

1 **DRIVER LICENSE SANCTIONS AND SENTENCING**
2 **REQUIREMENTS FOR DRIVING UNDER THE INFLUENCE**
3 **AND ALCOHOL RELATED OFFENSES**

4 2009 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Scott K. Jenkins**

7 House Sponsor: Gregory H. Hughes

8
9 **LONG TITLE**

10 **General Description:**

11 This bill modifies the Motor Vehicles Code and the Uniform Driver License Act by
12 amending driver license sanction requirements.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ increases the driver license suspension periods for certain driving under the
16 influence offenses committed on or after July 1, 2009:
- 17 • from a period of 90 days to 120 days for a person 21 years of age or older on
18 the date of arrest who has violated certain driving under the influence or
19 alcohol related offenses for the first time;
 - 20 • from a period of one year to two years for a person 21 years of age or older on
21 the date of arrest who has violated certain driving under the influence or
22 alcohol related offenses two or more times;
 - 23 • from a period of 24 months to a period of 36 months for a person who is 21
24 years of age or older, who refuses to submit to a chemical test, and who has a
25 previous license sanction for certain alcohol related offenses;
 - 26 • from a period of 90 days to until the person is 21 years of age or for a period of
27 120 days, whichever is longer, for a person under 21 years of age on the date of
28 arrest who has violated certain driving under the influence provisions for the
29 first time;

30 • from a period of one year to until the person is 21 years of age or for a period of
31 two years, whichever is longer, for a person under 21 years of age on the date of
32 arrest who has violated certain driving under the influence provisions two or
33 more times;

34 • from a period of 18 months to until the person is 21 years of age or for a period
35 of 18 months, whichever is longer, for a person who is under 21 years of age
36 and who refuses to submit to a chemical test; and

37 • from a period of 24 months to until the person is 21 years of age or for a period
38 of 36 months, whichever is longer, for a person who is under 21 years of age
39 who refuses to submit to a chemical test, and who has a previous license
40 sanction for certain alcohol related offenses;

41 ▶ provides that a person is an interlock restricted driver if the person, within the last
42 18 months, has been convicted of a driving under the influence violation;

43 ▶ requires a court to order a minor's driver license suspended for a period of one year
44 if the minor violates certain alcohol related offenses for the first time and the
45 violation was committed on or after July 1, 2009;

46 ▶ provides that a court may reduce a minor's license suspension for certain alcohol
47 related offenses if the violation is the minor's first violation and the minor
48 completes an educational series;

49 ▶ requires a court to order a minor's driver license suspended for a period of two
50 years for a second or subsequent violation of certain alcohol related offenses and
51 the violation was committed on or after July 1, 2009;

52 ▶ provides that for a second or subsequent violation of certain alcohol related
53 offenses, a court shall order a minor to participate in an educational series and may
54 order a minor to participate in a screening; and

55 ▶ makes technical changes.

56 **Monies Appropriated in this Bill:**

57 None

58 **Other Special Clauses:**

59 This bill takes effect on July 1, 2009.

60 This bill coordinates with H.B. 129, Alcoholic Beverage Related Amendments Related
61 to Minors, by making substantive and technical amendments.

62 **Utah Code Sections Affected:**

63 AMENDS:

64 **32A-12-209**, as last amended by Laws of Utah 2008, Chapter 3

65 **32A-12-209.5**, as last amended by Laws of Utah 2008, Chapter 3

66 **41-6a-509**, as enacted by Laws of Utah 2005, Chapter 2

67 **41-6a-517**, as last amended by Laws of Utah 2006, Chapter 8

68 **41-6a-521**, as last amended by Laws of Utah 2008, Chapters 3 and 304

69 **41-6a-518.2**, as last amended by Laws of Utah 2008, Chapter 226

70 **53-3-219**, as last amended by Laws of Utah 2008, Chapter 3

71 **53-3-223**, as last amended by Laws of Utah 2008, Chapters 3, 226, and 304

72 **53-3-231**, as last amended by Laws of Utah 2008, Chapter 304

73 **76-9-701**, as last amended by Laws of Utah 2008, Chapter 3

74 **78A-6-606**, as renumbered and amended by Laws of Utah 2008, Chapter 3

75

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

77 Section 1. Section **32A-12-209** is amended to read:

78 **32A-12-209. Unlawful purchase, possession, consumption by minors --**

79 **Measurable amounts in body.**

80 (1) Unless specifically authorized by this title, it is unlawful for any minor to:

81 (a) purchase any alcoholic beverage or product;

82 (b) attempt to purchase any alcoholic beverage or product;

83 (c) solicit another person to purchase any alcoholic beverage or product;

84 (d) possess any alcoholic beverage or product;

85 (e) consume any alcoholic beverage or product; or

86 (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.

87 (2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic
88 beverage or product for a minor for:

89 (a) any minor to misrepresent the minor's age; or

90 (b) any other person to misrepresent the age of a minor.

91 (3) It is unlawful for a minor to possess or consume any alcoholic beverage while
92 riding in a limousine or chartered bus.

93 [~~(4) When a minor who is at least 18 years old, but younger than 21 years old, is found
94 by a court to have violated this section:]~~

95 [~~(a) if the violation is the minor's first violation of this section, the court may suspend
96 the minor's driving privileges; or]~~

97 [~~(b) if the violation is the minor's second or subsequent violation of this section, the
98 court shall suspend the minor's driving privileges.]~~

99 (4) If a minor is found by a court to have violated this section and the violation is the
100 minor's second or subsequent violation of this section, the court:

101 (a) shall order the minor to participate in an educational series as defined in Section
102 41-6a-501; and

103 (b) may order the minor to participate in a screening as defined in Section 41-6a-501.

104 (5) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
105 found by a court to have violated this section, the court hearing the case shall suspend the
106 minor's driving privileges under Section 53-3-219.

107 (b) Notwithstanding the provision in Subsection (5)(a), the court may reduce the
108 suspension period required under Section 53-3-219 if:

109 (i) the violation is the minor's first violation of this section; and

110 (ii) the minor completes an educational series as defined in Section 41-6a-501.

111 [~~(5)] (6) When a minor who is at least 13 years old, but younger than 18 years old, is
112 found by the court to have violated this section, the provisions regarding suspension of the
113 driver's license under Section 78A-6-606 apply to the violation.~~

114 ~~[(6)]~~ (7) When the court issues an order suspending a person's driving privileges for a
115 violation of this section, the Driver License Division shall suspend the person's license under
116 Section 53-3-219.

117 ~~[(7)]~~ (8) When the Department of Public Safety receives the arrest or conviction
118 record of a person for a driving offense committed while the person's license is suspended
119 pursuant to this section, the department shall extend the suspension for an additional like
120 period of time.

