

88 committed[:(Aa)] on or after July 1, 2009, and within a period of 10 years from the date of the  
 89 prior violation; [~~and~~] or

90 [~~(Bb)~~] ~~on or after July 1, 2009; or~~

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

93 [~~(F)~~] (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);

94 [~~(H)~~] (ii) the current driving under the influence violation under Section 41-6a-502 is  
 95 committed[:(Aa)] on or after July 1, 2009, and within a period of 10 years from the date of the  
 96 prior violation; and

97 [~~(Bb)~~] ~~on or after July 1, 2009; and~~

98 [~~(H)~~] (iii) the person has not been issued an operator license[; ~~and~~].

99 [~~(iii)~~] ~~H→~~ [~~(3)~~] (4) ~~←H~~ The Driver License Division shall suspend or revoke the  
 99a license of a person

100 as ordered by the court under Subsection [~~(2)~~] ~~H→~~ [~~(9)~~] (10) ~~←H~~ .

101 [~~(b)~~] ~~H→~~ [~~(4)~~] (5) ~~←H~~ The Driver License Division shall:

102 (a) deny, suspend, or revoke the operator's license of a person convicted under Section  
 103 41-6a-502 of an offense that was committed prior to July 1, 2009, for the denial, suspension, or  
 104 revocation periods in effect prior to July 1, 2009[;]; or

105 (b) deny, suspend, or revoke the operator's license of a person for the denial,  
 106 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

107 (i) the person was 20 years of age or older but under 21 years of age at the time of  
 108 arrest; and

109 (ii) the conviction under Section 41-6a-502 is for an offense that was committed on or  
 110 after July 1, 2009, and prior to July 1, 2011.

111 [~~(c)~~] ~~H→~~ [~~(5)~~] (6) ~~←H~~ The Driver License Division shall subtract from any suspension  
 111a or revocation

112 period the number of days for which a license was previously suspended under Section  
 113 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon  
 114 which the record of conviction is based.

115 [~~(d)~~] ~~H→~~ [~~(6)~~] (7) ~~←H~~ If a conviction recorded as impaired driving is amended to a  
 115a driving under the

116 influence conviction under Section 41-6a-502 in accordance with Subsection  
 117 41-6a-502.5(3)(a)(ii), the Driver License Division:

118 [~~(i)~~] (a) may not subtract from any suspension or revocation any time for which a

119 license was previously suspended or revoked under Section 53-3-223 or 53-3-231; and  
 120 ~~[(†)]~~ (b) shall start the suspension or revocation time under Subsection (1)~~[(a)]~~ on the  
 121 date of the amended conviction.

122 ~~H→ [(7)] (8) ←H~~ A court that reported a conviction of a violation of Section 41-6a-502 for a  
 123 violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the  
 124 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) prior to  
 125 completion of the suspension period if the person:

126 (a) (i) for a suspension imposed under Subsection (2)(a) or (b), completes at least six  
 127 months of the license suspension; or

128 (ii) for a license suspension imposed under Subsection (3)(a) or (b), completes at least  
 129 two years of the license suspension;

130 (b) completes a screening;

131 (c) completes an assessment, if it is found appropriate by a screening under Subsection

132 ~~H→ [(7)] (8) ←H~~ (b);

133 (d) completes substance abuse treatment if it is found appropriate by the assessment  
 134 under Subsection ~~H→ [(7)] (8) ←H~~ (c);

135 (e) completes an educational series if substance abuse treatment is not required by an  
 136 assessment under Subsection ~~H→ [(7)] (8) ←H~~ (c) or the court does not order substance  
 136a abuse treatment;

137 (f) has not been convicted of a violation of any motor vehicle law in which the person  
 138 was involved as the operator of the vehicle during the suspension period imposed under  
 139 Subsection (2)(a) or (b) or Subsection (3)(a) or (b);

140 (g) has complied with all the terms of the person's probation or all orders of the court if  
 141 not ordered to probation; and

142 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
 143 person has not ~~S→ unlawfully ←S~~ consumed alcohol ~~S→ [in violation of Section 32B-4-409] ←S~~  
 143a during the suspension

144 period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or

145 (ii) is under 18 years of age and has the person's parent or legal guardian provide an  
 146 affidavit or sworn statement to the court certifying that to the parent or legal guardian's  
 147 knowledge the person has not ~~S→ unlawfully ←S~~ consumed alcohol ~~S→ [in violation of Section~~  
 147a ~~32B-4-409] ←S~~ during the  
 148 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

149 ~~H→ [(8)] (9) ←H~~ If the court shortens a person's license suspension period in accordance  
 149a with the

150 requirements of Subsection ~~H~~→ ~~(7)~~ (8) ←~~H~~ , the court shall forward the order shortening  
 150a the person's

151 suspension period prior to the completion of the suspension period imposed under Subsection  
 152 (2)(a) or (b) or Subsection (3)(a) or (b) to the Driver License Division.

153 ~~(2)~~ ~~H~~→ ~~(9)~~ (10) ←~~H~~ (a) (i) In addition to any other penalties provided in this section,  
 153a a court may

154 order the operator's license of a person who is convicted of a violation of Section 41-6a-502 to  
 155 be suspended or revoked for an additional period of 90 days, 120 days, 180 days, one year, or  
 156 two years to remove from the highways those persons who have shown they are safety hazards.

