

DRIVER LICENSE SUSPENSION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends provisions related to suspension of an individual's driver license.

Highlighted Provisions:

This bill:

- ▶ defines a term;
- ▶ prohibits the suspension of an individual's driver license by the Driver License Division based solely on the individual's failure to pay certain fines;
- ▶ prohibits a court from ordering a driver license suspension or revocation under certain circumstances; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-509, as last amended by Laws of Utah 2020, Chapter 177

41-6a-517, as last amended by Laws of Utah 2020, Chapter 12

41-6a-1715, as last amended by Laws of Utah 2014, Chapter 416

53-3-102, as last amended by Laws of Utah 2019, Chapters 426 and 459

53-3-218, as last amended by Laws of Utah 2018, Chapter 121

53-3-221, as last amended by Laws of Utah 2015, Chapter 52

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

Section 1. Section **41-6a-509** is amended to read:

41-6a-509. Driver license suspension or revocation for a driving under the influence violation.

33 (1) The Driver License Division shall, if the person is 21 years of age or older at the
34 time of arrest:

35 (a) suspend for a period of 120 days the operator's license of a person convicted for the
36 first time under Section 41-6a-502; or

37 (b) revoke for a period of two years the license of a person if:

38 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

39 (ii) the current violation under Section 41-6a-502 is committed within a period of 10
40 years from the date of the prior violation.

41 (2) The Driver License Division shall, if the person is 19 years of age or older but
42 under 21 years of age at the time of arrest:

43 (a) suspend the person's driver license until the person is 21 years of age or for a period
44 of one year, whichever is longer, if the person is convicted for the first time of a violation under
45 Section 41-6a-502 of an offense that was committed on or after July 1, 2011;

46 (b) deny the person's application for a license or learner's permit until the person is 21
47 years of age or for a period of one year, whichever is longer, if the person:

48 (i) is convicted for the first time of a violation under Section 41-6a-502 of an offense
49 committed on or after July 1, 2011; and

50 (ii) has not been issued an operator license;

51 (c) revoke the person's driver license until the person is 21 years of age or for a period
52 of two years, whichever is longer, if:

53 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

54 (ii) the current violation under Section 41-6a-502 is committed within a period of 10
55 years from the date of the prior violation; or

56 (d) deny the person's application for a license or learner's permit until the person is 21
57 years of age or for a period of two years, whichever is longer, if:

58 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);

59 (ii) the current violation under Section 41-6a-502 is committed within a period of 10
60 years from the date of the prior violation; and

61 (iii) the person has not been issued an operator license.

62 (3) The Driver License Division shall, if the person is under 19 years of age at the time
63 of arrest:

64 (a) suspend the person's driver license until the person is 21 years of age if the person
65 is convicted for the first time of a violation under Section 41-6a-502;

66 (b) deny the person's application for a license or learner's permit until the person is 21
67 years of age if the person:

68 (i) is convicted for the first time of a violation under Section 41-6a-502; and

69 (ii) has not been issued an operator license;

70 (c) revoke the person's driver license until the person is 21 years of age if:

71 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

72 (ii) the current violation under Section 41-6a-502 is committed within a period of 10
73 years from the date of the prior violation; or

74 (d) deny the person's application for a license or learner's permit until the person is 21
75 years of age if:

76 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);

77 (ii) the current violation under Section 41-6a-502 is committed within a period of 10
78 years from the date of the prior violation; and

79 (iii) the person has not been issued an operator license.

80 (4) The Driver License Division shall suspend or revoke the license of a person as
81 ordered by the court under Subsection (9).

82 (5) The Driver License Division shall subtract from any suspension or revocation
83 period the number of days for which a license was previously suspended under Section
84 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
85 which the record of conviction is based.

86 (6) If a conviction recorded as impaired driving is amended to a driving under the
87 influence conviction under Section 41-6a-502 in accordance with Subsection
88 41-6a-502.5(3)(a)(ii), the Driver License Division:

89 (a) may not subtract from any suspension or revocation any time for which a license
90 was previously suspended or revoked under Section 53-3-223 or 53-3-231; and

91 (b) shall start the suspension or revocation time under Subsection (1) on the date of the
92 amended conviction.

93 (7) A court that reported a conviction of a violation of Section 41-6a-502 for a
94 violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the

95 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) prior to
96 completion of the suspension period if the person:

97 (a) completes at least six months of the license suspension;

98 (b) completes a screening;

99 (c) completes an assessment, if it is found appropriate by a screening under Subsection
100 (7)(b);

101 (d) completes substance abuse treatment if it is found appropriate by the assessment
102 under Subsection (7)(c);

103 (e) completes an educational series if substance abuse treatment is not required by an
104 assessment under Subsection (7)(c) or the court does not order substance abuse treatment;

105 (f) has not been convicted of a violation of any motor vehicle law in which the person
106 was involved as the operator of the vehicle during the suspension period imposed under
107 Subsection (2)(a) or (b) or Subsection (3)(a) or (b);

108 (g) has complied with all the terms of the person's probation or all orders of the court if
109 not ordered to probation; and

110 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the
111 person has not unlawfully consumed alcohol during the suspension period imposed under
112 Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or

113 (ii) is under 18 years of age and has the person's parent or legal guardian provide an
114 affidavit or sworn statement to the court certifying that to the parent or legal guardian's
115 knowledge the person has not unlawfully consumed alcohol during the suspension period
116 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

117 (8) If the court shortens a person's license suspension period in accordance with the
118 requirements of Subsection (7), the court shall forward the order shortening the person's
119 suspension period prior to the completion of the suspension period imposed under Subsection
120 (2)(a) or (b) or Subsection (3)(a) or (b) to the Driver License Division.