121 ~~[(8)]~~ (9) This section does not apply to a minor's consumption of an alcoholic
122 beverage or product in accordance with this title:

123 (a) for medicinal purposes if:

124 (i) the minor is at least 18 years old; or

125 (ii) the alcoholic beverage or product is furnished by:

126 ~~[(i)]~~ (A) the parent or guardian of the minor; or

127 ~~[(ii)]~~ (B) the minor's physician or dentist; or

128 (b) as part of a church's or religious organization's religious services.

129 Section 2. Section **32A-12-209.5** is amended to read:

130 **32A-12-209.5. Unlawful admittance or attempt to gain admittance by minor.**

131 (1) It is unlawful for a minor to gain admittance or attempt to gain admittance to the
132 premises of:

133 (a) a tavern; or

134 (b) a class D private club, except to the extent authorized by Subsection 32A-5-107(8).

135 (2) A minor who violates this section is guilty of a class C misdemeanor.

136 ~~[(3) When a minor who is at least 18 years old, but younger than 21 years old, is found
137 by a court to have violated this section:]~~

138 ~~[(a) if the violation is the minor's first violation of this section, the court may suspend
139 the minor's driving privileges; or]~~

140 ~~[(b) if the violation is the minor's second or subsequent violation of this section, the
141 court shall suspend the minor's driving privileges.]~~

142 (3) If a minor is found by a court to have violated this section and the violation is the
143 minor's second or subsequent violation of this section, the court:

144 (a) shall order the minor to participate in an educational series as defined in Section
145 41-6a-501; and

146 (b) may order the minor to participate in a screening as defined in Section 41-6a-501.

147 (4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
148 found by a court to have violated this section, the court hearing the case shall suspend the
149 minor's driving privileges under Section 53-3-219.

150 (b) Notwithstanding the provision in Subsection (4)(a), the court may reduce the
151 suspension period required under Section 53-3-219 if:

152 (i) the violation is the minor's first violation of this section; and

153 (ii) the minor completes an educational series as defined in Section 41-6a-501.

154 ~~[(4)]~~ (5) When a minor who is at least 13 years old, but younger than 18 years old, is
155 found by a court to have violated this section, the provisions regarding suspension of the
156 driver's license under Section 78A-6-606 apply to the violation.

157 ~~[(5)]~~ (6) When the court issues an order suspending a person's driving privileges for a
158 violation of this section, the Driver License Division shall suspend the person's license under
159 Section 53-3-219.

160 ~~[(6)]~~ (7) When the Department of Public Safety receives the arrest or conviction
161 record of a person for a driving offense committed while the person's license is suspended
162 pursuant to this section, the department shall extend the suspension for an additional like
163 period of time.

164 Section 3. Section **41-6a-509** is amended to read:

165 **41-6a-509. Driver license suspension or revocation for a driving under the**
166 **influence violation.**

167 (1) (a) The Driver License Division shall:

168 (i) if the person is 21 years of age or older at the time of arrest:

169 ~~[(i)]~~ (A) suspend for ~~[90 days]~~ a period of 120 days the operator's license of a person

170 convicted for the first time under Section 41-6a-502[;] of an offense committed on or after
171 July 1, 2009; and

172 ~~[(i)]~~ (B) revoke for [one year] a period of two years the license of a person ~~[convicted~~
173 ~~of any subsequent offense under Section 41-6a-502 or]~~ if:

174 (I) the person has a prior conviction as defined under Subsection 41-6a-501(2) [if];
175 and

176 (II) the current driving under the influence violation under Section 41-6a-502 is
177 committed:

178 (Aa) within a period of ten years from the date of the prior violation; and

179 (Bb) on or after July 1, 2009;

180 (ii) if the person is under 21 years of age at the time of arrest:

181 (A) suspend the person's driver license until the person is 21 years of age or for a
182 period of 120 days, whichever is longer, if the person is convicted for the first time of a
183 driving under the influence violation under Section 41-6a-502 of an offense that was
184 committed on or after July 1, 2009;

185 (B) deny the person's application for a license or learner's permit until the person is 21
186 years of age or for a period of 120 days, whichever is longer, if the person:

187 (I) is convicted for the first time of a driving under the influence violation under
188 Section 41-6a-502 of an offense committed on or after July 1, 2009; and

189 (II) has not been issued an operator license;

190 (C) revoke the person's driver license until the person is 21 years of age or for a period
191 of two years, whichever is longer, if:

192 (I) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

193 (II) the current driving under the influence violation under Section 41-6a-502 is
194 committed:

195 (Aa) within a period of ten years from the date of the prior violation; and

196 (Bb) on or after July 1, 2009; or

197 (D) deny the person's application for a license or learner's permit until the person is 21

198 years of age or for a period of two years, whichever is longer, if:

199 (I) the person has a prior conviction as defined under Subsection 41-6a-501(2);

200 (II) the current driving under the influence violation under Section 41-6a-502 is

201 committed:

202 (Aa) within a period of ten years from the date of the prior violation; and

203 (Bb) on or after July 1, 2009; and

204 (III) the person has not been issued an operator license; and

205 (iii) suspend or revoke the license of a person as ordered by the court under Subsection

206 (2).

207 (b) The Driver License Division shall suspend the operator's license of a person

208 convicted under Section 41-6a-502 of an offense that was committed prior to July 1, 2009, for

209 the suspension periods in effect prior to July 1, 2009.

210 ~~[(b)]~~ (c) The Driver License Division shall subtract from any suspension or revocation

211 period the number of days for which a license was previously suspended under Section

212 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon

213 which the record of conviction is based.

214 (2) (a) (i) In addition to any other penalties provided in this section, a court may order

215 the operator's license of a person who is convicted of a violation of Section 41-6a-502 to be

216 suspended or revoked for an additional period of 90 days, 180 days, one year, or two years to

217 remove from the highways those persons who have shown they are safety hazards.

218 (ii) The additional suspension or revocation period provided in this Subsection (2)

219 shall begin the date on which the individual would be eligible to reinstate the individual's

220 driving privilege for a violation of Section 41-6a-502.

221 (b) If the court suspends or revokes the person's license under this Subsection (2), the

222 court shall prepare and send to the Driver License Division an order to suspend or revoke that

223 person's driving privileges for a specified period of time.

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

225 (i) complete all court ordered:

- 226 (A) screening;
- 227 (B) assessment;
- 228 (C) educational series;
- 229 (D) substance abuse treatment; and
- 230 (E) hours of work in a compensatory-service work program; or
- 231 (ii) pay all fines and fees, including fees for restitution and treatment costs.

