

Proposal for Utah Administrative Rules Committee

*41-6a-520 (2)(b)*

*When a peace officer gives the notice on behalf of the Driver License Division, the peace officer shall:*

~~(A) take the Utah license certificate or permit, if any, of the operator;~~

~~(B) issue a temporary license certificate effective for only 29 days from the date of arrest; and~~

~~(C) supply to the operator, in a manner specified by the Driver License Division, basic information regarding how to obtain a hearing before the Driver License Division.~~

~~(c) A citation issued by a peace officer may, if provided in a manner specified by the Driver License Division, also serve as the temporary license certificate.~~

41-6a-521

(1)

(a) A person who has been notified of the Driver License Division's intention to revoke the person's license under Section 41-6a-520 is entitled to a hearing.

(b) A request for the hearing shall be made in writing within 10 calendar days after the day on which notice is provided.

(c) Upon request in a manner specified by the Driver License Division, the Driver License Division shall grant to the person an opportunity to be heard within 29 days after the date of arrest.

(d) If the person does not make a request for a hearing before the Driver License Division under this Subsection (1), the person's privilege to operate a motor vehicle in the state is revoked beginning on the ~~30th~~ 45th day after the date of arrest:

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

(4)

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

~~(i) take the Utah license certificate or permit, if any, of the driver;~~

~~(ii) issue a temporary license certificate effective for only 29 days from the date of arrest; and~~

~~(iii) supply to the driver, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division.~~

~~(b) A citation issued by a peace officer may, if provided in a manner specified by the division, also serve as the temporary license certificate.~~

(7)

(a) If, after a hearing, the division determines that a peace officer had reasonable grounds to believe that the person was driving a motor vehicle in violation of Section 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the notice, or if a hearing is not requested under this section, the division shall:

(i) if the person is 21 years of age or older at the time of arrest and the arrest was made on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a period of:

(A) 120 days beginning on the ~~30th~~ 45th day after the date of arrest for a first suspension; or

(B) two years beginning on the ~~30th~~ 45th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years; or

(ii) if the person is under 21 years of age at the time of arrest and the arrest was made on or after May 14, 2013:

(A) suspend the person's license or permit to operate a motor vehicle:

(I) for a period of six months, beginning on the ~~30th~~ 45th day after the date of arrest for a first suspension; or

(II) until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the ~~30th~~ 45th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years; or

(B) deny the person's application for a license or learner's permit:

(I) for a period of six months for a first suspension, if the person has not been issued an operator license; or

(II) until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the ~~30th~~ 45th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years.

