

DRIVER LICENSE SUSPENSION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to suspension of an individual's driver license.

Highlighted Provisions:

This bill:

- ▶ defines a term;
- ▶ prohibits the suspension of an individual's driver license by the Driver License

Division based solely on:

- the individual's failure to pay certain fines; or
- the issuance of a bench warrant issued as a result of the individual's failure to

appear or pay certain fines;

- ▶ allows a court to try in absentia certain individuals charged with certain violations who fail to enter into a written agreement or fail to make a court appearance;

- ▶ prohibits a court from ordering a driver license suspension or revocation under certain circumstances; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **31A-19a-211**, as last amended by Laws of Utah 2008, Chapter 382

30 **41-6a-403**, as last amended by Laws of Utah 2008, Chapter 382

31 **41-6a-1715**, as last amended by Laws of Utah 2014, Chapter 416

32 **53-3-102**, as last amended by Laws of Utah 2019, Chapters 426 and 459

33 **53-3-218**, as last amended by Laws of Utah 2018, Chapter 121

34 **53-3-221**, as last amended by Laws of Utah 2015, Chapter 52



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

37 Section 1. Section **31A-19a-211** is amended to read:

38 **31A-19a-211. Premium rate reduction for seniors -- Motor vehicle accident**
39 **prevention course -- Curriculum -- Certificate -- Exception.**

40 (1) (a) Each rate, rating schedule, and rating manual for the liability, personal injury
41 protection, and collision coverages of private passenger motor vehicle insurance policies
42 submitted to or filed with the commissioner shall provide for an appropriate reduction in
43 premium charges for those coverages if the principal operator of the covered vehicle:

- 44 (i) is a named insured who is 55 years of age or older; and
 - 45 (ii) has successfully completed a motor vehicle accident prevention course as outlined
- 46 in Subsection (2).

47 (b) Any premium reduction provided by an insurer under this section is presumed to be
48 appropriate unless credible data demonstrates otherwise.

49 (2) (a) The curriculum for a motor vehicle accident prevention course under this
50 section shall include:

- 51 (i) how impairment of visual and audio perception affects driving performance and
- 52 how to compensate for that impairment;
- 53 (ii) the effects of fatigue, medications, and alcohol on driving performance, when
- 54 experienced alone or in combination, and precautionary measures to prevent or offset ill
- 55 effects;
- 56 (iii) updates on rules of the road and equipment, including safety belts and safe,
- 57 efficient driving techniques under present day road and traffic conditions;
- 58 (iv) how to plan travel time and select routes for safety and efficiency; and

59 (v) how to make crucial decisions in dangerous, hazardous, and unforeseen situations.

60 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
61 the Department of Public Safety may make rules to establish and clarify standards pertaining to
62 the curriculum and teaching methods of a course under this section.

63 (ii) These rules may include provisions allowing the department to conduct on-site
64 visits to ensure compliance with agency rules and this chapter.

65 (iii) These rules shall be specific as to time and manner of visits and provide for
66 methods to prohibit or remedy forcible visits.

67 (3) (a) The premium reduction required by this section shall be effective for a named
68 insured for a three-year period after successful completion of the course outlined in Subsection
69 (2).

70 (b) The insurer may require, as a condition of maintaining the premium reduction, that
71 the named insured not be convicted or plead guilty or nolo contendere to a moving traffic
72 violation for which points may be assessed against the named insured's driver license except
73 for a violation under Subsection 53-3-221[(+2)](11).

74 (4) Each person who successfully completes the course outlined in Subsection (2) shall
75 be issued a certificate by the organization offering the course. The certificate qualifies the
76 person for the premium reduction required by this section.

77 (5) This section does not apply if the approved course outlined in Subsection (2) is
78 attended as a penalty imposed by a court or other governmental entity for a moving traffic
79 violation.

80 Section 2. Section 41-6a-403 is amended to read:

81 **41-6a-403. Vehicle accidents -- Investigation and report of operator security --**
82 **Agency action if no security -- Surrender of plates -- Penalties.**

83 (1) (a) Upon request of a peace officer investigating an accident involving a motor
84 vehicle, the operator of the motor vehicle shall provide evidence of the owner's or operator's
85 security required under Section 41-12a-301.