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

234 Section 4. Section **41-6a-517** is amended to read:

235 **41-6a-517. Definitions -- Driving with any measurable controlled substance in**
236 **the body -- Penalties -- Arrest without warrant.**

237 (1) As used in this section:

- 238 (a) "Controlled substance" means any substance scheduled under Section 58-37-4.
- 239 (b) "Practitioner" has the same meaning as provided in Section 58-37-2.
- 240 (c) "Prescribe" has the same meaning as provided in Section 58-37-2.
- 241 (d) "Prescription" has the same meaning as provided in Section 58-37-2.

242 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not
243 operate or be in actual physical control of a motor vehicle within this state if the person has
244 any measurable controlled substance or metabolite of a controlled substance in the person's
245 body.

246 (3) It is an affirmative defense to prosecution under this section that the controlled
247 substance was:

- 248 (a) involuntarily ingested by the accused;
- 249 (b) prescribed by a practitioner for use by the accused; or
- 250 (c) otherwise legally ingested.

251 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B
252 misdemeanor.

253 (b) A person who violates this section is subject to conviction and sentencing under

254 both this section and any applicable offense under Section 58-37-8.

255 (5) A peace officer may, without a warrant, arrest a person for a violation of this
256 section when the officer has probable cause to believe the violation has occurred, although not
257 in the officer's presence, and if the officer has probable cause to believe that the violation was
258 committed by the person.

259 (6) The Driver License Division shall:

260 (a) if the person is 21 years of age or older on the date of arrest:

261 ~~[(a)]~~ (i) suspend, for ~~[90 days]~~ a period of 120 days, the driver license of a person
262 convicted under Subsection (2)[;] of an offense committed on or after July 1, 2009; or

263 ~~[(b)]~~ (ii) revoke, for ~~[one year]~~ a period of two years, the driver license of a person
264 [convicted of a second or subsequent offense under Subsection (2) or] if:

265 (A) the person has a prior conviction as defined under Subsection 41-6a-501(2)[,if];
266 and

267 (B) the current violation under Subsection (2) is committed;

268 (I) within a period of ten years after the date of the prior violation; and

269 (II) on or after July 1, 2009;

270 (b) if the person is under 21 years of age on the date of arrest:

271 (i) suspend, until the person is 21 years of age or for a period of 120 days, the driver
272 license of a person convicted under Subsection (2) of an offense committed on or after July 1,
273 2009; or

274 (ii) revoke, until the person is 21 years of age or for a period of two years, the driver
275 license of a person if:

276 (A) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

277 (B) the current violation under Subsection (2) is committed;

278 (I) within a period of ten years after the date of the prior violation; and

279 (II) on or after July 1, 2009;

280 (c) subtract from any suspension or revocation period the number of days for which a
281 license was previously suspended under Section 53-3-223 or 53-3-231, if the previous

282 suspension was based on the same occurrence upon which the record of conviction is based[-];
283 and

284 (d) deny, suspend, or revoke a person's license for the denial and suspension periods in
285 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was
286 committed prior to July 1, 2009.

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

288 (i) complete all court ordered screening and assessment, educational series, and
289 substance abuse treatment; or

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

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

293 (8) The court shall order supervised probation in accordance with Section 41-6a-507
294 for a person convicted under Subsection (2).

295 Section 5. Section **41-6a-518.2** is amended to read:

296 **41-6a-518.2. Interlock restricted driver -- Penalties for operation without**
297 **ignition interlock system.**

298 (1) As used in this section:

299 (a) "ignition interlock system" means a constant monitoring device or any similar
300 device that:

301 (i) is in working order at the time of operation or actual physical control; and

302 (ii) is certified by the Commissioner of Public Safety in accordance with Subsection
303 41-6a-518(8); and

304 (b) (i) "interlock restricted driver" means a person who:

305 (A) has been ordered by a court or the Board of Pardons and Parole as a condition of
306 probation or parole not to operate a motor vehicle without an ignition interlock system;

307 (B) within the last 18 months has been convicted of a driving under the influence
308 violation under Section 41-6a-502 that was committed on or after July 1, 2009;

309 [~~B~~] (C) (I) within the last three years has been convicted of an offense that occurred

310 after May 1, 2006 which would be a conviction as defined under Section 41-6a-501; and

311 (II) the offense described under Subsection (1)(b)(i)~~(B)~~(C)(I) is committed within ten
312 years from the date that one or more prior offenses was committed if the prior offense resulted
313 in a conviction as defined in Subsection 41-6a-501(2);

314 ~~(C)~~ (D) within the last three years has been convicted of a violation of this section;

315 ~~(D)~~ (E) within the last three years has had the person's driving privilege revoked for
316 refusal to submit to a chemical test under Section 41-6a-520, which refusal occurred after May
317 1, 2006;

318 ~~(E)~~ (F) within the last three years has been convicted of a violation of Section
319 41-6a-502 and was under the age of 21 at the time the offense was committed;

320 ~~(F)~~ (G) within the last six years has been convicted of a felony violation of Section
321 41-6a-502 for an offense that occurred after May 1, 2006; or

322 ~~(G)~~ (H) within the last ten years has been convicted of automobile homicide under
323 Section 76-5-207 for an offense that occurred after May 1, 2006; and

324 (ii) "interlock restricted driver" does not include a person if:

325 (A) the person's conviction described in Subsection (1)(b)(i)~~(B)~~(C)(I) is a conviction
326 under Section 41-6a-517; and

327 (B) all of the person's prior convictions described in Subsection (1)(b)(i)~~(B)~~(C)(II)
328 are convictions under Section 41-6a-517.

329 (2) For purposes of this section, a plea of guilty or no contest to a violation of Section
330 41-6a-502 which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,
331 prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been
332 subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

333 (3) An interlock restricted driver that operates or is in actual physical control of a
334 vehicle in this state without an ignition interlock system is guilty of a class B misdemeanor.

335 (4) (a) It is an affirmative defense to a charge of a violation of Subsection (3) if:

336 (i) an interlock restricted driver:

337 (A) operated or was in actual physical control of a vehicle owned by the interlock

338 restricted driver's employer;

339 (B) had given written notice to the employer of the interlock restricted driver's
340 interlock restricted status prior to the operation or actual physical control under Subsection
341 (4)(a)(i); and

342 (C) had on the interlock restricted driver's person or in the vehicle at the time of
343 operation or physical control proof of having given notice to the interlock restricted driver's
344 employer; and

345 (ii) the operation or actual physical control under Subsection (4)(a)(i)(A) was in the
346 scope of the interlock restricted driver's employment.

