

Senator Lyle W. Hillyard proposes the following substitute bill:

DRIVER LICENSE REVISIONS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Kay L. McIff

LONG TITLE

General Description:

This bill modifies the Uniform Driver License Act by amending provisions relating to the suspension or revocation of a driver license.

Highlighted Provisions:

This bill:

► provides that the Driver License Division may extend to a person a limited driving privilege to and from the person's place of employment when the person's original denial, suspension, revocation, or disqualification involved certain driving under the influence offenses if:

- the person has had the period of the first denial, suspension, revocation, or disqualification extended for a period of at least three years;

- the Driver License Division receives written verification from the person's primary care physician that to the physician's knowledge the person has not used any narcotic drug or other controlled substance except as prescribed by a

licensed medical practitioner within the last three years ~~§~~ **and that the physician is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely** ~~←§~~ ; and

- for a period of one year prior to the date of the request for a limited driving privilege the person has not been convicted of a violation of any motor vehicle law in which the person was the operator of the vehicle or the Driver License



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26 Division has not received a report of an arrest for a violation of any motor vehicle law or a
27 report of an accident in which the person was involved as an operator of the vehicle;

28 ▶ provides that the discretionary privilege authorized is limited to when the limited
29 privilege is necessary for the person to commute to school or work and may be
30 granted only once during certain periods; and

31 ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **53-3-220**, as last amended by Laws of Utah 2008, Chapters 3, 226, and 296



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **53-3-220** is amended to read:

42 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
43 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
44 **Limited driving privileges.**

45 (1) (a) The division shall immediately revoke or, when this chapter or Title 41, Chapter
46 6a, Traffic Code, specifically provides for denial, suspension, or disqualification, the division
47 shall deny, suspend, or disqualify the license of a person upon receiving a record of the person's
48 conviction for:

49 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or
50 automobile homicide under Section 76-5-207;

51 (ii) driving or being in actual physical control of a motor vehicle while under the
52 influence of alcohol, any drug, or combination of them to a degree that renders the person
53 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited
54 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

55 (iii) driving or being in actual physical control of a motor vehicle while having a blood
56 or breath alcohol content prohibited in Section 41-6a-502 or as prohibited in an ordinance that

- 57 complies with the requirements of Subsection 41-6a-510(1);
- 58 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
- 59 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
- 60 regulating driving on highways;
- 61 (v) any felony under the motor vehicle laws of this state;
- 62 (vi) any other felony in which a motor vehicle is used to facilitate the offense;
- 63 (vii) failure to stop and render aid as required under the laws of this state if a motor
- 64 vehicle accident results in the death or personal injury of another;
- 65 (viii) two charges of reckless driving, impaired driving, or any combination of reckless
- 66 driving and impaired driving committed within a period of 12 months; but if upon a first
- 67 conviction of reckless driving or impaired driving the judge or justice recommends suspension
- 68 of the convicted person's license, the division may after a hearing suspend the license for a
- 69 period of three months;
- 70 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as
- 71 required in Section 41-6a-210;
- 72 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
- 73 requires disqualification;
- 74 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
- 75 allowing the discharge of a firearm from a vehicle;
- 76 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
- 77 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);
- 78 (xiii) operating or being in actual physical control of a motor vehicle while having any
- 79 measurable controlled substance or metabolite of a controlled substance in the person's body in
- 80 violation of Section 41-6a-517;
- 81 (xiv) until July 30, 2015, operating or being in actual physical control of a motor
- 82 vehicle while having any alcohol in the person's body in violation of Section 53-3-232;
- 83 (xv) operating or being in actual physical control of a motor vehicle while having any
- 84 measurable or detectable amount of alcohol in the person's body in violation of Section
- 85 41-6a-530;
- 86 (xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in
- 87 violation of Section 41-6a-606; or

88 (xvii) operating or being in actual physical control of a motor vehicle in this state
89 without an ignition interlock system in violation of Section 41-6a-518.2.

90 (b) The division shall immediately revoke the license of a person upon receiving a
91 record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for:

92 (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
93 allowing the discharge of a firearm from a vehicle; or

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

96 (c) Except when action is taken under Section 53-3-219 for the same offense, the
97 division shall immediately suspend for six months the license of a person upon receiving a
98 record of conviction for:

99 (i) any violation of:

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

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

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

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

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

105 (ii) any criminal offense that prohibits:

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

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

110 (2) The division shall extend the period of the first denial, suspension, revocation, or
111 disqualification for an additional like period, to a maximum of one year for each subsequent
112 occurrence, upon receiving:

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

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

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

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

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

124 (4) (a) The division may extend to a person the limited privilege of driving a motor
125 vehicle to and from the person's place of employment or within other specified limits on
126 recommendation of the [trial] judge in any case where a person is convicted of any of the
127 offenses referred to in Subsections (1) and (2) except:

128 (i) automobile homicide under Subsection (1)(a)(i);

129 (ii) those offenses referred to in Subsections (1)(a)(ii), (a)(iii), (a)(xi), (a)(xii), (a)(xiii),
130 (1)(b), and (1)(c); and

131 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,
132 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,
133 41-6a-517, a local ordinance which complies with the requirements of Subsection
134 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person
135 was charged with violating as a result of a plea bargain after having been originally charged
136 with violating one or more of these sections or ordinances[-], unless:

137 (A) the person has had the period of the first denial, suspension, revocation, or
138 disqualification extended for a period of at least three years;

139 (B) the division receives written verification from the person's primary care physician
140 that ~~§~~ :

140a (I) ~~§~~ to the physician's knowledge the person has not used any narcotic drug or other
140b controlled

141 substance except as prescribed by a licensed medical practitioner within the last three years;
142 and

142a ~~§~~ (II) the physician is not aware of any physical, emotional, or mental impairment that
142b would affect the person's ability to operate a motor vehicle safely ~~§~~ [] ; and ~~§~~ ~~§~~

143 (C) for a period of one year prior to the date of the request for a limited driving
144 privilege:

145 (I) the person has not been convicted of a violation of any motor vehicle law in which
146 the person was involved as the operator of the vehicle;

147 (II) the division has not received a report of an arrest for a violation of any motor
148 vehicle law in which the person was involved as the operator of the vehicle; and

(III) the division has not received a report of an accident in which the person was

150 involved as an operator of a vehicle.

151 (b) (i) [This] Except as provided in Subsection (4)(b)(ii), the discretionary privilege
152 authorized in this Subsection (4):

153 (A) is limited to when undue hardship would result from a failure to grant the
154 privilege; and

155 (B) may be granted only once to any person during any single period of denial,
156 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
157 or disqualification.

158 (ii) The discretionary privilege authorized in Subsection (4)(a)(iii):

159 (A) is limited to when the limited privilege is necessary for the person to commute to
160 school or work; and

161 (B) may be granted only once to any person during any single period of denial,
162 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation
163 or disqualification.

164 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
165 Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or
166 denied under this chapter.

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Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
