

Representative Gregory H. Hughes proposes the following substitute bill:

DRIVER LICENSE SANCTIONS AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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



26 arrest who has violated certain driving under the influence provisions for the first time;

27 • from a period of one year to until the person is 21 years of age or for a period of
28 two years, whichever is longer, for a person under 21 years of age on the date of

29 arrest who has violated certain driving under the influence provisions two or
30 more times;

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

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

38 ▶ provides that a person is an interlock restricted driver if the person, within the last
39 18 months, has been convicted of a driving under the influence violation;

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

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

46 ▶ requires a court to order a minor's driver license suspended until the person is 21
47 years of age or for a period of two years, whichever is longer, for a second or
48 subsequent violation of certain alcohol related offenses and the violation was
49 committed on or after July 1, 2009; and

50 ▶ makes technical changes.

51 **Monies Appropriated in this Bill:**

52 None

53 **Other Special Clauses:**

54 This bill takes effect on July 1, 2009.

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

57 **Utah Code Sections Affected:**

58 AMENDS:

- 59 **32A-12-209**, as last amended by Laws of Utah 2008, Chapter 3
- 60 **32A-12-209.5**, as last amended by Laws of Utah 2008, Chapter 3
- 61 **41-6a-509**, as enacted by Laws of Utah 2005, Chapter 2
- 62 **41-6a-517**, as last amended by Laws of Utah 2006, Chapter 8
- 63 **41-6a-521**, as last amended by Laws of Utah 2008, Chapters 3 and 304
- 64 **41-6a-518.2**, as last amended by Laws of Utah 2008, Chapter 226
- 65 **53-3-219**, as last amended by Laws of Utah 2008, Chapter 3
- 66 **53-3-223**, as last amended by Laws of Utah 2008, Chapters 3, 226, and 304
- 67 **53-3-231**, as last amended by Laws of Utah 2008, Chapter 304
- 68 **76-9-701**, as last amended by Laws of Utah 2008, Chapter 3
- 69 **78A-6-606**, as renumbered and amended by Laws of Utah 2008, Chapter 3



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

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

73 **32A-12-209. Unlawful purchase, possession, consumption by minors --**

74 **Measurable amounts in body.**

- 75 (1) Unless specifically authorized by this title, it is unlawful for any minor to:
 - 76 (a) purchase any alcoholic beverage or product;
 - 77 (b) attempt to purchase any alcoholic beverage or product;
 - 78 (c) solicit another person to purchase any alcoholic beverage or product;
 - 79 (d) possess any alcoholic beverage or product;
 - 80 (e) consume any alcoholic beverage or product; or
 - 81 (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.
- 82 (2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic
 - 83 beverage or product for a minor for:
 - 84 (a) any minor to misrepresent the minor's age; or
 - 85 (b) any other person to misrepresent the age of a minor.
 - 86 (3) It is unlawful for a minor to possess or consume any alcoholic beverage while
 - 87 riding in a limousine or chartered bus.

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

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

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

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

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

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

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

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

104 (6) When the court issues an order suspending a person's driving privileges for a
105 violation of this section, the Driver License Division shall suspend the person's license under
106 Section 53-3-219.

107 (7) When the Department of Public Safety receives the arrest or conviction record of a
108 person for a driving offense committed while the person's license is suspended pursuant to this
109 section, the department shall extend the suspension for an additional like period of time.

110 (8) This section does not apply to a minor's consumption of an alcoholic beverage or
111 product in accordance with this title:

112 (a) for medicinal purposes if:

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

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

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

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

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

118 Section 2. Section ~~32A-12-209.5~~ is amended to read:

119 **32A-12-209.5. Unlawful admittance or attempt to gain admittance by minor.**

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

122 (a) a tavern; or

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

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

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

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

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

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

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

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

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

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

141 (5) When the court issues an order suspending a person's driving privileges for a
142 violation of this section, the Driver License Division shall suspend the person's license under
143 Section 53-3-219.

144 (6) When the Department of Public Safety receives the arrest or conviction record of a
145 person for a driving offense committed while the person's license is suspended pursuant to this
146 section, the department shall extend the suspension for an additional like period of time.

