

Effective 5/10/2016

53-3-1007 Ignition interlock system provider -- Notification to the division upon installation or removal of an ignition interlock system -- License suspension or revocation for failure to install or remove.

- (1) An ignition interlock system provider who installs an ignition interlock system on a person's vehicle shall:
 - (a) provide proof of installation to the person; and
 - (b) electronically notify the division of installation of an ignition interlock system on the person's vehicle.
- (2) An ignition interlock system provider shall electronically notify the division if a person has removed an ignition interlock system from the person's vehicle.
- (3) If an individual is an interlock restricted driver, the division shall:
 - (a) suspend the person's driving privilege for the duration of the restriction period as defined in Section 41-6a-518.2; and
 - (b) notify the person of the suspension period in place and the requirements for reinstatement of the driving privilege with respect to the ignition interlock restriction suspension.
- (4) The division shall clear a suspension described in Subsection (3) upon:
 - (a) receipt of payment of the fee or fees required under Section 53-3-105; and
 - (b)
 - (i) receipt of electronic notification from an ignition interlock system provider showing proof of the installation of an ignition interlock system on the person's vehicle or the vehicle the person will be operating;
 - (ii) if the person does not own a vehicle or will not be operating a vehicle owned by another individual:
 - (A) electronic verification that the person does not have a vehicle registered in the person's name in the state; and
 - (B) receipt of employer verification, as defined in Subsection 41-6a-518(1); or
 - (iii) if the person is not a resident of Utah, electronic verification that the person is licensed in the person's state of residence or is in the process of obtaining a license in the person's state of residence.
- (5) If Subsection (4)(b)(ii) applies, the division shall every six months:
 - (a) electronically verify the person does not have a vehicle registered in the person's name in the state; and
 - (b) require the person to provide updated documentation described in Subsection (4)(b)(ii).
- (6) If the person described in Subsection (5) does not provide the required documentation described in Subsection (4)(b)(ii), the division shall suspend the person's driving privilege until:
 - (a) the division receives payment of the fee or fees required under Section 53-3-105; and
 - (b)
 - (i) the division:
 - (A) receives electronic notification from an ignition interlock system provider showing proof of the installation of an ignition interlock system on the person's vehicle or the vehicle the person will be operating; or
 - (B) if the person does not own a vehicle or will not be operating a vehicle owned by another individual, receives electronic verification that the person does not have a vehicle registered in the person's name in the state, and receives employer verification, as defined in Subsection 41-6a-518(1); or

- (ii) if the person is not a resident of Utah, electronic verification that the person is licensed in the person's state of residence or is in the process of obtaining a license in the person's state of residence.
- (7) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division shall suspend the license of any person without receiving a record of the person's conviction of crime seven days after receiving electronic notification from an ignition interlock system provider that a person has removed an ignition interlock system from the person's vehicle or a vehicle owned by another individual and operated by the person if the person is an interlock restricted driver until:
 - (a) the division receives payment of the fee or fees specified in Section 53-3-105; and
 - (b)
 - (i)
 - (A) the division receives electronic notification from an ignition interlock system provider showing new proof of the installation of an ignition interlock system on the person's vehicle or the vehicle the person will be operating; or
 - (B) if the person does not own a vehicle or will not be operating a vehicle owned by another individual, the division receives electronic verification that the person does not have a vehicle registered in the person's name in the state, and receives employer verification, as defined in Subsection 41-6a-518(1);
 - (ii) if the person is not a resident of Utah, the division receives electronic verification that the person is licensed in the person's state of residence or is in the process of obtaining a license in the person's state of residence; or
 - (iii) the person's interlock restricted period has expired.
- (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:
 - (a) procedures for certification and regulation of ignition interlock system providers;
 - (b) acceptable documentation for proof of the installation of an ignition interlock device;
 - (c) procedures for an ignition interlock system provider to electronically notify the division; and
 - (d) policies and procedures for the administration of the ignition interlock system program created under this section.

Amended by Chapter 149, 2016 General Session