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DUI Offense Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor:

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LONG TITLE

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General Description:

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This bill changes the requirements for a peace officer's appearance at an administrative driver license hearing following an arrest for driving under the influence.

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Highlighted Provisions:

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This bill:

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- ▶ allows the Driver License Division to request a peace officer's presence for a driver license suspension hearing;

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- ▶ adds that a Driver License Division hearing for a driving under the influence arrest cannot be dismissed solely due to a peace officer's failure to appear; and

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- ▶ makes technical changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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53-3-223, as last amended by Laws of Utah 2025, Chapter 296

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

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Section 1. Section **53-3-223** is amended to read:

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53-3-223 . Chemical test for driving under the influence -- Temporary license --

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Hearing and decision -- Suspension and fee -- Judicial review.

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(1)(a) If a peace officer has reasonable grounds to believe that an individual may be

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violating or has violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, the

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peace officer may, [in connection with] when arresting the individual, request that the

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individual submit to a chemical test or tests to be administered in compliance with [

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~~the standards under~~]Section 41-6a-520.

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

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

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

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

40 (3) If the individual submits to a chemical test and the test results [indicate] show a blood or
41 breath alcohol content in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or
42 76-5-207, or if a peace officer [makes a determination] determines, based on reasonable
43 grounds, that the individual is otherwise in violation of Section 41-6a-502, 76-5-102.1,
44 or 76-5-207, a peace officer shall, on behalf of the division and within 24 hours of arrest,
45 give notice of the division's intention to suspend the individual's license to drive a motor
46 vehicle.

47 (4) When a peace officer gives notice on behalf of the division, the peace officer shall
48 supply to the driver, [in a manner] as specified by the division, [basic] information
49 regarding how to obtain a prompt hearing before the division.

50 (5) [As a matter of procedure, a] A peace officer shall send to the division within 10
51 calendar days after the day on which [notice is provided] the peace officer provides notice:
52 (a) a copy of the citation issued for the offense;
53 (b) a signed report [in a manner] as specified by the division [indicating] showing the
54 chemical test results, if any; and
55 (c) any other basis for the peace officer's determination that the individual has violated
56 Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207.

57 (6)(a)(i) [Upon request in a manner specified by the division,] As specified by the
58 division and upon request by an individual, the division shall grant to [the] an
59 individual an opportunity to be heard within 29 days after the date of arrest.

60 (ii) The individual shall request to be heard [shall be made] within 10 calendar days [
61 of] after the day on which [notice is provided] the peace officer provides notice
62 under Subsection (5).

63 (b)(i) Except as provided in Subsection (6)(b)(ii), [a hearing, if held, shall be before
64 the division] if the division holds a hearing, the division shall hold the hearing in:

65 (A) the county in which the arrest occurred; or
66 (B) a county that is adjacent to the county in which the arrest occurred.

67 (ii) The division may hold a hearing in [some other] another county if the division
68 and the individual both agree.

69 (c) The division shall document the hearing [shall be documented] and shall cover the
70 issues of:

71 (i) whether a peace officer had reasonable grounds to believe the individual was
72 driving a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1,
73 or 76-5-207;

74 (ii) whether the individual refused to submit to [the] a test; and
75 (iii) the test results, if any.

76 (d)(i) In connection with a hearing, the division or [its] the division's authorized agent:

77 (A) may administer [oaths] an oath and may issue [subpoenas] a subpoena for the
78 attendance of [witnesses] a witness and the production of relevant [books and
79 papers] documents; or

80 [(B) may issue subpoenas for the attendance of necessary peace officers.]

81 (B) may request a peace officer's attendance if, after reviewing the documents
82 described in Subsection (5), the division or authorized agent determines that
83 there is not enough information to decide the status of the individual's driving
84 privilege and a peace officer's presence is necessary.

85 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
86 accordance with the rates established in Section 78B-1-119.

87 (iii) The division may not dismiss a hearing or fail to act at a hearing due to a peace
88 officer's failure to appear unless:

89 (A) the documents described in Subsection (5) are reviewed;
90 (B) the division, or the division's representative, determines that the peace officer's
91 presence is necessary;
92 (C) the division has requested the peace officer's attendance; and
93 (D) the peace officer fails to appear for the hearing.

