

**Representative John Knotwell** proposes the following substitute bill:

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

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Knotwell**

Senate Sponsor: Scott K. Jenkins

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ authorizes a court to reduce the driver license suspension period for certain alcohol related offenses in certain circumstances; and
- ▶ makes conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**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

**53-3-219**, as last amended by Laws of Utah 2010, Chapter 276



26 [76-9-701](#), as last amended by Laws of Utah 2009, Chapter 390  
27 [78A-6-606](#), as last amended by Laws of Utah 2010, Chapter 276



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

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

31 **32B-4-409. Unlawful purchase, possession, consumption by minor -- Measurable**  
32 **amounts in body.**

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

34 (a) purchase an alcoholic product;

35 (b) attempt to purchase an alcoholic product;

36 (c) solicit another person to purchase an alcoholic product;

37 (d) possess an alcoholic product;

38 (e) consume an alcoholic product; or

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

40 (2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic  
41 product for a minor for:

42 (a) a minor to misrepresent the minor's age; or

43 (b) any other person to misrepresent the age of a minor.

44 (3) It is unlawful for a minor to possess or consume an alcoholic product while riding  
45 in a limousine or chartered bus.

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

48 (a) shall order the minor to participate in an educational series as defined in Section  
49 [41-6a-501](#); and

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

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

54 (b) Notwithstanding the provision in Subsection (5)(a), the court may reduce the  
55 suspension period required under Section [53-3-219](#) if:

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

57 (ii) the minor completes an educational series as defined in Section [41-6a-501](#).  
58 (c) Notwithstanding the requirement in Subsection (5)(a) and in accordance with the  
59 requirements of Section [53-3-219](#), the court may reduce the suspension period required under  
60 Section [53-3-219](#) if:  
61 (i) the violation is the minor's second or subsequent violation of this section; and  
62 (ii) (A) the person is 18 years of age or older and provides a sworn statement to the  
63 court that the person has not unlawfully consumed alcohol for at least a one year consecutive  
64 period during the suspension period imposed under Subsection (5)(a); or  
65 (B) the person is under 18 years of age and has the person's parent or legal guardian  
66 provide an affidavit or sworn statement to the court certifying that to the parent or legal  
67 guardian's knowledge the person has not unlawfully consumed alcohol for at least a one year  
68 consecutive period during the suspension period imposed under Subsection (5)(a).  
69 (6) When a minor who is at least 13 years old, but younger than 18 years old, is found  
70 by the court to have violated this section, Section [78A-6-606](#) applies to the violation.  
71 (7) When a court issues an order suspending a person's driving privileges for a  
72 violation of this section, the Driver License Division shall suspend the person's license under  
73 Section [53-3-219](#).  
74 (8) When the Department of Public Safety receives the arrest or conviction record of a  
75 person for a driving offense committed while the person's license is suspended pursuant to this  
76 section, the Department of Public Safety shall extend the suspension for an additional like  
77 period of time.  
78 (9) This section does not apply to a minor's consumption of an alcoholic product in  
79 accordance with this title:  
80 (a) for medicinal purposes if:  
81 (i) the minor is at least 18 years old; or  
82 (ii) the alcoholic product is furnished by:  
83 (A) the parent or guardian of the minor; or  
84 (B) the minor's health care practitioner, if the health care practitioner is authorized by  
85 law to write a prescription; or  
86 (b) as part of a religious organization's religious services.  
87 Section 2. Section [32B-4-410](#) is amended to read:

88 **32B-4-410. Unlawful admittance or attempt to gain admittance by minor.**

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

91 (a) a tavern; or

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

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

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

96 (a) shall order the minor to participate in an educational series as defined in Section  
97 41-6a-501; and

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

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

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

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

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

106 (c) Notwithstanding the requirement in Subsection (4)(a) and in accordance with the  
107 requirements of Section 53-3-219, the court may reduce the suspension period required under  
108 Section 53-3-219 if:

109 (i) the violation is the minor's second or subsequent violation of this section; and

110 (ii) (A) the person is 18 years of age or older and provides a sworn statement to the  
111 court that the person has not unlawfully consumed alcohol for at least a one year consecutive  
112 period during the suspension period imposed under Subsection (4)(a); or

113 (B) the person is under 18 years of age and has the person's parent or legal guardian  
114 provide an affidavit or sworn statement to the court certifying that to the parent or legal  
115 guardian's knowledge the person has not unlawfully consumed alcohol for at least a one year  
116 consecutive period during the suspension period imposed under Subsection (4)(a).

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

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

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

126 Section 3. Section 53-3-219 is amended to read:

127 **53-3-219. Suspension of minor's driving privileges.**

128 (1) The division shall immediately suspend all driving privileges of any person upon  
 129 receipt of an order suspending driving privileges under Section 32B-4-409, Section 32B-4-410,  
 130 Subsection 76-9-701(1), or Section 78A-6-606.