347 (b) The affirmative defense under Subsection (4)(a) does not apply to:

348 (i) an employer-owned motor vehicle that is made available to an interlock restricted
349 driver for personal use; or

350 (ii) a motor vehicle owned by a business entity that is all or partly owned or controlled
351 by the interlock restricted driver.

352 Section 6. Section **41-6a-521** is amended to read:

353 **41-6a-521. Revocation hearing for refusal -- Appeal.**

354 (1) (a) A person who has been notified of the Driver License Division's intention to
355 revoke the person's license under Section 41-6a-520 is entitled to a hearing.

356 (b) A request for the hearing shall be made in writing within ten calendar days after
357 the day on which notice is provided.

358 (c) Upon request in a manner specified by the Driver License Division, the Driver
359 License Division shall grant to the person an opportunity to be heard within 29 days after the
360 date of arrest.

361 (d) If the person does not make a request for a hearing before the Driver License
362 Division under this Subsection (1), the person's privilege to operate a motor vehicle in the state
363 is revoked beginning on the 30th day after the date of arrest;

364 (i) for a person 21 years of age or older on the date of arrest, for a period of:

365 [~~(i)~~] (A) 18 months unless Subsection (1)(d)[~~(i)~~](i)(B) applies; or

366 ~~[(ii)-24]~~ (B) 36 months, if the arrest was made on or after July 1, 2009, and the person
367 has had a previous:

368 ~~[(A)]~~ (I) license sanction for an offense that occurred within the previous ten years
369 from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231,
370 or 53-3-232; or

371 ~~[(B)]~~ (II) conviction for an offense that occurred within the previous ten years from the
372 date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would
373 constitute a violation of Section 41-6a-502[-];

374 (ii) for a person under 21 years of age on the date of arrest:

375 (A) until the person is 21 years of age or for a period of 18 months, whichever is
376 longer, if the arrest was made on or after July 1, 2009, unless Subsection (1)(d)(ii)(B) applies;
377 or

378 (B) until the person is 21 years of age or for a period of 36 months, whichever is
379 longer, if the arrest was made on or after July 1, 2009, and the person has had a previous:

380 (I) license sanction for an offense that occurred within the previous ten years from the
381 date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or
382 53-3-232; or

383 (II) conviction for an offense that occurred within the previous ten years from the date
384 of arrest under Section 41-6a-502 or a statute previously in effect in this state that would
385 constitute a violation of Section 41-6a-502; or

386 (iii) for a person that was arrested prior to July 1, 2009, for the suspension periods in
387 effect prior to July 1, 2009.

388 (2) (a) Except as provided in Subsection (2)(b), if a hearing is requested by the person,
389 the hearing shall be conducted by the Driver License Division in the county in which the
390 offense occurred.

391 (b) The Driver License Division may hold a hearing in some other county if the Driver
392 License Division and the person both agree.

393 (3) The hearing shall be documented and shall cover the issues of:

394 (a) whether a peace officer had reasonable grounds to believe that a person was
 395 operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 41-6a-530, 53-3-231,
 396 or 53-3-232; and

397 (b) whether the person refused to submit to the test or tests under Section 41-6a-520.

398 (4) (a) In connection with the hearing, the division or its authorized agent:

399 (i) may administer oaths and may issue subpoenas for the attendance of witnesses and
 400 the production of relevant books and papers; and

401 (ii) shall issue subpoenas for the attendance of necessary peace officers.

402 (b) The Driver License Division shall pay witness fees and mileage from the
 403 Transportation Fund in accordance with the rates established in Section 78B-1-119.

404 (5) (a) If after a hearing, the Driver License Division determines that the person was
 405 requested to submit to a chemical test or tests and refused to submit to the test or tests, or if
 406 the person fails to appear before the Driver License Division as required in the notice, the
 407 Driver License Division shall revoke the person's license or permit to operate a motor vehicle
 408 in Utah beginning on the date the hearing is held;

409 (i) for a person 21 years of age or older on the date of arrest, for a period of:

410 ~~(i)~~ (A) 18 months unless Subsection (5)(a)~~(ii)~~(i)(B) applies; or

411 ~~(ii)~~ 24 (B) 36 months, if the arrest was made on or after July 1, 2009, and the person
 412 has had a previous:

413 ~~(A)~~ (I) license sanction for an offense that occurred within the previous ten years
 414 from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231,
 415 or 53-3-232; or

416 ~~(B)~~ (II) conviction for an offense that occurred within the previous ten years from the
 417 date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would
 418 constitute a violation of Section 41-6a-502[-];

419 (ii) for a person under 21 years of age on the date of arrest:

420 (A) until the person is 21 years of age or for a period of 18 months, whichever is

421 longer, for an arrest that was made on or after July 1, 2009, and unless Subsection (5)(a)(ii)(B)

422 applies; or

423 (B) until the person is 21 years of age or for a period of 36 months, whichever is
424 longer, if the arrest was made on or after July 1, 2009, and the person has had a previous:

425 (I) license sanction for an offense that occurred within the previous ten years from the
426 date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or
427 53-3-232; or

428 (II) conviction for an offense that occurred within the previous ten years from the date
429 of arrest under Section 41-6a-502 or a statute previously in effect in this state that would
430 constitute a violation of Section 41-6a-502; or

431 (iii) for a person that was arrested prior to July 1, 2009, for the revocation periods in
432 effect prior to July 1, 2009.

433 (b) The Driver License Division shall also assess against the person, in addition to any
434 fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be
435 paid before the person's driving privilege is reinstated, to cover administrative costs.

436 (c) The fee shall be cancelled if the person obtains an unappealed court decision
437 following a proceeding allowed under Subsection (2) that the revocation was improper.

438 (6) (a) Any person whose license has been revoked by the Driver License Division
439 under this section following an administrative hearing may seek judicial review.

440 (b) Judicial review of an informal adjudicative proceeding is a trial.

441 (c) Venue is in the district court in the county in which the offense occurred.

442 Section 7. Section **53-3-219** is amended to read:

443 **53-3-219. Suspension of minor's driving privileges.**

444 (1) The division shall immediately suspend all driving privileges of any person upon
445 receipt of an order suspending driving privileges under Section 32A-12-209, Section
446 32A-12-209.5, Subsection 76-9-701(1), or Section 78A-6-606.

447 ~~[(a) Upon]~~ (2) (a) (i) Except as provided in Subsection (2)(a)(ii), upon receipt of the
448 first order suspending a person's driving privileges under Section 32A-12-209 or
449 32A-12-209.5, Subsection 76-9-701(1), or Section 78A-6-606 for a violation that was

450 committed on or after July 1, 2009, the division shall:

451 (A) impose a suspension [for 90 days or,] for a period of one year;

452 (B) if the person [is under the age of eligibility for a driver license, the suspension
453 shall begin on the date of conviction and continue for the first 90 days following the date of
454 eligibility:] has not been issued an operator license, deny the person's application for a license
455 or learner's permit for a period of one year; or

456 (C) if the person is under the age of eligibility for a driver license, deny the person's
457 application for a license or learner's permit beginning on the date of conviction and continuing
458 for one year beginning on the date of eligibility for a driver license.

