

**Effective 5/12/2015**

**Superseded 7/1/2018**

**32B-4-411 Minor's unlawful use of proof of age.**

- (1) As used in this section, "proof of age violation" means a violation by a minor of:
  - (a) Chapter 1, Part 4, Proof of Age Act; or
  - (b) if as part of the violation the minor uses a proof of age in violation of Chapter 1, Part 4, Proof of Age Act:
    - (i) Section 32B-4-409; or
    - (ii) Section 32B-4-410.
- (2) If a court finds a minor engaged in a proof of age violation, notwithstanding the penalties provided for in Subsection (1):
  - (a)
    - (i) for a first violation, the minor is guilty of a class B misdemeanor;
    - (ii) for a second violation, the minor is guilty of a class A misdemeanor; and
    - (iii) for a third or subsequent violation, the minor is guilty of a class A misdemeanor, except that the court may impose:
      - (A) a fine of up to \$5,000;
      - (B) screening, assessment, or substance abuse treatment, as defined in Section 41-6a-501;
      - (C) an educational series, as defined in Section 41-6a-501;
      - (D) alcoholic product related community service or compensatory service work program hours;
      - (E) fees for restitution and treatment costs;
      - (F) defensive driver education courses; or
      - (G) a combination of these penalties; and
  - (b)
    - (i) for a minor who is at least 13 years old, but younger than 18 years old:
      - (A) the court shall forward to the Driver License Division a record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under this section; and
      - (B) the provisions regarding suspension of a driver license under Section 78A-6-606 apply; and
    - (ii) for a minor who is at least 18 years old, but younger than 21 years old:
      - (A) the court shall forward to the Driver License Division a record of conviction for a violation under this section; and
      - (B) the Driver License Division shall suspend the person's license under Section 53-3-220.
- (3)
  - (a) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the suspension period under Subsection 53-3-220(1)(e) or 78A-6-606(3)(d) if:
    - (i) the violation is the minor's first violation of Section 32B-4-411; and
    - (ii)
      - (A) the minor completes an educational series as defined in Section 41-6a-501; or
      - (B) the minor demonstrates substantial progress in substance abuse treatment.
  - (b) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the suspension period under Subsection 53-3-220(1)(e) or 78A-6-606(3)(d) if:
    - (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;
    - (ii) the person has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance abuse treatment; and
    - (iii)

- (A) the person is 18 years of age or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection 53-3-220(1)(e) or 78A-6-606(3)(d); or
  - (B) the minor is under 18 years of age and has the minor's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the minor has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection 53-3-220(1)(e) or 78A-6-606(3)(d).
- (4) When the Department of Public Safety receives the arrest or conviction record of an individual for a driving offense committed while the individual's license is suspended pursuant to this section, the Department of Public Safety shall extend the suspension for an additional like period of time.
- (5) A court may not fail to enter a judgment of conviction under this section under a plea in abeyance agreement.