

Representative A. Cory Maloy proposes the following substitute bill:

DRIVER LICENSE SUSPENSION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Uniform Driver License Act.

Highlighted Provisions:

This bill:

- ▶ prohibits the Driver License Division from suspending a driver license under certain circumstances; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

32B-4-411, as last amended by Laws of Utah 2017, Chapter 330

53-3-218, as last amended by Laws of Utah 2018, Chapter 121

53-3-220, as last amended by Laws of Utah 2018, Chapters 121 and 133

53-3-221, as last amended by Laws of Utah 2015, Chapter 52



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

27 Section 1. Section **32B-4-411** is amended to read:

28 **32B-4-411. Minor's unlawful use of proof of age.**

29 (1) As used in this section, "proof of age violation" means a violation by a minor of:

30 (a) Chapter 1, Part 4, Proof of Age Act; or

31 (b) if as part of the violation the minor uses a proof of age in violation of Chapter 1,
32 Part 4, Proof of Age Act:

33 (i) Section [32B-4-409](#); or

34 (ii) Section [32B-4-410](#).

35 (2) If a court finds a minor engaged in a proof of age violation, notwithstanding the
36 penalties provided for in Subsection (1):

37 (a) (i) for a first violation, the minor is guilty of a class B misdemeanor;

38 (ii) for a second violation, the minor is guilty of a class A misdemeanor; and

39 (iii) for a third or subsequent violation, the minor is guilty of a class A misdemeanor,
40 except that the court may impose:

41 (A) a fine of up to \$5,000;

42 (B) screening, assessment, or substance use disorder treatment, as defined in Section
43 [41-6a-501](#);

44 (C) an educational series, as defined in Section [41-6a-501](#);

45 (D) alcoholic product related community service or compensatory service work
46 program hours;

47 (E) fees for restitution and treatment costs;

48 (F) defensive driver education courses; or

49 (G) a combination of these penalties; and

50 (b) (i) for a minor who is younger than 18 years old:

51 (A) the court may forward to the Driver License Division a record of an adjudication
52 under Title 78A, Chapter 6, Juvenile Court Act, for a violation under this section; and

53 (B) the provisions regarding suspension of a driver license under Section [78A-6-606](#)
54 apply; and

55 (ii) for a minor who is at least 18 years old, but younger than 21 years old:

56 (A) the court shall forward to the Driver License Division a record of conviction for a

57 violation under this section; and

58 (B) the Driver License Division shall suspend the person's license under Section
59 53-3-220.

60 (c) Notwithstanding Subsection (2)(a), if a minor is adjudicated under Section
61 78A-6-117, the court may order:

62 (i) substance use disorder treatment or an educational series only if the minor has an
63 assessed need for the intervention based on the results of a validated assessment; and

64 (ii) a fine, fee, service hours, or costs in accordance with Section 78A-6-117.

65 (3) (a) Notwithstanding Subsection (2)(b), the court may reduce the suspension period
66 under Subsection 53-3-220(1)~~(e)~~(f) or 78A-6-606(3)(d) if:

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

68 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or

69 (B) the minor demonstrates substantial progress in substance use disorder treatment.

70 (b) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the
71 suspension period under Subsection 53-3-220(1)~~(e)~~(f) or 78A-6-606(3)(d) if:

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

73 (ii) the person has completed an educational series as defined in Section 41-6a-501 or
74 demonstrated substantial progress in substance use disorder treatment; and

75 (iii) (A) the person is 18 years of age or older and provides a sworn statement to the
76 court that the person has not unlawfully consumed alcohol or drugs for at least a one-year
77 consecutive period during the suspension period imposed under Subsection 53-3-220(1)~~(e)~~(f)
78 or 78A-6-606(3)(d); or

79 (B) the minor is under 18 years of age and has the minor's parent or legal guardian
80 provide an affidavit or sworn statement to the court certifying that to the parent or legal
81 guardian's knowledge the minor has not unlawfully consumed alcohol or drugs for at least a
82 one-year consecutive period during the suspension period imposed under Subsection
83 53-3-220(1)~~(e)~~(f) or 78A-6-606(3)(d).