94 (e) The division may designate one or more employees to conduct the hearing.

95 (f) [Any decision made after a hearing before any designated employee] After a hearing,
96 a determination made by an authorized agent is [as] valid and binding as if made by
97 the division.

98 (7)(a) If, after a hearing, the division determines that a peace officer had reasonable

99 grounds to believe that the individual was driving a motor vehicle in violation of
100 Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the individual failed to
101 appear before the division as required in the notice, or if a hearing is not requested
102 under this section, the division shall:

- 103 (i) if the individual is 21 years old or older at the time of arrest, suspend the
104 individual's license or permit to operate a motor vehicle for a period of:
 - 105 (A) 120 days beginning on the 45th day after the date of arrest for a first
106 suspension; or
 - 107 (B) two years beginning on the 45th day after the date of arrest for a second or
108 subsequent suspension for an offense that occurred within the previous 10
109 years; or
- 110 (ii) if the individual is under 21 years old at the time of arrest:
 - 111 (A) suspend the individual's license or permit to operate a motor vehicle:
 - 112 (I) for a period of six months, beginning on the 45th day after the date of arrest
113 for a first suspension; or
 - 114 (II) until the individual is 21 years old or for a period of two years, whichever
115 is longer, beginning on the 45th day after the date of arrest for a second or
116 subsequent suspension for an offense that occurred within the previous 10
117 years; or
 - 118 (B) deny the individual's application for a license or learner's permit:
 - 119 (I) for a period of six months beginning on the 45th day after the date of the
120 arrest for a first suspension, if the individual has not been issued an operator
121 license; or
 - 122 (II) until the individual is 21 years old or for a period of two years, whichever
123 is longer, beginning on the 45th day after the date of arrest for a second or
124 subsequent suspension for an offense that occurred within the previous 10
125 years.

126 (b)(i) Notwithstanding [the provisions in] Subsection (7)(a)(i)(A), the division shall
127 reinstate an individual's license [prior to] before completion of the 120 day
128 suspension period imposed under Subsection (7)(a)(i)(A):

- 129 (A) immediately upon receiving written verification of the individual's dismissal
130 of a charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or
131 76-5-207, if the written verification is received [prior to] before completion of
132 the suspension period; or

133 (B) no sooner than 60 days beginning on the 45th day after the date of arrest upon
134 receiving written verification of the individual's reduction of a charge for a
135 violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the
136 written verification is received [prior to] before completion of the suspension
137 period.

138 (ii) Notwithstanding [the provisions in] Subsection (7)(a)(i)(A), the division shall
139 reinstate an individual's license [prior to] before completion of the 120-day
140 suspension period imposed under Subsection (7)(a)(i)(A) immediately upon
141 receiving written verification of the individual's conviction of impaired driving
142 under Section 41-6a-502.5 if:

143 (A) the written verification is received [prior to] before completion of the
144 suspension period; and
145 (B) the reporting court notifies the [Driver License Division] division that the
146 defendant is participating in or has successfully completed the program of a
147 driving under the influence court as defined in Section 41-6a-501.

148 (iii) [If an individual's license is reinstated under] If the division reinstates the
149 individual's license as described in this Subsection (7)(b), the individual [is
150 required to] shall pay the license reinstatement application fees under Subsections
151 53-3-105(26) and (27).

152 (iv) The driver license reinstatements authorized under this Subsection (7)(b) only
153 apply to a 120-day suspension period imposed under Subsection (7)(a)(i)(A).

154 (v) A driver license reinstatement authorized under this Subsection (7)(b) does not
155 apply to a CDL disqualification imposed under Section 53-3-414.

156 (8)(a)(i) The division shall assess against an individual, in addition to [any] a fee
157 imposed under Subsection 53-3-205(12) for driving under the influence, a fee
158 under Section 53-3-105 to cover administrative costs, which shall be paid before
159 the individual's driving privilege is reinstated.

160 (ii) [This fee shall be cancelled] The division shall void the fee described in
161 Subsection (8)(a)(i) if the individual obtains an unappealed division hearing or
162 court decision that the suspension was [not proper] improper.

163 (b) An individual whose license has been suspended by the division under this section
164 following an administrative hearing may file a petition within 30 days after the
165 suspension for a hearing on the matter.