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

125 (ii) The additional suspension or revocation period provided in this Subsection (9) shall

126 begin the date on which the individual would be eligible to reinstate the individual's driving
127 privilege for a violation of Section 41-6a-502.

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

131 (10) (a) The court shall notify the Driver License Division if a person fails to~~[(t)]~~
132 complete all court ordered:

133 ~~[(A)]~~ (i) screening;

134 ~~[(B)]~~ (ii) assessment;

135 ~~[(C)]~~ (iii) educational series;

136 ~~[(D)]~~ (iv) substance abuse treatment; and

137 ~~[(E)]~~ (v) hours of work in a compensatory-service work program~~[-or]~~.

138 ~~[(ii) pay all fines and fees, including fees for restitution and treatment costs.]~~

139 (b) ~~Upon~~ Subject to Subsection 53-3-218(3), upon receiving the notification
140 described in Subsection (10)(a), the division shall suspend the person's driving privilege in
141 accordance with ~~[Subsections 53-3-221(2) and (3)]~~ Subsection 53-3-221(2).

142 (11) (a) A court that reported a conviction of a violation of Section 41-6a-502 to the
143 Driver License Division may shorten the suspension period imposed under Subsection (1)
144 before completion of the suspension period if the person is participating in or has successfully
145 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

146 (b) If the court shortens a person's license suspension period in accordance with the
147 requirements of this Subsection (11), the court shall forward to the Driver License Division the
148 order shortening the person's suspension period.

149 (c) The court shall notify the Driver License Division if a person fails to complete all
150 requirements of a 24-7 sobriety program.

151 (d) ~~Upon~~ Subject to Subsection 53-3-218(3), upon receiving the notification
152 described in Subsection (11)(c), the division shall suspend the person's driving privilege in
153 accordance with ~~[Subsections 53-3-221(2) and (3)]~~ Subsection 53-3-221(2).

154 Section 2. Section **41-6a-517** is amended to read:

155 **41-6a-517. Definitions -- Driving with any measurable controlled substance in the**
156 **body -- Penalties -- Arrest without warrant.**

157 (1) As used in this section:

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

159 (b) "Practitioner" means the same as that term is defined in Section 58-37-2.

160 (c) "Prescribe" means the same as that term is defined in Section 58-37-2.

161 (d) "Prescription" means the same as that term is defined in Section 58-37-2.

162 (2) (a) Except as provided in Subsection (2)(b), in cases not amounting to a violation of
163 Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle
164 within this state if the person has any measurable controlled substance or metabolite of a
165 controlled substance in the person's body.

166 (b) Subsection (2)(a) does not apply to a person that has
167 11-nor-9-carboxy-tetrahydrocannabinol as the only controlled substance present in the person's
168 body.

169 (3) It is an affirmative defense to prosecution under this section that the controlled
170 substance was:

171 (a) involuntarily ingested by the accused;

172 (b) prescribed by a practitioner for use by the accused;

173 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
174 form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical
175 Cannabis Act; or

176 (d) otherwise legally ingested.

177 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B
178 misdemeanor.

179 (b) A person who violates this section is subject to conviction and sentencing under
180 both this section and any applicable offense under Section 58-37-8.

181 (5) A peace officer may, without a warrant, arrest a person for a violation of this
182 section when the officer has probable cause to believe the violation has occurred, although not
183 in the officer's presence, and if the officer has probable cause to believe that the violation was
184 committed by the person.

185 (6) The Driver License Division shall, if the person is 21 years of age or older on the
186 date of arrest:

187 (a) suspend, for a period of 120 days, the driver license of a person convicted under

188 Subsection (2) of an offense committed on or after July 1, 2009; or

189 (b) revoke, for a period of two years, the driver license of a person if:

190 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

191 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
192 and within a period of 10 years after the date of the prior violation.

193 (7) The Driver License Division shall, if the person is 19 years of age or older but
194 under 21 years of age on the date of arrest:

195 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is
196 longer, the driver license of a person convicted under Subsection (2) of an offense committed
197 on or after July 1, 2011; or

198 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is
199 longer, the driver license of a person if:

200 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

201 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
202 and within a period of 10 years after the date of the prior violation.

203 (8) The Driver License Division shall, if the person is under 19 years of age on the date
204 of arrest:

205 (a) suspend, until the person is 21 years of age, the driver license of a person convicted
206 under Subsection (2) of an offense committed on or after July 1, 2009; or

207 (b) revoke, until the person is 21 years of age, the driver license of a person if:

208 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

209 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
210 and within a period of 10 years after the date of the prior violation.

211 (9) The Driver License Division shall subtract from any suspension or revocation
212 period the number of days for which a license was previously suspended under Section
213 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
214 which the record of conviction is based.

