

**AMENDMENTS TO DRIVER LICENSE SANCTIONS FOR
ALCOHOL OR DRUG RELATED OFFENSES**

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Knotwell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to driver license suspension requirements for certain alcohol related offenses.

Highlighted Provisions:

This bill:

- ▶ reduces the driver license suspension periods for a violation of certain alcohol or drug related offenses;
- ▶ authorizes a court to reduce the driver license suspension period for certain alcohol or drug related offenses if the driver license sanction was imposed prior to the effective date of this bill; and
- ▶ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

32B-4-409, as enacted by Laws of Utah 2010, Chapter 276

32B-4-410, as enacted by Laws of Utah 2010, Chapter 276



- 28 **53-3-219**, as last amended by Laws of Utah 2010, Chapter 276
- 29 **53-3-221**, as last amended by Laws of Utah 2013, Chapter 411
- 30 **76-9-701**, as last amended by Laws of Utah 2009, Chapter 390
- 31 **78A-6-606**, as last amended by Laws of Utah 2010, Chapter 276

32 **Utah Code Sections Affected by Revisor Instructions:**

- 33 **32B-4-409**, as enacted by Laws of Utah 2010, Chapter 276
- 34 **32B-4-410**, as enacted by Laws of Utah 2010, Chapter 276
- 35 **53-3-219**, as last amended by Laws of Utah 2010, Chapter 276
- 36 **76-9-701**, as last amended by Laws of Utah 2009, Chapter 390
- 37 **78A-6-606**, as last amended by Laws of Utah 2010, Chapter 276



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

40 Section 1. Section **32B-4-409** is amended to read:

41 **32B-4-409. Unlawful purchase, possession, consumption by minor -- Measurable**
42 **amounts in body.**

- 43 (1) Unless specifically authorized by this title, it is unlawful for a minor to:
 - 44 (a) purchase an alcoholic product;
 - 45 (b) attempt to purchase an alcoholic product;
 - 46 (c) solicit another person to purchase an alcoholic product;
 - 47 (d) possess an alcoholic product;
 - 48 (e) consume an alcoholic product; or
 - 49 (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.
- 50 (2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic
 - 51 product for a minor for:
 - 52 (a) a minor to misrepresent the minor's age; or
 - 53 (b) any other person to misrepresent the age of a minor.
 - 54 (3) It is unlawful for a minor to possess or consume an alcoholic product while riding
 - 55 in a limousine or chartered bus.
 - 56 (4) If a minor is found by a court to have violated this section and the violation is the
 - 57 minor's second or subsequent violation of this section, the court:
 - 58 (a) shall order the minor to participate in an educational series as defined in Section

59 41-6a-501; and

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

61 (5) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
62 found by a court to have violated this section, except as provided in Section 32B-4-411, the
63 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.

64 (b) Notwithstanding the provision in Subsection (5)(a), the court may reduce the
65 suspension period required under Section 53-3-219 if:

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

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

68 (c) Notwithstanding the requirement in Subsection (5)(a) and in accordance with the
69 requirements of Section 53-3-219, the court may reduce the suspension period required under
70 Section 53-3-219 if the driver license sanction was imposed prior to the effective date of this
71 bill for a violation of this section.

72 (6) When a minor who is at least 13 years old, but younger than 18 years old, is found
73 by the court to have violated this section, Section 78A-6-606 applies to the violation.

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

77 (8) When the Department of Public Safety receives the arrest or conviction record of a
78 person for a driving offense committed while the person's license is suspended pursuant to this
79 section, the Department of Public Safety shall extend the suspension for an additional like
80 period of time.

81 (9) This section does not apply to a minor's consumption of an alcoholic product in
82 accordance with this title:

83 (a) for medicinal purposes if:

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

85 (ii) the alcoholic product is furnished by:

86 (A) the parent or guardian of the minor; or

87 (B) the minor's health care practitioner, if the health care practitioner is authorized by
88 law to write a prescription; or

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

90 Section 2. Section 32B-4-410 is amended to read:

91 **32B-4-410. Unlawful admittance or attempt to gain admittance by minor.**

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

94 (a) a tavern; or

95 (b) a social club licensee, except to the extent authorized by Section 32B-6-406.1.