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

135 (A) impose a suspension for a period of one year;

136 (B) if the person has not been issued an operator license, deny the person's application  
 137 for a license or learner's permit for a period of one year; or

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

141 (ii) Upon receipt of the first order suspending a person's driving privileges under this  
 142 section, the division shall reduce the suspension period under Subsection (2)(a)(i)(A), (B), or  
 143 (C) if ordered by the court in accordance with Subsection 32B-4-409(5)(b), 32B-4-410(4)(b),  
 144 76-9-701(4)(b), or 78A-6-606(3)(b).

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

148 [(†)] (A) impose a suspension for a period of two years; [or]

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

150 eligibility for a driver license, deny the person's application for a license or learner's permit for  
151 a period of two years[-]; or

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

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

159 (ii) Upon receipt of the second or subsequent order suspending a person's driving  
160 privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-701(1), or Section  
161 78A-6-606, the division shall reduce the suspension period if ordered by the court in  
162 accordance with Subsection 32B-4-409(5)(c), 32B-4-410(4)(c), 76-9-701(4)(c), or  
163 78A-6-606(3)(c).

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

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

172 Section 4. Section 76-9-701 is amended to read:

173 **76-9-701. Intoxication -- Release of arrested person or placement in detoxification**  
174 **center.**

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

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

181 the protection of the person or another.

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

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

186 (a) shall order the minor to participate in an educational series as defined in Section  
187 [41-6a-501](#); and

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

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

192 (b) Notwithstanding the requirement in Subsection (4)(a), the court may reduce the  
193 suspension period required under Section [53-3-219](#) if:

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

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

196 (c) Notwithstanding the requirement in Subsection (4)(a) and in accordance with the  
197 requirements of Section [53-3-219](#), the court may reduce the suspension period required under  
198 Section [53-3-219](#) if:

199 (i) the violation is the minor's second or subsequent violation of this section; and

200 (ii) (A) the person is 18 years of age or older and provides a sworn statement to the  
201 court that the person has not unlawfully consumed alcohol for at least a one year consecutive  
202 period during the suspension period imposed under Subsection (4)(a); or

203 (B) the person is under 18 years of age and has the person's parent or legal guardian  
204 provide an affidavit or sworn statement to the court certifying that to the parent or legal  
205 guardian's knowledge the person has not unlawfully consumed alcohol for at least a one year  
206 consecutive period during the suspension period imposed under Subsection (4)(a).

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

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

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

213 Section 5. Section **78A-6-606** is amended to read:

214 **78A-6-606. Suspension of license for certain offenses.**

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

217 (a) Section [32B-4-409](#);

218 (b) Section [32B-4-410](#);

219 (c) Section [32B-4-411](#);

220 (d) Section [58-37-8](#);

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

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

223 (g) Subsection [76-9-701\(1\)](#).

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

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

229 (i) the minor violated Section [32B-4-409](#), Section [32B-4-410](#), or Subsection  
230 [76-9-701\(1\)](#); and

231 (ii) the violation described in Subsection (3)(a)(i) was committed on or after July 1,  
232 2009.

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

235 (i) the violation is the minor's first violation of Section [32B-4-409](#), Section [32B-4-410](#),  
236 or Subsection [76-9-701\(1\)](#); and

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

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

240 ~~[(i) to a minor that violated Section [32B-4-409](#), Section [32B-4-410](#), or Subsection~~  
241 ~~[76-9-701\(1\)](#); and]~~

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



243 (c) Notwithstanding the requirement in Subsection (3)(a) and in accordance with the  
244 requirements of Section 53-3-219, the court may reduce the suspension period required under  
245 Section 53-3-219 if:

246 (i) the violation is the minor's second or subsequent violation of Section 32B-4-409,  
247 Section 32B-4-410, or Subsection 76-9-701(1); and

248 (ii) (A) the person is 18 years of age or older and provides a sworn statement to the  
249 court that the person has not unlawfully consumed alcohol for at least a one year consecutive  
250 period during the suspension period imposed under Subsection (3)(a); or

251 (B) the person is under 18 years of age and has the person's parent or legal guardian  
252 provide an affidavit or sworn statement to the court certifying that to the parent or legal  
253 guardian's knowledge the person has not unlawfully consumed alcohol for at least a one year  
254 consecutive period during the suspension period imposed under Subsection (3)(a).

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

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

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

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

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

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

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

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

267 (c) Section 58-37-8;

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

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

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

273 Section 6. **Effective date.**

274           If approved by two-thirds of all the members elected to each house, this bill takes effect  
275 upon approval by the governor, or the day following the constitutional time limit of Utah  
276 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
277 the date of veto override.