459 (ii) Upon receipt of the first order suspending a person's driving privileges under this
460 section, the division shall reduce the suspension period under Subsection (2)(a)(i)(A), (B), or
461 (C) if ordered by the court in accordance with Subsection 32A-12-209(5)(b),
462 32A-12-209.5(4)(b), 76-9-701(4)(b), or 78A-6-606(3)(b).

463 (b) Upon receipt of a second or subsequent order suspending a person's driving
464 privileges under Section 32A-12-209 or 32A-12-209.5, Subsection 76-9-701(1), or Section
465 78A-6-606 for a violation that was committed on or after July 1, 2009, the division shall
466 [impose a suspension for six months or, if the person is under the age of eligibility for a driver
467 license, the suspension shall begin on the date of conviction and continue for the first six
468 months following the date of eligibility.]:

469 (i) impose a suspension for a period of two years; or

470 (ii) if the person has not been issued an operator license or is under the age of
471 eligibility for a driver license, deny the person's application for a license or learner's permit for
472 a period of two years.

473 (c) The Driver License Division shall impose a suspension for the suspension period in
474 effect prior to July 1, 2009, if the order suspending driving privileges under Section
475 32A-12-209 or 32A-12-209.5, Subsection 76-9-701(1), or Section 78A-6-606 is for a violation
476 committed prior to July 1, 2009.

477 (3) The Driver License Division shall subtract from any suspension or revocation

478 period for a conviction of a violation of Section 32A-12-209 the number of days for which a
479 license was previously suspended under Section 53-3-231, if the previous sanction was based
480 on the same occurrence upon which the record of conviction is based.

481 [~~(c)~~ Upon receipt of a third or subsequent order suspending a person's driving
482 privileges, the division shall impose a suspension for one year or, if the person is under the age
483 of eligibility for a driver license, the suspension shall begin on the date of conviction and
484 continue for one year beginning on the date of eligibility.]

485 [~~(2)~~] (4) After reinstatement of the license under Subsection (1)(a), a report authorized
486 under Section 53-3-104 may not contain evidence of the suspension of a minor's license under
487 this section if the minor has not been convicted of any other offense for which the suspension
488 under Subsection (1)(a) may be extended.

489 Section 8. Section **53-3-223** is amended to read:

490 **53-3-223. Chemical test for driving under the influence -- Temporary license --**
491 **Hearing and decision -- Suspension and fee -- Judicial review.**

492 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
493 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a
494 certain blood or breath alcohol concentration and driving under the influence of any drug,
495 alcohol, or combination of a drug and alcohol or while having any measurable controlled
496 substance or metabolite of a controlled substance in the person's body in violation of Section
497 41-6a-517, the peace officer may, in connection with arresting the person, request that the
498 person submit to a chemical test or tests to be administered in compliance with the standards
499 under Section 41-6a-520.

500 (b) In this section, a reference to Section 41-6a-502 includes any similar local
501 ordinance adopted in compliance with Subsection 41-6a-510(1).

502 (2) The peace officer shall advise a person prior to the person's submission to a
503 chemical test that a test result indicating a violation of Section 41-6a-502 or 41-6a-517 shall,
504 and the existence of a blood alcohol content sufficient to render the person incapable of safely
505 driving a motor vehicle may, result in suspension or revocation of the person's license to drive

506 a motor vehicle.

507 (3) If the person submits to a chemical test and the test results indicate a blood or
508 breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer
509 makes a determination, based on reasonable grounds, that the person is otherwise in violation
510 of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of
511 arrest, give notice of the division's intention to suspend the person's license to drive a motor
512 vehicle.

513 (4) (a) When a peace officer gives notice on behalf of the division, the peace officer
514 shall:

- 515 (i) take the Utah license certificate or permit, if any, of the driver;
- 516 (ii) issue a temporary license certificate effective for only 29 days from the date of
517 arrest; and
- 518 (iii) supply to the driver, in a manner specified by the division, basic information
519 regarding how to obtain a prompt hearing before the division.

520 (b) A citation issued by a peace officer may, if provided in a manner specified by the
521 division, also serve as the temporary license certificate.

522 (5) As a matter of procedure, a peace officer shall send to the division within ten
523 calendar days after the day on which notice is provided:

- 524 (a) the person's license certificate;
- 525 (b) a copy of the citation issued for the offense;
- 526 (c) a signed report in a manner specified by the division indicating the chemical test
527 results, if any; and
- 528 (d) any other basis for the peace officer's determination that the person has violated
529 Section 41-6a-502 or 41-6a-517.

530 (6) (a) Upon request in a manner specified by the division, the division shall grant to
531 the person an opportunity to be heard within 29 days after the date of arrest. The request to be
532 heard shall be made within ten calendar days of the day on which notice is provided under
533 Subsection (5).

534 (b) (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before
535 the division in the county in which the arrest occurred.

536 (ii) The division may hold a hearing in some other county if the division and the
537 person both agree.

538 (c) The hearing shall be documented and shall cover the issues of:

539 (i) whether a peace officer had reasonable grounds to believe the person was driving a
540 motor vehicle in violation of Section 41-6a-502 or 41-6a-517;

541 (ii) whether the person refused to submit to the test; and

542 (iii) the test results, if any.

543 (d) (i) In connection with a hearing the division or its authorized agent:

544 (A) may administer oaths and may issue subpoenas for the attendance of witnesses
545 and the production of relevant books and papers; or

546 (B) may issue subpoenas for the attendance of necessary peace officers.

547 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
548 accordance with the rates established in Section 78B-1-119.

549 (e) The division may designate one or more employees to conduct the hearing.

550 (f) Any decision made after a hearing before any designated employee is as valid as if
551 made by the division.

