

Effective 7/1/2026

41-6a-521 Revocation hearing for refusal -- Appeal.

- (1)
 - (a) An individual who has been notified of the Driver License Division's intention to revoke the individual's license under Section 41-6a-520 is entitled to a hearing.
 - (b) An individual shall request to be heard in writing within 10 calendar days after the day on which a peace officer provides notice.
 - (c) Upon request in a manner specified by the Driver License Division, the Driver License Division shall grant to the individual an opportunity to be heard within 45 days after the date of arrest.
 - (d) If the individual does not make a request for a hearing before the Driver License Division under this Subsection (1), the individual's privilege to operate a motor vehicle in the state is revoked beginning on the 60th day after the date of arrest:
 - (i) for an individual 21 years old or older on the date of arrest, for a period of:
 - (A) except as provided in Subsection (1)(d)(i)(B) or (9), 18 months; or
 - (B) 36 months if the individual previously committed an offense that occurred within the preceding 10 years from the date of the arrest that resulted in a:
 - (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231;
 - (II) conviction under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
 - (III) conviction for an offense under Section 76-5-102.1; or
 - (IV) conviction for an offense under Section 76-5-207; or
 - (ii) for an individual under 21 years old on the date of arrest:
 - (A) except as provided in Subsection (1)(d)(ii)(B), until the individual is 21 years old or for a period of two years, whichever is longer; or
 - (B) until the individual is 21 years old or for a period of 36 months, whichever is longer, if the individual previously committed an offense that occurred within the preceding 10 years from the date of the arrest that resulted in a:
 - (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231;
 - (II) conviction for an offense under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
 - (III) conviction for an offense under Section 76-5-102.1; or
 - (IV) conviction for an offense under Section 76-5-207.
 - (2)
 - (a) Except as provided in Subsection (2)(b), if an individual requests a hearing, the Driver License Division shall hold the hearing in:
 - (i) the county in which the offense occurred; or
 - (ii) a county which is adjacent to the county in which the offense occurred.
 - (b) The Driver License Division may hold a hearing in another county if the Driver License Division and the individual both agree.
 - (3) The Driver License Division shall document the hearing and shall cover the issues of:
 - (a) whether a peace officer had reasonable grounds to believe that an individual was operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 41-6a-530, or 53-3-231; and
 - (b) whether the individual refused to submit to a test as described in Section 41-6a-520.
 - (4)
 - (a) In connection with the hearing, the Driver License Division or the Driver License Division's authorized agent:

- (i) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant documents; and
 - (ii) shall issue subpoenas for the attendance of necessary peace officers.
 - (b) The Driver License Division shall pay witness fees and mileage from the Transportation Fund in accordance with the rates established in Section 78B-1-119.
- (5)
- (a) If after a hearing, the Driver License Division determines that the individual was requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the individual fails to appear before the Driver License Division as required in the notice, the Driver License Division shall revoke the individual's license or permit to operate a motor vehicle in Utah beginning on the date the hearing is held:
 - (i) for an individual 21 years old or older on the date of arrest, for a period of:
 - (A) except as provided in Subsection (5)(a)(i)(B) or (9), 18 months; or
 - (B) 36 months if the individual previously committed an offense that occurred within the preceding 10 years from the date of the arrest that resulted in a:
 - (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231;
 - (II) conviction under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
 - (III) conviction for an offense under Section 76-5-102.1; or
 - (IV) conviction for an offense under Section 76-5-207; or
 - (ii) for an individual younger than 21 years old on the date of arrest:
 - (A) except as provided in Subsection (5)(a)(ii)(B), until the individual is 21 years old or for a period of two years, whichever is longer; or
 - (B) until the individual is 21 years old or for a period of 36 months, whichever is longer, if the individual previously committed an offense that occurred within the preceding 10 years from the date of the arrest that resulted in a:
 - (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231;
 - (II) conviction under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
 - (III) conviction for an offense under Section 76-5-102.1; or
 - (IV) conviction for an offense under Section 76-5-207.
 - (b) The Driver License Division shall also assess against the person, in addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs.
 - (c) The Driver License Division shall void the fee described in Subsection (5)(b) if the individual obtains an unappealed court decision following a proceeding allowed under Subsection (2) that the revocation was improper.
- (6)
- (a) An individual whose license has been revoked by the Driver License Division under this section following an administrative hearing may file a petition for judicial review as described in Section 53-3-224 within 30 days after the Driver License Division issues a suspension order.
 - (b) Judicial review of an informal adjudicative proceeding is a trial.
 - (c) Venue is in the district court in the county in which the offense occurred.
- (7) If the Driver License Division revokes an individual's driving privilege under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A), the individual may petition the division and elect to become an ignition interlock restricted driver after the driver serves at least 90 days of the revocation if the individual:

