies to certain drugs, for the purpose of medical
832 treatment.
- 833 (5)(a) The division shall include or affix an invisible condition identification symbol on
834 an individual's identification card if the individual or the individual's authorized
835 guardian, on a form prescribed by the department:
- 836 (i) requests the division to include the invisible condition identification symbol;
837 (ii) provides written verification from a health care professional that the individual is
838 an individual with an invisible condition; and
839 (iii) submits a signed waiver of liability for the release of any medical information to:
840 (A) the department;
841 (B) any person who has access to the individual's medical information as recorded
842 on the individual's driving record or the Utah Criminal Justice Information
843 System under this chapter;
844 (C) any other person who may view or receive notice of the individual's medical

- 845 information by seeing the individual's identification card or the individual's
846 information in the Utah Criminal Justice Information System;
- 847 (D) a local law enforcement agency that receives a copy of the form described in
848 this Subsection (5)(a) and enters the contents of the form into the local law
849 enforcement agency's record management system or computer-aided dispatch
850 system; and
- 851 (E) a dispatcher who accesses the information regarding the individual's invisible
852 condition through the use of a local law enforcement agency's record
853 management system or computer-aided dispatch system.
- 854 (b) As part of the form described in Subsection (5)(a), the department shall advise the
855 individual or the individual's authorized guardian that by submitting the request and
856 signed waiver, the individual or the individual's authorized guardian consents to the
857 release of the individual's medical information to any person described in Subsection
858 (5)(a)(iii), even if the person is otherwise ineligible to access the individual's medical
859 information under state or federal law.
- 860 (c) The division may not:
- 861 (i) charge a fee to include the invisible condition identification symbol on the
862 individual's identification card; or
- 863 (ii) after including the invisible condition identification symbol on the individual's
864 previously issued identification card, require the individual to provide subsequent
865 written verification described in Subsection (5)(a)(ii) to include the invisible
866 condition identification symbol on the individual's extended identification card.
- 867 (d) The division shall confirm with the Division of Professional Licensing that the health
868 care professional described in Subsection (5)(a)(ii) holds a current state license.
- 869 (e) The inclusion of an invisible condition identification symbol on an individual's
870 identification card in accordance with Subsection (5)(a) does not confer any legal
871 rights or privileges on the individual, including parking privileges for individuals
872 with disabilities under Section 41-1a-414.
- 873 (f) For each individual issued an identification card under this section that includes an
874 invisible condition identification symbol, the division shall include in the division's
875 database a brief description of the nature of the individual's invisible condition in the
876 individual's record and provide the brief description to the Utah Criminal Justice
877 Information System.
- 878 (g) Except as provided in this section, the division may not release the information

- 879 described in Subsection (5)(f).
- 880 (h) Within 30 days after the day on which the division receives an individual's or the
881 individual's authorized guardian's written request, the division shall:
- 882 (i) remove from the individual's record in the division's database the invisible
883 condition identification symbol and the brief description described in Subsection
884 (5)(f); and
- 885 (ii) provide the individual's updated record to the Utah Criminal Justice Information
886 System.
- 887 (6)(a) If the division receives a notification from a court as provided in Section
888 41-6a-505, 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted
889 person, the division:
- 890 (i) may accept an application from the individual for an identification card that
891 includes an interdicted person identifier; and
- 892 (ii) if the individual submits an application and qualifies for an identification card,
893 may provide an identification card with the interdicted person identifier.
- 894 (b)(i) An individual may voluntarily apply for an identification card that includes an
895 interdicted person identifier.
- 896 (ii) An individual [~~that~~] who voluntarily applies for an identification card with an
897 interdicted person identifier may not apply for another identification card without
898 the interdicted person identifier for at least 30 days after the application for the
899 identification card with the interdicted person identifier.
- 900 (iii) An individual who voluntarily applies for an identification card with an
901 interdicted person identifier is not required to pay the fee described in Subsection
902 (6)(d).
- 903 (c) The division may not provide to an individual an identification card without the
904 interdicted person identifier during the time period the court has designated the
905 person as an interdicted person.
- 906 (d) [~~The~~] Subject to Subsection (6)(b)(iii), the division may charge an administrative fee
907 as described in Subsection 53-3-105(40) to an individual to process and provide an
908 identification card with an interdicted person identifier.
- 909 (e) An individual who is designated as an interdicted person by a court is subject to the
910 identification card fee and other fees necessary to administer the identification card
911 with an interdicted person identifier.
- 912 (7) As provided in Section 63G-2-302, the information described in Subsection (5)(a) is a

