

**24-7 SOBRIETY PROGRAM AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Pitcher**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill expands the 24-7 sobriety program and allows a participant in a drug court to avoid suspension of the individual's driver license.

**Highlighted Provisions:**

This bill:

- ▶ removes language related to the 24-7 sobriety program limiting the program to a pilot program;
- ▶ allows expansion of the 24-7 sobriety program;
- ▶ allows an individual participating in a drug court to avoid suspension of the individual's driver license; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-509**, as last amended by Laws of Utah 2017, Chapter 446

**41-6a-515.5**, as last amended by Laws of Utah 2018, Chapter 135

**41-6a-517**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1



28 [53-3-220](#), as last amended by Laws of Utah 2018, Chapters 121 and 133

29 [53-3-223](#), as last amended by Laws of Utah 2019, Chapter 77



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

32 Section 1. Section **41-6a-509** is amended to read:

33 **41-6a-509. Driver license suspension or revocation for a driving under the**  
34 **influence violation.**

35 (1) The Driver License Division shall, if the person is 21 years of age or older at the  
36 time of arrest:

37 (a) suspend for a period of 120 days the operator's license of a person convicted for the  
38 first time under Section [41-6a-502](#) of an offense committed on or after July 1, 2009; or

39 (b) revoke for a period of two years the license of a person if:

40 (i) the person has a prior conviction as defined under Subsection [41-6a-501\(2\)](#); and

41 (ii) the current driving under the influence violation under Section [41-6a-502](#) is  
42 committed:

43 (A) within a period of 10 years from the date of the prior violation; and

44 (B) on or after July 1, 2009.

45 (2) The Driver License Division shall, if the person is 19 years of age or older but  
46 under 21 years of age at the time of arrest:

47 (a) suspend the person's driver license until the person is 21 years of age or for a period  
48 of one year, whichever is longer, if the person is convicted for the first time of a driving under  
49 the influence violation under Section [41-6a-502](#) of an offense that was committed on or after  
50 July 1, 2011;

51 (b) deny the person's application for a license or learner's permit until the person is 21  
52 years of age or for a period of one year, whichever is longer, if the person:

53 (i) is convicted for the first time of a driving under the influence violation under  
54 Section [41-6a-502](#) of an offense committed on or after July 1, 2011; and

55 (ii) has not been issued an operator license;

56 (c) revoke the person's driver license until the person is 21 years of age or for a period  
57 of two years, whichever is longer, if:

58 (i) the person has a prior conviction as defined under Subsection [41-6a-501\(2\)](#); and

59 (ii) the current driving under the influence violation under Section 41-6a-502 is  
60 committed on or after July 1, 2009, and within a period of 10 years from the date of the prior  
61 violation; or

62 (d) deny the person's application for a license or learner's permit until the person is 21  
63 years of age or for a period of two years, whichever is longer, if:

64 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);

65 (ii) the current driving under the influence violation under Section 41-6a-502 is  
66 committed on or after July 1, 2009, and within a period of 10 years from the date of the prior  
67 violation; and

68 (iii) the person has not been issued an operator license.

69 (3) The Driver License Division shall, if the person is under 19 years of age at the time  
70 of arrest:

71 (a) suspend the person's driver license until the person is 21 years of age if the person  
72 is convicted for the first time of a driving under the influence violation under Section  
73 41-6a-502 of an offense that was committed on or after July 1, 2009;

74 (b) deny the person's application for a license or learner's permit until the person is 21  
75 years of age if the person:

76 (i) is convicted for the first time of a driving under the influence violation under  
77 Section 41-6a-502 of an offense committed on or after July 1, 2009; and

78 (ii) has not been issued an operator license;

79 (c) revoke the person's driver license until the person is 21 years of age if:

80 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

81 (ii) the current driving under the influence violation under Section 41-6a-502 is  
82 committed on or after July 1, 2009, and within a period of 10 years from the date of the prior  
83 violation; or

84 (d) deny the person's application for a license or learner's permit until the person is 21  
85 years of age if:

86 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);

87 (ii) the current driving under the influence violation under Section 41-6a-502 is  
88 committed on or after July 1, 2009, and within a period of 10 years from the date of the prior  
89 violation; and

90 (iii) the person has not been issued an operator license.