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

148 **41-6a-509. Driver license suspension or revocation for a driving under the
149 influence violation.**

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

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

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

153 convicted for the first time under Section 41-6a-502[;] of an offense committed on or after July

154 1, 2009; and

155 ~~[(ii)]~~ (B) revoke for ~~[one year]~~ a period of two years the license of a person ~~[convicted~~

156 of any subsequent offense under Section 41-6a-502 or] if:

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

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

159 committed:

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

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

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

163 (A) suspend the person's driver license until the person is 21 years of age or for a

164 period of 120 days, whichever is longer, if the person is convicted for the first time of a driving

165 under the influence violation under Section 41-6a-502 of an offense that was committed on or

166 after July 1, 2009;

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

168 years of age or for a period of 120 days, whichever is longer, if the person:

169 (I) is convicted for the first time of a driving under the influence violation under

170 Section 41-6a-502 of an offense committed on or after July 1, 2009; and

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

172 (C) revoke the person's driver license until the person is 21 years of age or for a period

173 of two years, whichever is longer, if:

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

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

176 committed:

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

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

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

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

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

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

183 committed:

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

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

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

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

188 (2).

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

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

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

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

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

194 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon

195 which the record of conviction is based.

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

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

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

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

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

201 begin the date on which the individual would be eligible to reinstate the individual's driving

202 privilege for a violation of Section 41-6a-502.

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

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

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

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

207 (i) complete all court ordered:

208 (A) screening;

209 (B) assessment;

210 (C) educational series;

211 (D) substance abuse treatment; and

212 (E) hours of work in a compensatory-service work program; or
213 (ii) pay all fines and fees, including fees for restitution and treatment costs.
214 (b) Upon receiving the notification described in Subsection (3)(a), the division shall
215 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

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

217 **41-6a-517. Definitions -- Driving with any measurable controlled substance in the**
218 **body -- Penalties -- Arrest without warrant.**

219 (1) As used in this section:

220 (a) "Controlled substance" means any substance scheduled under Section 58-37-4.

221 (b) "Practitioner" has the same meaning as provided in Section 58-37-2.

222 (c) "Prescribe" has the same meaning as provided in Section 58-37-2.

223 (d) "Prescription" has the same meaning as provided in Section 58-37-2.

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

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

229 (a) involuntarily ingested by the accused;

230 (b) prescribed by a practitioner for use by the accused; or

231 (c) otherwise legally ingested.

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

234 (b) A person who violates this section is subject to conviction and sentencing under
235 both this section and any applicable offense under Section 58-37-8.

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

240 (6) The Driver License Division shall:

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

242 [~~a~~] (i) suspend, for [90 days] a period of 120 days, the driver license of a person

243 convicted under Subsection (2)[;] of an offense committed on or after July 1, 2009; or
244 ~~[(b)]~~ (ii) revoke, for [one year] a period of two years, the driver license of a person
245 [convicted of a second or subsequent offense under Subsection (2) or] if:
246 (A) the person has a prior conviction as defined under Subsection 41-6a-501(2)[; if];
247 and
248 (B) the current violation under Subsection (2) is committed;
249 (I) within a period of ten years after the date of the prior violation; and
250 (II) on or after July 1, 2009;
251 (b) if the person is under 21 years of age on the date of arrest:
252 (i) suspend, until the person is 21 years of age or for a period of 120 days, the driver
253 license of a person convicted under Subsection (2) of an offense committed on or after July 1,
254 2009; or
255 (ii) revoke, until the person is 21 years of age or for a period of two years, the driver
256 license of a person if:
257 (A) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
258 (B) the current violation under Subsection (2) is committed;
259 (I) within a period of ten years after the date of the prior violation; and
260 (II) on or after July 1, 2009;
261 (c) subtract from any suspension or revocation period the number of days for which a
262 license was previously suspended under Section 53-3-223 or 53-3-231, if the previous
263 suspension was based on the same occurrence upon which the record of conviction is based[-];
264 and
265 (d) deny, suspend, or revoke a person's license for the denial and suspension periods in
266 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was
267 committed prior to July 1, 2009.
268 (7) (a) The court shall notify the Driver License Division if a person fails to:
269 (i) complete all court ordered screening and assessment, educational series, and
270 substance abuse treatment; or
271 (ii) pay all fines and fees, including fees for restitution and treatment costs.
272 (b) Upon receiving the notification, the division shall suspend the person's driving
273 privilege in accordance with Subsections 53-3-221(2) and (3).