86 (b) The evidence of owner's or operator's security includes information specified under
87 Section 41-12a-303.2.

88 (2) The peace officer shall record on a form approved by the department:

89 (a) the information provided by the operator;

90 (b) whether the operator provided insufficient or no information;

91 (c) whether the officer finds reasonable cause to believe that any information given is
92 not correct; and

93 (d) whether other information available to the peace officer indicates that owner's or
94 operator's security is in effect.

95 (3) The peace officer shall deposit all completed forms with the peace officer's law
96 enforcement agency, which shall forward the forms to the department no later than 10 days
97 after receipt.

98 (4) (a) The department shall within 10 days of receipt of the forms from the law
99 enforcement agency take action as follows:

100 (i) if the operator provided no information under Subsection (1) and other information
101 available to the peace officer does not indicate that owner's or operator's security is in effect,
102 the department shall take direct action under Subsection 53-3-221[(13)](12); or

103 (ii) if the peace officer noted or the department determines that there is reasonable
104 cause to believe that the information given under Subsection (1) is not correct, the department
105 shall contact directly the insurance company or other provider of security as described in
106 Section 41-12a-303.2 and request verification of the accuracy of the information submitted as
107 of the date of the accident.

108 (b) The department may require the verification under Subsection (4)(a)(ii) to be in a
109 form specified by the department.

110 (c) The insurance company or other provider of security shall return the verification to
111 the department within 30 days of receipt of the request.

112 (d) If the department does not receive verification within 35 days after sending the
113 request, or within the 35 days receives notice that the information was not correct, the
114 department shall take action under Subsection 53-3-221[(13)](12).

115 (5) (a) The owner of a vehicle with unexpired license plates for which security is not
116 provided as required under this chapter shall return the plates for the vehicle to the Motor
117 Vehicle Division unless specifically permitted by statute to retain them.

118 (b) If the owner fails to return the plates as required, the plates shall be confiscated
119 under Section 53-3-226.

120 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

121 department may make rules for the enforcement of this section.

122 (7) A person is guilty of a class B misdemeanor, and shall be fined not less than \$100,
123 who:

124 (a) when requested to provide security information under Subsection (1), or Section
125 41-12a-303.2, provides false information;

126 (b) falsely represents to the department that security required under this chapter is in
127 effect; or

128 (c) sells a vehicle to avoid the penalties of this section as applicable either to himself or
129 a third party.

130 Section 3. Section 41-6a-1715 is amended to read:

131 **41-6a-1715. Careless driving defined and prohibited.**

132 (1) A person operating a motor vehicle is guilty of careless driving if the person:

133 (a) commits two or more moving traffic violations under this chapter in a series of acts
134 within a single continuous period of driving covering three miles or less in total distance; or

135 (b) commits a moving traffic violation under this chapter other than a moving traffic
136 violation under Part 6, Speed Restrictions, while being distracted by one or more activities
137 taking place within the vehicle that are not related to the operation of a motor vehicle,
138 including:

139 (i) searching for an item in the vehicle; or

140 (ii) attending to personal hygiene or grooming.

141 (2) A violation of this section is a class C misdemeanor.

142 (3) In addition to the penalty provided under this section or any other section, a judge
143 may order the revocation of the convicted person's driver license if the violation causes or
144 results in the death of another person in accordance with Subsection 53-3-218[(6)](7).

145 Section 4. Section 53-3-102 is amended to read:

146 **53-3-102. Definitions.**

147 As used in this chapter:

148 (1) "Autocycle" means a motor vehicle that:

149 (a) is designed to travel with three or fewer wheels in contact with the ground;

150 (b) is equipped with a steering wheel; and

151 (c) is equipped with seating that does not require the operator to straddle or sit astride

152 the vehicle.

153 (2) "Cancellation" means the termination by the division of a license issued through
154 error or fraud or for which consent under Section 53-3-211 has been withdrawn.

