

Superseded 7/1/2017

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

- (1) The Driver License Division shall, if the person is 21 years of age or older at the time of arrest:
 - (a) suspend for a period of 120 days the operator's license of a person convicted for the first time under Section 41-6a-502 of an offense committed on or after July 1, 2009; or
 - (b) revoke for a period of two years the license of a person if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
 - (ii) the current driving under the influence violation under Section 41-6a-502 is committed:
 - (A) within a period of 10 years from the date of the prior violation; and
 - (B) on or after July 1, 2009.
- (2) The Driver License Division shall, if the person is 19 years of age or older but under 21 years of age at the time of arrest:
 - (a) suspend the person's driver license until the person is 21 years of age or for a period of one year, whichever is longer, if the person is convicted for the first time of a driving under the influence violation under Section 41-6a-502 of an offense that was committed on or after July 1, 2011;
 - (b) deny the person's application for a license or learner's permit until the person is 21 years of age or for a period of one year, whichever is longer, if the person:
 - (i) is convicted for the first time of a driving under the influence violation under Section 41-6a-502 of an offense committed on or after July 1, 2011; and
 - (ii) has not been issued an operator license;
 - (c) revoke the person's driver license until the person is 21 years of age or for a period of two years, whichever is longer, if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
 - (ii) the current driving under the influence violation under Section 41-6a-502 is committed on or after July 1, 2009, and within a period of 10 years from the date of the prior violation; or
 - (d) deny the person's application for a license or learner's permit until the person is 21 years of age or for a period of two years, whichever is longer, if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
 - (ii) the current driving under the influence violation under Section 41-6a-502 is committed on or after July 1, 2009, and within a period of 10 years from the date of the prior violation; and
 - (iii) the person has not been issued an operator license.
- (3) The Driver License Division shall, if the person is under 19 years of age at the time of arrest:
 - (a) suspend the person's driver license until the person is 21 years of age if the person is convicted for the first time of a driving under the influence violation under Section 41-6a-502 of an offense that was committed on or after July 1, 2009;
 - (b) deny the person's application for a license or learner's permit until the person is 21 years of age if the person:
 - (i) is convicted for the first time of a driving under the influence violation under Section 41-6a-502 of an offense committed on or after July 1, 2009; and
 - (ii) has not been issued an operator license;
 - (c) revoke the person's driver license until the person is 21 years of age if:
 - (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
 - (ii) the current driving under the influence violation under Section 41-6a-502 is committed on or after July 1, 2009, and within a period of 10 years from the date of the prior violation; or
 - (d) deny the person's application for a license or learner's permit until the person is 21 years of age if:

- (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
 - (ii) the current driving under the influence violation under Section 41-6a-502 is committed on or after July 1, 2009, and within a period of 10 years from the date of the prior violation; and
 - (iii) the person has not been issued an operator license.
- (4) The Driver License Division shall suspend or revoke the license of a person as ordered by the court under Subsection (10).
- (5) The Driver License Division shall:
- (a) deny, suspend, or revoke the operator's license of a person convicted under Section 41-6a-502 of an offense that was committed prior to July 1, 2009, for the denial, suspension, or revocation periods in effect prior to July 1, 2009; or
 - (b) deny, suspend, or revoke the operator's license of a person for the denial, suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:
 - (i) the person was 20 years of age or older but under 21 years of age at the time of arrest; and
 - (ii) the conviction under Section 41-6a-502 is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.
- (6) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.
- (7) If a conviction recorded as impaired driving is amended to a driving under the influence conviction under Section 41-6a-502 in accordance with Subsection 41-6a-502.5(3)(a)(ii), the Driver License Division:
- (a) may not subtract from any suspension or revocation any time for which a license was previously suspended or revoked under Section 53-3-223 or 53-3-231; and
 - (b) shall start the suspension or revocation time under Subsection (1) on the date of the amended conviction.
- (8) A court that reported a conviction of a violation of Section 41-6a-502 for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) prior to completion of the suspension period if the person:
- (a) completes at least six months of the license suspension;
 - (b) completes a screening;
 - (c) completes an assessment, if it is found appropriate by a screening under Subsection (8)(b);
 - (d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (8)(c);
 - (e) completes an educational series if substance abuse treatment is not required by an assessment under Subsection (8)(c) or the court does not order substance abuse treatment;
 - (f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b);
 - (g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and
 - (h)
 - (i) is 18 years of age or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or
 - (ii) is under 18 years of age and has the person'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 person has not unlawfully consumed alcohol during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

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

(10)

(a)

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

(ii) The additional suspension or revocation period provided in this Subsection (10) shall begin the date on which the individual would be eligible to reinstate the individual's driving privilege for a violation of Section 41-6a-502.

(b) If the court suspends or revokes the person's license under this Subsection (10), the court shall prepare and send to the Driver License Division an order to suspend or revoke that person's driving privileges for a specified period of time.

(11)

(a) The court shall notify the Driver License Division if a person fails to:

(i) complete all court ordered:

(A) screening;

(B) assessment;

(C) educational series;

(D) substance abuse treatment; and

(E) hours of work in a compensatory-service work program; or

(ii) pay all fines and fees, including fees for restitution and treatment costs.

(b) Upon receiving the notification described in Subsection (11)(a), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).