215 (10) The Driver License Division shall:

216 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in
217 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was
218 committed prior to July 1, 2009; or

219 (b) deny, suspend, or revoke the operator's license of a person for the denial,
220 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

221 (i) the person was 20 years of age or older but under 21 years of age at the time of
222 arrest; and

223 (ii) the conviction under Subsection (2) is for an offense that was committed on or after
224 July 1, 2009, and prior to July 1, 2011.

225 (11) A court that reported a conviction of a violation of this section for a violation that
226 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension
227 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period
228 if the person:

229 (a) completes at least six months of the license suspension;

230 (b) completes a screening;

231 (c) completes an assessment, if it is found appropriate by a screening under Subsection
232 (11)(b);

233 (d) completes substance abuse treatment if it is found appropriate by the assessment
234 under Subsection (11)(c);

235 (e) completes an educational series if substance abuse treatment is not required by the
236 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

237 (f) has not been convicted of a violation of any motor vehicle law in which the person
238 was involved as the operator of the vehicle during the suspension period imposed under
239 Subsection (7)(a) or (8)(a);

240 (g) has complied with all the terms of the person's probation or all orders of the court if
241 not ordered to probation; and

242 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the
243 person has not consumed a controlled substance not prescribed by a practitioner for use by the
244 person or unlawfully consumed alcohol during the suspension period imposed under
245 Subsection (7)(a) or (8)(a); or

246 (ii) is under 18 years of age and has the person's parent or legal guardian provide an
247 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's
248 knowledge the person has not consumed a controlled substance not prescribed by a practitioner
249 for use by the person or unlawfully consumed alcohol during the suspension period imposed

250 under Subsection (7)(a) or (8)(a).

251 (12) If the court shortens a person's license suspension period in accordance with the
252 requirements of Subsection (11), the court shall forward the order shortening the person's
253 license suspension period prior to the completion of the suspension period imposed under
254 Subsection (7)(a) or (8)(a) to the Driver License Division.

255 (13) (a) The court shall notify the Driver License Division if a person fails to~~[(i)]~~
256 complete all court ordered screening and assessment, educational series, and substance abuse
257 treatment~~[, or]~~.

258 ~~[(ii) pay all fines and fees, including fees for restitution and treatment costs.]~~

259 (b) ~~[Upon]~~ Subject to Subsection 53-3-218(3), upon receiving the notification, the
260 division shall suspend the person's driving privilege in accordance with ~~[Subsections~~
261 ~~53-3-221(2) and (3)]~~ Subsection 53-3-221(2).

262 (14) The court:

263 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person
264 convicted under Subsection (2); and

265 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety
266 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

267 (15) (a) A court that reported a conviction of a violation of this section to the Driver
268 License Division may shorten the suspension period imposed under Subsection (6) before
269 completion of the suspension period if the person is participating in or has successfully
270 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

271 (b) If the court shortens a person's license suspension period in accordance with the
272 requirements of this Subsection (15), the court shall forward to the Driver License Division the
273 order shortening the person's suspension period.

274 (c) The court shall notify the Driver License Division if a person fails to complete all
275 requirements of a 24-7 sobriety program.

276 (d) ~~[Upon]~~ Subject to Subsection 53-3-218(3), upon receiving the notification
277 described in Subsection (15)(c), the division shall suspend the person's driving privilege in
278 accordance with ~~[Subsections 53-3-221(2) and (3)]~~ Subsection 53-3-221(2).

279 Section 3. Section **41-6a-1715** is amended to read:

280 **41-6a-1715. Careless driving defined and prohibited.**

- 281 (1) A person operating a motor vehicle is guilty of careless driving if the person:
282 (a) commits two or more moving traffic violations under this chapter in a series of acts
283 within a single continuous period of driving covering three miles or less in total distance; or
284 (b) commits a moving traffic violation under this chapter other than a moving traffic
285 violation under Part 6, Speed Restrictions, while being distracted by one or more activities
286 taking place within the vehicle that are not related to the operation of a motor vehicle,
287 including:
- 288 (i) searching for an item in the vehicle; or
289 (ii) attending to personal hygiene or grooming.
- 290 (2) A violation of this section is a class C misdemeanor.
- 291 (3) In addition to the penalty provided under this section or any other section, a judge
292 may order the revocation of the convicted person's driver license if the violation causes or
293 results in the death of another person in accordance with Subsection [~~53-3-218(6)~~]
294 53-3-218(7).

295 Section 4. Section **53-3-102** is amended to read:

296 **53-3-102. Definitions.**

297 As used in this chapter:

- 298 (1) "Autocycle" means a motor vehicle that:
299 (a) is designed to travel with three or fewer wheels in contact with the ground;
300 (b) is equipped with a steering wheel; and
301 (c) is equipped with seating that does not require the operator to straddle or sit astride
302 the vehicle.
- 303 (2) "Cancellation" means the termination by the division of a license issued through
304 error or fraud or for which consent under Section 53-3-211 has been withdrawn.
- 305 (3) "Class D license" means the class of license issued to drive motor vehicles not
306 defined as commercial motor vehicles or motorcycles under this chapter.
- 307 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner
308 permit:
309 (a) issued under Section 53-3-408; or
310 (b) issued by a state or other jurisdiction of domicile in compliance with the standards
311 contained in 49 C.F.R. Part 383.