155 (3) "Class D license" means the class of license issued to drive motor vehicles not
156 defined as commercial motor vehicles or motorcycles under this chapter.

157 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner
158 permit:

159 (a) issued under Section 53-3-408; or

160 (b) issued by a state or other jurisdiction of domicile in compliance with the standards
161 contained in 49 C.F.R. Part 383.

162 (5) "Commercial driver license" or "CDL" means a license:

163 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
164 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
165 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
166 commercial motor vehicle; and

167 (b) that was obtained by providing evidence of lawful presence in the United States
168 with one of the document requirements described in Subsection 53-3-410(1)(i)(i).

169 (6) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a
170 driving record that:

171 (i) applies to a person who holds or is required to hold a commercial driver instruction
172 permit or a CDL license; and

173 (ii) contains the following:

174 (A) information contained in the driver history, including convictions, pleas held in
175 abeyance, disqualifications, and other licensing actions for violations of any state or local law
176 relating to motor vehicle traffic control, committed in any type of vehicle;

177 (B) driver self-certification status information under Section 53-3-410.1; and

178 (C) information from medical certification record keeping in accordance with 49
179 C.F.R. Sec. 383.73(o).

180 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a
181 motor vehicle record described in Subsection (30).

182 (7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor

183 vehicles designed or used to transport passengers or property if the motor vehicle:

184 (i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as
185 determined by federal regulation;

186 (ii) is designed to transport 16 or more passengers, including the driver; or

187 (iii) is transporting hazardous materials and is required to be placarded in accordance
188 with 49 C.F.R. Part 172, Subpart F.

189 (b) The following vehicles are not considered a commercial motor vehicle for purposes
190 of Part 4, Uniform Commercial Driver License Act:

191 (i) equipment owned and operated by the United States Department of Defense when
192 driven by any active duty military personnel and members of the reserves and national guard on
193 active duty including personnel on full-time national guard duty, personnel on part-time
194 training, and national guard military technicians and civilians who are required to wear military
195 uniforms and are subject to the code of military justice;

196 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
197 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation
198 as a motor carrier for hire;

199 (iii) firefighting and emergency vehicles;

200 (iv) recreational vehicles that are not used in commerce and are driven solely as family
201 or personal conveyances for recreational purposes; and

202 (v) vehicles used to provide transportation network services, as defined in Section
203 [13-51-102](#).

204 (8) "Conviction" means any of the following:

205 (a) an unvacated adjudication of guilt or a determination that a person has violated or
206 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

207 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's
208 appearance in court;

209 (c) a plea of guilty or nolo contendere accepted by the court;

210 (d) the payment of a fine or court costs; or

211 (e) violation of a condition of release without bail, regardless of whether the penalty is
212 rebated, suspended, or probated.

213 (9) "Criminal justice account receivable" means a fine, restitution, forfeiture, fee,

214 surcharge, or other financial penalty imposed on an individual by a court or another
215 governmental entity.

216 [~~(9)~~] (10) "Denial" or "denied" means the withdrawal of a driving privilege by the
217 division to which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or
218 Operator's Security, do not apply.

219 [~~(10)~~] (11) "Director" means the division director appointed under Section 53-3-103.

220 [~~(11)~~] (12) "Disqualification" means either:

221 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state
222 of a person's privileges to drive a commercial motor vehicle;

223 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
224 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
225 391; or

226 (c) the loss of qualification that automatically follows conviction of an offense listed in
227 49 C.F.R. Part 383.51.

228 [~~(12)~~] (13) "Division" means the Driver License Division of the department created in
229 Section 53-3-103.

230 [~~(13)~~] (14) "Downgrade" means to obtain a lower license class than what was
231 originally issued during an existing license cycle.

232 [~~(14)~~] (15) "Drive" means:

233 (a) to operate or be in physical control of a motor vehicle upon a highway; and

234 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
235 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
236 the state.

237 [~~(15)~~] (16) (a) "Driver" means an individual who drives, or is in actual physical control
238 of a motor vehicle in any location open to the general public for purposes of vehicular traffic.