84 (4) When the Department of Public Safety receives the arrest or conviction record of an
85 individual for a driving offense committed while the individual's license is suspended pursuant
86 to this section, the Department of Public Safety shall extend the suspension for an additional
87 like period of time.

88 (5) A court may not fail to enter a judgment of conviction under this section under a
89 plea in abeyance agreement.

90 Section 2. Section **53-3-218** is amended to read:

91 **53-3-218. Court to report convictions and may recommend suspension of license**
92 **-- Severity of speeding violation defined.**

93 (1) As used in this section, "conviction" means conviction by the court of first
94 impression or final administrative determination in an administrative traffic proceeding.

95 (2) (a) [~~Except as provided in Subsection (2)(c), a~~] A court having jurisdiction over
96 offenses committed under this chapter or any other law of this state, or under any municipal
97 ordinance regulating driving motor vehicles on highways or driving motorboats on the water,
98 shall forward to the division within five days, an abstract of the court record of the conviction
99 or plea held in abeyance of any person in the court for a reportable traffic or motorboating
100 violation of any laws or ordinances, and may recommend the suspension of the license of the
101 person convicted.

102 (b) When the division receives a court record of a conviction or plea in abeyance for a
103 motorboat violation, the division may only take action against a person's driver license if the
104 motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the
105 Influence and Reckless Driving.

106 [~~(c) A court may not forward to the division an abstract of a court record of a~~
107 ~~conviction for a violation described in Subsection 53-3-220(1)(c)(i) or (ii), unless the court~~
108 ~~found that the person convicted of the violation was an operator of a motor vehicle at the time~~
109 ~~of the violation.]~~

110 (3) The abstract shall be made in the form prescribed by the division and shall include:

111 (a) the name, date of birth, and address of the party charged;

112 (b) the license certificate number of the party charged, if any;

113 (c) the registration number of the motor vehicle or motorboat involved;

114 (d) whether the motor vehicle was a commercial motor vehicle;

115 (e) whether the motor vehicle carried hazardous materials;

116 (f) whether the motor vehicle carried 16 or more occupants;

117 (g) whether the driver presented a commercial driver license;

118 (h) the nature of the offense;

- 119 (i) whether the offense involved an accident;
- 120 (j) the driver's blood alcohol content, if applicable;
- 121 (k) if the offense involved a speeding violation:
- 122 (i) the posted speed limit;
- 123 (ii) the actual speed; and
- 124 (iii) whether the speeding violation occurred on a highway that is part of the interstate
- 125 system as defined in Section [72-1-102](#);

- 126 (l) the date of the hearing;
- 127 (m) the plea;
- 128 (n) the judgment or whether bail was forfeited; and
- 129 (o) the severity of the violation, which shall be graded by the court as "minimum,"
- 130 "intermediate," or "maximum" as established in accordance with Subsection [53-3-221](#)(4).

131 (4) When a convicted person secures a judgment of acquittal or reversal in any
132 appellate court after conviction in the court of first impression, the division shall reinstate the
133 convicted person's license immediately upon receipt of a certified copy of the judgment of
134 acquittal or reversal.

135 (5) Upon a conviction for a violation of the prohibition on using a handheld wireless
136 communication device for text messaging or electronic mail communication while operating a
137 moving motor vehicle under Section [41-6a-1716](#), a judge may order a suspension of the
138 convicted person's license for a period of three months.

139 (6) Upon a conviction for a violation of careless driving under Section [41-6a-1715](#) that
140 causes or results in the death of another person, a judge may order a revocation of the convicted
141 person's license for a period of one year.

142 (7) A court may not forward a record of or any data related to an item described in
143 Subsection [53-3-221](#)(4).

