

Representative Andrew Stoddard proposes the following substitute bill:

LIMITED DRIVER LICENSE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to ignition interlock systems and driver license suspensions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides increased penalties for a violation of tampering or removing an ignition interlock system;
- ▶ allows certain individuals to elect to become an ignition interlock restricted driver in lieu of a driver license suspension; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-518.2, as last amended by Laws of Utah 2019, Chapter 271



26 [53-3-102](#), as last amended by Laws of Utah 2019, Chapters 426 and 459

27 [53-3-220](#), as last amended by Laws of Utah 2018, Chapters 121 and 133

28 [53-3-223](#), as last amended by Laws of Utah 2019, Chapter 77

29 ENACTS:

30 [53-3-1007.1](#), Utah Code Annotated 1953



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

32 Section 1. Section [41-6a-518.2](#) is amended to read:

33 **[41-6a-518.2. Interlock restricted driver -- Penalties for operation without ignition](#)**
34 **interlock system.**

35 (1) As used in this section:

36 (a) "Ignition interlock system" means a constant monitoring device or any similar
37 device that:

38 (i) is in working order at the time of operation or actual physical control; and

39 (ii) is certified by the Commissioner of Public Safety in accordance with Subsection
40 [41-6a-518\(8\)](#).

41 (b) (i) "Interlock restricted driver" means a person who:

42 (A) has been ordered by a court or the Board of Pardons and Parole as a condition of
43 probation or parole not to operate a motor vehicle without an ignition interlock system;

44 (B) within the last 18 months has been convicted of a driving under the influence
45 violation under Section [41-6a-502](#) that was committed on or after July 1, 2009;

46 (C) (I) within the last three years has been convicted of an offense that occurred after
47 May 1, 2006 which would be a conviction as defined under Section [41-6a-501](#); and

48 (II) the offense described under Subsection (1)(b)(i)(C)(I) is committed within 10 years
49 from the date that one or more prior offenses was committed if the prior offense resulted in a
50 conviction as defined in [~~Subsection [41-6a-501\(2\)](#)] Section [41-6a-501](#);~~

51 (D) within the last three years has been convicted of a violation of this section;

52 (E) within the last three years has had the person's driving privilege revoked for refusal
53 to submit to a chemical test under Section [41-6a-520](#), which refusal occurred after May 1,
54 2006;

55 (F) within the last three years has been convicted of a violation of Section [41-6a-502](#)

57 and was under the age of 21 at the time the offense was committed;

58 (G) within the last six years has been convicted of a felony violation of Section
59 [41-6a-502](#) for an offense that occurred after May 1, 2006; ~~[or]~~

60 (H) within the last 10 years has been convicted of automobile homicide under Section
61 [76-5-207](#) for an offense that occurred after May 1, 2006~~[-];~~ or

62 (I) has elected to become an interlock restricted driver in lieu of a driver license
63 suspension pursuant to Section [53-3-1007.1](#).

64 (ii) "Interlock restricted driver" does not include a person:

65 (A) whose conviction described in Subsection (1)(b)(i)(C)(I) is a conviction under
66 Section [41-6a-502](#) that does not involve alcohol or a conviction under Section [41-6a-517](#) and
67 whose prior convictions described in Subsection (1)(b)(i)(C)(II) are all convictions under
68 Section [41-6a-502](#) that did not involve alcohol or convictions under Section [41-6a-517](#);

69 (B) whose conviction described in Subsection (1)(b)(i)(B) or (F) does not involve
70 alcohol and the convicting court notifies the Driver License Division at the time of sentencing
71 that the conviction does not involve alcohol; or

72 (C) whose conviction described in Subsection (1)(b)(i)(B), (C), or (F) does not involve
73 alcohol and the ignition interlock restriction is removed as described in Subsection (7).

74 (2) The division shall post the ignition interlock restriction on a person's electronic
75 record that is available to law enforcement.

76 (3) For purposes of this section, a plea of guilty or no contest to a violation of Section
77 [41-6a-502](#) which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,
78 prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently
79 reduced or dismissed in accordance with the plea in abeyance agreement.