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

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

277 **41-6a-518.2. Interlock restricted driver -- Penalties for operation without ignition**
278 **interlock system.**

279 (1) As used in this section:

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

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

283 (ii) is certified by the Commissioner of Public Safety in accordance with Subsection
284 41-6a-518(8); and

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

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

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

290 ~~(B)~~ (C) (I) within the last three years has been convicted of an offense that occurred
291 after May 1, 2006 which would be a conviction as defined under Section 41-6a-501; and

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

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

296 ~~(D)~~ (E) within the last three years has had the person's driving privilege revoked for
297 refusal to submit to a chemical test under Section 41-6a-520, which refusal occurred after May
298 1, 2006;

299 ~~(E)~~ (F) within the last three years has been convicted of a violation of Section
300 41-6a-502 and was under the age of 21 at the time the offense was committed;

301 ~~(F)~~ (G) within the last six years has been convicted of a felony violation of Section
302 41-6a-502 for an offense that occurred after May 1, 2006; or

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

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

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

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

310 (2) For purposes of this section, a plea of guilty or no contest to a violation of Section
311 41-6a-502 which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,
312 prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently
313 reduced or dismissed in accordance with the plea in abeyance agreement.

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

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

317 (i) an interlock restricted driver:

318 (A) operated or was in actual physical control of a vehicle owned by the interlock
319 restricted driver's employer;

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

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

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

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

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

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

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

334 **41-6a-521. Revocation hearing for refusal -- Appeal.**

335 (1) (a) A person who has been notified of the Driver License Division's intention to

336 revoke the person's license under Section 41-6a-520 is entitled to a hearing.

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

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

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

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

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

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

349 ~~[(A)]~~ (I) license sanction for an offense that occurred within the previous ten years
350 from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or
351 53-3-232; or

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

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

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

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

361 (I) license sanction for an offense that occurred within the previous ten years from the
362 date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or
363 53-3-232; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

394 ~~[(A)]~~ (I) license sanction for an offense that occurred within the previous ten years
 395 from the date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or
 396 53-3-232; or

397 ~~[(B)]~~ (II) conviction for an offense that occurred within the previous ten years from the

398 date of arrest under Section 41-6a-502 or a statute previously in effect in this state that would
399 constitute a violation of Section 41-6a-502[-];

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

401 (A) until the person is 21 years of age or for a period of 18 months, whichever is
402 longer, for an arrest that was made on or after July 1, 2009, and unless Subsection (5)(a)(ii)(B)
403 applies; or

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

406 (I) license sanction for an offense that occurred within the previous ten years from the
407 date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or
408 53-3-232; or

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

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

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

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

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

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

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

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

424 **53-3-219. Suspension of minor's driving privileges.**

425 (1) The division shall immediately suspend all driving privileges of any person upon
426 receipt of an order suspending driving privileges under Section 32A-12-209, Section
427 32A-12-209.5, Subsection 76-9-701(1), or Section 78A-6-606.

428 ~~[(a) Upon]~~ (2) (a) (i) Except as provided in Subsection (2)(a)(ii), upon receipt of the

429 first order suspending a person's driving privileges under Section 32A-12-209 or
430 32A-12-209.5, Subsection 76-9-701(1), or Section 78A-6-606 for a violation that was
431 committed on or after July 1, 2009, the division shall:

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

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

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

440 (ii) Upon receipt of the first order suspending a person's driving privileges under this
441 section, the division shall reduce the suspension period under Subsection (2)(a)(i)(A), (B), or
442 (C) if ordered by the court in accordance with Subsection 32A-12-209(4)(b),
443 32A-12-209(3)(b), 76-9-701(3)(b), or 78A-6-606(3)(b).

444 (b) Upon receipt of a second or subsequent order suspending a person's driving
445 privileges under Section 32A-12-209 or 32A-12-209.5, Subsection 76-9-701(1), or Section
446 78A-6-606 for a violation that was committed on or after July 1, 2009, the division shall
447 [impose a suspension for six months or, if the person is under the age of eligibility for a driver
448 license, the suspension shall begin on the date of conviction and continue for the first six
449 months following the date of eligibility.]:

450 (i) impose a suspension until the person is 21 years of age or for a period of two years,
451 whichever is longer; or

452 (ii) if the person has not been issued an operator license or is under the age of
453 eligibility for a driver license, deny the person's application for a license or learner's permit
454 until the person is 21 years of age or for a period of two years, whichever is longer.