239 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
240 who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act, or
241 federal law.

242 [~~(16)~~] (17) "Driving privilege card" means the evidence of the privilege granted and
243 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained
244 without providing evidence of lawful presence in the United States.

245 [~~(17)~~] (18) "Electronic license certificate" means the evidence, in an electronic format
246 as described in Section [53-3-235](#), of a privilege granted under this chapter to drive a motor
247 vehicle.

248 [~~(18)~~] (19) "Extension" means a renewal completed in a manner specified by the
249 division.

250 [~~(19)~~] (20) "Farm tractor" means every motor vehicle designed and used primarily as a
251 farm implement for drawing plows, mowing machines, and other implements of husbandry.

252 [~~(20)~~] (21) "Highway" means the entire width between property lines of every way or
253 place of any nature when any part of it is open to the use of the public, as a matter of right, for
254 traffic.

255 [~~(21)~~] (22) "Human driver" means the same as that term is defined in Section
256 [41-26-102.1](#).

257 [~~(22)~~] (23) "Identification card" means a card issued under Part 8, Identification Card
258 Act, to a person for identification purposes.

259 [~~(23)~~] (24) "Indigent" means that a person's income falls below the federal poverty
260 guideline issued annually by the U.S. Department of Health and Human Services in the Federal
261 Register.

262 [~~(24)~~] (25) "License" means the privilege to drive a motor vehicle.

263 [~~(25)~~] (26) (a) "License certificate" means the evidence of the privilege issued under
264 this chapter to drive a motor vehicle.

265 (b) "License certificate" evidence includes:

266 (i) a regular license certificate;

267 (ii) a limited-term license certificate;

268 (iii) a driving privilege card;

269 (iv) a CDL license certificate;

270 (v) a limited-term CDL license certificate;

271 (vi) a temporary regular license certificate;

272 (vii) a temporary limited-term license certificate; and

273 (viii) an electronic license certificate created in Section [53-3-235](#).

274 [~~(26)~~] (27) "Limited-term commercial driver license" or "limited-term CDL" means a
275 license:

276 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
277 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
278 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
279 commercial motor vehicle; and

280 (b) that was obtained by providing evidence of lawful presence in the United States
281 with one of the document requirements described in Subsection 53-3-410(1)(i)(ii).

282 [~~27~~] (28) "Limited-term identification card" means an identification card issued under
283 this chapter to a person whose card was obtained by providing evidence of lawful presence in
284 the United States with one of the document requirements described in Subsection
285 53-3-804(2)(i)(ii).

286 [~~28~~] (29) "Limited-term license certificate" means the evidence of the privilege
287 granted and issued under this chapter to drive a motor vehicle to a person whose privilege was
288 obtained providing evidence of lawful presence in the United States with one of the document
289 requirements described in Subsection 53-3-205(8)(a)(ii)(B).

290 [~~29~~] (30) "Motor vehicle" means the same as that term is defined in Section
291 41-1a-102.

292 [~~30~~] (31) "Motor vehicle record" or "MVR" means a driving record under Subsection
293 53-3-109(6)(a).

294 [~~31~~] (32) "Motorboat" means the same as that term is defined in Section 73-18-2.

295 [~~32~~] (33) "Motorcycle" means every motor vehicle, other than a tractor, having a seat
296 or saddle for the use of the rider and designed to travel with not more than three wheels in
297 contact with the ground.

298 [~~33~~] (34) "Office of Recovery Services" means the Office of Recovery Services,
299 created in Section 62A-11-102.

300 [~~34~~] (35) "Operate" means the same as that term is defined in Section 41-1a-102.

301 [~~35~~] (36) (a) "Owner" means a person other than a lien holder having an interest in
302 the property or title to a vehicle.

303 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to
304 a security interest in another person but excludes a lessee under a lease not intended as security.