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

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

99 (a) shall order the minor to participate in an educational series as defined in Section
100 41-6a-501; and

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

102 (4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
103 found by a court to have violated this section, except as provided in Section 32B-4-411, the
104 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.

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

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

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

109 (c) Notwithstanding the requirement in Subsection (4)(a) and in accordance with the
110 requirements of Section 53-3-219, the court may reduce the suspension period required under
111 Section 53-3-219 if the driver license sanction was imposed prior to the effective date of this
112 bill for a violation of this section.

113 (5) When a minor who is at least 13 years old, but younger than 18 years old, is found
114 by a court to have violated this section, Section 78A-6-606 applies to the violation.

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

118 (7) When the Department of Public Safety receives the arrest or conviction record of a
119 person for a driving offense committed while the person's license is suspended pursuant to this
120 section, the Department of Public Safety shall extend the suspension for an additional like

121 period of time.

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

123 **53-3-219. Suspension of minor's driving privileges.**

124 (1) The division shall immediately suspend all driving privileges of any person upon
125 receipt of an order suspending driving privileges under Section [32B-4-409](#), Section [32B-4-410](#),
126 Subsection [76-9-701\(1\)](#), or Section [78A-6-606](#).

127 (2) (a) (i) [~~Except as provided in Subsection (2)(a)(ii), upon~~] Upon receipt of the first
128 order suspending a person's driving privileges under Section [32B-4-409](#), Section [32B-4-410](#),
129 Subsection [76-9-701\(1\)](#), or Section [78A-6-606](#) [~~for a violation that was committed on or after~~
130 ~~July 1, 2009~~], the division shall:

131 (A) impose a suspension for [~~a period of one year~~] six months;

132 (B) if the person has not been issued an operator license, deny the person's application
133 for a license or learner's permit for [~~a period of one year~~] six months; or

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

137 (ii) Upon receipt of the first order suspending a person's driving privileges under this
138 section, the division shall reduce the suspension period under Subsection (2)(a)(i)(A), (B), or
139 (C) if ordered by the court in accordance with Subsection [32B-4-409\(5\)\(b\)](#), [32B-4-410\(4\)\(b\)](#),
140 [76-9-701\(4\)\(b\)](#), or [78A-6-606\(3\)\(b\)](#).

141 (iii) Upon receipt of the first order suspending a person's driving privileges under
142 Section [32B-4-409](#), Section [32B-4-410](#), Subsection [76-9-701\(1\)](#), or Section [78A-6-606](#), the
143 division shall reduce the suspension period for a driver license sanction imposed prior to the
144 effective date of this bill to a suspension for a period of six months if ordered by the court in
145 accordance with Subsection [32B-4-409\(5\)\(c\)](#), [32B-4-410\(4\)\(c\)](#), [76-9-701\(4\)\(c\)](#), or
146 [78A-6-606\(3\)\(c\)](#).

147 (b) (i) Upon receipt of a second or subsequent order suspending a person's driving
148 privileges under Section [32B-4-409](#), Section [32B-4-410](#), Subsection [76-9-701\(1\)](#), or Section
149 [78A-6-606](#) [~~for a violation that was committed on or after July 1, 2009~~], the division shall:

150 [(†)] (A) impose a suspension for a period of [~~two years~~] one year; [or]

151 [(†)] (B) if the person has not been issued an operator license or is under the age of

152 eligibility for a driver license, deny the person's application for a license or learner's permit for
153 a period of [~~two years.~~] one year; or

154 ~~[(c) The Driver License Division shall impose a suspension for the suspension period~~
155 ~~in effect prior to July 1, 2009, if the order suspending driving privileges under Section~~
156 ~~32B-4-409, Section 32B-4-410, Subsection 76-9-701(1), or Section 78A-6-606 is for a~~
157 ~~violation committed prior to July 1, 2009.]~~

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

161 (ii) Upon receipt of the second or subsequent order suspending a person's driving
162 privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-701(1), or Section
163 78A-6-606, the division shall reduce the suspension period for a driver license sanction
164 imposed prior to the effective date of this bill to a suspension for a period of one year if ordered
165 by the court in accordance with Subsection 32B-4-409(5)(c), 32B-4-410(4)(c), 76-9-701(4)(c),
166 or 78A-6-606(3)(c).