91 (4) The Driver License Division shall suspend or revoke the license of a person as  
92 ordered by the court under Subsection (10).

93 (5) The Driver License Division shall:

94 (a) deny, suspend, or revoke the operator's license of a person convicted under Section  
95 41-6a-502 of an offense that was committed prior to July 1, 2009, for the denial, suspension, or  
96 revocation periods in effect prior to July 1, 2009; or

97 (b) deny, suspend, or revoke the operator's license of a person for the denial,  
98 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

99 (i) the person was 20 years of age or older but under 21 years of age at the time of  
100 arrest; and

101 (ii) the conviction under Section 41-6a-502 is for an offense that was committed on or  
102 after July 1, 2009, and prior to July 1, 2011.

103 (6) The Driver License Division shall subtract from any suspension or revocation  
104 period the number of days for which a license was previously suspended under Section  
105 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon  
106 which the record of conviction is based.

107 (7) If a conviction recorded as impaired driving is amended to a driving under the  
108 influence conviction under Section 41-6a-502 in accordance with Subsection  
109 41-6a-502.5(3)(a)(ii), the Driver License Division:

110 (a) may not subtract from any suspension or revocation any time for which a license  
111 was previously suspended or revoked under Section 53-3-223 or 53-3-231; and

112 (b) shall start the suspension or revocation time under Subsection (1) on the date of the  
113 amended conviction.

114 (8) A court that reported a conviction of a violation of Section 41-6a-502 for a  
115 violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the  
116 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) prior to  
117 completion of the suspension period if the person:

118 (a) completes at least six months of the license suspension;

119 (b) completes a screening;

120 (c) completes an assessment, if it is found appropriate by a screening under Subsection

121 (8)(b);

122 (d) completes substance abuse treatment if it is found appropriate by the assessment  
123 under Subsection (8)(c);

124 (e) completes an educational series if substance abuse treatment is not required by an  
125 assessment under Subsection (8)(c) or the court does not order substance abuse treatment;

126 (f) has not been convicted of a violation of any motor vehicle law in which the person  
127 was involved as the operator of the vehicle during the suspension period imposed under  
128 Subsection (2)(a) or (b) or Subsection (3)(a) or (b);

129 (g) has complied with all the terms of the person's probation or all orders of the court if  
130 not ordered to probation; and

131 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
132 person has not unlawfully consumed alcohol during the suspension period imposed under  
133 Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or

134 (ii) is under 18 years of age and has the person's parent or legal guardian provide an  
135 affidavit or sworn statement to the court certifying that to the parent or legal guardian's  
136 knowledge the person has not unlawfully consumed alcohol during the suspension period  
137 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

138 (9) If the court shortens a person's license suspension period in accordance with the  
139 requirements of Subsection (8), the court shall forward the order shortening the person's  
140 suspension period prior to the completion of the suspension period imposed under Subsection  
141 (2)(a) or (b) or Subsection (3)(a) or (b) to the Driver License Division.

142 (10) (a) (i) In addition to any other penalties provided in this section, a court may order  
143 the operator's license of a person who is convicted of a violation of Section 41-6a-502 to be  
144 suspended or revoked for an additional period of 90 days, 120 days, 180 days, one year, or two  
145 years to remove from the highways those persons who have shown they are safety hazards.

146 (ii) The additional suspension or revocation period provided in this Subsection (10)  
147 shall begin the date on which the individual would be eligible to reinstate the individual's  
148 driving privilege for a violation of Section 41-6a-502.

149 (b) If the court suspends or revokes the person's license under this Subsection (10), the  
150 court shall prepare and send to the Driver License Division an order to suspend or revoke that  
151 person's driving privileges for a specified period of time.

152 (11) (a) The court shall notify the Driver License Division if a person fails to:

153 (i) complete all court ordered:

154 (A) screening;

155 (B) assessment;

156 (C) educational series;

157 (D) substance abuse treatment; and

158 (E) hours of work in a compensatory-service work program; or

159 (ii) pay all fines and fees, including fees for restitution and treatment costs.

160 (b) Upon receiving the notification described in Subsection (11)(a), the division shall  
161 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

162 (12) (a) A court that reported a conviction of a violation of Section 41-6a-502 to the  
163 Driver License Division may shorten the suspension period imposed under Subsection (1)  
164 before completion of the suspension period if the person is participating in or has successfully  
165 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

166 (b) If the court shortens a person's license suspension period in accordance with the  
167 requirements of this Subsection (12), the court shall forward to the Driver License Division the  
168 order shortening the person's suspension period.

169 (c) The court shall notify the Driver License Division, in a manner specified by the  
170 Driver License Division, if a person fails to complete all requirements of a 24-7 sobriety  
171 program.

172 [~~(d) Upon receiving the notification described in Subsection (12)(c), the division shall~~  
173 ~~suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).]~~

174 (d) (i) (A) Upon receiving the notification described in Subsection (12)(c), for a first  
175 offense, the division shall suspend the person's driving privilege for a period of 120 days from  
176 the date of notice.

177 (B) For a suspension described under Subsection (12)(d)(i)(A), no days shall be  
178 subtracted from the 120-day suspension period for which a driving privilege was previously  
179 suspended under this section or Section 53-3-223, if the previous suspension was based on the  
180 same occurrence upon which the conviction under Section 41-6a-502 is based.

181 (ii) (A) Upon receiving the notification described in Subsection (12)(c), for a second or  
182 subsequent offense, the division shall revoke the person's driving privilege for a period of two

183 years from the date of notice.

184 (B) For a license revocation described in Subsection (12)(d)(ii)(A), no days shall be  
185 subtracted from the two-year revocation period for which a driving privilege was previously  
186 revoked under this section or Section 53-3-223, if the previous revocation was based on the  
187 same occurrence upon which the conviction under Section 41-6a-502 is based.

188 Section 2. Section **41-6a-515.5** is amended to read:

189 **41-6a-515.5. Sobriety program for DUI.**

190 (1) As used in this section:

191 (a) "24-7 sobriety program" means a 24 hours a day, seven days a week sobriety and  
192 drug monitoring program that:

- 193 (i) requires an individual to abstain from alcohol or drugs for a period of time;  
194 (ii) requires an individual to submit to random drug testing; and  
195 (iii) requires the individual to be subject to testing to determine the presence of  
196 alcohol:

197 (A) twice a day at a central location where timely sanctions may be applied;

198 (B) by continuous remote sensing or transdermal alcohol monitoring by means of an  
199 electronic monitoring device that allows timely sanctions to be applied; or

200 (C) by an alternate method that is approved by the National Highway Traffic Safety  
201 Administration.

202 (b) (i) "Testing" means a procedure for determining the presence and level of alcohol  
203 or a drug in an individual's breath or body fluid, including blood, urine, saliva, or perspiration.

204 (ii) "Testing" includes any combination of the use of:

205 (A) remote and in-person breath testing;

206 (B) drug patch testing;

207 (C) urinalysis testing;

208 (D) saliva testing;

209 (E) continuous remote sensing;

210 (F) transdermal alcohol monitoring; or

211 (G) alternate body fluids approved for testing by the commissioner of the department.

212 [~~(2) (a) The department shall establish and administer a 24-7 sobriety program as a~~  
213 ~~pilot program.~~]

214           ~~[(b)]~~ (2) The department ~~[shall]~~ may establish ~~[one-pilot]~~ a 24-7 sobriety program with  
215 a law enforcement agency that is able to meet the 24-7 sobriety program qualifications and  
216 requirements under this section.

217           (3) (a) The 24-7 sobriety program shall include use of multiple testing methodologies  
218 for the presence of alcohol or drugs that:

219                   (i) best facilitates the ability to apply timely sanctions for noncompliance;

220                   (ii) is available at an affordable cost; and

221                   (iii) provides for positive, behavioral reinforcement for program compliance.

