

Representative Gregory H. Hughes proposes the following substitute bill:

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

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;



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 years
50 for a second or subsequent violation of certain alcohol related offenses and the
51 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:**

None

Other Special Clauses:

This bill takes effect on July 1, 2009.

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

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Measurable amounts in body.

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

(a) purchase any alcoholic beverage or product;

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

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

(d) possess any alcoholic beverage or product;

(e) consume any alcoholic beverage or product; or

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

(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 (4)(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 record
118 of a person for a driving offense committed while the person's license is suspended pursuant to

this section, the department shall extend the suspension for an additional like period of time.

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

(a) for medicinal purposes if:

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

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

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

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

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

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

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

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

(a) a tavern; or

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

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

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

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

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

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

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

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

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

(b) Notwithstanding the provision in Subsection (3)(a), the court may reduce the

suspension period required under Section 53-3-219 if:

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

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

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

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

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

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

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

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

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

~~[(i)]~~ (A) suspend for ~~[90 days]~~ a period of 120 days the operator's license of a person convicted for the first time under Section 41-6a-502[;] of an offense committed on or after July 1, 2009; and

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

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

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

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

(Bb) on or after July 1, 2009;

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

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

181 after July 1, 2009;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

202 (iii) suspend or revoke the license of a person as ordered by the court under Subsection
203 (2).

204 (b) The Driver License Division shall suspend the operator's license of a person
205 convicted under Section 41-6a-502 of an offense that was committed prior to July 1, 2009, for
206 the suspension periods in effect prior to July 1, 2009.

207 ~~[(b)]~~ (c) The Driver License Division shall subtract from any suspension or revocation
208 period the number of days for which a license was previously suspended under Section
209 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
210 which the record of conviction is based.

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

the operator's license of a person who is convicted of a violation of Section 41-6a-502 to be suspended or revoked for an additional period of 90 days, 180 days, one year, or two years to remove from the highways those persons who have shown they are safety hazards.

(ii) The additional suspension or revocation period provided in this Subsection (2) shall begin the date on which the individual would be eligible to reinstate the individual's driving privilege for a violation of Section 41-6a-502.

(b) If the court suspends or revokes the person's license under this Subsection (2), the court shall prepare and send to the Driver License Division an order to suspend or revoke that person's driving privileges for a specified period of time.

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

(i) complete all court ordered:

(A) screening;

(B) assessment;

(C) educational series;

(D) substance abuse treatment; and

(E) hours of work in a compensatory-service work program; or

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

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

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

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

(1) As used in this section:

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

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

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

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

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

(3) It is an affirmative defense to prosecution under this section that the controlled

243 substance was:

244 (a) involuntarily ingested by the accused;

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

246 (c) otherwise legally ingested.

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

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

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

255 (6) The Driver License Division shall:

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

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

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

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

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

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

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

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

267 (i) suspend, until the person is 21 years of age or for a period of 120 days, the driver
268 license of a person convicted under Subsection (2) of an offense committed on or after July 1,
269 2009; or

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

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

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

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

(II) on or after July 1, 2009;

(c) subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based[-]; and

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

311 ~~[(D)]~~ (E) within the last three years has had the person's driving privilege revoked for
312 refusal to submit to a chemical test under Section 41-6a-520, which refusal occurred after May
313 1, 2006;

314 ~~[(E)]~~ (F) within the last three years has been convicted of a violation of Section
315 41-6a-502 and was under the age of 21 at the time the offense was committed;

316 ~~[(F)]~~ (G) within the last six years has been convicted of a felony violation of Section
317 41-6a-502 for an offense that occurred after May 1, 2006; or

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

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

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

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

325 (2) For purposes of this section, a plea of guilty or no contest to a violation of Section
326 41-6a-502 which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,
327 prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently
328 reduced or dismissed in accordance with the plea in abeyance agreement.

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

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

332 (i) an interlock restricted driver:

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

335 (B) had given written notice to the employer of the interlock restricted driver's

interlock restricted status prior to the operation or actual physical control under Subsection (4)(a)(i); and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

376 (I) license sanction for an offense that occurred within the previous ten years from the
377 date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or
378 53-3-232; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(a) Upon]~~ (2) (a) (i) Except as provided in Subsection (2)(a)(ii), upon receipt of the first order suspending a person's driving privileges under Section 32A-12-209 or 32A-12-209.5, Subsection 76-9-701(1), or Section 78A-6-606 for a violation that was committed on or after July 1, 2009, the division shall:

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

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

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

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

(b) Upon receipt of a second or subsequent order suspending a person's driving

privileges under Section 32A-12-209 or 32A-12-209.5, Subsection 76-9-701(1), or Section 78A-6-606 for a violation that was committed on or after July 1, 2009, the division shall ~~[impose a suspension for six months or, if the person is under the age of eligibility for a driver license, the suspension shall begin on the date of conviction and continue for the first six months following the date of eligibility.];~~

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

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

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

(3) The Driver License Division shall subtract from any suspension or revocation period for a conviction of a violation of Section 32A-12-209 the number of days for which a license was previously suspended under Section 53-3-231, if the previous sanction was based on the same occurrence upon which the record of conviction is based.