144 Section 3. Section [53-3-220](#) is amended to read:

145 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
146 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
147 **Limited driving privileges.**

148 (1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter
149 6a, Traffic Code, or Section [76-5-303](#), specifically provides for denial, suspension, or

150 disqualification, the division shall deny, suspend, or disqualify the license of a person upon
151 receiving a record of the person's conviction for:

152 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or
153 automobile homicide under Section 76-5-207 or 76-5-207.5;

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

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

161 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
162 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
163 regulating driving on highways;

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

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

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

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

173 (ix) failure to bring a motor vehicle to a stop at the command of a law enforcement
174 officer as required in Section 41-6a-210;

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

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

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

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

184 (xiv) operating or being in actual physical control of a motor vehicle while having any
185 measurable or detectable amount of alcohol in the person's body in violation of Section
186 41-6a-530;

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

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

191 (xvii) custodial interference, under:

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

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

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

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

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

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

204 (c) Except when action is taken under Section 53-3-219 for the same offense, upon
205 receiving a record of conviction, the division shall immediately suspend for six months the
206 license of the convicted person if the person was convicted of one of the following offenses
207 while the person was an operator of a motor vehicle:

208 (i) any violation of:

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

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

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

212 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
213 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or
214 (ii) any criminal offense that prohibits:
215 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance
216 that is prohibited under the acts described in Subsection (1)(c)(i); or
217 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or
218 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).
219 (d) The division may not suspend the license of a person who is convicted of an
220 offense listed in Subsection (1)(c) if the person was not an operator of a motor vehicle at the
221 time of the offense.
222 ~~[(d)]~~ (e) (i) The division shall immediately suspend a person's driver license for
223 conviction of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division
224 receives:
225 (A) an order from the sentencing court requiring that the person's driver license be
226 suspended; and
227 (B) a record of the conviction.
228 (ii) An order of suspension under this section is at the discretion of the sentencing
229 court, and may not be for more than 90 days for each offense.
230 ~~[(e)]~~ (f) (i) The division shall immediately suspend for one year the license of a person
231 upon receiving a record of:
232 (A) conviction for the first time for a violation under Section 32B-4-411; or
233 (B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act, for a violation
234 under Section 32B-4-411.
235 (ii) The division shall immediately suspend for a period of two years the license of a
236 person upon receiving a record of:
237 (A) (I) conviction for a second or subsequent violation under Section 32B-4-411; and
238 (II) the violation described in Subsection (1)~~[(e)]~~(f)(ii)(A)(I) is within 10 years of a
239 prior conviction for a violation under Section 32B-4-411; or
240 (B) (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court
241 Act of 1996, for a violation under Section 32B-4-411; and
242 (II) the adjudication described in Subsection (1)~~[(e)]~~(f)(ii)(B)(I) is within 10 years of a

243 prior adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation
244 under Section 32B-4-411.

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

246 (A) for a conviction or adjudication described in Subsection (1)~~(e)~~(f)(i):

247 (I) impose a suspension for one year beginning on the date of conviction; or

248 (II) if the person is under the age of eligibility for a driver license, impose a suspension
249 that begins on the date of conviction and continues for one year beginning on the date of
250 eligibility for a driver license; or

251 (B) for a conviction or adjudication described in Subsection (1)~~(e)~~(f)(ii):

252 (I) impose a suspension for a period of two years; or

253 (II) if the person is under the age of eligibility for a driver license, impose a suspension
254 that begins on the date of conviction and continues for two years beginning on the date of
255 eligibility for a driver license.

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

259 (v) Upon receipt of the second or subsequent order suspending a person's driving
260 privileges under Section 32B-4-411, the division shall reduce the suspension period under
261 Subsection (1)~~(e)~~(f)(ii) if ordered by the court in accordance with Subsection
262 32B-4-411(3)(b).

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

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

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

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

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

273 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is

274 driving while the person's license is denied, suspended, disqualified, or revoked, the person is
275 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,
276 or revocation originally imposed under Section 53-3-221.