222           (b) The commissioner shall consider the following factors to determine which testing  
223 methodologies are best suited for each participant:

224                   (i) whether a device is available;

225                   (ii) whether the participant is capable of paying the fees and costs associated with each  
226 testing methodology;

227                   (iii) travel requirements based on each testing methodology and the participant's  
228 circumstances;

229                   (iv) the substance or substances for which testing will be required; and

230                   (v) other factors the commissioner considers relevant.

231           (4) (a) The 24-7 sobriety program shall be supported by evidence of effectiveness and  
232 satisfy at least two of the following categories:

233                   (i) the program is included in the federal registry of evidence-based programs and  
234 practices;

235                   (ii) the program has been reported in a peer-reviewed journal as having positive effects  
236 on the primary targeted outcome; or

237                   (iii) the program has been documented as effective by informed experts and other  
238 sources.

239           (b) If a law enforcement agency participates in a 24-7 sobriety program, the department  
240 shall assist in the creation and administration of the program in the manner provided in this  
241 section.

242           (c) A 24-7 sobriety program shall have at least one testing location and two daily  
243 testing times approximately 12 hours apart.

244           (d) If a person who is ordered by a judge to participate in the 24-7 sobriety program has



245 a prior conviction as defined in Subsection 41-6a-501(2) that is within 10 years of the current  
246 conviction under Section 41-6a-502 or the commission of the offense upon which the current  
247 conviction is based, the person shall be required to participate in a 24-7 sobriety program for at  
248 least one year.

249 (5) (a) If a law enforcement agency participates in a 24-7 sobriety program, the law  
250 enforcement agency may designate an entity to provide the testing services or to take any other  
251 action required or authorized to be provided by the law enforcement agency pursuant to this  
252 section, except that the law enforcement agency's designee may not determine whether an  
253 individual is required to participate in the 24-7 sobriety program.

254 (b) Subject to the requirement in Subsection (4)(c), the law enforcement agency shall  
255 establish the testing locations and times for the county.

256 (6) (a) The commissioner of the department shall establish a data management  
257 technology plan for data collection on 24-7 sobriety program participants.

258 (b) All required data related to participants in the 24-7 sobriety program shall be  
259 received into the data management technology plan.

260 (c) The data collected under this Subsection (6) is owned by the state.

261 (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
262 the department shall make rules to implement this section.

263 (b) The rules under Subsection (7)(a) shall:

264 (i) provide for the nature and manner of testing and the procedures and apparatus to be  
265 used for testing;

266 (ii) establish reasonable participation and testing fees for the program, including the  
267 collection of fees to pay the cost of installation, monitoring, and deactivation of any testing  
268 device;

269 (iii) require and provide for the approval of a 24-7 sobriety program data management  
270 technology plan that shall be used by the department and participating law enforcement  
271 agencies to manage testing, data access, fees and fee payments, and any required reports; and

272 (iv) establish a model sanctioning schedule for program noncompliance[; ~~and~~].

273 [~~(v) establish a process for piloting alternate components of the 24-7 sobriety~~  
274 ~~program.~~]

275 Section 3. Section 41-6a-517 is amended to read:

276           **41-6a-517. Definitions -- Driving with any measurable controlled substance in the**  
277 **body -- Penalties -- Arrest without warrant.**

278           (1) As used in this section:

279           (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

280           (b) "Practitioner" means the same as that term is defined in Section 58-37-2.

281           (c) "Prescribe" means the same as that term is defined in Section 58-37-2.

282           (d) "Prescription" means the same as that term is defined in Section 58-37-2.

283           (2) In cases not amounting to a violation of Section 41-6a-502, a person may not  
284 operate or be in actual physical control of a motor vehicle within this state if the person has any  
285 measurable controlled substance or metabolite of a controlled substance in the person's body.

286           (3) It is an affirmative defense to prosecution under this section that the controlled  
287 substance was:

288           (a) involuntarily ingested by the accused;

289           (b) prescribed by a practitioner for use by the accused;

290           (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage  
291 form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical  
292 Cannabis Act; or

293           (d) otherwise legally ingested.

294           (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B  
295 misdemeanor.

296           (b) A person who violates this section is subject to conviction and sentencing under  
297 both this section and any applicable offense under Section 58-37-8.

