

28 (iii) driving or being in actual physical control of a motor vehicle while having a blood or
29 breath alcohol content prohibited in Section 41-6-44 or as prohibited in an ordinance that complies
30 with the requirements of Subsection 41-6-43(1);

31 (iv) perjury or the making of a false affidavit to the division under this chapter, Title 41,
32 Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
33 regulating driving on highways;

34 (v) any offense punishable as a felony under the motor vehicle laws of this state;

35 (vi) any other felony in which a motor vehicle is used;

36 (vii) failure to stop and render aid as required under the laws of this state if a motor vehicle
37 accident results in the death or personal injury of another;

38 (viii) two charges of reckless driving committed within a period of 12 months; but if upon
39 a first conviction of reckless driving the judge or justice recommends suspension of the convicted
40 person's license, the division may after a hearing suspend the license for a period of three months;

41 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as required
42 in Section 41-6-13.5;

43 (x) any offense specified in Part 4 of this chapter that requires disqualification;

44 (xi) discharging or allowing the discharge of a firearm from a vehicle in violation of
45 Subsection 76-10-508(2);

46 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
47 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);

48 (xiii) operating or being in actual physical control of a motor vehicle while having any
49 measurable controlled substance or metabolite of a controlled substance in the person's body in
50 violation of Section 41-6-44.6; ~~and~~

51 (xiv) operating or being in actual physical control of a motor vehicle while having any
52 alcohol in the person's body in violation of Section 53-3-232[-]; and

53 (xv) theft of fuel for a motor vehicle in violation of Section 76-6-410.7 if the suspension
54 is ordered by the court.

55 (b) The division shall immediately revoke the license of a person upon receiving a record
56 of an adjudication under Title 78, Chapter 3a, Juvenile ~~Courts~~ Court Act of 1996, for any of the
57 following offenses:

58 (i) discharging or allowing the discharge of a firearm from a vehicle in violation of

59 Subsection 76-10-508(2); and

60 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary
61 device from a vehicle in violation of Subsection 76-10-306(4)(b).

62 (c) Except when action is taken under Section 53-3-219 for the same offense, the division
63 shall immediately suspend for six months the license of a person upon receiving a record of
64 conviction for any of the following offenses:

65 (i) any violation of:

66 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

67 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

68 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

69 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

70 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

71 (ii) any criminal offense that prohibits:

72 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance
73 that is prohibited under the acts described in Subsection (1)(c)(i); or

74 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer
75 any substance that is prohibited under the acts described in Subsection (1)(c)(i).

76 (2) The division shall extend the period of the first denial, suspension, revocation, or
77 disqualification for an additional like period, to a maximum of one year, upon receiving:

78 (a) a record of the conviction of any person on a charge of driving a motor vehicle while
79 the person's license is denied, suspended, revoked, or disqualified;

80 (b) a record of a conviction of the person for any violation of the motor vehicle law in
81 which the person was involved as a driver;

82 (c) a report of an arrest of the person for any violation of the motor vehicle law in which
83 the person was involved as a driver; or

84 (d) a report of an accident in which the person was involved as a driver.

85 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
86 driving while the person's license is denied, suspended, disqualified, or revoked, the person is
87 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification, or
88 revocation originally imposed under Section 53-3-221.

89 (4) (a) The division may extend to a person the limited privilege of driving a motor vehicle

90 to and from the person's place of employment or within other specified limits on recommendation
91 of the trial judge in any case where a person is convicted of any of the offenses referred to in
92 Subsections (1) and (2) except:

- 93 (i) automobile homicide under Subsection (1)(a)(i);
- 94 (ii) those offenses referred to in Subsections (1) (a)(ii), (a)(iii), (a)(xi), (a)(xii), (a)(xiii),
95 (1)(b), and (1)(c); and
- 96 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,
97 revocation, or disqualification was imposed because of a violation of Section 41-6-44, Section
98 41-6-44.6, a local ordinance which complies with the requirements of Subsection 41-6-43(1),
99 Section 41-6-44.10, or Section 76-5-207, or a criminal prohibition that the person was charged
100 with violating as a result of a plea bargain after having been originally charged with violating one
101 or more of these sections or ordinances.

102 (b) This discretionary privilege is limited to when undue hardship would result from a
103 failure to grant the privilege and may be granted only once to any individual during any single
104 period of denial, suspension, revocation, or disqualification, or extension of that denial,
105 suspension, revocation, or disqualification.

106 (c) A limited CDL may not be granted to an individual disqualified under Part 4 of this
107 chapter or whose license has been revoked, suspended, cancelled, or denied under this chapter.

108 Section 2. Section **76-6-410.7** is enacted to read:

109 **76-6-410.7. Theft of fuel for a motor vehicle.**

110 (1) A person commits theft of fuel if the person knowingly fails to remit payment for fuel
111 dispensed at an establishment where fuel for a motor vehicle is offered for retail sale.

112 (2) In addition to any penalties imposed under this part, a court may order the driver
113 license of a person convicted of a second or subsequent violation of Subsection (1) suspended for
114 a period of 90 days in accordance with Section 53-3-220.

115 (3) If a court orders suspension of a person's driver license under Subsection (2), the court
116 shall notify and provide a record of the conviction to the Driver License Division.

Legislative Review Note
as of 1-10-02 10:04 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel