

**DRIVER LICENSE REVISIONS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lyle W. Hillyard**

House Sponsor: \_\_\_\_\_

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**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 a physician that the person has not used alcohol, any narcotic drug, or other controlled substance except as prescribed by a licensed medical practitioner within the last three years; 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 Division has not received a report of an arrest for a violation of any motor vehicle law or a report of an accident in which the person was involved as an



28 operator of the vehicle; and  
29       ▶ makes technical changes.

30 **Monies Appropriated in this Bill:**

31       None

32 **Other Special Clauses:**

33       None

34 **Utah Code Sections Affected:**

35 AMENDS:

36       **53-3-220**, as last amended by Laws of Utah 2008, Chapters 3, 226, and 296



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

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

40       **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**  
41 **disqualification of license -- Offense requiring an extension of period -- Hearing --**  
42 **Limited driving privileges.**

43       (1) (a) The division shall immediately revoke or, when this chapter or Title 41, Chapter  
44 6a, Traffic Code, specifically provides for denial, suspension, or disqualification, the division  
45 shall deny, suspend, or disqualify the license of a person upon receiving a record of the person's  
46 conviction for:

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

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

53       (iii) driving or being in actual physical control of a motor vehicle while having a blood  
54 or breath alcohol content prohibited in Section 41-6a-502 or as prohibited in an ordinance that  
55 complies with the requirements of Subsection 41-6a-510(1);

56       (iv) perjury or the making of a false affidavit to the division under this chapter, Title  
57 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or  
58 regulating driving on highways;

- 59 (v) any felony under the motor vehicle laws of this state;
- 60 (vi) any other felony in which a motor vehicle is used to facilitate the offense;
- 61 (vii) failure to stop and render aid as required under the laws of this state if a motor  
62 vehicle accident results in the death or personal injury of another;
- 63 (viii) two charges of reckless driving, impaired driving, or any combination of reckless  
64 driving and impaired driving committed within a period of 12 months; but if upon a first  
65 conviction of reckless driving or impaired driving the judge or justice recommends suspension  
66 of the convicted person's license, the division may after a hearing suspend the license for a  
67 period of three months;
- 68 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as  
69 required in Section 41-6a-210;
- 70 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that  
71 requires disqualification;
- 72 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or  
73 allowing the discharge of a firearm from a vehicle;
- 74 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or  
75 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);
- 76 (xiii) operating or being in actual physical control of a motor vehicle while having any  
77 measurable controlled substance or metabolite of a controlled substance in the person's body in  
78 violation of Section 41-6a-517;
- 79 (xiv) until July 30, 2015, operating or being in actual physical control of a motor  
80 vehicle while having any alcohol in the person's body in violation of Section 53-3-232;
- 81 (xv) operating or being in actual physical control of a motor vehicle while having any  
82 measurable or detectable amount of alcohol in the person's body in violation of Section  
83 41-6a-530;
- 84 (xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in  
85 violation of Section 41-6a-606; or
- 86 (xvii) operating or being in actual physical control of a motor vehicle in this state  
87 without an ignition interlock system in violation of Section 41-6a-518.2.
- 88 (b) The division shall immediately revoke the license of a person upon receiving a  
89 record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for:

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

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

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

97 (i) any violation of:

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

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

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

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

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

103 (ii) any criminal offense that prohibits:

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

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

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

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

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

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

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

118 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is  
119 driving while the person's license is denied, suspended, disqualified, or revoked, the person is  
120 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,

121 or revocation originally imposed under Section 53-3-221.

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

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

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

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

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

137 (B) the division receives written verification from a physician that the person has not  
138 used alcohol, any narcotic drug, or other controlled substance except as prescribed by a  
139 licensed medical practitioner within the last three years; and

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

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

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

146 (III) the division has not received a report of an accident in which the person was  
147 involved as an operator of a vehicle.

148 (b) This discretionary privilege is limited to when undue hardship would result from a  
149 failure to grant the privilege and may be granted only once to any person during any single  
150 period of denial, suspension, revocation, or disqualification, or extension of that denial,  
151 suspension, revocation, or disqualification.

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

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**Legislative Review Note**  
**as of 1-30-09 10:24 AM**

**Office of Legislative Research and General Counsel**

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**S.B. 147 - Driver License Revisions**

**Fiscal Note**

2009 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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