298           (5) A peace officer may, without a warrant, arrest a person for a violation of this  
299 section when the officer has probable cause to believe the violation has occurred, although not  
300 in the officer's presence, and if the officer has probable cause to believe that the violation was  
301 committed by the person.

302           (6) The Driver License Division shall, if the person is 21 years of age or older on the  
303 date of arrest:

304           (a) suspend, for a period of 120 days, the driver license of a person convicted under  
305 Subsection (2) of an offense committed on or after July 1, 2009; or

306           (b) revoke, for a period of two years, the driver license of a person if:

307 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and  
308 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
309 and within a period of 10 years after the date of the prior violation.

310 (7) The Driver License Division shall, if the person is 19 years of age or older but  
311 under 21 years of age on the date of arrest:

312 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is  
313 longer, the driver license of a person convicted under Subsection (2) of an offense committed  
314 on or after July 1, 2011; or

315 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is  
316 longer, the driver license of a person if:

317 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and  
318 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
319 and within a period of 10 years after the date of the prior violation.

320 (8) The Driver License Division shall, if the person is under 19 years of age on the date  
321 of arrest:

322 (a) suspend, until the person is 21 years of age, the driver license of a person convicted  
323 under Subsection (2) of an offense committed on or after July 1, 2009; or

324 (b) revoke, until the person is 21 years of age, the driver license of a person if:

325 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and  
326 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
327 and within a period of 10 years after the date of the prior violation.

328 (9) The Driver License Division shall subtract from any suspension or revocation  
329 period the number of days for which a license was previously suspended under Section  
330 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon  
331 which the record of conviction is based.

332 (10) The Driver License Division shall:

333 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in  
334 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was  
335 committed prior to July 1, 2009; or

336 (b) deny, suspend, or revoke the operator's license of a person for the denial,  
337 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

338 (i) the person was 20 years of age or older but under 21 years of age at the time of  
339 arrest; and

340 (ii) the conviction under Subsection (2) is for an offense that was committed on or after  
341 July 1, 2009, and prior to July 1, 2011.

342 (11) A court that reported a conviction of a violation of this section for a violation that  
343 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension  
344 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period  
345 if the person:

346 (a) completes at least six months of the license suspension;

347 (b) completes a screening;

348 (c) completes an assessment, if it is found appropriate by a screening under Subsection  
349 (11)(b);

350 (d) completes substance abuse treatment if it is found appropriate by the assessment  
351 under Subsection (11)(c);

352 (e) completes an educational series if substance abuse treatment is not required by the  
353 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

354 (f) has not been convicted of a violation of any motor vehicle law in which the person  
355 was involved as the operator of the vehicle during the suspension period imposed under  
356 Subsection (7)(a) or (8)(a);

357 (g) has complied with all the terms of the person's probation or all orders of the court if  
358 not ordered to probation; and

359 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
360 person has not consumed a controlled substance not prescribed by a practitioner for use by the  
361 person or unlawfully consumed alcohol during the suspension period imposed under  
362 Subsection (7)(a) or (8)(a); or

363 (ii) is under 18 years of age and has the person's parent or legal guardian provide an  
364 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's  
365 knowledge the person has not consumed a controlled substance not prescribed by a practitioner  
366 for use by the person or unlawfully consumed alcohol during the suspension period imposed  
367 under Subsection (7)(a) or (8)(a).

368 (12) If the court shortens a person's license suspension period in accordance with the

369 requirements of Subsection (11), the court shall forward the order shortening the person's  
370 license suspension period prior to the completion of the suspension period imposed under  
371 Subsection (7)(a) or (8)(a) to the Driver License Division.

372 (13) (a) The court shall notify the Driver License Division if a person fails to:

373 (i) complete all court ordered screening and assessment, educational series, and  
374 substance abuse treatment; or

375 (ii) pay all fines and fees, including fees for restitution and treatment costs.

376 (b) Upon receiving the notification, the division shall suspend the person's driving  
377 privilege in accordance with Subsections 53-3-221(2) and (3).