- 913 private record for purposes of Title 63G, Chapter 2, Government Records Access and
914 Management Act.
- 915 (8)(a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated by
916 the applicant in accordance with division rule.
- 917 (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
918 Management Act, the division may, upon request, release to an organ procurement
919 organization, as defined in Section 26B-8-301, the names and addresses of all
920 individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make
921 an anatomical gift.
- 922 (ii) An organ procurement organization may use released information only to:
923 (A) obtain additional information for an anatomical gift registry; and
924 (B) inform applicants of anatomical gift options, procedures, and benefits.
- 925 (9) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management
926 Act, the division may release to the Department of Veterans and Military Affairs the
927 names and addresses of all individuals who indicate their status as a veteran under
928 Subsection 53-3-804(2)(l).
- 929 (10) The division and the division's employees are not liable, as a result of false or
930 inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or
931 indirect:
- 932 (a) loss;
933 (b) detriment; or
934 (c) injury.
- 935 (11)(a) The division may issue a temporary regular identification card to an individual
936 while the individual obtains the required documentation to establish verification of
937 the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).
- 938 (b) A temporary regular identification card issued under this Subsection (11) shall be
939 recognized and grant the individual the same privileges as a regular identification
940 card.
- 941 (c) A temporary regular identification card issued under this Subsection (11) is invalid:
942 (i) when the individual's regular identification card has been issued;
943 (ii) when, for good cause, an applicant's application for a regular identification card
944 has been refused; or
945 (iii) upon expiration of the temporary regular identification card.
- 946 (d) The division shall coordinate with the Department of Corrections in providing an

947 inmate with a temporary regular identification card as described in Section 64-13-10.6.

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

949 **76-5-102.1 (Effective upon governor's approval). Negligently operating a vehicle**
950 **resulting in injury.**

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

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

953 (ii) "Drug" means the same as that term is defined in Section 76-5-207.

954 (iii) "Negligent" or "negligence" means the same as that term is defined in Section
955 76-5-207.

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

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

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

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

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

963 (B) is under the influence of alcohol, a drug, or the combined influence of alcohol
964 and a drug to a degree that renders the actor incapable of safely operating a
965 vehicle; or

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

968 (b)(i) operates a vehicle in a criminally negligent manner causing bodily injury to
969 another; and

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

971 (3) Except as provided in Subsection (4), a violation of Subsection (2) is:

972 (a)(i) a class A misdemeanor;[-~~or~~]

973 (ii) a third degree felony if the actor has two or more driving under the influence
974 related convictions under Subsection 41-6a-501(2)(a), each of which is within 10
975 years of:

976 (A) the current conviction; or

977 (B) the commission of the offense upon which the current conviction is based;

978 (iii) a third degree felony, if the current conviction is at any time after the conviction
979 of:

980 (A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2),

981 that is a felony; or

982 (B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of

983 conviction is reduced under Section 76-3-402; or

984 (iv) a third degree felony if the bodily injury is serious bodily injury; and

985 (b) a separate offense for each victim suffering bodily injury as a result of the actor's
986 violation of this section, regardless of whether the injuries arise from the same
987 episode of driving.

988 (4) An actor is not guilty of negligently operating a vehicle resulting in injury under
989 Subsection (2)(b) if:

990 (a) the controlled substance was obtained under a valid prescription or order, directly
991 from a practitioner while acting in the course of the practitioner's professional
992 practice, or as otherwise authorized by Title 58, Occupations and Professions;

993 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or

994 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
995 58-37-4.2 if:

996 (i) the actor is the subject of medical research conducted by a holder of a valid license
997 to possess controlled substances under Section 58-37-6; and

998 (ii) the substance was administered to the actor by the medical researcher.

999 (5)(a) A judge imposing a sentence under this section may consider:

1000 (i) the adult sentencing and supervision length guidelines, as defined in Section
1001 63M-7-401.1;

1002 (ii) the defendant's history;

1003 (iii) the facts of the case;

1004 (iv) aggravating and mitigating factors; or

1005 (v) any other relevant fact.

1006 (b) The judge may not impose a lesser sentence than would be required for a conviction
1007 based on the defendant's history under Section 41-6a-505.

1008 (c) The standards for chemical breath analysis under Section 41-6a-515 and the
1009 provisions for the admissibility of chemical test results under Section 41-6a-516
1010 apply to determination and proof of blood alcohol content under this section.

1011 (d) A calculation of blood or breath alcohol concentration under this section shall be
1012 made in accordance with Subsection 41-6a-502(3).

1013 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
1014 this section is or has been legally entitled to use alcohol or a drug is not a defense.

- 1015 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
 1016 admissible except if prohibited by the Utah Rules of Evidence, the United States
 1017 Constitution, or the Utah Constitution.
- 1018 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
 1019 described in this section may not be held in abeyance.
- 1020 (6)(a) A judge imposing a sentence under this section shall designate the defendant as an
 1021 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
 1022 not to exceed the probationary period, unless the court finds good cause to order a
 1023 shorter or longer time.
- 1024 (b) If a court designates a person as an interdicted person as provided in Subsection
 1025 (6)(a), the court shall:
- 1026 (i) require the person to surrender the person's Utah identification card or Utah driver
 1027 license;
- 1028 (ii) notify the Driver License Division that the person is an interdicted person; and
 1029 (iii) provide the person's identification card or driver license to the Driver License
 1030 Division.