80 (4) (a) An interlock restricted driver who does either of the following during the
81 ignition interlock restriction period is guilty of a class B misdemeanor:

82 (i) operates or is in actual physical control of a vehicle in the state without an ignition
83 interlock system ~~[is guilty of a class B misdemeanor.];~~ or

84 (ii) intentionally or knowingly tampers with or removes an ignition interlock system.

85 (b) An interlock restricted driver who commits a second violation described in
86 Subsection (4)(a) is guilty of a class B misdemeanor and the court shall impose:

87 (i) a jail sentence of not less than 24 consecutive hours; and

88 (ii) a fine not less than \$700.

89 (c) An interlock restricted driver who commits a third or subsequent violation
90 described in Subsection (4)(a) is guilty of a class A misdemeanor and the court shall impose:

91 (i) a jail sentence of not less than 120 hours; and

92 (ii) a fine not less than \$1,400.

93 (5) It is an affirmative defense to a charge of a violation of Subsection (4) if:

94 (a) the interlock restricted driver operated or was in actual physical control of a vehicle
95 owned by the interlock restricted driver's employer;

96 (b) the interlock restricted driver had given written notice to the employer of the
97 interlock restricted driver's interlock restricted status prior to the operation or actual physical
98 control under Subsection (5)(a);

99 (c) the interlock restricted driver had on the interlock restricted driver's person, or in
100 the vehicle, at the time of operation or physical control employer verification, as defined in
101 [~~Subsection 41-6a-518(1)~~] Section 41-6a-518; and

102 (d) the operation or actual physical control described in Subsection (5)(a) was in the
103 scope of the interlock restricted driver's employment.

104 (6) The affirmative defense described in Subsection (5) does not apply to:

105 (a) an employer-owned motor vehicle that is made available to an interlock restricted
106 driver for personal use; or

107 (b) a motor vehicle owned by a business entity that is entirely or partly owned or
108 controlled by the interlock restricted driver.

109 (7) (a) An individual with an ignition interlock restriction may petition the division for
110 removal of the restriction if the individual's offense did not involve alcohol.

111 (b) If the division is able to establish that an individual's offense did not involve
112 alcohol, the division may remove the ignition interlock restriction.

113 Section 2. Section **53-3-102** is amended to read:

114 **53-3-102. Definitions.**

115 As used in this chapter:

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

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

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

119 (c) is equipped with seating that does not require the operator to straddle or sit astride
120 the vehicle.

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

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

125 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner
126 permit:

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

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

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

131 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
132 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
133 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
134 commercial motor vehicle; and

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

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

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

141 (ii) contains the following:

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

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

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

148 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a
149 motor vehicle record described in Subsection [~~30~~] (31).

150 (7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor
151 vehicles designed or used to transport passengers or property if the motor vehicle:

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

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

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

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

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

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

167 (iii) firefighting and emergency vehicles;

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

170 (v) vehicles used to provide transportation network services, as defined in Section
171 [13-51-102](#).

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

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

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

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

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

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

181 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
182 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,
183 do not apply.

184 (10) "Director" means the division director appointed under Section 53-3-103.

185 (11) "Disqualification" means either:

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

188 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
189 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
190 391; or

191 (c) the loss of qualification that automatically follows conviction of an offense listed in
192 49 C.F.R. Part 383.51.

193 (12) "Division" means the Driver License Division of the department created in
194 Section 53-3-103.

195 (13) "Downgrade" means to obtain a lower license class than what was originally
196 issued during an existing license cycle.

197 (14) "Drive" means:

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

199 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
200 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
201 the state.

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

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

207 (16) "Driving privilege card" means the evidence of the privilege granted and issued
208 under this chapter to drive a motor vehicle to a person whose privilege was obtained without
209 providing evidence of lawful presence in the United States.

210 (17) "Electronic license certificate" means the evidence, in an electronic format as
211 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor

212 vehicle.

213 (18) "Extension" means a renewal completed in a manner specified by the division.