312 (5) "Commercial driver license" or "CDL" means a license:

313 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
314 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
315 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
316 commercial motor vehicle; and

317 (b) that was obtained by providing evidence of lawful presence in the United States
318 with one of the document requirements described in Subsection 53-3-410(1)(i)(i).

319 (6) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a
320 driving record that:

321 (i) applies to a person who holds or is required to hold a commercial driver instruction
322 permit or a CDL license; and

323 (ii) contains the following:

324 (A) information contained in the driver history, including convictions, pleas held in
325 abeyance, disqualifications, and other licensing actions for violations of any state or local law
326 relating to motor vehicle traffic control, committed in any type of vehicle;

327 (B) driver self-certification status information under Section 53-3-410.1; and

328 (C) information from medical certification record keeping in accordance with 49
329 C.F.R. Sec. 383.73(o).

330 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a
331 motor vehicle record described in Subsection (30).

332 (7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor
333 vehicles designed or used to transport passengers or property if the motor vehicle:

334 (i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as
335 determined by federal regulation;

336 (ii) is designed to transport 16 or more passengers, including the driver; or

337 (iii) is transporting hazardous materials and is required to be placarded in accordance
338 with 49 C.F.R. Part 172, Subpart F.

339 (b) The following vehicles are not considered a commercial motor vehicle for purposes
340 of Part 4, Uniform Commercial Driver License Act:

341 (i) equipment owned and operated by the United States Department of Defense when
342 driven by any active duty military personnel and members of the reserves and national guard on

343 active duty including personnel on full-time national guard duty, personnel on part-time
344 training, and national guard military technicians and civilians who are required to wear military
345 uniforms and are subject to the code of military justice;

346 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
347 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation
348 as a motor carrier for hire;

349 (iii) firefighting and emergency vehicles;

350 (iv) recreational vehicles that are not used in commerce and are driven solely as family
351 or personal conveyances for recreational purposes; and

352 (v) vehicles used to provide transportation network services, as defined in Section
353 13-51-102.

354 (8) "Conviction" means any of the following:

355 (a) an unvacated adjudication of guilt or a determination that a person has violated or
356 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

357 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's
358 appearance in court;

359 (c) a plea of guilty or nolo contendere accepted by the court;

360 (d) the payment of a fine or court costs; or

361 (e) violation of a condition of release without bail, regardless of whether the penalty is
362 rebated, suspended, or probated.

363 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
364 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,
365 do not apply.

366 (10) "Director" means the division director appointed under Section 53-3-103.

367 (11) "Disqualification" means either:

368 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state
369 of a person's privileges to drive a commercial motor vehicle;

370 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
371 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
372 391; or

373 (c) the loss of qualification that automatically follows conviction of an offense listed in

374 49 C.F.R. Part 383.51.

375 (12) "Division" means the Driver License Division of the department created in
376 Section 53-3-103.

377 (13) "Downgrade" means to obtain a lower license class than what was originally
378 issued during an existing license cycle.

379 (14) "Drive" means:

380 (a) to operate or be in physical control of a motor vehicle upon a highway; and

381 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
382 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
383 the state.

384 (15) (a) "Driver" means an individual who drives, or is in actual physical control of a
385 motor vehicle in any location open to the general public for purposes of vehicular traffic.

386 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
387 who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act, or
388 federal law.

389 (16) "Driving privilege card" means the evidence of the privilege granted and issued
390 under this chapter to drive a motor vehicle to a person whose privilege was obtained without
391 providing evidence of lawful presence in the United States.

392 (17) "Electronic license certificate" means the evidence, in an electronic format as
393 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor
394 vehicle.

395 (18) "Extension" means a renewal completed in a manner specified by the division.

396 (19) "Farm tractor" means every motor vehicle designed and used primarily as a farm
397 implement for drawing plows, mowing machines, and other implements of husbandry.

398 (20) "Highway" means the entire width between property lines of every way or place of
399 any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

400 (21) "Human driver" means the same as that term is defined in Section 41-26-102.1.

401 (22) "Identification card" means a card issued under Part 8, Identification Card Act, to
402 a person for identification purposes.

403 (23) "Indigent" means that a person's income falls below the federal poverty guideline
404 issued annually by the U.S. Department of Health and Human Services in the Federal Register.

- 405 (24) "License" means the privilege to drive a motor vehicle.
- 406 (25) (a) "License certificate" means the evidence of the privilege issued under this
407 chapter to drive a motor vehicle.
- 408 (b) "License certificate" evidence includes:
- 409 (i) a regular license certificate;
- 410 (ii) a limited-term license certificate;
- 411 (iii) a driving privilege card;
- 412 (iv) a CDL license certificate;
- 413 (v) a limited-term CDL license certificate;
- 414 (vi) a temporary regular license certificate;
- 415 (vii) a temporary limited-term license certificate; and
- 416 (viii) an electronic license certificate created in Section 53-3-235.
- 417 (26) "Limited-term commercial driver license" or "limited-term CDL" means a license:
- 418 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
419 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
420 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
421 commercial motor vehicle; and
- 422 (b) that was obtained by providing evidence of lawful presence in the United States
423 with one of the document requirements described in Subsection 53-3-410(1)(i)(ii).
- 424 (27) "Limited-term identification card" means an identification card issued under this
425 chapter to a person whose card was obtained by providing evidence of lawful presence in the
426 United States with one of the document requirements described in Subsection
427 53-3-804(2)(i)(ii).
- 428 (28) "Limited-term license certificate" means the evidence of the privilege granted and
429 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained
430 providing evidence of lawful presence in the United States with one of the document
431 requirements described in Subsection 53-3-205(8)(a)(ii)(B).
- 432 (29) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
- 433 (30) "Motor vehicle record" or "MVR" means a driving record under Subsection
434 53-3-109(6)(a).
- 435 (31) "Motorboat" means the same as that term is defined in Section 73-18-2.