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

281 (i) automobile homicide under Subsection (1)(a)(i);

282 (ii) those offenses referred to in Subsections (1)(a)(ii), (iii), (xi), (xii), (xiii), (1)(b), and
283 (1)(c); and

284 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,
285 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,
286 41-6a-517, a local ordinance which complies with the requirements of Subsection
287 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person
288 was charged with violating as a result of a plea bargain after having been originally charged
289 with violating one or more of these sections or ordinances, unless:

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

292 (B) the division receives written verification from the person's primary care physician
293 that:

294 (I) to the physician's knowledge the person has not used any narcotic drug or other
295 controlled substance except as prescribed by a licensed medical practitioner within the last
296 three years; and

297 (II) the physician is not aware of any physical, emotional, or mental impairment that
298 would affect the person's ability to operate a motor vehicle safely; and

299 (C) for a period of one year prior to the date of the request for a limited driving
300 privilege:

301 (I) the person has not been convicted of a violation of any motor vehicle law in which
302 the person was involved as the operator of the vehicle;

303 (II) the division has not received a report of an arrest for a violation of any motor
304 vehicle law in which the person was involved as the operator of the vehicle; and

305 (III) the division has not received a report of an accident in which the person was
306 involved as an operator of a vehicle.

307 (b) (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege
308 authorized in this Subsection (4):

309 (A) is limited to when undue hardship would result from a failure to grant the
310 privilege; and

311 (B) may be granted only once to any person during any single period of denial,
312 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
313 or disqualification.

314 (ii) The discretionary privilege authorized in Subsection (4)(a)(iii):

315 (A) is limited to when the limited privilege is necessary for the person to commute to
316 school or work; and

317 (B) may be granted only once to any person during any single period of denial,
318 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
319 or disqualification.

320 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
321 Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or
322 denied under this chapter.

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

324 **53-3-221. Offenses that may result in denial, suspension, disqualification, or**
325 **revocation of license -- Additional grounds for suspension -- Point system for traffic**
326 **violations -- Notice and hearing -- Reporting of traffic violation procedures.**

327 (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
328 Act, the division may deny, suspend, disqualify, or revoke the license or permit of any person
329 without receiving a record of the person's conviction of crime when the division has been
330 notified or has reason to believe the person:

331 (a) has committed any offenses for which mandatory suspension or revocation of a
332 license is required upon conviction under Section [53-3-220](#);

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

335 (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or

336 physical disability rendering it unsafe for the person to drive a motor vehicle or mobility
337 vehicle upon the highways;

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

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

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

343 (2) (a) [~~The~~] Except as provided in Subsection (4), the division may suspend the
344 license of a person under Subsection (1) when the person has failed to comply with the terms
345 stated on a traffic citation issued in this state, except this Subsection (2) does not apply to
346 highway weight limit violations or violations of law governing the transportation of hazardous
347 materials.

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

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

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

357 (3) (a) [~~The~~] Except as provided in Subsection (4), the division may suspend the
358 license of a person under Subsection (1) when the division has been notified by a court that the
359 person has an outstanding unpaid fine, an outstanding incomplete restitution requirement, or an
360 outstanding warrant levied by order of a court .

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

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

365 (d) The provisions of Subsection (3)(c) do not apply to:

366 (i) a CDIP or CDL license holder; or

- 367 (ii) a violation that occurred in a commercial motor vehicle.
- 368 (4) The division may not revoke, deny, suspend, or disqualify an individual's license
- 369 for:
- 370 (a) failure to pay an outstanding unpaid fine, if the unpaid amount is less than \$1,000;
- 371 (b) the first instance the individual fails to appear in court for a case involving a
- 372 misdemeanor or infraction; or
- 373 (c) a bench warrant issued as a result of an event described in Subsection (4)(a) or (b).
- 374 [~~4~~] (5) (a) The division shall make rules establishing a point system as provided for in
- 375 this Subsection [~~4~~] (5).
- 376 (b) (i) The division shall assign a number of points to each type of moving traffic
- 377 violation as a measure of its seriousness.
- 378 (ii) The points shall be based upon actual relationships between types of traffic
- 379 violations and motor vehicle traffic accidents.
- 380 (iii) Except as provided in Subsection [~~4~~] (5)(b)(iv), the division may not assess
- 381 points against a person's driving record for a conviction of a traffic violation:
- 382 (A) that occurred in another state; and
- 383 (B) that was committed on or after July 1, 2011.
- 384 (iv) The provisions of Subsection [~~4~~] (5)(b)(iii) do not apply to:
- 385 (A) a reckless or impaired driving violation or a speeding violation for exceeding the
- 386 posted speed limit by 21 or more miles per hour; or
- 387 (B) an offense committed in another state which, if committed within Utah, would
- 388 result in the mandatory suspension or revocation of a license upon conviction under Section
- 389 [53-3-220](#).
- 390 (c) Every person convicted of a traffic violation shall have assessed against the person's
- 391 driving record the number of points that the division has assigned to the type of violation of
- 392 which the person has been convicted, except that the number of points assessed shall be
- 393 decreased by 10% if on the abstract of the court record of the conviction the court has graded
- 394 the severity of violation as minimum, and shall be increased by 10% if on the abstract the court
- 395 has graded the severity of violation as maximum.
- 396 (d) (i) A separate procedure for assessing points for speeding offenses shall be
- 397 established by the division based upon the severity of the offense.