214 (19) "Farm tractor" means every motor vehicle designed and used primarily as a farm
215 implement for drawing plows, mowing machines, and other implements of husbandry.

216 (20) "Highway" means the entire width between property lines of every way or place of
217 any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

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

219 (22) "Identification card" means a card issued under Part 8, Identification Card Act, to
220 a person for identification purposes.

221 (23) "Indigent" means that a person's income falls below the federal poverty guideline
222 issued annually by the U.S. Department of Health and Human Services in the Federal Register.

223 (24) "Ignition interlock system provider" means the same as that term is defined in
224 Section [53-3-1002](#).

225 [~~24~~] (25) "License" means the privilege to drive a motor vehicle.

226 [~~25~~] (26) (a) "License certificate" means the evidence of the privilege issued under
227 this chapter to drive a motor vehicle.

228 (b) "License certificate" evidence includes:

229 (i) a regular license certificate;

230 (ii) a limited-term license certificate;

231 (iii) a driving privilege card;

232 (iv) a CDL license certificate;

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

234 (vi) a temporary regular license certificate;

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

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

237 [~~26~~] (27) "Limited-term commercial driver license" or "limited-term CDL" means a
238 license:

239 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
240 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
241 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
242 commercial motor vehicle; and

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

245 ~~[(27)]~~ (28) "Limited-term identification card" means an identification card issued under
246 this chapter to a person whose card was obtained by providing evidence of lawful presence in
247 the United States with one of the document requirements described in Subsection
248 53-3-804(2)(i)(ii).

249 ~~[(28)]~~ (29) "Limited-term license certificate" means the evidence of the privilege
250 granted and issued under this chapter to drive a motor vehicle to a person whose privilege was
251 obtained providing evidence of lawful presence in the United States with one of the document
252 requirements described in Subsection 53-3-205(8)(a)(ii)(B).

253 ~~[(29)]~~ (30) "Motor vehicle" means the same as that term is defined in Section
254 41-1a-102.

255 ~~[(30)]~~ (31) "Motor vehicle record" or "MVR" means a driving record under Subsection
256 53-3-109(6)(a).

257 ~~[(31)]~~ (32) "Motorboat" means the same as that term is defined in Section 73-18-2.

258 ~~[(32)]~~ (33) "Motorcycle" means every motor vehicle, other than a tractor, having a seat
259 or saddle for the use of the rider and designed to travel with not more than three wheels in
260 contact with the ground.

261 ~~[(33)]~~ (34) "Office of Recovery Services" means the Office of Recovery Services,
262 created in Section 62A-11-102.

263 ~~[(34)]~~ (35) "Operate" means the same as that term is defined in Section 41-1a-102.

264 ~~[(35)]~~ (36) (a) "Owner" means a person other than a lien holder having an interest in
265 the property or title to a vehicle.

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

268 ~~[(36)]~~ (37) (a) "Private passenger carrier" means any motor vehicle for hire that is:

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

270 (ii) operated to transport an employee of the person that hires the motor vehicle.

271 (b) "Private passenger carrier" does not include:

272 (i) a taxicab;

273 (ii) a motor vehicle driven by a transportation network driver as defined in Section

274 13-51-102;

275 (iii) a motor vehicle driven for transportation network services as defined in Section

276 13-51-102; and

277 (iv) a motor vehicle driven for a transportation network company as defined in Section

278 13-51-102 and registered with the Division of Consumer Protection as described in Section

279 13-51-104.

280 [~~37~~] (38) "Regular identification card" means an identification card issued under this
281 chapter to a person whose card was obtained by providing evidence of lawful presence in the
282 United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

283 [~~38~~] (39) "Regular license certificate" means the evidence of the privilege issued
284 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence
285 of lawful presence in the United States with one of the document requirements described in
286 Subsection 53-3-205(8)(a)(ii)(A).

287 [~~39~~] (40) "Renewal" means to validate a license certificate so that it expires at a later
288 date.

289 [~~40~~] (41) "Reportable violation" means an offense required to be reported to the
290 division as determined by the division and includes those offenses against which points are
291 assessed under Section 53-3-221.