436 (32) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
437 saddle for the use of the rider and designed to travel with not more than three wheels in contact
438 with the ground.

439 (33) "Office of Recovery Services" means the Office of Recovery Services, created in
440 Section 62A-11-102.

441 (34) "Operate" means the same as that term is defined in Section 41-1a-102.

442 (35) (a) "Owner" means a person other than a lien holder having an interest in the
443 property or title to a vehicle.

444 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to
445 a security interest in another person but excludes a lessee under a lease not intended as security.

446 (36) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,
447 or other financial penalty imposed on an individual by a court or other government entity.

448 [~~(36)~~] (37) (a) "Private passenger carrier" means any motor vehicle for hire that is:

449 (i) designed to transport 15 or fewer passengers, including the driver; and

450 (ii) operated to transport an employee of the person that hires the motor vehicle.

451 (b) "Private passenger carrier" does not include:

452 (i) a taxicab;

453 (ii) a motor vehicle driven by a transportation network driver as defined in Section
454 13-51-102;

455 (iii) a motor vehicle driven for transportation network services as defined in Section
456 13-51-102; and

457 (iv) a motor vehicle driven for a transportation network company as defined in Section
458 13-51-102 and registered with the Division of Consumer Protection as described in Section
459 13-51-104.

460 [~~(37)~~] (38) "Regular identification card" means an identification card issued under this
461 chapter to a person whose card was obtained by providing evidence of lawful presence in the
462 United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

463 [~~(38)~~] (39) "Regular license certificate" means the evidence of the privilege issued
464 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence
465 of lawful presence in the United States with one of the document requirements described in
466 Subsection 53-3-205(8)(a)(ii)(A).

467 [~~(39)~~] (40) "Renewal" means to validate a license certificate so that it expires at a later
468 date.

469 [~~(40)~~] (41) "Reportable violation" means an offense required to be reported to the
470 division as determined by the division and includes those offenses against which points are
471 assessed under Section 53-3-221.

472 [~~(41)~~] (42) (a) "Resident" means an individual who:

473 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
474 regardless of domicile, remains in this state for an aggregate period of six months or more
475 during any calendar year;

476 (ii) engages in a trade, profession, or occupation in this state, or who accepts
477 employment in other than seasonal work in this state, and who does not commute into the state;

478 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
479 license certificate or motor vehicle registration; or

480 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended
481 to nonresidents, including going to school, or placing children in school without paying
482 nonresident tuition or fees.

483 (b) "Resident" does not include any of the following:

484 (i) a member of the military, temporarily stationed in this state;

485 (ii) an out-of-state student, as classified by an institution of higher education,
486 regardless of whether the student engages in any type of employment in this state;

487 (iii) a person domiciled in another state or country, who is temporarily assigned in this
488 state, assigned by or representing an employer, religious or private organization, or a
489 governmental entity; or

490 (iv) an immediate family member who resides with or a household member of a person
491 listed in Subsections [~~(41)~~] (42)(b)(i) through (iii).

492 [~~(42)~~] (43) "Revocation" means the termination by action of the division of a licensee's
493 privilege to drive a motor vehicle.

494 [~~(43)~~] (44) (a) "School bus" means a commercial motor vehicle used to transport
495 pre-primary, primary, or secondary school students to and from home and school, or to and
496 from school sponsored events.

497 (b) "School bus" does not include a bus used as a common carrier as defined in Section

498 59-12-102.

499 ~~[(44)]~~ (45) "Suspension" means the temporary withdrawal by action of the division of a
500 licensee's privilege to drive a motor vehicle.

501 ~~[(45)]~~ (46) "Taxicab" means any class D motor vehicle transporting any number of
502 passengers for hire and that is subject to state or federal regulation as a taxi.

503 Section 5. Section **53-3-218** is amended to read:

504 **53-3-218. Court to report convictions and may recommend suspension of license**
505 **-- Severity of speeding violation defined.**

506 (1) As used in this section, "conviction" means conviction by the court of first
507 impression or final administrative determination in an administrative traffic proceeding.

508 (2) (a) Except as provided in Subsection (2)(c), a court having jurisdiction over
509 offenses committed under this chapter or any other law of this state, or under any municipal
510 ordinance regulating driving motor vehicles on highways or driving motorboats on the water,
511 shall forward to the division within five days, an abstract of the court record of the conviction
512 or plea held in abeyance of any person in the court for a reportable traffic or motorboating
513 violation of any laws or ordinances, and may recommend the suspension of the license of the
514 person convicted.