167 (3) The Driver License Division shall subtract from any suspension or revocation
168 period for a conviction of a violation of Section 32B-4-409 the number of days for which a
169 license was previously suspended under Section 53-3-231, if the previous sanction was based
170 on the same occurrence upon which the record of conviction is based.

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

175 Section 4. Section 53-3-221 is amended to read:

176 **53-3-221. Offenses which may result in denial, suspension, disqualification, or**
177 **revocation of license without hearing -- Additional grounds for suspension -- Point system**
178 **for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.**

179 (1) By following the emergency procedures in Title 63G, Chapter 4, Administrative
180 Procedures Act, the division may immediately deny, suspend, disqualify, or revoke the license
181 of any person without hearing and without receiving a record of the person's conviction of
182 crime when the division has been notified or has reason to believe the person:

183 (a) has committed any offenses for which mandatory suspension or revocation of a
184 license is required upon conviction under Section 53-3-220;

185 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an
186 accident resulting in death or injury to any other person, or serious property damage;

187 (c) is incompetent to drive a motor vehicle or is afflicted with mental or physical
188 infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle upon the
189 highways;

190 (d) has committed a serious violation of the motor vehicle laws of this state;

191 (e) has knowingly committed a violation of Section 53-3-229; or

192 (f) has been convicted of serious offenses against traffic laws governing the movement
193 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard
194 for the safety of other persons on the highways.

195 (2) (a) The division may suspend the license of a person under Subsection (1) when the
196 person has failed to comply with the terms stated on a traffic citation issued in this state, except
197 this Subsection (2) does not apply to highway weight limit violations or violations of law
198 governing the transportation of hazardous materials.

199 (b) This Subsection (2) applies to parking and standing violations only if a court has
200 issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy
201 the terms of the citation.

202 (c) (i) This Subsection (2) may not be exercised unless notice of the pending
203 suspension of the driving privilege has been sent at least 10 days previously to the person at the
204 address provided to the division.

205 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not
206 contain any evidence of a suspension that occurred as a result of failure to comply with the
207 terms stated on a traffic citation.

208 (3) (a) The division may suspend the license of a person under Subsection (1) when the
209 division has been notified by a court that the person has an outstanding unpaid fine, an
210 outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a
211 court.

212 (b) The suspension remains in effect until the division is notified by the court that the
213 order has been satisfied.

214 (c) After clearance by the division, a report authorized by Section 53-3-104 may not
215 contain any evidence of the suspension.

216 (4) (a) The division shall make rules establishing a point system as provided for in this
217 Subsection (4).

218 (b) (i) The division shall assign a number of points to each type of moving traffic
219 violation as a measure of its seriousness.

220 (ii) The points shall be based upon actual relationships between types of traffic
221 violations and motor vehicle traffic accidents.

222 (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points
223 against a person's driving record for a conviction of a traffic violation:

224 (A) that occurred in another state; and

225 (B) that was committed on or after July 1, 2011.

226 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:

227 (A) a reckless or impaired driving violation or a speeding violation for exceeding the
228 posted speed limit by 21 or more miles per hour; or

229 (B) an offense committed in another state which, if committed within Utah, would
230 result in the mandatory suspension or revocation of a license upon conviction under Section
231 53-3-220.

232 (c) Every person convicted of a traffic violation shall have assessed against the person's
233 driving record the number of points that the division has assigned to the type of violation of
234 which the person has been convicted, except that the number of points assessed shall be
235 decreased by 10% if on the abstract of the court record of the conviction the court has graded
236 the severity of violation as minimum, and shall be increased by 10% if on the abstract the court
237 has graded the severity of violation as maximum.