292 [~~41~~] (42) (a) "Resident" means an individual who:

293 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
294 regardless of domicile, remains in this state for an aggregate period of six months or more
295 during any calendar year;

296 (ii) engages in a trade, profession, or occupation in this state, or who accepts
297 employment in other than seasonal work in this state, and who does not commute into the state;

298 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
299 license certificate or motor vehicle registration; or

300 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended
301 to nonresidents, including going to school, or placing children in school without paying
302 nonresident tuition or fees.

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

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

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

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

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

312 ~~[(42)]~~ (43) "Revocation" means the termination by action of the division of a licensee's
313 privilege to drive a motor vehicle.

314 ~~[(43)]~~ (44) (a) "School bus" means a commercial motor vehicle used to transport
315 pre-primary, primary, or secondary school students to and from home and school, or to and
316 from school sponsored events.

317 (b) "School bus" does not include a bus used as a common carrier as defined in Section
318 [59-12-102](#).

319 ~~[(44)]~~ (45) "Suspension" means the temporary withdrawal by action of the division of a
320 licensee's privilege to drive a motor vehicle.

321 ~~[(45)]~~ (46) "Taxicab" means any class D motor vehicle transporting any number of
322 passengers for hire and that is subject to state or federal regulation as a taxi.

323 Section 3. Section **53-3-220** is amended to read:

324 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
325 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
326 **Limited driving privileges.**

327 (1) (a) ~~[The]~~ Except as provided in Subsection (5), the division shall immediately
328 revoke or, when this chapter, Title 41, Chapter 6a, Traffic Code, or Section [76-5-303](#),
329 specifically provides for denial, suspension, or disqualification, the division shall deny,
330 suspend, or disqualify the license of a person upon receiving a record of the person's conviction
331 for:

332 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or
333 automobile homicide under Section [76-5-207](#) or [76-5-207.5](#);

334 (ii) driving or being in actual physical control of a motor vehicle while under the
335 influence of alcohol, any drug, or combination of them to a degree that renders the person

336 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited
337 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

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

341 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
342 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
343 regulating driving on highways;

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

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

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

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

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

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

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

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

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

364 (xiv) operating or being in actual physical control of a motor vehicle while having any
365 measurable or detectable amount of alcohol in the person's body in violation of Section
366 41-6a-530;

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

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

371 (xvii) custodial interference, under:

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

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

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

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

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

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

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

388 (i) any violation of:

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

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

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

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

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

394 (ii) any criminal offense that prohibits:

395 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance
396 that is prohibited under the acts described in Subsection (1)(c)(i); or

397 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or

398 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).

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

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

403 (B) a record of the conviction.

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

406 (e) (i) The division shall immediately suspend for one year the license of a person upon
407 receiving a record of:

408 (A) conviction for the first time for a violation under Section 32B-4-411; or

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

411 (ii) The division shall immediately suspend for a period of two years the license of a
412 person upon receiving a record of:

413 (A) (I) conviction for a second or subsequent violation under Section 32B-4-411; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

459 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,

460 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,
461 41-6a-517, a local ordinance which complies with the requirements of Subsection
462 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person
463 was charged with violating as a result of a plea bargain after having been originally charged
464 with violating one or more of these sections or ordinances, unless:

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

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

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

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

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

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

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

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

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

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

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

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

490 (A) is limited to when the limited privilege is necessary for the person to commute to

491 school or work; and

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

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

498 (5) Notwithstanding Subsection (1), for an individual's first offense under Section
499 41-6a-502, if the individual satisfies the requirements and elects to become an interlock
500 restricted driver in lieu of license suspension as described in Section 53-3-1007.1, the division
501 shall reinstate a person's license before completion of the suspension period imposed under
502 Subsection (1)(a)(ii) or (iii) and designate the individual as an interlock restricted driver.