1031 Section 10. Section **76-5-207** is amended to read:

1032 **76-5-207 (Effective upon governor's approval). Automobile homicide -- Penalties**
 1033 **-- Evidence.**

- 1034 (1)(a) As used in this section:
- 1035 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
 1036 (ii) "Criminally negligent" means the same as that term is described in Subsection
 1037 76-2-103(4).
 1038 (iii) "Drug" means:
 1039 (A) a controlled substance;
 1040 (B) a drug as defined in Section 58-37-2; or
 1041 (C) a substance that, when knowingly, intentionally, or recklessly taken into the
 1042 human body, can impair the ability of an individual to safely operate a vehicle.
 1043 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that
 1044 degree of care that reasonable and prudent persons exercise under like or similar
 1045 circumstances.
 1046 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.
- 1047 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 1048 (2) An actor commits automobile homicide if the actor:

- 1049 (a)(i) operates a vehicle in a negligent or criminally negligent manner causing the
1050 death of another individual; and
- 1051 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
1052 test shows that the actor has a blood or breath alcohol concentration of .05
1053 grams or greater at the time of the test;
- 1054 (B) is under the influence of alcohol, any drug, or the combined influence of
1055 alcohol and any drug to a degree that renders the actor incapable of safely
1056 operating a vehicle; or
- 1057 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
1058 of operation; or
- 1059 (b)(i) operates a vehicle in a criminally negligent manner causing death to another;
1060 and
- 1061 (ii) has in the actor's body any measurable amount of a controlled substance.
- 1062 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
- 1063 (a) a second degree felony, punishable by a term of imprisonment of not less than five
1064 years nor more than 15 years; and
- 1065 (b) a separate offense for each victim suffering death as a result of the actor's violation
1066 of this section, regardless of whether the deaths arise from the same episode of
1067 driving.
- 1068 (4) An actor is not guilty of a violation of automobile homicide under Subsection (2)(b) if:
- 1069 (a) the controlled substance was obtained under a valid prescription or order, directly
1070 from a practitioner while acting in the course of the practitioner's professional
1071 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 1072 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 1073 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
1074 58-37-4.2 if:
- 1075 (i) the actor is the subject of medical research conducted by a holder of a valid license
1076 to possess controlled substances under Section 58-37-6; and
- 1077 (ii) the substance was administered to the actor by the medical researcher.
- 1078 (5)(a) A judge imposing a sentence under this section may consider:
- 1079 (i) the adult sentencing and supervision length guidelines, as defined in Section
1080 63M-7-401.1;
- 1081 (ii) the defendant's history;
- 1082 (iii) the facts of the case;

- 1083 (iv) aggravating and mitigating factors; or
1084 (v) any other relevant fact.
- 1085 (b) The judge may not impose a lesser sentence than would be required for a conviction
1086 based on the defendant's history under Section 41-6a-505.
- 1087 (c) The standards for chemical breath analysis as provided by Section 41-6a-515 and the
1088 provisions for the admissibility of chemical test results as provided by Section
1089 41-6a-516 apply to determination and proof of blood alcohol content under this
1090 section.
- 1091 (d) A calculation of blood or breath alcohol concentration under this section shall be
1092 made in accordance with Subsection 41-6a-502(3).
- 1093 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
1094 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 1095 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
1096 admissible except when prohibited by the Utah Rules of Evidence, the United States
1097 Constitution, or the Utah Constitution.
- 1098 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
1099 described in this section may not be held in abeyance.
- 1100 (6) If, when imposing a sentence under this section, the court finds that it is in the interest
1101 of justice to suspend the imposition of prison, the court shall detail the finding on the
1102 record, including why a suspended prison sentence is in the interest of justice.
- 1103 (7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than
1104 three years nor more than 15 years if the court details on the record why it is in the
1105 interest of justice.
- 1106 (8)(a) A judge imposing a sentence under this section shall designate the defendant as an
1107 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
1108 not to exceed the probationary period, unless the court finds good cause to order a
1109 shorter or longer time.
- 1110 (b) If a court designates a person as an interdicted person as provided in Subsection
1111 (8)(a), the court shall:
- 1112 (i) require the person to surrender the person's Utah identification card or Utah driver
1113 license;
- 1114 (ii) notify the Driver License Division that the person is an interdicted person; and
1115 (iii) provide the person's identification card or driver license to the Driver License
1116 Division.

1117 Section 11. **Effective Date.**

1118 This bill takes effect:

1119 (1) except as provided in Subsection (2), May 6, 2026; or

1120 (2) if approved by two-thirds of all members elected to each house:

1121 (a) upon approval by the governor;

1122 (b) without the governor's signature, the day following the constitutional time limit of

1123 Utah Constitution, Article VII, Section 8; or

1124 (c) in the case of a veto, the date of veto override.

1125 Section 12. **Retrospective operation.**

1126 The following sections have retrospective operation to January 1, 2026:

1127 (1) Section 32B-1-407 (Effective upon governor's approval) (Applies beginning 01/01/26);

1128 (2) Section 32B-4-405 (Effective upon governor's approval) (Applies beginning 01/01/26);

1129 and

1130 (3) Section 32B-5-306 (Effective upon governor's approval) (Applies beginning 01/01/26).