515 (b) When the division receives a court record of a conviction or plea in abeyance for a
516 motorboat violation, the division may only take action against a person's driver license if the
517 motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the
518 Influence and Reckless Driving.

519 (c) A court may not forward to the division an abstract of a court record of a conviction
520 for a violation described in Subsection 53-3-220(1)(c)(i) or (ii), unless the court found that the
521 person convicted of the violation was an operator of a motor vehicle at the time of the
522 violation.

523 (3) (a) A court may not order the division to suspend a person's driver's license based
524 solely on the person's failure to pay a penalty accounts receivable.

525 (b) The court may notify the division, and the division may, prior to sentencing,
526 suspend the driver license of a person who fails to appear if the person is charged with:

527 (i) an offense of any level that is a moving traffic violation;

528 (ii) an offense described in Title 41, Chapter 12a, Part 3, Owner's or Operator's

529 Security Requirement; or

530 (iii) an offense described in Subsection 53-3-220(1)(a) or (b).

531 [~~3~~] (4) The abstract shall be made in the form prescribed by the division and shall
532 include:

533 (a) the name, date of birth, and address of the party charged;

534 (b) the license certificate number of the party charged, if any;

535 (c) the registration number of the motor vehicle or motorboat involved;

536 (d) whether the motor vehicle was a commercial motor vehicle;

537 (e) whether the motor vehicle carried hazardous materials;

538 (f) whether the motor vehicle carried 16 or more occupants;

539 (g) whether the driver presented a commercial driver license;

540 (h) the nature of the offense;

541 (i) whether the offense involved an accident;

542 (j) the driver's blood alcohol content, if applicable;

543 (k) if the offense involved a speeding violation:

544 (i) the posted speed limit;

545 (ii) the actual speed; and

546 (iii) whether the speeding violation occurred on a highway that is part of the interstate
547 system as defined in Section 72-1-102;

548 (l) the date of the hearing;

549 (m) the plea;

550 (n) the judgment or whether bail was forfeited; and

551 (o) the severity of the violation, which shall be graded by the court as "minimum,"
552 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

553 [~~4~~] (5) When a convicted person secures a judgment of acquittal or reversal in any
554 appellate court after conviction in the court of first impression, the division shall reinstate the
555 convicted person's license immediately upon receipt of a certified copy of the judgment of
556 acquittal or reversal.

557 [~~5~~] (6) Upon a conviction for a violation of the prohibition on using a handheld
558 wireless communication device for text messaging or electronic mail communication while
559 operating a moving motor vehicle under Section 41-6a-1716, a judge may order a suspension

560 of the convicted person's license for a period of three months.

561 ~~[(6)]~~ (7) Upon a conviction for a violation of careless driving under Section
562 41-6a-1715 that causes or results in the death of another person, a judge may order a revocation
563 of the convicted person's license for a period of one year.

564 Section 6. Section **53-3-221** is amended to read:

565 **53-3-221. Offenses that may result in denial, suspension, disqualification, or**
566 **revocation of license -- Additional grounds for suspension -- Point system for traffic**
567 **violations -- Notice and hearing -- Reporting of traffic violation procedures.**

568 (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
569 Act, the division may deny, suspend, disqualify, or revoke the license or permit of any person
570 without receiving a record of the person's conviction of crime when the division has been
571 notified or has reason to believe the person:

572 (a) has committed any offenses for which mandatory suspension or revocation of a
573 license is required upon conviction under Section 53-3-220;

574 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an
575 accident resulting in death or injury to any other person, or serious property damage;

576 (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or
577 physical disability rendering it unsafe for the person to drive a motor vehicle or mobility
578 vehicle upon the highways;

579 (d) has committed a serious violation of the motor vehicle laws of this state;

580 (e) has knowingly committed a violation of Section 53-3-229; or

581 (f) has been convicted of serious offenses against traffic laws governing the movement
582 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard
583 for the safety of other persons on the highways.

584 ~~[(2)(a) The division may suspend the license of a person under Subsection (1) when~~
585 ~~the person has failed to comply with the terms stated on a traffic citation issued in this state,~~
586 ~~except this Subsection (2) does not apply to highway weight limit violations or violations of~~
587 ~~law governing the transportation of hazardous materials.]~~

588 ~~[(b) This Subsection (2) applies to parking and standing violations only if a court has~~
589 ~~issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy~~
590 ~~the terms of the citation.]~~

591 (2) (a) (i) Except as provided in Subsection 53-3-218(3), and subject to
592 Subsection(2)(a)(ii), the division may suspend a license of a person under Subsection (1):

593 (A) when the person has failed to comply with the terms stated on a traffic citation
594 issued in this state;

595 (B) when the person has failed to successfully complete a 24-7 sobriety program as
596 defined in Section 41-6a-515.5; or

597 (C) if the division receives a notification from a court as described in Subsection
598 41-6a-509(11)(d) or 41-6a-517(13)(b).

599 (ii) This Subsection (2) does not apply to highway weight limit violations or violations
600 of law governing the transportation of hazardous materials.