552 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
553 grounds to believe that the person was driving a motor vehicle in violation of Section
554 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the
555 notice, or if a hearing is not requested under this section, the division shall [~~suspend the~~
556 ~~person's license or permit to operate a motor vehicle~~]:

557 (i) if the person is 21 years of age or older at the time of arrest and the arrest was made
558 on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a
559 period of:

560 [~~(i) 90 days~~] (A) 120 days beginning on the 30th day after the date of arrest for a first
561 suspension; or

562 ~~[(ii) one year]~~ (B) two years beginning on the 30th day after the date of arrest for a
563 second or subsequent suspension for an offense that occurred within the previous ten years~~[-];~~
564 or

565 (ii) if the person is under 21 years of age at the time of arrest and the arrest was made
566 on or after July 1, 2009:

567 (A) suspend the person's license or permit to operate a motor vehicle:

568 (I) until the person is 21 years of age or for a period of 120 days, whichever is longer,
569 beginning on the 30th day after the date of arrest for a first suspension; or

570 (II) until the person is 21 years of age or for a period of two years, whichever is longer,
571 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an
572 offense that occurred within the previous ten years; or

573 (B) deny the person's application for a license or learner's permit:

574 (I) until the person is 21 years of age or for a period of 120 days, whichever is longer,
575 for a first suspension if the person has not been issued an operator license; or

576 (II) until the person is 21 years of age or for a period of two years, whichever is longer,
577 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an
578 offense that occurred within the previous ten years.

579 (b) The division shall deny or suspend a person's license for the denial and suspension
580 periods in effect prior to July 1, 2009, for an offense that was committed prior to July 1, 2009.

581 ~~[(b)]~~ (c) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division
582 shall reinstate a person's license prior to completion of the ~~[90-day]~~ 120 day suspension period
583 imposed under Subsection (7)(a)(i)(A):

584 (A) immediately upon receiving written verification of the person's dismissal of a
585 charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received
586 prior to completion of the suspension period; or

587 (B) no sooner than 60 days beginning on the 30th day after the date of arrest upon
588 receiving written verification of the person's reduction of a charge for a violation of Section
589 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the

590 suspension period.

591 (ii) If a person's license is reinstated under this Subsection (7)~~(b)~~(c), the person is
592 required to pay the license reinstatement fees under Subsections 53-3-105(23) and (24).

593 (iii) The driver license reinstatements authorized under this Subsection (7)~~(b)~~(c) only
594 apply to a ~~90-day~~ 120 day suspension period imposed under Subsection (7)(a)(i)(A).

595 (8) (a) The division shall assess against a person, in addition to any fee imposed under
596 Subsection 53-3-205(12) for driving under the influence, a fee under Section 53-3-105 to
597 cover administrative costs, which shall be paid before the person's driving privilege is
598 reinstated. This fee shall be cancelled if the person obtains an unappealed division hearing or
599 court decision that the suspension was not proper.

600 (b) A person whose license has been suspended by the division under this section
601 following an administrative hearing may file a petition within 30 days after the suspension for
602 a hearing on the matter which, if held, is governed by Section 53-3-224.

603 Section 9. Section **53-3-231** is amended to read:

604 **53-3-231. Person under 21 may not operate a vehicle or motorboat with**
605 **detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing**
606 **and decision -- Suspension of license or operating privilege -- Fees -- Judicial review --**
607 **Referral to local substance abuse authority or program.**

608 (1) (a) As used in this section:

609 (i) "Local substance abuse authority" has the same meaning as provided in Section
610 62A-15-102.

611 (ii) "Substance abuse program" means any substance abuse program licensed by the
612 Department of Human Services or the Department of Health and approved by the local
613 substance abuse authority.

614 (b) Calculations of blood, breath, or urine alcohol concentration under this section
615 shall be made in accordance with the procedures in Subsection 41-6a-502(1).

616 (2) (a) A person younger than 21 years of age may not operate or be in actual physical
617 control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol

618 concentration in the person's body as shown by a chemical test.

619 (b) A person who violates Subsection (2)(a), in addition to any other applicable
620 penalties arising out of the incident, shall have the person's operator license denied or
621 suspended as provided in Subsection (8).

622 (3) (a) When a peace officer has reasonable grounds to believe that a person may be
623 violating or has violated Subsection (2), the peace officer may, in connection with arresting
624 the person for a violation of Section 32A-12-209, request that the person submit to a chemical
625 test or tests to be administered in compliance with the standards under Section 41-6a-520.

626 (b) The peace officer shall advise a person prior to the person's submission to a
627 chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or
628 suspension of the person's license to operate a motor vehicle or a refusal to issue a license.

629 (c) If the person submits to a chemical test and the test results indicate a blood, breath,
630 or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a
631 determination, based on reasonable grounds, that the person is otherwise in violation of
632 Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the
633 arrest, give notice of the division's intention to deny or suspend the person's license to operate
634 a vehicle or refusal to issue a license under this section.

635 (4) When a peace officer gives notice on behalf of the division, the peace officer shall:

636 (a) take the Utah license certificate or permit, if any, of the operator;

637 (b) issue a temporary license certificate effective for only 29 days from the date of
638 arrest if the driver had a valid operator's license; and

639 (c) supply to the operator, in a manner specified by the division, basic information
640 regarding how to obtain a prompt hearing before the division.

641 (5) A citation issued by a peace officer may, if provided in a manner specified by the
642 division, also serve as the temporary license certificate under Subsection (4)(b).

643 (6) As a matter of procedure, a peace officer shall send to the division within ten
644 calendar days after the day on which notice is provided:

645 (a) the person's driver license certificate, if any;

646 (b) a copy of the citation issued for the offense;

647 (c) a signed report in a manner specified by the Driver License Division indicating the
648 chemical test results, if any; and

649 (d) any other basis for a peace officer's determination that the person has violated
650 Subsection (2).

651 (7) (a) (i) Upon request in a manner specified by the division, the Driver License
652 Division shall grant to the person an opportunity to be heard within 29 days after the date of
653 arrest under Section 32A-12-209.

654 (ii) The request shall be made within ten calendar days of the day on which notice is
655 provided.

656 (b) (i) Except as provided in Subsection (7)(b)(ii), a hearing, if held, shall be before
657 the division in the county in which the arrest occurred.

658 (ii) The division may hold a hearing in some other county if the division and the
659 person both agree.

660 (c) The hearing shall be documented and shall cover the issues of:

661 (i) whether a peace officer had reasonable grounds to believe the person was operating
662 a motor vehicle or motorboat in violation of Subsection (2)(a);

663 (ii) whether the person refused to submit to the test; and

664 (iii) the test results, if any.

665 (d) In connection with a hearing, the division or its authorized agent may administer
666 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant
667 books and papers and records as defined in Section 46-4-102.

668 (e) One or more members of the division may conduct the hearing.

669 (f) Any decision made after a hearing before any number of the members of the
670 division is as valid as if made after a hearing before the full membership of the division.