378 (14) The court:

379 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person  
380 convicted under Subsection (2); and

381 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety  
382 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

383 (15) (a) A court that reported a conviction of a violation of this section to the Driver  
384 License Division may shorten the suspension period imposed under Subsection (6) before  
385 completion of the suspension period if the person is participating in or has successfully  
386 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

387 (b) If the court shortens a person's license suspension period in accordance with the  
388 requirements of this Subsection (15), the court shall forward to the Driver License Division the  
389 order shortening the person's suspension period.

390 (c) The court shall notify the Driver License Division, in a manner specified by the  
391 Driver License Division, if a person fails to complete all requirements of a 24-7 sobriety  
392 program.

393 [~~(d) Upon receiving the notification described in Subsection (15)(c), the division shall~~  
394 ~~suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).]~~

395 (d) (i) (A) Upon receiving the notification described in Subsection (15)(c), for a first  
396 offense, the division shall suspend the person's driving privilege for a period of 120 days from  
397 the date of notice.

398 (B) For a suspension described in Subsection (15)(d)(i)(A), no days shall be subtracted  
399 from the 120-day suspension period for which a driving privilege was suspended under this

400 section or under section 53-3-223, if the previous suspension was based on the same  
401 occurrence upon which the conviction under this section is based.

402 (ii) (A) Upon receiving the notification described in Subsection (15)(c), for a second or  
403 subsequent offense, the division shall revoke the person's driving privilege for a period of two  
404 years from the date of notice.

405 (B) For a revocation described in Subsection (15)(d)(ii)(A), no days shall be subtracted  
406 from the two-year revocation period for which a driving privilege was previously revoked  
407 under this section or under Section 53-3-223, if the previous revocation was based on the same  
408 occurrence upon which the conviction under this section is based.

409 Section 4. Section 53-3-220 is amended to read:

410 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**  
411 **disqualification of license -- Offense requiring an extension of period -- Hearing --**  
412 **Limited driving privileges.**

413 (1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter  
414 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or  
415 disqualification, the division shall deny, suspend, or disqualify the license of a person upon  
416 receiving a record of the person's conviction for:

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

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

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

426 (iv) perjury or the making of a false affidavit to the division under this chapter, Title  
427 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or  
428 regulating driving on highways;

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

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

- 431 (vii) failure to stop and render aid as required under the laws of this state if a motor  
432 vehicle accident results in the death or personal injury of another;
- 433 (viii) two charges of reckless driving, impaired driving, or any combination of reckless  
434 driving and impaired driving committed within a period of 12 months; but if upon a first  
435 conviction of reckless driving or impaired driving the judge or justice recommends suspension  
436 of the convicted person's license, the division may after a hearing suspend the license for a  
437 period of three months;
- 438 (ix) failure to bring a motor vehicle to a stop at the command of a law enforcement  
439 officer as required in Section 41-6a-210;
- 440 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that  
441 requires disqualification;
- 442 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or  
443 allowing the discharge of a firearm from a vehicle;
- 444 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or  
445 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);
- 446 (xiii) operating or being in actual physical control of a motor vehicle while having any  
447 measurable controlled substance or metabolite of a controlled substance in the person's body in  
448 violation of Section 41-6a-517;
- 449 (xiv) operating or being in actual physical control of a motor vehicle while having any  
450 measurable or detectable amount of alcohol in the person's body in violation of Section  
451 41-6a-530;
- 452 (xv) engaging in a motor vehicle speed contest or exhibition of speed on a highway in  
453 violation of Section 41-6a-606;
- 454 (xvi) operating or being in actual physical control of a motor vehicle in this state  
455 without an ignition interlock system in violation of Section 41-6a-518.2; or
- 456 (xvii) custodial interference, under:
- 457 (A) Subsection 76-5-303(3), which suspension shall be for a period of 30 days, unless  
458 the court provides the division with an order of suspension for a shorter period of time;
- 459 (B) Subsection 76-5-303(4), which suspension shall be for a period of 90 days, unless  
460 the court provides the division with an order of suspension for a shorter period of time; or
- 461 (C) Subsection 76-5-303(5), which suspension shall be for a period of 180 days, unless

462 the court provides the division with an order of suspension for a shorter period of time.