503 Section 4. Section 53-3-223 is amended to read:

504 **53-3-223. Chemical test for driving under the influence -- Temporary license --**
505 **Hearing and decision -- Suspension and fee -- Judicial review.**

506 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
507 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a
508 certain blood or breath alcohol concentration and driving under the influence of any drug,
509 alcohol, or combination of a drug and alcohol or while having any measurable controlled
510 substance or metabolite of a controlled substance in the person's body in violation of Section
511 41-6a-517, the peace officer may, in connection with arresting the person, request that the
512 person submit to a chemical test or tests to be administered in compliance with the standards
513 under Section 41-6a-520.

514 (b) In this section, a reference to Section 41-6a-502 includes any similar local
515 ordinance adopted in compliance with Subsection 41-6a-510(1).

516 (2) ~~[The peace officer shall advise a person prior to the]~~ Before a person's submission
517 to a chemical test, the peace officer shall advise the person that a test result indicating a
518 violation of Section 41-6a-502 or 41-6a-517 shall, and the existence of a blood alcohol content
519 sufficient to render the person incapable of safely driving a motor vehicle may, result in
520 suspension or revocation of the person's license to drive a motor vehicle.

521 (3) If the person submits to a chemical test and the test results indicate a blood or

522 breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer
523 makes a determination, based on reasonable grounds, that the person is otherwise in violation
524 of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of
525 arrest, give notice of the division's intention to suspend the person's license to drive a motor
526 vehicle.

527 (4) When a peace officer gives notice on behalf of the division, the peace officer shall
528 supply to the driver, in a manner specified by the division, basic information regarding how to
529 obtain a prompt hearing before the division.

530 (5) As a matter of procedure, a peace officer shall send to the division within 10
531 calendar days after the day on which notice is provided:

532 (a) a copy of the citation issued for the offense;

533 (b) a signed report in a manner specified by the division indicating the chemical test
534 results, if any; and

535 (c) any other basis for the peace officer's determination that the person has violated
536 Section 41-6a-502 or 41-6a-517.

537 (6) (a) (i) Upon request in a manner specified by the division, the division shall grant to
538 the person an opportunity to be heard within 29 days after the date of arrest. The request to be
539 heard shall be made within 10 calendar days of the day on which notice is provided under
540 Subsection (5).

541 (ii) A person may file a request to be heard with the division within 10 calendar days
542 after the day on which the notice is provided under Subsection (4) in the manner specified by
543 the division.

544 (iii) If a person requests a hearing as described in Subsection (6)(a)(ii), the division
545 shall grant the person opportunity to be heard within 29 days after the date of the arrest.

546 (b) (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the
547 division in:

548 (A) the county in which the arrest occurred; or

549 (B) a county that is adjacent to the county in which the arrest occurred.

550 (ii) The division may hold a hearing in some other county if the division and the person
551 both agree.

552 (c) The ~~[hearing shall be documented and shall cover the issues of:]~~ division shall:

- 553 (i) document the hearing; and
- 554 (ii) determine:
- 555 [(i)] (A) whether a peace officer had reasonable grounds to believe the person was
556 driving a motor vehicle in violation of Section [41-6a-502](#) or [41-6a-517](#);
- 557 [(ii)] (B) whether the person refused to submit to the test; and
- 558 [(iii) the test results, if any.]
- 559 (C) the result of any chemical test.
- 560 (d) (i) In connection with a hearing the division or its authorized agent:
- 561 (A) may administer oaths and may issue subpoenas for the attendance of witnesses and
562 the production of relevant books and papers; or
- 563 (B) may issue subpoenas for the attendance of necessary peace officers.
- 564 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
565 accordance with the rates established in Section [78B-1-119](#).
- 566 (e) The division may designate one or more employees to conduct the hearing.
- 567 (f) Any decision made after a hearing before any designated employee is as valid as if
568 made by the division.
- 569 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
570 grounds to believe that the person was driving a motor vehicle in violation of Section
571 [41-6a-502](#) or [41-6a-517](#), if the person failed to appear before the division as required in the
572 notice, or if a hearing is not requested under this section, the division shall:
- 573 (i) if the person is 21 years of age or older at the time of arrest and the arrest was made
574 on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a
575 period of:
- 576 (A) 120 days beginning on the 45th day after the date of arrest for a first suspension; or
- 577 (B) two years beginning on the 45th day after the date of arrest for a second or
578 subsequent suspension for an offense that occurred within the previous 10 years; or
- 579 (ii) if the person is under 21 years of age at the time of arrest and the arrest was made
580 on or after May 14, 2013:
- 581 (A) suspend the person's license or permit to operate a motor vehicle:
- 582 (I) for a period of six months, beginning on the 45th day after the date of arrest for a
583 first suspension; or

