

**41-6a-529 Definitions -- Alcohol restricted drivers.**

- (1) As used in this section and Section 41-6a-530, "alcohol restricted driver" means a person who:
- (a) within the last two years:
    - (i) has been convicted of:
      - (A) a misdemeanor violation of Section 41-6a-502;
      - (B) alcohol, any drug, or a combination of both-related reckless driving under Section 41-6a-512;
      - (C) impaired driving under Section 41-6a-502.5;
      - (D) local ordinances similar to Section 41-6a-502, alcohol, any drug, or a combination of both-related reckless driving, or impaired driving adopted in compliance with Section 41-6a-510;
      - (E) a violation described in Subsections (1)(a)(i)(A) through (D), which judgment of conviction is reduced under Section 76-3-402; or
      - (F) statutes or ordinances previously in effect in this state or in effect in any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of Section 41-6a-502, alcohol, any drug, or a combination of both-related reckless driving, or impaired driving if committed in this state, including punishments administered under 10 U.S.C. Sec. 815; or
    - (ii) has had the person's driving privilege suspended under Section 53-3-223 for an alcohol-related offense based on an arrest which occurred on or after July 1, 2005;
  - (b) within the last three years has been convicted of a violation of this section or Section 41-6a-518.2;
  - (c) within the last five years:
    - (i) has had the person's driving privilege revoked for refusal to submit to a chemical test under Section 41-6a-520, which refusal occurred on or after July 1, 2005; or
    - (ii) has been convicted of a class A misdemeanor violation of Section 41-6a-502 committed on or after July 1, 2008;
  - (d) within the last 10 years:
    - (i) has been convicted of an offense described in Subsection (1)(a)(i) which offense was committed within 10 years of the commission of a prior offense described in Subsection (1)(a)(i) for which the person was convicted; or
    - (ii) has had the person's driving privilege revoked for refusal to submit to a chemical test and the refusal is within 10 years after:
      - (A) a prior refusal to submit to a chemical test under Section 41-6a-520; or
      - (B) a prior conviction for an offense described in Subsection (1)(a)(i) which is not based on the same arrest as the refusal;
  - (e) at any time has been convicted of:
    - (i) automobile homicide under Section 76-5-207 for an offense that occurred on or after July 1, 2005; or
    - (ii) a felony violation of Section 41-6a-502 for an offense that occurred on or after July 1, 2005; or
  - (f) at the time of operation of a vehicle is under 21 years of age.
- (2) For purposes of this section and Section 41-6a-530, a plea of guilty or no contest to a violation described in Subsection (1)(a)(i) which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

Amended by Chapter 226, 2008 General Session