601 ~~[(e)]~~ (b) (i) This Subsection (2) may not be exercised unless notice of the pending
602 suspension of the driving privilege has been sent at least [10] 30 days previously to the person
603 at the address provided to the division.

604 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not
605 contain any evidence of a suspension that occurred as a result of failure to comply with the
606 terms stated on a traffic citation.

607 ~~[(3)(a) The division may suspend the license of a person under Subsection (1) when~~
608 ~~the division has been notified by a court that the person has an outstanding unpaid fine, an~~
609 ~~outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a~~
610 ~~court.]~~

611 ~~[(b) The suspension remains in effect until the division is notified by the court that the~~
612 ~~order has been satisfied.]~~

613 ~~[(c) After clearance by the division, a report authorized by Section 53-3-104 may not~~
614 ~~contain any evidence of the suspension.]~~

615 ~~[(d) The provisions of Subsection (3)(c) do not apply to:]~~

616 ~~[(i) a CDIP or CDL license holder; or]~~

617 ~~[(ii) a violation that occurred in a commercial motor vehicle.]~~

618 (3) Except as provided in Subsection 53-3-218(3), the division may not revoke, deny,
619 suspend, or disqualify an individual's driver license based solely on:

620 (a) the individual's failure to appear;

621 (b) the individual's failure to pay an outstanding penalty accounts receivable; or

622 (c) the issuance of a bench warrant as a result of an event described in Subsection
623 (3)(a) or (b).

624 (4) (a) The division shall make rules establishing a point system as provided for in this
625 Subsection (4).

626 (b) (i) The division shall assign a number of points to each type of moving traffic
627 violation as a measure of its seriousness.

628 (ii) The points shall be based upon actual relationships between types of traffic
629 violations and motor vehicle traffic accidents.

630 (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points
631 against a person's driving record for a conviction of a traffic violation:

632 (A) that occurred in another state; and

633 (B) that was committed on or after July 1, 2011.

634 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:

635 (A) a reckless or impaired driving violation or a speeding violation for exceeding the
636 posted speed limit by 21 or more miles per hour; or

637 (B) an offense committed in another state which, if committed within Utah, would
638 result in the mandatory suspension or revocation of a license upon conviction under Section
639 53-3-220.

640 (c) Every person convicted of a traffic violation shall have assessed against the person's
641 driving record the number of points that the division has assigned to the type of violation of
642 which the person has been convicted, except that the number of points assessed shall be
643 decreased by 10% if on the abstract of the court record of the conviction the court has graded
644 the severity of violation as minimum, and shall be increased by 10% if on the abstract the court
645 has graded the severity of violation as maximum.

646 (d) (i) A separate procedure for assessing points for speeding offenses shall be
647 established by the division based upon the severity of the offense.

648 (ii) The severity of a speeding violation shall be graded as:

649 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;

650 (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per
651 hour; and

652 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

653 (iii) Consideration shall be made for assessment of no points on minimum speeding
654 violations, except for speeding violations in school zones.

655 (e) (i) Points assessed against a person's driving record shall be deleted for violations
656 occurring before a time limit set by the division.

657 (ii) The time limit may not exceed three years.

658 (iii) The division may also delete points to reward violation-free driving for periods of
659 time set by the division.

660 (f) (i) By publication in two newspapers having general circulation throughout the
661 state, the division shall give notice of the number of points it has assigned to each type of
662 traffic violation, the time limit set by the division for the deletion of points, and the point level
663 at which the division will generally take action to deny or suspend under this section.

664 (ii) The division may not change any of the information provided above regarding
665 points without first giving new notice in the same manner.

666 (5) (a) (i) If the division finds that the license of a person should be denied, suspended,
667 disqualified, or revoked under this section, the division shall immediately notify the licensee in
668 a manner specified by the division and afford the person an opportunity for a hearing in the
669 county where the licensee resides.

670 (ii) The hearing shall be documented, and the division or its authorized agent may
671 administer oaths, may issue subpoenas for the attendance of witnesses and the production of
672 relevant books and papers, and may require a reexamination of the licensee.

673 (iii) One or more members of the division may conduct the hearing, and any decision
674 made after a hearing before any number of the members of the division is as valid as if made
675 after a hearing before the full membership of the division.

676 (iv) After the hearing the division shall either rescind or affirm its decision to deny,
677 suspend, disqualify, or revoke the license.

678 (b) The denial, suspension, disqualification, or revocation of the license remains in
679 effect pending qualifications determined by the division regarding a person:

680 (i) whose license has been denied or suspended following reexamination;

681 (ii) who is incompetent to drive a motor vehicle;

682 (iii) who is afflicted with mental or physical infirmities that might make him dangerous
683 on the highways; or

684 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.

685 (6) (a) Subject to Subsection (6)(d), the division shall suspend a person's license when
686 the division receives notice from the Office of Recovery Services that the Office of Recovery
687 Services has ordered the suspension of the person's license.

688 (b) A suspension under Subsection (6)(a) shall remain in effect until the division
689 receives notice from the Office of Recovery Services that the Office of Recovery Services has
690 rescinded the order of suspension.

691 (c) After an order of suspension is rescinded under Subsection (6)(b), a report
692 authorized by Section 53-3-104 may not contain any evidence of the suspension.