584 (II) until the person is 21 years of age or for a period of two years, whichever is longer,
585 beginning on the 45th day after the date of arrest for a second or subsequent suspension for an
586 offense that occurred within the previous 10 years; or

587 (B) deny the person's application for a license or learner's permit:

588 (I) for a period of six months for a first suspension, if the person has not been issued an
589 operator license; or

590 (II) until the person is 21 years of age or for a period of two years, whichever is longer,
591 beginning on the 45th day after the date of arrest for a second or subsequent suspension for an
592 offense that occurred within the previous 10 years.

593 (b) The division shall deny or suspend a person's license for the denial and suspension
594 periods in effect:

595 (i) prior to July 1, 2009, for an offense that was committed prior to July 1, 2009;

596 (ii) from July 1, 2009, through June 30, 2011, if:

597 (A) the person was 20 years 6 months of age or older but under 21 years of age at the
598 time of arrest; and

599 (B) the conviction under Subsection (2) is for an offense that was committed on or
600 after July 1, 2009, and prior to July 1, 2011; or

601 (iii) prior to May 14, 2013, for an offense that was committed prior to May 14, 2013.

602 (c) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall
603 reinstate a person's license [~~prior to~~] before completion of the 120 day suspension period
604 imposed under Subsection (7)(a)(i)(A):

605 (A) immediately upon receiving written verification of the person's dismissal of a
606 charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received
607 [~~prior to~~] before completion of the suspension period; or

608 (B) no sooner than 60 days beginning on the 45th day after the date of arrest upon
609 receiving written verification of the person's reduction of a charge for a violation of Section
610 41-6a-502 or 41-6a-517, if the written verification is received [~~prior to~~] before completion of
611 the suspension period.

612 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) or (7)(b), the division
613 shall reinstate a person's license [~~prior to~~] before completion of the 120-day suspension period
614 imposed under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the

615 person's conviction of impaired driving under Section [41-6a-502.5](#) if:

616 (A) the written verification is received prior to completion of the suspension period;
617 and

618 (B) the reporting court notifies the Driver License Division that the defendant is
619 participating in or has successfully completed the program of a driving under the influence
620 court as defined in Section [41-6a-501](#).

621 (iii) If a person's license is reinstated under this Subsection (7)(c), the person is
622 required to pay the license reinstatement fees under Subsections [~~53-3-105(24) and (25)~~]
623 [53-3-105\(26\) and \(27\)](#).

624 (iv) The driver license reinstatements authorized under this Subsection (7)(c) only
625 apply to a 120 day suspension period imposed under Subsection (7)(a)(i)(A).

626 (8) (a) Notwithstanding the provisions in Subsection (7)(b)(iii), the division shall
627 shorten a person's two-year license suspension period that is currently in effect to a six-month
628 suspension period if:

629 (i) the driver was under the age of 19 at the time of arrest;

630 (ii) the offense was a first offense that was committed prior to May 14, 2013; and

631 (iii) the suspension under Subsection (7)(b)(iii) was based on the same occurrence
632 upon which the following written verifications are based:

633 (A) a court order shortening the driver license suspension for a violation of Section
634 [41-6a-502](#) pursuant to Subsection [41-6a-509\(8\)](#);

635 (B) a court order shortening the driver license suspension for a violation of Section
636 [41-6a-517](#) pursuant to Subsection [41-6a-517\(11\)](#);

637 (C) a court order shortening the driver license suspension for a violation of Section
638 [32B-4-409](#);