166 (c) [which, if held,] If the division holds a hearing in connection with Subsection (8)(b),

167 the hearing is governed by Section 53-3-224.

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

171 (i)(A) the reporting court notifies the [Driver License Division] division that the
172 individual is participating in or has successfully completed a 24-7 sobriety
173 program as defined in Section 41-6a-515.5; or
174 (B) the reporting court notifies the [Driver License Division] division that the
175 individual is participating in or has successfully completed a problem solving
176 court program approved by the Judicial Council, including a driving under the
177 influence court program or a drug court program, and has elected to become an
178 interlock restricted driver as a condition of probation during the remainder of
179 the individual's suspension period in accordance with Section 41-6a-518; and
180 (ii) the individual has a valid driving privilege, [with the exception of] except for the
181 suspension under Subsection (7)(a)(i).

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

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

188 (i) has a valid driving privilege, with the exception of the suspension under
189 Subsection (7)(a)(i)(A);
190 (ii) installs an ignition interlock device in [any] a vehicle owned or driven by the
191 individual in accordance with Section 53-3-1007; and
192 (iii) pays the license reinstatement application fees described in Subsections
193 53-3-105(26) and (27).

194 (b)(i) The individual shall remain an ignition interlock restricted driver for a period of
195 120 days from the original effective date of the suspension under Subsection
196 (7)(a)(i)(A).

197 (ii) If the individual removes an ignition interlock device from a vehicle owned or
198 driven by the individual [prior to] before the expiration of the 120-day ignition
199 interlock restriction period and does not install a new ignition interlock device
200 from the same or a different provider within 24 hours:

201 (A) the division shall suspend the individual's driver license [shall be suspended
202 under] as described in Subsection (7)(a)(i)(A) for the remainder of the 120-day
203 ignition interlock restriction period;

204 (B) the individual [is required to] shall pay the license reinstatement application
205 fee under Subsection 53-3-105(26); and

206 (C) the individual may not elect to become an ignition interlock restricted driver
207 under this section.

208 (c) If an individual elects to become an ignition interlock restricted driver under
209 Subsection (10)(a), the provisions under Subsection (7)(b) do not apply.

210 (11)(a) If the division suspends an individual's license for an alcohol related offense
211 under Subsection (7)(a)(i)(B), the individual may petition the division and elect to
212 become an ignition interlock restricted driver after the driver serves at least 90 days
213 of the suspension if the individual:

214 (i) was charged with a violation of Section 41-6a-502 that is a misdemeanor;

215 (ii) has a valid driving privilege, with the exception of the suspension under
216 Subsection (7)(a)(i)(B);

217 (iii) installs an ignition interlock device in [any] a vehicle owned or driven by the
218 individual in accordance with Section 53-3-1007; and

219 (iv) pays the license reinstatement application fees described in Subsections
220 53-3-105(26) and (27);

221 (b)(i) The individual shall remain an ignition interlock restricted driver for a period of
222 two years from the original effective date of the suspension under Subsection
223 (7)(a)(i)(B).

224 (ii) If the individual removes an ignition interlock device from a vehicle owned or
225 driven by the individual [prior to] before the expiration of the two-year ignition
226 interlock restriction period and does not install a new ignition interlock device
227 from the same or a different provider within 24 hours:

228 (A) the division shall suspend the individual's driver license [shall be suspended
229 under] as described in Subsection (7)(a)(i)(B) for the remainder of the two-year
230 ignition interlock restriction period;

231 (B) the individual [is required to] shall pay the license reinstatement application
232 fee under Subsection 53-3-105(26); and

233 (C) the individual may not elect to become an ignition interlock restricted driver
234 under this section.

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

240 (12)(a) Notwithstanding [the provisions in] Subsection (7)(a)(i)(B), the division shall
241 reinstate an individual's license [prior to] before completion of the two-year
242 suspension period imposed under Subsection (7)(a)(i)(B) immediately upon receiving
243 written verification of the individual's dismissal of a charge for a violation of Section
244 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written verification is received [
245 prior to] before completion of the suspension period.

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

252 **Section 2. Effective Date.**

253 This bill takes effect on May 6, 2026.