305 [~~36~~] (37) (a) "Private passenger carrier" means any motor vehicle for hire that is:

306 (i) designed to transport 15 or fewer passengers, including the driver; and

- 307 (ii) operated to transport an employee of the person that hires the motor vehicle.
- 308 (b) "Private passenger carrier" does not include:
- 309 (i) a taxicab;
- 310 (ii) a motor vehicle driven by a transportation network driver as defined in Section
- 311 [13-51-102](#);
- 312 (iii) a motor vehicle driven for transportation network services as defined in Section
- 313 [13-51-102](#); and
- 314 (iv) a motor vehicle driven for a transportation network company as defined in Section
- 315 [13-51-102](#) and registered with the Division of Consumer Protection as described in Section
- 316 [13-51-104](#).
- 317 ~~[(37)]~~ (38) "Regular identification card" means an identification card issued under this
- 318 chapter to a person whose card was obtained by providing evidence of lawful presence in the
- 319 United States with one of the document requirements described in Subsection [53-3-804\(2\)\(i\)\(i\)](#).
- 320 ~~[(38)]~~ (39) "Regular license certificate" means the evidence of the privilege issued
- 321 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence
- 322 of lawful presence in the United States with one of the document requirements described in
- 323 Subsection [53-3-205\(8\)\(a\)\(ii\)\(A\)](#).
- 324 ~~[(39)]~~ (40) "Renewal" means to validate a license certificate so that it expires at a later
- 325 date.
- 326 ~~[(40)]~~ (41) "Reportable violation" means an offense required to be reported to the
- 327 division as determined by the division and includes those offenses against which points are
- 328 assessed under Section [53-3-221](#).
- 329 ~~[(41)]~~ (42) (a) "Resident" means an individual who:
- 330 (i) has established a domicile in this state, as defined in Section [41-1a-202](#), or
- 331 regardless of domicile, remains in this state for an aggregate period of six months or more
- 332 during any calendar year;
- 333 (ii) engages in a trade, profession, or occupation in this state, or who accepts
- 334 employment in other than seasonal work in this state, and who does not commute into the state;
- 335 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
- 336 license certificate or motor vehicle registration; or
- 337 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended

338 to nonresidents, including going to school, or placing children in school without paying
339 nonresident tuition or fees.

340 (b) "Resident" does not include any of the following:

341 (i) a member of the military, temporarily stationed in this state;

342 (ii) an out-of-state student, as classified by an institution of higher education,
343 regardless of whether the student engages in any type of employment in this state;

344 (iii) a person domiciled in another state or country, who is temporarily assigned in this
345 state, assigned by or representing an employer, religious or private organization, or a
346 governmental entity; or

347 (iv) an immediate family member who resides with or a household member of a person
348 listed in Subsections ~~[(41)]~~ (42)(b)(i) through (iii).

349 ~~[(42)]~~ (43) "Revocation" means the termination by action of the division of a licensee's
350 privilege to drive a motor vehicle.

351 ~~[(43)]~~ (44) (a) "School bus" means a commercial motor vehicle used to transport
352 pre-primary, primary, or secondary school students to and from home and school, or to and
353 from school sponsored events.

354 (b) "School bus" does not include a bus used as a common carrier as defined in Section
355 59-12-102.

356 ~~[(44)]~~ (45) "Suspension" means the temporary withdrawal by action of the division of a
357 licensee's privilege to drive a motor vehicle.

358 ~~[(45)]~~ (46) "Taxicab" means any class D motor vehicle transporting any number of
359 passengers for hire and that is subject to state or federal regulation as a taxi.

360 Section 5. Section **53-3-218** is amended to read:

361 **53-3-218. Court to report convictions and may recommend suspension of license**

362 **-- Severity of speeding violation defined.**

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

365 (2) (a) Except as provided in Subsection (2)(c), a court having jurisdiction over
366 offenses committed under this chapter or any other law of this state, or under any municipal
367 ordinance regulating driving motor vehicles on highways or driving motorboats on the water,
368 shall forward to the division within five days, an abstract of the court record of the conviction

369 or plea held in abeyance of any person in the court for a reportable traffic or motorboating
370 violation of any laws or ordinances, and may recommend the suspension of the license of the
371 person convicted.