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

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

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

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

473 (i) any violation of:

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

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

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

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

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

479 (ii) any criminal offense that prohibits:

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

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

484 (iii) Notwithstanding the provisions in this Subsection (1)(c), the division shall  
485 reinstate a person's driving privilege before completion of the suspension period imposed under  
486 this Subsection (1)(c) if the reporting court notifies the Driver License Division that the  
487 defendant is participating in or has successfully completed a drug court program as defined in  
488 Section [78A-5-201](#).

489 (iv) If a person's driving privilege is reinstated under Subsection (1)(c)(iii), the person  
490 is required to pay the license reinstatement fees under Subsection [53-3-105\(26\)](#).

491 (v) The court shall notify the division, in a manner specified by the division, if a person  
492 fails to complete all requirements of the drug court program.



493 (vi) Upon receiving the notification described in Subsection (1)(c)(v), the division shall  
494 suspend the person's driving privilege for a period of six months from the date of the notice,  
495 and no days shall be subtracted from the six-month suspension period for which a driving  
496 privilege was previously suspended under this Subsection (1)(c).

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

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

501 (B) a record of the conviction.

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

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

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

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

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

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

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

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

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

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

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

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

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

524 eligibility for a driver license; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

557 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,  
558 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,  
559 41-6a-517, a local ordinance which complies with the requirements of Subsection  
560 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person  
561 was charged with violating as a result of a plea bargain after having been originally charged  
562 with violating one or more of these sections or ordinances, unless:

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

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

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

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

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

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

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

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

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

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

584 (B) may be granted only once to any person during any single period of denial,  
585 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,

586 or disqualification.

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

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

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

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

596 Section 5. Section 53-3-223 is amended to read:

597 **53-3-223. Chemical test for driving under the influence -- Temporary license --**  
598 **Hearing and decision -- Suspension and fee -- Judicial review.**

599 (1) (a) If a peace officer has reasonable grounds to believe that a person may be  
600 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a  
601 certain blood or breath alcohol concentration and driving under the influence of any drug,  
602 alcohol, or combination of a drug and alcohol or while having any measurable controlled  
603 substance or metabolite of a controlled substance in the person's body in violation of Section  
604 41-6a-517, the peace officer may, in connection with arresting the person, request that the  
605 person submit to a chemical test or tests to be administered in compliance with the standards  
606 under Section 41-6a-520.

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

609 (2) The peace officer shall advise a person prior to the person's submission to a  
610 chemical test that a test result indicating a violation of Section 41-6a-502 or 41-6a-517 shall,  
611 and the existence of a blood alcohol content sufficient to render the person incapable of safely  
612 driving a motor vehicle may, result in suspension or revocation of the person's license to drive  
613 a motor vehicle.

614 (3) If the person submits to a chemical test and the test results indicate a blood or  
615 breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer  
616 makes a determination, based on reasonable grounds, that the person is otherwise in violation

617 of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of  
618 arrest, give notice of the division's intention to suspend the person's license to drive a motor  
619 vehicle.

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

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

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

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

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

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

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

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

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

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

640 (c) The hearing shall be documented and shall cover the issues of:

641 (i) whether a peace officer had reasonable grounds to believe the person was driving a  
642 motor vehicle in violation of Section 41-6a-502 or 41-6a-517;

643 (ii) whether the person refused to submit to the test; and

644 (iii) the test results, if any.

645 (d) (i) In connection with a hearing the division or its authorized agent:

646 (A) may administer oaths and may issue subpoenas for the attendance of witnesses and  
647 the production of relevant books and papers; or