157 (ii) The additional suspension or revocation period provided in this Subsection ~~(2)~~  
 157a ~~H~~→ ~~(9)~~ (10) ←~~H~~

158 shall begin the date on which the individual would be eligible to reinstate the individual's  
 159 driving privilege for a violation of Section 41-6a-502.

160 (b) If the court suspends or revokes the person's license under this Subsection ~~(2)~~  
 160a ~~H~~→ ~~(9)~~ (10) ←~~H~~ ,

161 the court shall prepare and send to the Driver License Division an order to suspend or revoke  
 162 that person's driving privileges for a specified period of time.

163 ~~(3)~~ ~~H~~→ ~~(10)~~ (11) ←~~H~~ (a) The court shall notify the Driver License Division if a  
 163a person fails to:

164 (i) complete all court ordered:

165 (A) screening;

166 (B) assessment;

167 (C) educational series;

168 (D) substance abuse treatment; and

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

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

171 (b) Upon receiving the notification described in Subsection ~~(3)~~ ~~H~~→ ~~(10)~~ (11) ←~~H~~ (a),  
 171a the division

172 shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and  
 173 (3).

174 Section 2. Section **41-6a-517** is amended to read:

175 **41-6a-517. Definitions -- Driving with any measurable controlled substance in the**  
 176 **body -- Penalties -- Arrest without warrant.**

177 (1) As used in this section:

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

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

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

243 July 1, 2009, and prior to July 1, 2011.

244 (11) A court that reported a conviction of a violation of this section for a violation that  
 245 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension  
 246 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period  
 247 if the person:

248 (a) (i) for a license suspension imposed under Subsection (7)(a), completes at least six  
 249 months of the license suspension; or

250 (ii) for a license suspension imposed under Subsection (8)(a), completes at least two  
 251 years of the license suspension;

252 (b) completes a screening;

253 (c) completes an assessment, if it is found appropriate by a screening under Subsection  
 254 (11)(b);

255 (d) completes substance abuse treatment if it is found appropriate by the assessment  
 256 under Subsection (11)(c);

257 (e) completes an educational series if substance abuse treatment is not required by the  
 258 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

259 (f) has not been convicted of a violation of any motor vehicle law in which the person  
 260 was involved as the operator of the vehicle during the suspension period imposed under  
 261 Subsection (7)(a) or (8)(a)(i);

262 (g) has complied with all the terms of the person's probation or all orders of the court if  
 263 not ordered to probation; and

264 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
 265 person has not consumed a controlled substance not prescribed by a practitioner for use by the

266 person or ~~§~~ **unlawfully consumed** ~~←§~~ alcohol ~~§~~ **[in violation of Section 32B-4-409]** ~~←§~~ during  
 266a the suspension period imposed

267 under Subsection (7)(a) or (8)(a); or

268 (ii) is under 18 years of age and has the person's parent or legal guardian provide an  
 269 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's  
 270 knowledge the person has not consumed a controlled substance not prescribed by a practitioner

271 for use by the person or ~~§~~ **unlawfully consumed** ~~←§~~ alcohol ~~§~~ **[in violation of Section**  
 271a ~~32B-4-409]~~ ~~←§~~ during the suspension period

272 imposed under Subsection (7)(a) or (8)(a).

273 (12) If the court shortens a person's license suspension period in accordance with the

274 requirements of Subsection (11), the court shall forward the order shortening the person's  
 275 license suspension period prior to the completion of the suspension period imposed under  
 276 Subsection (7)(a) or (8)(a) to the Driver License Division.

277 [~~7~~] (13) (a) The court shall notify the Driver License Division if a person fails to:

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

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

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

283 [~~8~~] (14) The court shall order supervised probation in accordance with Section  
 284 41-6a-507 for a person convicted under Subsection (2).

285 Section 3. Section **41-6a-521** is amended to read:

286 **41-6a-521. Revocation hearing for refusal -- Appeal.**

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

289 (b) A request for the hearing shall be made in writing within 10 calendar days after the  
 290 day on which notice is provided.

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

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

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

298 (A) ~~§~~ → [f] **18 months** [~~two years if the arrest was made on or after July 1, 2011~~] ← ~~§~~ , unless  
 299 Subsection (1)(d)(i)(B) applies; or

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

302 (I) license sanction for an offense that occurred within the previous 10 years from the  
 303 date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or  
 304 53-3-232; or

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

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

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

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

345 (A) ~~H~~→ [f] 18 months [f] [~~two years if the arrest was made on or after July 1, 2011,~~  
345a ~~and~~] ←~~H~~ unless

346 Subsection (5)(a)(i)(B) applies; or

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

349 (I) license sanction for an offense that occurred within the previous 10 years from the  
350 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 (II) conviction for an offense that occurred within the previous 10 years from the date  
353 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~~] two years,  
357 whichever is longer, for an arrest that was made on or after July 1, [~~2009~~] 2011, and unless  
358 Subsection (5)(a)(ii)(B) applies; 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 10 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 10 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