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

376 (c) A court may not forward to the division an abstract of a court record of a conviction
377 for a violation described in Subsection 53-3-220(1)(c)(i) or (ii), unless the court found that the
378 person convicted of the violation was an operator of a motor vehicle at the time of the
379 violation.

380 (3) (a) A court may not order the division to suspend a person's driver's license based
381 solely on the person's failure to pay a criminal judgment accounts receivable.

382 (b) For a person who fails to enter a written agreement or make a court appearance, the
383 court may rule that the person has waived the court hearing and the court may try the person in
384 absentia, after which the court shall send notice of the court's finding to the person at the last
385 address provided to the court or the division, if:

386 (i) the person was charged with an offense related to the operation of a motor vehicle
387 that is an infraction or a class C misdemeanor; and

388 (ii) the penalty for the offense does not include jail time.

389 (c) (i) For a defendant charged with an offense related to the operation of a motor
390 vehicle that is a class B misdemeanor or higher, and the person fails to appear prior to
391 sentencing, the court may send an abstract to or otherwise notify the division.

392 (ii) For a defendant charged with an offense related to the operation of a motor vehicle
393 that is a class C misdemeanor or an infraction, and the person fails to appear prior to
394 sentencing, the court may not send an abstract to or otherwise notify the division.

395 [~~3~~] (4) The abstract shall be made in the form prescribed by the division and shall
396 include:

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

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

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

- 400 (d) whether the motor vehicle was a commercial motor vehicle;
- 401 (e) whether the motor vehicle carried hazardous materials;
- 402 (f) whether the motor vehicle carried 16 or more occupants;
- 403 (g) whether the driver presented a commercial driver license;
- 404 (h) the nature of the offense;
- 405 (i) whether the offense involved an accident;
- 406 (j) the driver's blood alcohol content, if applicable;
- 407 (k) if the offense involved a speeding violation:
 - 408 (i) the posted speed limit;
 - 409 (ii) the actual speed; and
 - 410 (iii) whether the speeding violation occurred on a highway that is part of the interstate

411 system as defined in Section 72-1-102;

- 412 (l) the date of the hearing;
- 413 (m) the plea;
- 414 (n) the judgment or whether bail was forfeited; and
- 415 (o) the severity of the violation, which shall be graded by the court as "minimum,"
- 416 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221[(4)](5).

417 [(4)] (5) When a convicted person secures a judgment of acquittal or reversal in any
418 appellate court after conviction in the court of first impression, the division shall reinstate the
419 convicted person's license immediately upon receipt of a certified copy of the judgment of
420 acquittal or reversal.

421 [(5)] (6) Upon a conviction for a violation of the prohibition on using a handheld
422 wireless communication device for text messaging or electronic mail communication while
423 operating a moving motor vehicle under Section 41-6a-1716, a judge may order a suspension
424 of the convicted person's license for a period of three months.

425 [(6)] (7) Upon a conviction for a violation of careless driving under Section
426 41-6a-1715 that causes or results in the death of another person, a judge may order a revocation
427 of the convicted person's license for a period of one year.

428 Section 6. Section 53-3-221 is amended to read:

429 **53-3-221. Offenses that may result in denial, suspension, disqualification, or**
430 **revocation of license -- Additional grounds for suspension -- Point system for traffic**

431 **violations -- Notice and hearing -- Reporting of traffic violation procedures.**

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

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

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

440 (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or
441 physical disability rendering it unsafe for the person to drive a motor vehicle or mobility
442 vehicle upon the highways;

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

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

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

448 ~~[(2)(a) The division may suspend the license of a person under Subsection (1) when
449 the person has failed to comply with the terms stated on a traffic citation issued in this state;
450 except this Subsection (2) does not apply to highway weight limit violations or violations of
451 law governing the transportation of hazardous materials.]~~

452 ~~[(b) This Subsection (2) applies to parking and standing violations only if a court has
453 issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy
454 the terms of the citation.]~~

455 ~~[(c)(i) This Subsection (2) may not be exercised unless notice of the pending
456 suspension of the driving privilege has been sent at least 10 days previously to the person at the
457 address provided to the division.]~~

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

461 ~~[(3)(a) The division may suspend the license of a person under Subsection (1) when~~

462 the division has been notified by a court that the person has an outstanding unpaid fine, an
463 outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a
464 court.]