455 (c) The Driver License Division shall impose a suspension for the suspension period in
456 effect prior to July 1, 2009, if the order suspending driving privileges under Section
457 32A-12-209 or 32A-12-209.5, Subsection 76-9-701(1), or Section 78A-6-606 is for a violation
458 committed prior to July 1, 2009.

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

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

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

467 [(2)] (4) After reinstatement of the license under Subsection (1)(a), a report authorized
468 under Section 53-3-104 may not contain evidence of the suspension of a minor's license under
469 this section if the minor has not been convicted of any other offense for which the suspension
470 under Subsection (1)(a) may be extended.

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

472 **53-3-223. Chemical test for driving under the influence -- Temporary license --**
473 **Hearing and decision -- Suspension and fee -- Judicial review.**

474 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
475 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a
476 certain blood or breath alcohol concentration and driving under the influence of any drug,
477 alcohol, or combination of a drug and alcohol or while having any measurable controlled
478 substance or metabolite of a controlled substance in the person's body in violation of Section
479 41-6a-517, the peace officer may, in connection with arresting the person, request that the
480 person submit to a chemical test or tests to be administered in compliance with the standards
481 under Section 41-6a-520.

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

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

489 (3) If the person submits to a chemical test and the test results indicate a blood or
490 breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer

491 makes a determination, based on reasonable grounds, that the person is otherwise in violation
492 of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of
493 arrest, give notice of the division's intention to suspend the person's license to drive a motor
494 vehicle.

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

497 (i) take the Utah license certificate or permit, if any, of the driver;

498 (ii) issue a temporary license certificate effective for only 29 days from the date of
499 arrest; and

500 (iii) supply to the driver, in a manner specified by the division, basic information
501 regarding how to obtain a prompt hearing before the division.

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

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

506 (a) the person's license certificate;

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

508 (c) a signed report in a manner specified by the division indicating the chemical test
509 results, if any; and

510 (d) any other basis for the peace officer's determination that the person has violated
511 Section 41-6a-502 or 41-6a-517.

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

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

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

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

521 (i) whether a peace officer had reasonable grounds to believe the person was driving a

522 motor vehicle in violation of Section 41-6a-502 or 41-6a-517;

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

524 (iii) the test results, if any.

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

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

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

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

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

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

534 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
535 grounds to believe that the person was driving a motor vehicle in violation of Section
536 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the
537 notice, or if a hearing is not requested under this section, the division shall [~~suspend the~~
538 ~~person's license or permit to operate a motor vehicle~~];

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

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

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

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

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

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

552 (II) until the person is 21 years of age or for a period of two years, whichever is longer,

553 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an
554 offense that occurred within the previous ten years; or

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

556 (I) until the person is 21 years of age or for a period of 120 days, whichever is longer,

557 for a first suspension if the person has not been issued an operator license; or

558 (II) until the person is 21 years of age or for a period of two years, whichever is longer,

559 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an
560 offense that occurred within the previous ten years.

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

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

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

569 (B) no sooner than 60 days beginning on the 30th day after the date of arrest upon
570 receiving written verification of the person's reduction of a charge for a violation of Section
571 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the
572 suspension period.

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

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

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

582 (b) A person whose license has been suspended by the division under this section
583 following an administrative hearing may file a petition within 30 days after the suspension for a

584 hearing on the matter which, if held, is governed by Section 53-3-224.

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

586 **53-3-231. Person under 21 may not operate a vehicle or motorboat with**
587 **detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing**
588 **and decision -- Suspension of license or operating privilege -- Fees -- Judicial review --**
589 **Referral to local substance abuse authority or program.**

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

591 (i) "Local substance abuse authority" has the same meaning as provided in Section
592 62A-15-102.

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

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

598 (2) (a) A person younger than 21 years of age may not operate or be in actual physical
599 control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol
600 concentration in the person's body as shown by a chemical test.

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

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

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

611 (c) If the person submits to a chemical test and the test results indicate a blood, breath,
612 or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a
613 determination, based on reasonable grounds, that the person is otherwise in violation of
614 Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the

615 arrest, give notice of the division's intention to deny or suspend the person's license to operate a
616 vehicle or refusal to issue a license under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

646 (iii) the test results, if any.

