

LIMITED DRIVER LICENSE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies provisions of the Uniform Driver License Act to allow for the issuance of a limited license to certain individuals convicted of a first-time DUI offense.

Highlighted Provisions:

This bill:

- ▶ establishes a limited license administrative fee;
- ▶ modifies the eligibility requirements to receive a limited driver license, to include an individual who:

- is convicted of a DUI offense;
- is over 21 at the time of the offense;
- submitted to a chemical test at the time of arrest;
- has not been convicted of a prior DUI offense within the past 10 years;
- has served at least 30 days of the driver license suspension;
- has participated in a required screening; and
- is in compliance with provisions regarding the use of an ignition interlock system; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None



Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

53-3-105, as last amended by Laws of Utah 2014, Chapters 225, 252, and 343

53-3-220, as last amended by Laws of Utah 2017, Chapter 181

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

Section 1. Section **53-3-105** is amended to read:

53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling, and identification cards.

The following fees apply under this chapter:

(1) An original class D license application under Section **53-3-205** is \$25.

(2) An original provisional license application for a class D license under Section **53-3-205** is \$30.

(3) An original application for a motorcycle endorsement under Section **53-3-205** is \$9.50.

(4) An original application for a taxicab endorsement under Section **53-3-205** is \$7.

(5) A learner permit application under Section **53-3-210.5** is \$15.

(6) A renewal of a class D license under Section **53-3-214** is \$25 unless Subsection (10) applies.

(7) A renewal of a provisional license application for a class D license under Section **53-3-214** is \$25.

(8) A renewal of a motorcycle endorsement under Section **53-3-214** is \$9.50.

(9) A renewal of a taxicab endorsement under Section **53-3-214** is \$7.

(10) A renewal of a class D license for a person 65 and older under Section **53-3-214** is \$13.

(11) An extension of a class D license under Section **53-3-214** is \$20 unless Subsection (15) applies.

(12) An extension of a provisional license application for a class D license under Section **53-3-214** is \$20.

- 59 (13) An extension of a motorcycle endorsement under Section 53-3-214 is \$9.50.
- 60 (14) An extension of a taxicab endorsement under Section 53-3-214 is \$7.
- 61 (15) An extension of a class D license for a person 65 and older under Section
- 62 53-3-214 is \$11.
- 63 (16) An original or renewal application for a commercial class A, B, or C license or an
- 64 original or renewal of a provisional commercial class A or B license under Part 4, Uniform
- 65 Commercial Driver License Act, is:
- 66 (a) \$40 for the knowledge test; and
- 67 (b) \$60 for the skills test.
- 68 (17) Each original CDL endorsement for passengers, hazardous material, double or
- 69 triple trailers, or tankers is \$7.
- 70 (18) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
- 71 Driver License Act, is \$7.
- 72 (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver
- 73 License Act, is \$7.
- 74 (20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$20.
- 75 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.
- 76 (21) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.
- 77 (22) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$18.
- 78 (23) (a) A license reinstatement application under Section 53-3-205 is \$30.
- 79 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
- 80 combination of alcohol and any drug-related offense is \$35 in addition to the fee under
- 81 Subsection (23)(a).
- 82 (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or
- 83 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
- 84 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
- 85 Part 4, Uniform Commercial Driver License Act, is \$230.
- 86 (b) This administrative fee is in addition to the fees under Subsection (23).
- 87 (25) (a) An administrative fee for providing the driving record of a driver under
- 88 Section 53-3-104 or 53-3-420 is \$6.
- 89 (b) The division may not charge for a report furnished under Section 53-3-104 to a

municipal, county, state, or federal agency.

(26) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

(27) (a) Except as provided under Subsections (27)(b) and (c), an identification card application under Section 53-3-808 is \$18.

(b) An identification card application under Section 53-3-808 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$13.

(c) A fee may not be charged for an identification card application if the person applying:

(i) has not been issued a Utah driver license;

(ii) is indigent; and

(iii) is at least 18 years of age.

(28) An extension of a regular identification card under Subsection 53-3-807(5) for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$13.

(29) An extension of a regular identification card under Subsection 53-3-807(6) is \$18.

(30) In addition to any license application fees collected under this chapter, the division shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.

(31) An original mobility vehicle permit application under Section 41-6a-1118 is \$25.

(32) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$25.

(33) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$10.

(34) A limited license administrative fee under Section 53-3-220 is \$32.