465 [~~(b)~~ The suspension remains in effect until the division is notified by the court that the
466 order has been satisfied.]

467 [~~(c)~~ After clearance by the division, a report authorized by Section ~~53-3-104~~ may not
468 contain any evidence of the suspension.]

469 [~~(d)~~ The provisions of Subsection (3)(c) do not apply to:]

470 [(i) a CDIP or CDL license holder; or]

471 [(ii) a violation that occurred in a commercial motor vehicle.]

472 (2) The division may not revoke, deny, suspend, or disqualify an individual's driver
473 license based solely on:

474 (a) the individual's failure to appear;

475 (b) the individual's failure to pay an outstanding criminal justice account receivable; or

476 (c) the issuance of a bench warrant as a result of an event described in Subsection

477 (2)(a) or (b).

478 [~~(4)~~ (3) (a) The division shall make rules establishing a point system as provided for in
479 this Subsection [~~(4)~~ (3).

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

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

484 (iii) Except as provided in Subsection [~~(4)~~ (3)(b)(iv), the division may not assess
485 points against a person's driving record for a conviction of a traffic violation:

486 (A) that occurred in another state; and

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

488 (iv) The provisions of Subsection [~~(4)~~ (3)(b)(iii) do not apply to:

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

491 (B) an offense committed in another state which, if committed within Utah, would
492 result in the mandatory suspension or revocation of a license upon conviction under Section

493 53-3-220.

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

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

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

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

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

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

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

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

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

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

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

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

520 [~~5~~] (4) (a) (i) If the division finds that the license of a person should be denied,
521 suspended, disqualified, or revoked under this section, the division shall immediately notify the
522 licensee in a manner specified by the division and afford the person an opportunity for a
523 hearing in the county where the licensee resides.

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

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

530 (iv) After the hearing the division shall either rescind or affirm its decision to deny,
531 suspend, disqualify, or revoke the license.

532 (b) The denial, suspension, disqualification, or revocation of the license remains in
533 effect pending qualifications determined by the division regarding a person:

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

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

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

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

539 ~~[(6)]~~ (5) (a) Subject to Subsection ~~[(6)]~~ (5)(d), the division shall suspend a person's
540 license when the division receives notice from the Office of Recovery Services that the Office
541 of Recovery Services has ordered the suspension of the person's license.

542 (b) A suspension under Subsection ~~[(6)]~~ (5)(a) shall remain in effect until the division
543 receives notice from the Office of Recovery Services that the Office of Recovery Services has
544 rescinded the order of suspension.

545 (c) After an order of suspension is rescinded under Subsection ~~[(6)]~~ (5)(b), a report
546 authorized by Section 53-3-104 may not contain any evidence of the suspension.

547 (d) (i) If the division suspends a person's license under this Subsection ~~[(6)]~~ (5), the
548 division shall, upon application, issue a temporary limited driver license to the person if that
549 person needs a driver license for employment, education, or child visitation.

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

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

553 (B) shall prohibit the person from driving a motor vehicle for any purpose other than a
554 purpose described in Subsection ~~[(6)]~~ (5)(d)(ii)(A); and

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

557 (iii) (A) During the period beginning on the day on which a temporary limited driver
558 license is issued under this Subsection [~~(6)~~] (5), and ending on the day that the temporary
559 limited driver license expires, the suspension described in this Subsection [~~(6)~~] (5) only applies
560 if the person who is suspended operates a motor vehicle for a purpose other than employment,
561 education, or child visitation.