671 (8) If, after a hearing, the division determines that a peace officer had reasonable
672 grounds to believe that the person was driving a motor vehicle in violation of Subsection
673 (2)(a), if the person fails to appear before the division as required in the notice, or if the person

674 does not request a hearing under this section, the division shall:

675 (a) deny the person's license until the person is 21 years of age or for a period of [90
 676 days] 120 days, whichever is longer, beginning on the 30th day after the date of arrest for a
 677 first offense under Subsection (2)(a) committed on or after July 1, 2009;

678 (b) suspend the person's license until the person is 21 years of age or for a period of
 679 [one year] two years, whichever is longer, beginning on the 30th day after the date of arrest for
 680 a second or subsequent offense under Subsection (2)(a):

681 (i) within [~~three~~] ten years of a prior denial or suspension; [~~or~~] and

682 (ii) committed on or after July 1, 2009;

683 (c) deny the person's application for a license or learner's permit until the person is
 684 [~~17~~] 21 years of age or for a period of one year, whichever is longer, if:

685 (i) the person has not been issued an operator license[-]; and

686 (ii) the suspension is for a first offense under Subsection (2)(a) committed on or after
 687 July 1, 2009;

688 (d) deny the person's application for a license or learner's permit until the person is 21
 689 years of age or for a period of two years, whichever is longer, if:

690 (i) the person has not been issued an operator license; and

691 (ii) the suspension is for a second or subsequent offense under Subsection (2)(a):

692 (A) within ten years of a prior denial or suspension; and

693 (B) committed on or after July 1, 2009; or

694 (e) deny or suspend a person's license for the denial and suspension periods in effect
 695 prior to July 1, 2009, for a violation under Subsection (2)(a) that was committed prior to July
 696 1, 2009.

697 (9) (a) (i) Following denial or suspension the division shall assess against a person, in
 698 addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105,
 699 which shall be paid before the person's driving privilege is reinstated, to cover administrative
 700 costs.

701 (ii) This fee shall be canceled if the person obtains an unappealed division hearing or

702 court decision that the suspension was not proper.

703 (b) A person whose operator license has been denied, suspended, or postponed by the
704 division under this section following an administrative hearing may file a petition within 30
705 days after the suspension for a hearing on the matter which, if held, is governed by Section
706 53-3-224.

707 (10) After reinstatement of an operator license for a first offense under this section, a
708 report authorized under Section 53-3-104 may not contain evidence of the denial or
709 suspension of the person's operator license under this section if the person has not been
710 convicted of any other offense for which the denial or suspension may be extended.

711 (11) (a) In addition to the penalties in Subsection (8), a person who violates
712 Subsection (2)(a) shall:

713 (i) obtain an assessment and recommendation for appropriate action from a substance
714 abuse program, but any associated costs shall be the person's responsibility; or

715 (ii) be referred by the division to the local substance abuse authority for an assessment
716 and recommendation for appropriate action.

717 (b) (i) Reinstatement of the person's operator license or the right to obtain an operator
718 license is contingent upon successful completion of the action recommended by the local
719 substance abuse authority or the substance abuse program.

720 (ii) The local substance abuse authority's or the substance abuse program's
721 recommended action shall be determined by an assessment of the person's alcohol abuse and
722 may include:

723 (A) a targeted education and prevention program;

724 (B) an early intervention program; or

725 (C) a substance abuse treatment program.

726 (iii) Successful completion of the recommended action shall be determined by
727 standards established by the Division of Substance Abuse and Mental Health.

728 (c) At the conclusion of the penalty period imposed under Subsection (2), the local
729 substance abuse authority or the substance abuse program shall notify the division of the

730 person's status regarding completion of the recommended action.

731 (d) The local substance abuse authorities and the substance abuse programs shall
732 cooperate with the division in:

733 (i) conducting the assessments;

734 (ii) making appropriate recommendations for action; and

735 (iii) notifying the division about the person's status regarding completion of the
736 recommended action.

737 (e) (i) The local substance abuse authority is responsible for the cost of the assessment
738 of the person's alcohol abuse, if the assessment is conducted by the local substance abuse
739 authority.

740 (ii) The local substance abuse authority or a substance abuse program selected by a
741 person is responsible for:

742 (A) conducting an assessment of the person's alcohol abuse; and

743 (B) for making a referral to an appropriate program on the basis of the findings of the
744 assessment.

745 (iii) (A) The person who violated Subsection (2)(a) is responsible for all costs and fees
746 associated with the recommended program to which the person selected or is referred.

747 (B) The costs and fees under Subsection (11)(e)(iii)(A) shall be based on a sliding
748 scale consistent with the local substance abuse authority's policies and practices regarding fees
749 for services or determined by the substance abuse program.

750 Section 10. Section **76-9-701** is amended to read:

751 **76-9-701. Intoxication -- Release of arrested person or placement in**
752 **detoxification center.**

753 (1) A person is guilty of intoxication if the person is under the influence of alcohol, a
754 controlled substance, or any substance having the property of releasing toxic vapors, to a
755 degree that the person may endanger the person or another, in a public place or in a private
756 place where the person unreasonably disturbs other persons.

757 (2) (a) A peace officer or a magistrate may release from custody a person arrested

758 under this section if the peace officer or magistrate believes imprisonment is unnecessary for
759 the protection of the person or another.

760 (b) A peace officer may take the arrested person to a detoxification center or other
761 special facility as an alternative to incarceration or release from custody.

762 [~~(3) When a person who is at least 18 years old, but younger than 21 years old, is~~
763 ~~found by a court to have violated this section:]~~

764 [~~(a) if the violation is the person's first violation of this section, the court may suspend~~
765 ~~the person's driving privileges; or]~~

766 [~~(b) if the violation is the person's second or subsequent violation of this section, the~~
767 ~~court shall suspend the person's driving privileges.]]~~

768 (3) If a minor is found by a court to have violated this section and the violation is the
769 minor's second or subsequent violation of this section, the court:

770 (a) shall order the minor to participate in an educational series as defined in Section
771 41-6a-501; and

772 (b) may order the minor to participate in a screening as defined in Section 41-6a-501.

773 (4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
774 found by a court to have violated this section, the court hearing the case shall suspend the
775 minor's driving privileges under Section 53-3-219.

776 (b) Notwithstanding the requirement in Subsection (4)(a), the court may reduce the
777 suspension period required under Section 53-3-219 if:

778 (i) the violation is the minor's first violation of this section; and

779 (ii) the minor completes an educational series as defined in Section 41-6a-501.

780 [~~(4)] (5) When a person who is at least 13 years old, but younger than 18 years old, is
781 found by a court to have violated this section, the provisions regarding suspension of the
782 driver's license under Section 78A-6-606 apply to the violation.~~

783 [~~(5)] (6) When the court issues an order suspending a person's driving privileges for a
784 violation of this section, the person's driver license shall be suspended under Section
785 53-3-219.~~

786 [~~6~~] (7) An offense under this section is a class C misdemeanor.