238 (d) (i) A separate procedure for assessing points for speeding offenses shall be
239 established by the division based upon the severity of the offense.

240 (ii) The severity of a speeding violation shall be graded as:

241 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;

242 (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per
243 hour; and

244 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

245 (iii) Consideration shall be made for assessment of no points on minimum speeding
246 violations, except for speeding violations in school zones.

247 (e) (i) Points assessed against a person's driving record shall be deleted for violations
248 occurring before a time limit set by the division.

249 (ii) The time limit may not exceed three years.

250 (iii) The division may also delete points to reward violation-free driving for periods of
251 time set by the division.

252 (f) (i) By publication in two newspapers having general circulation throughout the
253 state, the division shall give notice of the number of points it has assigned to each type of
254 traffic violation, the time limit set by the division for the deletion of points, and the point level
255 at which the division will generally take action to deny or suspend under this section.

256 (ii) The division may not change any of the information provided above regarding
257 points without first giving new notice in the same manner.

258 (5) (a) (i) Upon denying or suspending the license of a person under this section, the
259 division shall immediately notify the licensee in a manner specified by the division and afford
260 him an opportunity for a hearing in the county where the licensee resides.

261 (ii) The hearing shall be documented, and the division or its authorized agent may
262 administer oaths, may issue subpoenas for the attendance of witnesses and the production of
263 relevant books and papers, and may require a reexamination of the licensee.

264 (iii) One or more members of the division may conduct the hearing, and any decision
265 made after a hearing before any number of the members of the division is as valid as if made
266 after a hearing before the full membership of the division.

267 (iv) After the hearing the division shall either rescind its order of denial or suspension,
268 extend the denial or suspension of the license, or revoke the license.

269 (b) The denial or suspension of the license remains in effect pending qualifications
270 determined by the division regarding a person:

271 (i) whose license has been denied or suspended following reexamination;

272 (ii) who is incompetent to drive a motor vehicle;

273 (iii) who is afflicted with mental or physical infirmities that might make him dangerous
274 on the highways; or

275 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.

276 (6) (a) Subject to Subsection (6)(d), the division shall suspend a person's license when
277 the division receives notice from the Office of Recovery Services that the Office of Recovery
278 Services has ordered the suspension of the person's license.

279 (b) A suspension under Subsection (6)(a) shall remain in effect until the division
280 receives notice from the Office of Recovery Services that the Office of Recovery Services has
281 rescinded the order of suspension.

282 (c) After an order of suspension is rescinded under Subsection (6)(b), a report
283 authorized by Section 53-3-104 may not contain any evidence of the suspension.

284 (d) (i) If the division suspends a person's license under this Subsection (6), the division
285 shall, upon application, issue a temporary limited driver license to the person if that person
286 needs a driver license for employment, education, or child visitation.

287 (ii) The temporary limited driver license described in this section:

288 (A) shall provide that the person may operate a motor vehicle only for the purpose of
289 driving to or from the person's place of employment, education, or child visitation;

290 (B) shall prohibit the person from driving a motor vehicle for any purpose other than a
291 purpose described in Subsection (6)(d)(ii)(A); and

292 (C) shall expire 90 days after the day on which the temporary limited driver license is
293 issued.

294 (iii) (A) During the period beginning on the day on which a temporary limited driver
295 license is issued under this Subsection (6), and ending on the day that the temporary limited
296 driver license expires, the suspension described in this Subsection (6) only applies if the person
297 who is suspended operates a motor vehicle for a purpose other than employment, education, or
298 child visitation.

299 (B) Upon expiration of a temporary limited driver license described in this Subsection
300 (6)(d):

301 (I) a suspension described in Subsection (6)(a) shall be in full effect until the division
302 receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

303 (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any
304 reason.

305 (iv) The division is not required to issue a limited driver license to a person under this
306 Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver

307 license.

308 (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
309 Administrative Rulemaking Act, to implement the provisions of this part.