693 (d) (i) If the division suspends a person's license under this Subsection (6), the division
694 shall, upon application, issue a temporary limited driver license to the person if that person
695 needs a driver license for employment, education, or child visitation.

696 (ii) The temporary limited driver license described in this section:

697 (A) shall provide that the person may operate a motor vehicle only for the purpose of
698 driving to or from the person's place of employment, education, or child visitation;

699 (B) shall prohibit the person from driving a motor vehicle for any purpose other than a
700 purpose described in Subsection (6)(d)(ii)(A); and

701 (C) shall expire 90 days after the day on which the temporary limited driver license is
702 issued.

703 (iii) (A) During the period beginning on the day on which a temporary limited driver
704 license is issued under this Subsection (6), and ending on the day that the temporary limited
705 driver license expires, the suspension described in this Subsection (6) only applies if the person
706 who is suspended operates a motor vehicle for a purpose other than employment, education, or
707 child visitation.

708 (B) Upon expiration of a temporary limited driver license described in this Subsection
709 (6)(d):

710 (I) a suspension described in Subsection (6)(a) shall be in full effect until the division
711 receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

712 (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any
713 reason.

714 (iv) The division is not required to issue a limited driver license to a person under this

715 Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver
716 license.

717 (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
718 Administrative Rulemaking Act, to implement the provisions of this part.

719 (7) (a) The division may suspend or revoke the license of any resident of this state
720 upon receiving notice of the conviction of that person in another state of an offense committed
721 there that, if committed in this state, would be grounds for the suspension or revocation of a
722 license.

723 (b) The division may, upon receiving a record of the conviction in this state of a
724 nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws
725 of this state, forward a certified copy of the record to the motor vehicle administrator in the
726 state where the person convicted is a resident.

727 (8) (a) The division may suspend or revoke the license of any nonresident to drive a
728 motor vehicle in this state for any cause for which the license of a resident driver may be
729 suspended or revoked.

730 (b) Any nonresident who drives a motor vehicle upon a highway when the person's
731 license has been suspended or revoked by the division is guilty of a class C misdemeanor.

732 (9) (a) The division may not deny or suspend the license of any person for a period of
733 more than one year except:

734 (i) for failure to comply with the terms of a traffic citation under Subsection (2);

735 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges
736 under Section 53-3-219;

737 (iii) when extending a denial or suspension upon receiving certain records or reports
738 under Subsection 53-3-220(2);

739 (iv) for failure to give and maintain owner's or operator's security under Section
740 41-12a-411;

741 (v) when the division suspends the license under Subsection (6); or

742 (vi) when the division denies the license under Subsection (14).

743 (b) The division may suspend the license of a person under Subsection (2) until the
744 person shows satisfactory evidence of compliance with the terms of the traffic citation.

745 (10) (a) By following the procedures in Title 63G, Chapter 4, Administrative

746 Procedures Act, the division may suspend the license of any person without receiving a record
747 of the person's conviction for a crime when the division has reason to believe that the person's
748 license was granted by the division through error or fraud or that the necessary consent for the
749 license has been withdrawn or is terminated.

750 (b) The procedure upon suspension is the same as under Subsection (5), except that
751 after the hearing the division shall either rescind its order of suspension or cancel the license.

752 (11) (a) The division, having good cause to believe that a licensed driver is
753 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified
754 by the division of at least five days to the licensee require him to submit to an examination.

755 (b) Upon the conclusion of the examination the division may suspend or revoke the
756 person's license, permit him to retain the license, or grant a license subject to a restriction
757 imposed in accordance with Section 53-3-208.

758 (c) Refusal or neglect of the licensee to submit to an examination is grounds for
759 suspension or revocation of the licensee's license.

760 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section
761 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in
762 this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed
763 limit and did not result in an accident, unless authorized in a manner specified by the division
764 by the individual whose report is being requested.

765 (b) The provisions of Subsection (12)(a) do not apply for:

766 (i) a CDIP or CDL license holder; or

767 (ii) a violation that occurred in a commercial motor vehicle.

768 (13) (a) By following the procedures in Title 63G, Chapter 4, Administrative
769 Procedures Act, the division may suspend the license of a person if it has reason to believe that
770 the person is the owner of a motor vehicle for which security is required under Title 41,
771 Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has
772 driven the motor vehicle or permitted it to be driven within this state without the security being
773 in effect.

774 (b) The division may suspend a driving privilege card holder's driving privilege card if
775 the division receives notification from the Motor Vehicle Division that:

776 (i) the driving privilege card holder is the registered owner of a vehicle; and

777 (ii) the driving privilege card holder's vehicle registration has been revoked under
778 Subsection 41-1a-110(2)(a)(ii)(A).

779 (c) Section 41-12a-411 regarding the requirement of proof of owner's or operator's
780 security applies to persons whose driving privileges are suspended under this Subsection (13).

781 (14) The division may deny an individual's license if the person fails to comply with
782 the requirement to downgrade the person's CDL to a class D license under Section 53-3-410.1.

783 (15) The division may deny a person's class A, B, C, or D license if the person fails to
784 comply with the requirement to have a K restriction removed from the person's license.

785 (16) Any suspension or revocation of a person's license under this section also
786 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License
787 Act.