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

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

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

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

(1) (a) If a peace officer has reasonable grounds to believe that a person may be violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a certain blood or breath alcohol concentration and driving under the influence of any drug,

alcohol, or combination of a drug and alcohol or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517, the peace officer may, in connection with arresting the person, request that the person submit to a chemical test or tests to be administered in compliance with the standards under Section 41-6a-520.

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

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

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

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

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

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

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

- (a) the person's license certificate;
- (b) a copy of the citation issued for the offense;

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

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

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

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

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

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

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

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

(iii) the test results, if any.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) no sooner than 60 days beginning on the 30th day after the date of arrest upon

receiving written verification of the person's reduction of a charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the suspension period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) any other basis for a peace officer's determination that the person has violated

Subsection (2).

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

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

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

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

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

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

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

(iii) the test results, if any.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) (a) In addition to the penalties in Subsection (8), a person who violates Subsection

(2)(a) shall:

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

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

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

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

(A) a targeted education and prevention program;

(B) an early intervention program; or

(C) a substance abuse treatment program.

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

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

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

(i) conducting the assessments;

(ii) making appropriate recommendations for action; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is

found by a court to have violated this section, the court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.

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

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

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

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

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

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

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

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

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

(a) Section 58-37-8;

(b) Section 32A-12-209;

(c) Section 32A-12-209.5;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Section 32A-12-209;

(b) Section 32A-12-209.5;

(c) Section 58-37-8;

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

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

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

Section 12. **Effective date.**

This bill takes effect on July 1, 2009.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

863 (I) impose a suspension for a period of two years; 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 two years beginning on the date of
866 eligibility for a driver license."; and
867 (4) Subsection 78A-6-606(3) to read as follows:
868 "(3) (a) The court hearing the case shall suspend the minor's driving privileges if:
869 (i) the minor violated Section 32A-12-209 or 32A-12-209.5 or Subsection 76-9-701(1);
870 and
871 (ii) the violation described in Subsection (3)(a)(i) was committed on or after July 1,
872 2009.
873 (b) Notwithstanding the requirement in Subsection (3)(a), the court may reduce the
874 suspension period required under Section 53-3-219 if:
875 (i) the violation is the minor's first violation of Section 32A-12-209 or 32A-12-209.5
876 or Subsection 76-9-701(1); and
877 (ii) the minor completes an educational series as defined in Section 41-6a-501.
878 (c) The suspension periods and requirements that were in effect prior to July 1, 2009,
879 apply:
880 (i) to a minor that violated Section 32A-12-209 or 32A-12-209.5 or Subsection
881 76-9-701(1); and
882 (ii) for a violation that was committed prior to July 1, 2009.
883 (d) If a minor commits a proof of age violation, as defined in Section 32A-12-223:
884 (i) the court shall forward a record of adjudication to the Department of Public Safety
885 for a first or subsequent violation; and
886 (ii) the minor's driving privileges will be suspended:
887 (A) for a period of at least one year under Section 53-3-220 for a first conviction for a
888 violation of Section 32A-12-223; or
889 (B) for a period of two years for a second or subsequent conviction for a violation of
890 Section 32A-12-223."

Fiscal Note**S.B. 272 2nd Sub. (Salmon) - Driver License Sanctions and Sentencing
Requirements for Driving Under the Influence and Alcohol Related Offenses**

2009 General Session

State of Utah

State Impact

Enactment of this bill would require a one-time appropriation of \$12,000 to the Department of Public Safety for programming costs. Increasing the suspension periods for certain offenses decreases revenue to the Public Safety Restricted Account by \$217,000 in FY 2010 and \$333,500 in FY 2011; the action also decreases revenue to the Department of Health by \$45,200 in FY 2010 and \$72,000 in FY 2011 and the Drivers License Division by \$114,800 in FY 2010 and \$176,500 in FY 2011. The amount of the loss decreases to \$3,400 in FY 2012, after which there is no further revenue loss.

	2009	2010	2011	2009	2010	2011
	<u>Approp.</u>	<u>Approp.</u>	<u>Approp.</u>	<u>Revenue</u>	<u>Revenue</u>	<u>Revenue</u>
General Fund, One-Time	\$0	\$12,000	\$0	\$0	\$0	\$0
General Fund Restricted	\$0	\$0	\$0	\$0	(\$45,200)	(\$72,000)
Transportation Fund Restricted	\$0	\$0	\$0	\$0	(\$331,800)	(\$510,000)
Total	\$0	\$12,000	\$0	\$0	(\$377,000)	(\$582,000)

Individual, Business and/or Local Impact

Certain individuals will be unable to drive for longer periods of time. Businesses and local entities are likely unaffected.