Section 2. Section 53-3-220 is amended to read:

53-3-220. Offenses requiring mandatory revocation, denial, suspension, or disqualification of license -- Offense requiring an extension of period -- Hearing -- Limited driving privileges.

(1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or disqualification, the division shall deny, suspend, or disqualify the license of a person upon receiving a record of the person's conviction for:

(i) manslaughter or negligent homicide resulting from driving a motor vehicle, or

121 automobile homicide under Section 76-5-207 or 76-5-207.5;

122 (ii) driving or being in actual physical control of a motor vehicle while under the
123 influence of alcohol, any drug, or combination of them to a degree that renders the person
124 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited
125 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

126 (iii) driving or being in actual physical control of a motor vehicle while having a blood
127 or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance
128 that complies with the requirements of Subsection 41-6a-510(1);

129 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
130 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
131 regulating driving on highways;

132 (v) any felony under the motor vehicle laws of this state;

133 (vi) any other felony in which a motor vehicle is used to facilitate the offense;

134 (vii) failure to stop and render aid as required under the laws of this state if a motor
135 vehicle accident results in the death or personal injury of another;

136 (viii) two charges of reckless driving, impaired driving, or any combination of reckless
137 driving and impaired driving committed within a period of 12 months; but if upon a first
138 conviction of reckless driving or impaired driving the judge or justice recommends suspension
139 of the convicted person's license, the division may after a hearing suspend the license for a
140 period of three months;

141 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as
142 required in Section 41-6a-210;

143 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
144 requires disqualification;

145 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
146 allowing the discharge of a firearm from a vehicle;

147 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
148 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);

149 (xiii) operating or being in actual physical control of a motor vehicle while having any
150 measurable controlled substance or metabolite of a controlled substance in the person's body in
151 violation of Section 41-6a-517;

(xiv) operating or being in actual physical control of a motor vehicle while having any measurable or detectable amount of alcohol in the person's body in violation of Section 41-6a-530;

(xv) engaging in a motor vehicle speed contest or exhibition of speed on a highway in violation of Section 41-6a-606;

(xvi) operating or being in actual physical control of a motor vehicle in this state without an ignition interlock system in violation of Section 41-6a-518.2; or

(xvii) custodial interference, under:

(A) Subsection 76-5-303(3), which suspension shall be for a period of 30 days, unless the court provides the division with an order of suspension for a shorter period of time;

(B) Subsection 76-5-303(4), which suspension shall be for a period of 90 days, unless the court provides the division with an order of suspension for a shorter period of time; or

(C) Subsection 76-5-303(5), which suspension shall be for a period of 180 days, unless the court provides the division with an order of suspension for a shorter period of time.

(b) The division shall immediately revoke the license of a person upon receiving a record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act, for:

(i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or allowing the discharge of a firearm from a vehicle; or

(ii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).

(c) Except when action is taken under Section 53-3-219 for the same offense, the division shall immediately suspend for six months the license of a person upon receiving a record of conviction for:

(i) any violation of:

(A) Title 58, Chapter 37, Utah Controlled Substances Act;

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

(C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

(D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

(E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

(ii) any criminal offense that prohibits:

(A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance

that is prohibited under the acts described in Subsection (1)(c)(i); or

(B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).

(d) (i) The division shall immediately suspend a person's driver license for conviction of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:

(A) an order from the sentencing court requiring that the person's driver license be suspended; and

(B) a record of the conviction.

(ii) An order of suspension under this section is at the discretion of the sentencing court, and may not be for more than 90 days for each offense.

(e) (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 32B-4-411; or

(B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act, for a violation under Section 32B-4-411.

(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 32B-4-411; and

(II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior conviction for a violation under Section 32B-4-411; or

(B) (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court Act ~~[of 1996]~~, for a violation under Section 32B-4-411; and

(II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior adjudication under Title 78A, Chapter 6, Juvenile Court Act ~~[of 1996]~~, for a violation under Section 32B-4-411.

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

(A) for a conviction or adjudication described in Subsection (1)(e)(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)(e)(ii):

(I) impose a suspension for a period of two years; 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 two years beginning on the date of eligibility for a driver license.

(iv) Upon receipt of the first order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(i) if ordered by the court in accordance with Subsection 32B-4-411(3)(a).

(v) Upon receipt of the second or subsequent order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection 32B-4-411(3)(b).