310 (7) (a) The division may suspend or revoke the license of any resident of this state
311 upon receiving notice of the conviction of that person in another state of an offense committed
312 there that, if committed in this state, would be grounds for the suspension or revocation of a
313 license.

314 (b) The division may, upon receiving a record of the conviction in this state of a
315 nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws
316 of this state, forward a certified copy of the record to the motor vehicle administrator in the
317 state where the person convicted is a resident.

318 (8) (a) The division may suspend or revoke the license of any nonresident to drive a
319 motor vehicle in this state for any cause for which the license of a resident driver may be
320 suspended or revoked.

321 (b) Any nonresident who drives a motor vehicle upon a highway when the person's
322 license has been suspended or revoked by the division is guilty of a class C misdemeanor.

323 (9) (a) The division may not deny or suspend the license of any person for a period of
324 more than one year except:

325 (i) for failure to comply with the terms of a traffic citation under Subsection (2);

326 ~~[(ii) upon receipt of a second or subsequent order suspending juvenile driving
327 privileges under Section 53-3-219;]~~

328 ~~[(iii)] (ii)~~ when extending a denial or suspension upon receiving certain records or
329 reports under Subsection 53-3-220(2);

330 ~~[(iv)] (iii)~~ for failure to give and maintain owner's or operator's security under Section
331 41-12a-411;

332 ~~[(v)] (iv)~~ when the division suspends the license under Subsection (6); or

333 ~~[(vi)] (v)~~ when the division denies the license under Subsection (14).

334 (b) The division may suspend the license of a person under Subsection (2) until the
335 person shows satisfactory evidence of compliance with the terms of the traffic citation.

336 (10) (a) By following the emergency procedures in Title 63G, Chapter 4,
337 Administrative Procedures Act, the division may immediately suspend the license of any

338 person without hearing and without receiving a record of the person's conviction for a crime
339 when the division has reason to believe that the person's license was granted by the division
340 through error or fraud or that the necessary consent for the license has been withdrawn or is
341 terminated.

342 (b) The procedure upon suspension is the same as under Subsection (5), except that
343 after the hearing the division shall either rescind its order of suspension or cancel the license.

344 (11) (a) The division, having good cause to believe that a licensed driver is
345 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified
346 by the division of at least five days to the licensee require him to submit to an examination.

347 (b) Upon the conclusion of the examination the division may suspend or revoke the
348 person's license, permit him to retain the license, or grant a license subject to a restriction
349 imposed in accordance with Section 53-3-208.

350 (c) Refusal or neglect of the licensee to submit to an examination is grounds for
351 suspension or revocation of the licensee's license.

352 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section
353 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in
354 this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed
355 limit and did not result in an accident, unless authorized in a manner specified by the division
356 by the individual whose report is being requested.

357 (b) The provisions of Subsection (12)(a) do not apply for:

358 (i) a CDL license holder; or

359 (ii) a violation that occurred in a commercial motor vehicle.

360 (13) (a) By following the emergency procedures in Title 63G, Chapter 4,
361 Administrative Procedures Act, the division may immediately suspend the license of a person
362 if it has reason to believe that the person is the owner of a motor vehicle for which security is
363 required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
364 Operators Act, and has driven the motor vehicle or permitted it to be driven within this state
365 without the security being in effect.

366 (b) The division may immediately suspend a driving privilege card holder's driving
367 privilege card if the division receives notification from the Motor Vehicle Division that:

368 (i) the driving privilege card holder is the registered owner of a vehicle; and

369 (ii) the driving privilege card holder's vehicle registration has been revoked under
370 Subsection 41-1a-110(2)(a)(ii)(A).

371 (c) Section 41-12a-411 regarding the requirement of proof of owner's or operator's
372 security applies to persons whose driving privileges are suspended under this Subsection (13).

373 (d) If the division exercises the right of immediate suspension granted under this
374 Subsection (13), the notice and hearing provisions of Subsection (5) apply.

375 (e) A person whose license suspension has been sustained or whose license has been
376 revoked by the division under this Subsection (13) may file a request for agency action
377 requesting a hearing.

