

338 grounds to believe that the person was driving a motor vehicle in violation of Section  
 339 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the  
 340 notice, or if a hearing is not requested under this section, the division shall:

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

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

345 (B) two years beginning on the 30th day after the date of arrest for a second or

346 subsequent suspension for an offense that occurred within the previous 10 years; or

347 (ii) if the person is ~~[19 years of age or older but]~~ under 21 years of age at the time of

348 arrest and the arrest was made on or after ~~H→ [July 1, 2009]~~ 2013 May 14, 2013 ←H :

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

350 (I) for a period of six months, beginning on the 30th day after the date of arrest for a  
 351 first suspension; or

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

353 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an

354 offense that occurred within the previous 10 years; or

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

356 (I) for a period of six months for a first suspension, if the person has not been issued an  
 357 operator license; or

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

359 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an

360 offense that occurred within the previous 10 years~~[-or]~~.

361 ~~[(iii) if the person is under 19 years of age at the time of arrest and the arrest was made  
 362 on or after July 1, 2009:]~~

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

364 ~~[(I) for a period of two years beginning on the 30th day after the date of arrest for a first  
 365 suspension; or]~~

366 ~~[(II) until the person is 21 years of age or for a period of two years, whichever is~~

367 ~~longer, beginning on the 30th day after the date of arrest for a second or subsequent suspension~~

368 ~~for an offense that occurred within the previous 10 years; or]~~

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

370 ~~[(F) for a period of two years for a first suspension, if the person has not been issued an~~  
 371 ~~operator license; or]~~

372 ~~[(H) until the person is 21 years of age or for a period of two years, whichever is~~  
 373 ~~longer, beginning on the 30th day after the date of arrest for a second or subsequent suspension~~  
 374 ~~for an offense that occurred within the previous 10 years.]~~

375 (b) The division shall deny or suspend a person's license for the denial and suspension  
 376 periods in effect:

377 (i) prior to July 1, 2009, for an offense that was committed prior to July 1, 2009; [or]

378 (ii) from July 1, 2009, through June 30, 2011, if:

379 (A) the person was 20 years 6 months of age or older but under 21 years of age at the  
 380 time of arrest; and

381 (B) the conviction under Subsection (2) is for an offense that was committed on or  
 382 after July 1, 2009, and prior to July 1, 2011[-]; or

383 (iii) prior to ~~H~~→ [July 1, 2013] May 14, 2013 ←~~H~~ , for an offense that was committed prior  
 383a to ~~H~~→ [July 1, 2013] May 14, 2013 ←~~H~~ .

384 (c) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall  
 385 reinstate a person's license prior to completion of the 120 day suspension period imposed under  
 386 Subsection (7)(a)(i)(A):

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

390 (B) no sooner than 60 days beginning on the 30th day after the date of arrest upon  
 391 receiving written verification of the person's reduction of a charge for a violation of Section  
 392 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the  
 393 suspension period.

394 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) or (7)(b), the division  
 395 shall reinstate a person's license prior to completion of the 120-day suspension period imposed  
 396 under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the person's  
 397 conviction of impaired driving under Section 41-6a-502.5 if:

398 (A) the written verification is received prior to completion of the suspension period;  
 399 and

462 Subsection (2).

463 (7) (a) (i) Upon request in a manner specified by the division, the Driver License  
464 Division shall grant to the person an opportunity to be heard within 29 days after the date of  
465 arrest under Section 32B-4-409.

466 (ii) The request shall be made within 10 calendar days of the day on which notice is  
467 provided.

468 (b) (i) Except as provided in Subsection (7)(b)(ii), a hearing, if held, shall be before the  
469 division in:

470 (A) the county in which the arrest occurred; or

471 (B) a county that is adjacent to the county in which the arrest occurred.

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

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

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

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

478 (iii) the test results, if any.

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

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

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

485 (8) If, after a hearing, the division determines that a peace officer had reasonable  
486 grounds to believe that the person was driving a motor vehicle in violation of Subsection (2)(a),  
487 if the person fails to appear before the division as required in the notice, or if the person does  
488 not request a hearing under this section, the division shall ~~[-(a)]~~ for a person ~~[19 years of age or~~  
489 ~~older but]~~ under 21 years of age on the date of arrest:

490 ~~[(†)]~~ (a) deny the person's license until the person complies with Subsection (11)(b)(i)  
491 but for a period of not less than six months beginning on the 30th day after the date of arrest for  
492 a first offense under Subsection (2)(a) committed on or after

492a ~~H~~ → [July 1, ~~2009~~ 2013] May 14, 2013 ← ~~H~~ ;

524 Subsection (2)(a) committed on or after July 1, 2009, and within 10 years of a prior denial or  
525 suspension;]

526 [(iii) deny the person's application for a license or learner's permit until the person  
527 complies with Subsection (11)(b)(i) but for a period of not less than one year if:]

528 [(A) the person has not been issued an operator license; and]

529 [(B) the suspension is for a first offense under Subsection (2)(a) committed on or after  
530 July 1, 2009;]

531 [(iv) deny the person's application for a license or learner's permit until the person  
532 complies with Subsection (11)(b)(i) and until the person is 21 years of age or for a period of  
533 two years, whichever is longer, if:]

534 [(A) the person has not been issued an operator license; and]

535 [(B) the suspension is for a second or subsequent offense under Subsection (2)(a)  
536 committed on or after July 1, 2009, and within 10 years of a prior denial or suspension; or]

537 [(v) deny or suspend a person's license for the denial and suspension periods in effect  
538 prior to July 1, 2009, for a violation under Subsection (2)(a) that was committed prior to July 1,  
539 2009;]

540 (iii) prior to ~~H~~→ [July 1, 2013] May 14, 2013 ←~~H~~ , for a violation under Subsection (2)(a)  
540a that was committed

541 prior to ~~H~~→ [July 1, 2013.] May 14, 2013. ←~~H~~

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

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

548 (b) A person whose operator license has been denied, suspended, or postponed by the  
549 division under this section following an administrative hearing may file a petition within 30  
550 days after the suspension for a hearing on the matter which, if held, is governed by Section  
551 53-3-224.

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