(2) The division shall extend the period of the first denial, suspension, revocation, or disqualification for an additional like period, to a maximum of one year for each subsequent occurrence, upon receiving:

(a) a record of the conviction of any person on a charge of driving a motor vehicle while the person's license is denied, suspended, revoked, or disqualified;

(b) a record of a conviction of the person for any violation of the motor vehicle law in which the person was involved as a driver;

(c) a report of an arrest of the person for any violation of the motor vehicle law in which the person was involved as a driver; or

(d) a report of an accident in which the person was involved as a driver.

(3) When the division receives a report under Subsection (2)(c) or (d) that a person is driving while the person's license is denied, suspended, disqualified, or revoked, the person is entitled to a hearing regarding the extension of the time of denial, suspension, disqualification, or revocation originally imposed under Section 53-3-221.

(4) ~~[(a)]~~ The division may extend to a person the limited privilege of driving a motor vehicle to and from the person's place of employment or within other specified limits on recommendation of the judge in any case where a person is convicted of any of the offenses referred to in Subsections (1) and (2) except:

~~[(i)]~~ (a) automobile homicide under Subsection (1)(a)(i);

~~[(ii)]~~ (b) those offenses referred to in Subsections ~~[(1)(a)(ii), (iii)]~~, (1)(a)(xi), (xii),

(xiii), (1)(b), and (1)(c); ~~and~~

(c) those offenses referred to in Subsections (1)(a)(ii) and (iii) unless the person:

(i) was age 21 or older at the time the offense occurred;

(ii) submitted to a chemical test at the time of arrest;

(iii) has not been convicted for a prior offense under Subsection 41-6a-501(2)(a) that occurred within 10 years of the offense date;

(iv) has served at least 30 days of the suspension period under Subsection 41-6a-509(1);

(v) has participated in a screening under Subsection 41-6a-505(1)(a)(iii), and participated in:

(A) an assessment, if found appropriate by a screening under Subsection (4)(c)(v); or

(B) an educational series if the court does not order substance abuse treatment under Subsection 41-6a-505(1)(b)(i); and

(vi) is in compliance with the requirements under Subsection 53-3-1007(4); and

~~[(iii)]~~ (d) those offenses referred to in Subsection (2) when the original denial, suspension, revocation, or disqualification was imposed because of a violation of Section 41-6a-502, 41-6a-517, a local ordinance which complies with the requirements of Subsection 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of these sections or ordinances, unless:

~~[(A)]~~ (i) the person has had the period of the first denial, suspension, revocation, or disqualification extended for a period of at least three years;

~~[(B)]~~ (ii) the division receives written verification from the person's primary care physician that:

~~[(H)]~~ (A) to the physician's knowledge the person has not used any narcotic drug or other controlled substance except as prescribed by a licensed medical practitioner within the last three years; and

~~[(H)]~~ (B) the physician is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely; and

~~[(C)]~~ (iii) for a period of one year prior to the date of the request for a limited driving privilege:

276 ~~[(H)]~~ (A) the person has not been convicted of a violation of any motor vehicle law in
277 which the person was involved as the operator of the vehicle;

278 ~~[(H)]~~ (B) the division has not received a report of an arrest for a violation of any motor
279 vehicle law in which the person was involved as the operator of the vehicle; and

280 ~~[(H)]~~ (C) the division has not received a report of an accident in which the person was
281 involved as an operator of a vehicle.

282 ~~[(b)(i)]~~ (5) (a) Except as provided in ~~[Subsection (4)(b)(ii)]~~ Subsections (5)(b) and (c),
283 the discretionary privilege authorized in ~~[this]~~ Subsection (4):

284 ~~[(A)]~~ (i) is limited to when undue hardship would result from a failure to grant the
285 privilege; and

286 ~~[(B)]~~ (ii) may be granted only once to any person during any single period of denial,
287 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
288 or disqualification.

289 ~~[(i)]~~ (b) The discretionary privilege authorized in Subsection ~~[(4)(a)(iii)]~~ (4)(d):

290 ~~[(A)]~~ (i) is limited to when the limited privilege is necessary for the person to commute
291 to school or work; and

292 ~~[(B)]~~ (ii) may be granted only once to any person during any single period of denial,
293 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
294 or disqualification.

295 (c) Prior to issuance of a limited license under this section, the applicant shall:

296 (i) pay the required limited license administrative fee described in Subsection
297 53-3-105(34); and

298 (ii) comply with all other driver license reinstatement requirements under this chapter.

299 ~~[(c)]~~ (6) A limited CDL may not be granted to a person disqualified under Part 4,
300 Uniform Commercial Driver License Act, or whose license has been revoked, suspended,
301 cancelled, or denied under this chapter.