787 Section 11. Section **78A-6-606** is amended to read:

788 **78A-6-606. Suspension of license for certain offenses.**

789 (1) This section applies to minors who are at least 13 years of age when found by the
790 court to be within its jurisdiction by the commission of any offense under:

791 (a) Section 58-37-8;

792 (b) Section 32A-12-209;

793 (c) Section 32A-12-209.5;

794 (d) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

795 (e) Title 58, Chapter 37b, Imitation Controlled Substances; or

796 (f) Subsection 76-9-701(1).

797 (2) If the court hearing the case determines that the minor committed an offense under
798 Section 58-37-8 or Title 58, Chapter 37a or 37b, the court shall prepare and send to the Driver
799 License Division of the Department of Public Safety an order to suspend that minor's driving
800 privileges.

801 (3) ~~(a) [If the court hearing the case determines that the minor violated Section~~
802 ~~32A-12-209, Section 32A-12-209.5, or Subsection 76-9-701(1), and the violation is the~~
803 ~~minor's: (a) first violation, the] The court [may] hearing the case shall~~ suspend the minor's
804 driving privileges~~]; or (b) second or subsequent violation, the court shall suspend the minor's~~
805 ~~driving privileges.] if:~~

806 (i) the minor violated Section 32A-12-209 or 32A-12-209.5 or Subsection
807 76-9-701(1); and

808 (ii) the violation described in Subsection (3)(a)(i) was committed on or after July 1,
809 2009.

810 (b) Notwithstanding the requirement in Subsection (3)(a), the court may reduce the
811 suspension period required under Section 53-3-219 if:

812 (i) the violation is the minor's first violation of Section 32A-12-209 or 32A-12-209.5
813 or Subsection 76-9-701(1); and

814 (ii) the minor completes an educational series as defined in Section 41-6a-501.
815 (c) The suspension periods and requirements that were in effect prior to July 1, 2009,

816 apply:

817 (i) to a minor that violated Section 32A-12-209 or 32A-12-209.5 or Subsection
818 76-9-701(1); and

819 (ii) for a violation that was committed prior to July 1, 2009.

820 (4) A minor's license shall be suspended under Section 53-3-219 when a court issues
821 an order suspending the minor's driving privileges for a violation of:

822 (a) Section 32A-12-209;

823 (b) Section 32A-12-209.5;

824 (c) Section 58-37-8;

825 (d) Title 58, Chapter 37a or 37b; or

826 (e) Subsection 76-9-701(1).

827 (5) When the Department of Public Safety receives the arrest or conviction record of a
828 person for a driving offense committed while his license is suspended under this section, the
829 department shall extend the suspension for a like period of time.

830 Section 12. **Effective date.**

831 This bill takes effect on July 1, 2009.

832 Section 13. **Coordinating S.B. 272 with H.B. 129 -- Substantive and technical**
833 **amendments.**

834 If this S.B. 272 and H.B. 129, Alcoholic Beverage Related Amendments Related to
835 Minors, both pass, it is the intent of the Legislature that the Office of Legislative Research and
836 General Counsel, in preparing the Utah Code database for publication, modify:

837 (1) Subsection 32A-12-209(5)(a) to read as follows:

838 "(5) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
839 found by a court to have violated this section, except as provided in Section 32A-12-223, the
840 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.";

841 (2) Subsection 32A-12-209.5(4)(a) to read as follows:

842 "(4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
843 found by a court to have violated this section, except as provided in Section 32A-12-223, the
844 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.";

845 (3) Subsection 53-3-220(1)(d) as amended in H.B. 129 to read as follows:

846 "(d) (i) The division shall immediately suspend for one year the license of a person
847 upon receiving a record of:

848 (A) conviction for the first time for a violation under Section 32A-12-223; or

849 (B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a
850 violation under Section 32A-12-223.

851 (ii) The division shall immediately suspend for a period of two years the license of a
852 person upon receiving a record of:

853 (A) (I) conviction for a second or subsequent violation under Section 32A-12-223; and

854 (II) the violation described in Subsection (1)(d)(ii)(A)(I) is within ten years of a prior
855 conviction for a violation under Section 32A-12-223; or

856 (B) (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court
857 Act of 1996, for a violation under Section 32A-12-223; and

858 (II) the adjudication described in Subsection (1)(d)(ii)(B)(I) is within ten years of a
859 prior adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation
860 under Section 32A-12-223.

861 (iii) Upon receipt of a record under Subsection (1)(d)(i) or (ii), the division shall:

862 (A) for a conviction or adjudication described in Subsection (1)(d)(i):

863 (I) impose a suspension for one year beginning on the date of conviction; or

864 (II) if the person is under the age of eligibility for a driver license, impose a suspension
865 that begins on the date of conviction and continues for one year beginning on the date of
866 eligibility for a driver license; or

867 (B) for a conviction or adjudication described in Subsection (1)(d)(ii):

868 (I) impose a suspension for a period of two years; or

869 (II) if the person is under the age of eligibility for a driver license, impose a suspension

870 that begins on the date of conviction and continues for two years beginning on the date of
871 eligibility for a driver license."; and

872 (4) Subsection 78A-6-606(3) to read as follows:

873 "(3) (a) The court hearing the case shall suspend the minor's driving privileges if:

874 (i) the minor violated Section 32A-12-209 or 32A-12-209.5 or Subsection
875 76-9-701(1); and

876 (ii) the violation described in Subsection (3)(a)(i) was committed on or after July 1,
877 2009.

878 (b) Notwithstanding the requirement in Subsection (3)(a), the court may reduce the
879 suspension period required under Section 53-3-219 if:

880 (i) the violation is the minor's first violation of Section 32A-12-209 or 32A-12-209.5
881 or Subsection 76-9-701(1); and

882 (ii) the minor completes an educational series as defined in Section 41-6a-501.

883 (c) The suspension periods and requirements that were in effect prior to July 1, 2009,
884 apply:

885 (i) to a minor that violated Section 32A-12-209 or 32A-12-209.5 or Subsection
886 76-9-701(1); and

887 (ii) for a violation that was committed prior to July 1, 2009.

888 (d) If a minor commits a proof of age violation, as defined in Section 32A-12-223:

889 (i) the court shall forward a record of adjudication to the Department of Public Safety
890 for a first or subsequent violation; and

891 (ii) the minor's driving privileges will be suspended:

892 (A) for a period of at least one year under Section 53-3-220 for a first conviction for a
893 violation of Section 32A-12-223; or

894 (B) for a period of two years for a second or subsequent conviction for a violation of
895 Section 32A-12-223."