562 (B) Upon expiration of a temporary limited driver license described in this Subsection
563 [~~(6)~~] (5)(d):

564 (I) a suspension described in Subsection [~~(6)~~] (5)(a) shall be in full effect until the
565 division receives notice, under Subsection [~~(6)~~] (5)(b), that the order of suspension is
566 rescinded; and

567 (II) a person suspended under Subsection [~~(6)~~] (5)(a) may not drive a motor vehicle for
568 any reason.

569 (iv) The division is not required to issue a limited driver license to a person under this
570 Subsection [~~(6)~~] (5)(d) if there are other legal grounds for the suspension of the person's driver
571 license.

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

574 [~~(7)~~] (6) (a) The division may suspend or revoke the license of any resident of this state
575 upon receiving notice of the conviction of that person in another state of an offense committed
576 there that, if committed in this state, would be grounds for the suspension or revocation of a
577 license.

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

582 [~~(8)~~] (7) (a) The division may suspend or revoke the license of any nonresident to drive
583 a motor vehicle in this state for any cause for which the license of a resident driver may be
584 suspended or revoked.

585 (b) Any nonresident who drives a motor vehicle upon a highway when the person's

586 license has been suspended or revoked by the division is guilty of a class C misdemeanor.

587 ~~[(9)(a)]~~ (8) The division may not deny or suspend the license of any person for a
588 period of more than one year except:

589 ~~[(i) for failure to comply with the terms of a traffic citation under Subsection (2);]~~

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

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

594 ~~[(iv)]~~ (c) for failure to give and maintain owner's or operator's security under Section
595 41-12a-411;

596 ~~[(v)]~~ (d) when the division suspends the license under Subsection ~~[(6)]~~ (5); or

597 ~~[(vi)]~~ (e) when the division denies the license under Subsection ~~[(14)]~~ (13).

598 ~~[(b) The division may suspend the license of a person under Subsection (2) until the
599 person shows satisfactory evidence of compliance with the terms of the traffic citation.]~~

600 ~~[(10)]~~ (9) (a) By following the procedures in Title 63G, Chapter 4, Administrative
601 Procedures Act, the division may suspend the license of any person without receiving a record
602 of the person's conviction for a crime when the division has reason to believe that the person's
603 license was granted by the division through error or fraud or that the necessary consent for the
604 license has been withdrawn or is terminated.

605 (b) The procedure upon suspension is the same as under Subsection ~~[(5)]~~ (4), except
606 that after the hearing the division shall either rescind its order of suspension or cancel the
607 license.

608 ~~[(11)]~~ (10) (a) The division, having good cause to believe that a licensed driver is
609 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified
610 by the division of at least five days to the licensee require him to submit to an examination.

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

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

616 ~~[(12)]~~ (11) (a) Except as provided in Subsection ~~[(12)]~~ (11)(b), a report authorized by

617 Section 53-3-104 may not contain any evidence of a conviction for speeding on an interstate
618 system in this state if the conviction was for a speed of 10 miles per hour or less, above the
619 posted speed limit and did not result in an accident, unless authorized in a manner specified by
620 the division by the individual whose report is being requested.

621 (b) The provisions of Subsection ~~[(12)]~~ (11)(a) do not apply for:

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

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

624 ~~[(13)]~~ (12) (a) By following the procedures in Title 63G, Chapter 4, Administrative
625 Procedures Act, the division may suspend the license of a person if it has reason to believe that
626 the person is the owner of a motor vehicle for which security is required under Title 41,
627 Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has
628 driven the motor vehicle or permitted it to be driven within this state without the security being
629 in effect.

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

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

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

635 (c) Section 41-12a-411 regarding the requirement of proof of owner's or operator's
636 security applies to persons whose driving privileges are suspended under this Subsection ~~[(13)]~~
637 (12).

638 ~~[(14)]~~ (13) The division may deny an individual's license if the person fails to comply
639 with the requirement to downgrade the person's CDL to a class D license under Section
640 53-3-410.1.

641 ~~[(15)]~~ (14) The division may deny a person's class A, B, C, or D license if the person
642 fails to comply with the requirement to have a K restriction removed from the person's license.

643 ~~[(16)]~~ (15) Any suspension or revocation of a person's license under this section also
644 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License
645 Act.