378 (14) The division may deny an individual's license if the person fails to comply with
379 the requirement to downgrade the person's CDL to a class D license under Section 53-3-410.1.

380 (15) The division may deny a person's class A, B, C, or D license if the person fails to
381 comply with the requirement to have a K restriction removed from the person's license.

382 (16) Any suspension or revocation of a person's license under this section also
383 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License
384 Act.

385 Section 5. Section 76-9-701 is amended to read:

386 **76-9-701. Intoxication -- Release of arrested person or placement in detoxification**
387 **center.**

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

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

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

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

399 (a) shall order the minor to participate in an educational series as defined in Section

400 41-6a-501; and

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

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

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

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

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

409 (c) Notwithstanding the requirement in Subsection (4)(a) and in accordance with the
410 requirements of Section 53-3-219, the court may reduce the suspension period required under
411 Section 53-3-219 if the driver license sanction was imposed prior to the effective date of this
412 bill for a violation of this section.

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

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

418 (7) An offense under this section is a class C misdemeanor.

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

420 **78A-6-606. Suspension of license for certain offenses.**

421 (1) This section applies to a minor who is at least 13 years of age when found by the
422 court to be within its jurisdiction by the commission of an offense under:

423 (a) Section 32B-4-409;

424 (b) Section 32B-4-410;

425 (c) Section 32B-4-411;

426 (d) Section 58-37-8;

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

428 (f) Title 58, Chapter 37b, Imitation Controlled Substances Act; or

429 (g) Subsection 76-9-701(1).

430 (2) If the court hearing the case determines that the minor committed an offense under

431 Section 58-37-8 or Title 58, Chapter 37a or 37b, the court shall prepare and send to the Driver
432 License Division of the Department of Public Safety an order to suspend that minor's driving
433 privileges.

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

435 (i) the minor violated Section 32B-4-409, Section 32B-4-410, or Subsection
436 76-9-701(1); and

437 (ii) the violation described in Subsection (3)(a)(i) was committed on or after July 1,
438 2009.

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

441 (i) the violation is the minor's first violation of Section 32B-4-409, Section 32B-4-410,
442 or Subsection 76-9-701(1); and

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

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

446 ~~[(i) to a minor that violated Section 32B-4-409, Section 32B-4-410, or Subsection~~
447 ~~76-9-701(1); and]~~

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

449 (c) Notwithstanding the requirement in Subsection (3)(a) and in accordance with the
450 requirements of Section 53-3-219, the court may reduce the suspension period required under
451 Section 53-3-219 if the driver license sanction was imposed prior to the effective date of this
452 bill for a violation of Section 32B-4-409, Section 32B-4-410, Subsection 76-9-701(1), or the
453 offenses described in Subsections (1)(d), (e), and (f).

454 (d) If a minor commits a proof of age violation, as defined in Section 32B-4-411:

455 (i) the court shall forward a record of adjudication to the Department of Public Safety
456 for a first or subsequent violation; and

457 (ii) the minor's driving privileges will be suspended:

458 (A) for a period of at least one year under Section 53-3-220 for a first conviction for a
459 violation of Section 32B-4-411; or

460 (B) for a period of two years for a second or subsequent conviction for a violation of
461 Section 32B-4-411.

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

- 464 (a) Section [32B-4-409](#);
- 465 (b) Section [32B-4-410](#);
- 466 (c) Section [58-37-8](#);
- 467 (d) Title 58, Chapter 37a or 37b; or
- 468 (e) Subsection [76-9-701\(1\)](#).

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

472 **Section 7. Revisor instructions.**

473 The Legislature intends that the Office of Legislative Research and General Counsel, in
474 preparing the Utah Code database for publication, replace the phrase "the effective date of this
475 bill" in Sections [32B-4-409](#), [32B-4-410](#), [53-3-219](#), [76-9-701](#), and [78B-6-606](#) in this bill with
476 the actual effective date of this bill.

Legislative Review Note
as of 2-11-14 8:38 AM

Office of Legislative Research and General Counsel