- (a) has a valid driving privilege, with the exception of the revocation under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A);
 - (b) installs an ignition interlock device in any vehicle owned or driven by the individual in accordance with Section 53-3-1007;
 - (c) pays the license reinstatement application fees described in Subsections 53-3-105(26) and (27);
 - (d) pays the appropriate original license fees under Section 53-3-105; and
 - (e) completes the license application process including successful completion of required testing.
- (8)
- (a) An individual who elects to become an ignition interlock restricted driver under Subsection (7) shall remain an ignition interlock restricted driver for a period of two years.
 - (b) If the individual described under Subsection (8)(a) removes an ignition interlock device from a vehicle owned or driven by the individual prior to the expiration of the two-year ignition interlock restriction period and does not install a new ignition interlock device from the same or a different ignition interlock provider within 24 hours:
 - (i) the individual's driving privilege shall be revoked under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A) for a period of 18 months from the date the ignition interlock device was removed from the vehicle;
 - (ii) no days may be subtracted from the 18-month revocation period under Subsection (8)(b)(i) for any days the individual was in compliance with the interlock restriction under Subsection (7);
 - (iii) the individual is required to pay the license reinstatement application fee under Subsection 53-3-105(26); and
 - (iv) the individual may not elect to become an ignition interlock restricted driver under this section.
- (9)
- (a) Notwithstanding the provisions in Subsection (1)(d)(i)(A) or (5)(a)(i)(A), the division shall reinstate an individual's driving privilege before completion of the revocation period imposed under Subsection (1)(d)(i)(A) or (5)(a)(i)(A) if:
 - (i) the reporting court notifies the Driver License Division that the individual is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5;
 - (ii) the individual has served at least 90 days of the revocation under Subsection (1)(d)(i)(A) or (5)(a)(i)(A); and
 - (iii) the individual has a valid driving privilege, with the exception of the revocation under Subsection (1)(d)(i)(A) or (5)(a)(i)(A).
 - (b) If an individual's driving privilege is reinstated under Subsection (9)(a), the individual is required to:
 - (i) install an ignition interlock device in any vehicle owned or driven by the individual in accordance with Section 53-3-1007;
 - (ii) pay the license reinstatement application fees described in Subsections 53-3-105(26) and (27);
 - (iii) pay the appropriate original license fees under Section 53-3-105; and
 - (iv) complete the license application process including successful completion of required testing.
 - (c) If the reporting court notifies the Driver License Division that an individual has failed to complete all requirements of the 24-7 sobriety program, the division:
 - (i) shall revoke the individual's driving privilege under Subsection (1)(d)(i)(A) or (5)(a)(i)(A) for a period of 18 months from the date of the notice; and

- (ii) may not subtract any days from the 18-month revocation period for:
 - (A) days during which the individual's driving privilege previously was revoked; or
 - (B) days during which the individual was compliant with the 24-7 sobriety program.
- (10) A driver license reinstatement before completion of the revocation period authorized under this section does not apply to a CDL disqualification imposed under Section 53-3-414.

Amended by Chapter 337, 2026 General Session