- 398 (ii) The severity of a speeding violation shall be graded as:
399 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;
400 (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per
401 hour; and
402 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.
403 (iii) Consideration shall be made for assessment of no points on minimum speeding
404 violations, except for speeding violations in school zones.
405 (e) (i) Points assessed against a person's driving record shall be deleted for violations
406 occurring before a time limit set by the division.
407 (ii) The time limit may not exceed three years.
408 (iii) The division may also delete points to reward violation-free driving for periods of
409 time set by the division.
410 (f) (i) By publication in two newspapers having general circulation throughout the
411 state, the division shall give notice of the number of points it has assigned to each type of
412 traffic violation, the time limit set by the division for the deletion of points, and the point level
413 at which the division will generally take action to deny or suspend under this section.
414 (ii) The division may not change any of the information provided above regarding
415 points without first giving new notice in the same manner.
416 ~~[(5)]~~ (6) (a) (i) If the division finds that the license of a person should be denied,
417 suspended, disqualified, or revoked under this section, the division shall immediately notify the
418 licensee in a manner specified by the division and afford the person an opportunity for a
419 hearing in the county where the licensee resides.
420 (ii) The hearing shall be documented, and the division or its authorized agent may
421 administer oaths, may issue subpoenas for the attendance of witnesses and the production of
422 relevant books and papers, and may require a reexamination of the licensee.
423 (iii) One or more members of the division may conduct the hearing, and any decision
424 made after a hearing before any number of the members of the division is as valid as if made
425 after a hearing before the full membership of the division.
426 (iv) After the hearing the division shall either rescind or affirm its decision to deny,
427 suspend, disqualify, or revoke the license.
428 (b) The denial, suspension, disqualification, or revocation of the license remains in

429 effect pending qualifications determined by the division regarding a person:

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

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

432 (iii) who is afflicted with mental or physical infirmities that might make him dangerous

433 on the highways; or

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

435 ~~[(6)]~~ (7) (a) Subject to Subsection ~~[(6)]~~ (7)(d), the division shall suspend a person's

436 license when the division receives notice from the Office of Recovery Services that the Office

437 of Recovery Services has ordered the suspension of the person's license.

438 (b) A suspension under Subsection ~~[(6)]~~ (7)(a) shall remain in effect until the division

439 receives notice from the Office of Recovery Services that the Office of Recovery Services has

440 rescinded the order of suspension.

441 (c) After an order of suspension is rescinded under Subsection ~~[(6)]~~ (7)(b), a report

442 authorized by Section 53-3-104 may not contain any evidence of the suspension.

443 (d) (i) If the division suspends a person's license under this Subsection ~~[(6)]~~ (7), the

444 division shall, upon application, issue a temporary limited driver license to the person if that

445 person needs a driver license for employment, education, or child visitation.

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

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

449 (B) shall prohibit the person from driving a motor vehicle for any purpose other than a
450 purpose described in Subsection ~~[(6)]~~ (7)(d)(ii)(A); and

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

453 (iii) (A) During the period beginning on the day on which a temporary limited driver

454 license is issued under this Subsection ~~[(6)]~~ (7), and ending on the day that the temporary

455 limited driver license expires, the suspension described in this Subsection ~~[(6)]~~ (7) only applies

456 if the person who is suspended operates a motor vehicle for a purpose other than employment,
457 education, or child visitation.