639 (D) a dismissal for a violation of Section [32B-4-409](#), [41-6a-502](#), [~~Section [41-6a-517](#)~~;
640 ~~or Section [32B-4-409](#)~~] or [41-6a-517](#);

641 (E) a notice of declination to prosecute for a charge under Section [32B-4-409](#),
642 [41-6a-502](#), [~~Section [41-6a-517](#)~~, or ~~Section [32B-4-409](#)~~] or [41-6a-517](#);

643 (F) a reduction of a charge under Section [32B-4-409](#), [41-6a-502](#), [~~Section [41-6a-517](#)~~;
644 ~~or Section [32B-4-409](#)~~] or [41-6a-517](#); or

645 (G) other written documentation acceptable to the division.

646 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
647 division may make rules establishing requirements for acceptable written documentation to
648 shorten a person's driver license suspension period under Subsection (8)(a)(iii)(G).

649 (c) If a person's license sanction is shortened under this Subsection (8), the person is
650 required to pay the license reinstatement fees under Subsections [~~53-3-105(24) and (25)~~]
651 53-3-105(26) and (27).

652 (9) (a) [~~The division shall assess against a person, in~~] In addition to any fee imposed
653 under Subsection 53-3-205(12) for driving under the influence, the division shall:

654 (i) assess a fee under Section 53-3-105 to cover administrative costs, which shall be
655 paid before the person's driving privilege is reinstated[~~. This fee shall be cancelled~~]; and

656 (ii) cancel the fee if the person obtains an unappealed division hearing or court decision
657 that the suspension was not proper.

658 (b) A person whose license has been suspended by the division under this section
659 following an administrative hearing may file a petition within 30 days after the suspension for a
660 hearing on the matter which, if held, is governed by Section 53-3-224.

661 (10) (a) Notwithstanding the provisions in Subsection (7)(a)(i) or (ii), the division shall
662 reinstate a person's license before completion of the suspension period imposed under
663 Subsection (7)(a)(i) or (ii) if the reporting court notifies the Driver License Division that the
664 defendant is participating in or has successfully completed a 24-7 sobriety program as defined
665 in Section 41-6a-515.5.

666 (b) If a person's license is reinstated under Subsection (10)(a), the person is required to
667 pay the license reinstatement fees under Subsections [~~53-3-105(24) and (25)~~] 53-3-105(26) and
668 (27).

669 Section 5. Section **53-3-1007.1** is enacted to read:

670 **53-3-1007.1. Ignition interlock system election in lieu of license suspension.**

671 (1) (a) If the division suspends a person's license for an offense in accordance with
672 Section 53-3-220 or 53-3-223, the person may elect to become an interlock restricted driver
673 under Section 41-6a-518.2 in lieu of the driver license suspension if:

674 (i) the offense is the person's first offense;

675 (ii) the offense is an offense that includes only alcohol and not any other substance; and

676 (iii) there is no other basis for the division to suspend the driver license.

677 (b) The election described in this section does not apply to a person under the age of
678 21.

679 (2) For a person that meets the requirements described in Subsection (1), the division
680 shall reinstate the person's driver license if:

681 (a) the person arranges for installation of an ignition interlock system in any vehicle
682 driven by the person, and keeps the ignition interlock system installed in any vehicle driven by
683 the person for the duration of the time period of the driver license suspension;

684 (b) an ignition interlock system provider provides proof that an ignition interlock
685 system or systems described in Subsection (2)(a)(i) have been installed;

686 (c) the person pays the costs of leasing or buying and installing and maintaining the
687 ignition interlock system; and

688 (d) the person pays the license reinstatement application fees described in Subsections
689 53-3-105(26) and (27).

690 (3) An ignition interlock system provider shall immediately notify the division of any
691 tampering or removal of an installed ignition interlock device associated with the interlock
692 restricted driver.

693 (4) If the division determines that an ignition interlock system described in this section
694 has been intentionally or knowingly tampered with or removed, the division shall reinstate the
695 license suspension and restart the time period of the suspension.