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

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

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

653 (8) If, after a hearing, the division determines that a peace officer had reasonable
654 grounds to believe that the person was driving a motor vehicle in violation of Subsection (2)(a),
655 if the person fails to appear before the division as required in the notice, or if the person does
656 not request a hearing under this section, the division shall:

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

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

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

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

665 (c) deny the person's application for a license or learner's permit until the person is [~~17~~]
666 21 years of age or for a period of one year, whichever is longer, if:

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

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

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

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

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

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

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

676 (e) deny or suspend a person's license for the denial and suspension periods in effect

677 prior to July 1, 2009, for a violation under Subsection (2)(a) that was committed prior to July 1,
678 2009.

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

683 (ii) This fee shall be canceled if the person obtains an unappealed division hearing or
684 court decision that the suspension was not proper.

685 (b) A person whose operator license has been denied, suspended, or postponed by the
686 division under this section following an administrative hearing may file a petition within 30
687 days after the suspension for a hearing on the matter which, if held, is governed by Section
688 53-3-224.

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

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

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

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

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

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

705 (A) a targeted education and prevention program;

706 (B) an early intervention program; or

707 (C) a substance abuse treatment program.

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

710 (c) At the conclusion of the penalty period imposed under Subsection (2), the local
711 substance abuse authority or the substance abuse program shall notify the division of the
712 person's status regarding completion of the recommended action.

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

715 (i) conducting the assessments;

716 (ii) making appropriate recommendations for action; and

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

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

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

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

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

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

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

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

733 **76-9-701. Intoxication -- Release of arrested person or placement in detoxification**
734 **center.**

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

739 (2) (a) A peace officer or a magistrate may release from custody a person arrested
740 under this section if the peace officer or magistrate believes imprisonment is unnecessary for
741 the protection of the person or another.

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

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

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

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

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

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

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

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

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

760 (5) When the court issues an order suspending a person's driving privileges for a
761 violation of this section, the person's driver license shall be suspended under Section 53-3-219.

762 (6) An offense under this section is a class C misdemeanor.

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

764 **78A-6-606. Suspension of license for certain offenses.**

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

767 (a) Section 58-37-8;

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

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

- 770 (d) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
771 (e) Title 58, Chapter 37b, Imitation Controlled Substances; or
772 (f) Subsection 76-9-701(1).

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

777 (3) (a) [If the court hearing the case determines that the minor violated Section
778 32A-12-209, Section 32A-12-209.5, or Subsection 76-9-701(1), and the violation is the
779 minor's: (a) first violation, the] The court [may] hearing the case shall suspend the minor's
780 driving privileges[; or (b) second or subsequent violation, the court shall suspend the minor's
781 driving privileges.] if:

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

784 (ii) the violation described in Subsection (3)(a)(i) was committed on or after July 1,
785 2009.

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

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

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

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

793 (i) to a minor that violated Section 32A-12-209 or 32A-12-209.5 or Subsection
794 76-9-701(1); and

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

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

- 798 (a) Section 32A-12-209;
799 (b) Section 32A-12-209.5;
800 (c) Section 58-37-8;

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

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

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

806 Section 12. **Effective date.**

807 This bill takes effect on July 1, 2009.

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

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

813 (1) Subsection 32A-12-209(4)(a) to read as follows:

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

817 (2) Subsection 32A-12-209.5(3)(a) to read as follows:

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

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

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

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

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

827 (ii) The division shall immediately suspend until the person is 21 years of age or for a
828 period of two years, whichever is longer, the license of a person upon receiving a record of:

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

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

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

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

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

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

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

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

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

844 (I) impose a suspension until the person is 21 years of age or for a period of two years,
845 whichever is longer; or

846 (II) if the person is under the age of eligibility for a driver license, impose a suspension
847 that begins on the date of conviction and continues until the person is 21 years of age or for two
848 years, whichever is longer."; and

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

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

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

852 and

853 (ii) the violation described in Subsection (3)(a)(i) was committed on or after July 1,
854 2009.

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

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

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

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

862 (i) to a minor that violated Section 32A-12-209 or 32A-12-209.5 or Subsection

863 76-9-701(1); and
864 (ii) for a violation that was committed prior to July 1, 2009.
865 (d) If a minor commits a proof of age violation, as defined in Section 32A-12-223:
866 (i) the court shall forward a record of adjudication to the Department of Public Safety
867 for a first or subsequent violation; and
868 (ii) the minor's driving privileges will be suspended:
869 (A) for a period of at least one year under Section 53-3-220 for a first conviction for a
870 violation of Section 32A-12-223; or
871 (B) until the person is 21 years of age or for a period of two years, whichever is longer,
872 for a second or subsequent conviction for a violation of Section 32-12-223."