458 (B) Upon expiration of a temporary limited driver license described in this Subsection

459 ~~[(6)]~~ (7)(d):

460 (I) a suspension described in Subsection [~~(6)~~] (7)(a) shall be in full effect until the
461 division receives notice, under Subsection [~~(6)~~] (7)(b), that the order of suspension is
462 rescinded; and

463 (II) a person suspended under Subsection [~~(6)~~] (7)(a) may not drive a motor vehicle for
464 any reason.

465 (iv) The division is not required to issue a limited driver license to a person under this
466 Subsection [~~(6)~~] (7)(d) if there are other legal grounds for the suspension of the person's driver
467 license.

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

470 [~~(7)~~] (8) (a) The division may suspend or revoke the license of any resident of this state
471 upon receiving notice of the conviction of that person in another state of an offense committed
472 there that, if committed in this state, would be grounds for the suspension or revocation of a
473 license.

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

478 [~~(8)~~] (9) (a) The division may suspend or revoke the license of any nonresident to drive
479 a motor vehicle in this state for any cause for which the license of a resident driver may be
480 suspended or revoked.

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

483 [~~(9)~~] (10) (a) The division may not deny or suspend the license of any person for a
484 period of more than one year except:

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

486 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges
487 under Section 53-3-219;

488 (iii) when extending a denial or suspension upon receiving certain records or reports
489 under Subsection 53-3-220(2);

490 (iv) for failure to give and maintain owner's or operator's security under Section

491 41-12a-411;

492 (v) when the division suspends the license under Subsection [~~(6)~~] (7); or

493 (vi) when the division denies the license under Subsection [~~(14)~~] (15).

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

496 [~~(10)~~] (11) (a) By following the procedures in Title 63G, Chapter 4, Administrative
497 Procedures Act, the division may suspend the license of any person without receiving a record
498 of the person's conviction for a crime when the division has reason to believe that the person's
499 license was granted by the division through error or fraud or that the necessary consent for the
500 license has been withdrawn or is terminated.

501 (b) The procedure upon suspension is the same as under Subsection [~~(5)~~] (6), except
502 that after the hearing the division shall either rescind its order of suspension or cancel the
503 license.

504 [~~(11)~~] (12) (a) The division, having good cause to believe that a licensed driver is
505 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified
506 by the division of at least five days to the licensee require him to submit to an examination.

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

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

512 [~~(12)~~] (13) (a) Except as provided in Subsection [~~(12)~~] (13)(b), a report authorized by
513 Section 53-3-104 may not contain any evidence of a conviction for speeding on an interstate
514 system in this state if the conviction was for a speed of 10 miles per hour or less, above the
515 posted speed limit and did not result in an accident, unless authorized in a manner specified by
516 the division by the individual whose report is being requested.

517 (b) The provisions of Subsection [~~(12)~~] (13)(a) do not apply for:

518 (i) a CDIP or CDL license holder; or

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

520 [~~(13)~~] (14) (a) By following the procedures in Title 63G, Chapter 4, Administrative
521 Procedures Act, the division may suspend the license of a person if it has reason to believe that

522 the person is the owner of a motor vehicle for which security is required under Title 41,
523 Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has
524 driven the motor vehicle or permitted it to be driven within this state without the security being
525 in effect.

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

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

529 (ii) the driving privilege card holder's vehicle registration has been revoked under

530 Subsection [41-1a-110\(2\)\(a\)\(ii\)\(A\)](#).

531 (c) Section [41-12a-411](#) regarding the requirement of proof of owner's or operator's
532 security applies to persons whose driving privileges are suspended under this Subsection [~~(13)~~]
533 (14).

534 [~~(14)~~] (15) The division may deny an individual's license if the person fails to comply
535 with the requirement to downgrade the person's CDL to a class D license under Section
536 [53-3-410.1](#).

537 [~~(15)~~] (16) The division may deny a person's class A, B, C, or D license if the person
538 fails to comply with the requirement to have a K restriction removed from the person's license.

539 [~~(16)~~] (17) Any suspension or revocation of a person's license under this section also
540 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License
541 Act.