648 (B) may issue subpoenas for the attendance of necessary peace officers.  
649 (ii) The division shall pay witness fees and mileage from the Transportation Fund in  
650 accordance with the rates established in Section 78B-1-119.  
651 (e) The division may designate one or more employees to conduct the hearing.  
652 (f) Any decision made after a hearing before any designated employee is as valid as if  
653 made by the division.  
654 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable  
655 grounds to believe that the person was driving a motor vehicle in violation of Section  
656 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the  
657 notice, or if a hearing is not requested under this section, the division shall:  
658 (i) if the person is 21 years of age or older at the time of arrest and the arrest was made  
659 on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a  
660 period of:  
661 (A) 120 days beginning on the 45th day after the date of arrest for a first suspension; or  
662 (B) two years beginning on the 45th day after the date of arrest for a second or  
663 subsequent suspension for an offense that occurred within the previous 10 years; or  
664 (ii) if the person is under 21 years of age at the time of arrest and the arrest was made  
665 on or after May 14, 2013:  
666 (A) suspend the person's license or permit to operate a motor vehicle:  
667 (I) for a period of six months, beginning on the 45th day after the date of arrest for a  
668 first suspension; or  
669 (II) until the person is 21 years of age or for a period of two years, whichever is longer,  
670 beginning on the 45th day after the date of arrest for a second or subsequent suspension for an  
671 offense that occurred within the previous 10 years; or  
672 (B) deny the person's application for a license or learner's permit:  
673 (I) for a period of six months for a first suspension, if the person has not been issued an  
674 operator license; or  
675 (II) until the person is 21 years of age or for a period of two years, whichever is longer,  
676 beginning on the 45th day after the date of arrest for a second or subsequent suspension for an  
677 offense that occurred within the previous 10 years.  
678 (b) The division shall deny or suspend a person's license for the denial and suspension

679 periods in effect:

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

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

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

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

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

687 (c) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall  
688 reinstate a person's license prior to completion of the 120 day suspension period imposed under  
689 Subsection (7)(a)(i)(A):

690 (A) immediately upon receiving written verification of the person's dismissal of a  
691 charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received  
692 prior to completion of the suspension period; or

693 (B) no sooner than 60 days beginning on the 45th day after the date of arrest upon  
694 receiving written verification of the person's reduction of a charge for a violation of Section  
695 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the  
696 suspension period.

697 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) or (7)(b), the division  
698 shall reinstate a person's license prior to completion of the 120-day suspension period imposed  
699 under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the person's  
700 conviction of impaired driving under Section 41-6a-502.5 if:

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

703 (B) the reporting court notifies the Driver License Division that the defendant is  
704 participating in or has successfully completed the program of a driving under the influence  
705 court as defined in Section 41-6a-501.

706 (iii) If a person's license is reinstated under this Subsection (7)(c), the person is  
707 required to pay the license reinstatement fees under Subsections [~~53-3-105(24) and (25)]  
708 53-3-105(26) and (27).~~

709 (iv) The driver license reinstatements authorized under this Subsection (7)(c) only

710 apply to a 120 day suspension period imposed under Subsection (7)(a)(i)(A).

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

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

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

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

718 (A) a court order shortening the driver license suspension for a violation of Section  
719 [41-6a-502](#) pursuant to Subsection [41-6a-509](#)(8);

720 (B) a court order shortening the driver license suspension for a violation of Section  
721 [41-6a-517](#) pursuant to Subsection [41-6a-517](#)(11);

722 (C) a court order shortening the driver license suspension for a violation of Section  
723 [32B-4-409](#);

724 (D) a dismissal for a violation of Section [41-6a-502](#), Section [41-6a-517](#), or Section  
725 [32B-4-409](#);

726 (E) a notice of declination to prosecute for a charge under Section [41-6a-502](#), Section  
727 [41-6a-517](#), or Section [32B-4-409](#);

728 (F) a reduction of a charge under Section [41-6a-502](#), Section [41-6a-517](#), or Section  
729 [32B-4-409](#); or

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

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

734 (c) If a person's license sanction is shortened under this Subsection (8), the person is  
735 required to pay the license reinstatement fees under Subsections [~~[53-3-105](#)(24) and (25)]  
736 [53-3-105](#)(26) and (27).~~

737 (9) (a) The division shall assess against a person, in addition to any fee imposed under  
738 Subsection [53-3-205](#)(12) for driving under the influence, a fee under Section [53-3-105](#) to cover  
739 administrative costs, which shall be paid before the person's driving privilege is reinstated.  
740 This fee shall be cancelled if the person obtains an unappealed division hearing or court



741 decision that the suspension was not proper.

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

745 (10) (a) Notwithstanding the provisions in Subsection (7)(a)(i) [~~or (ii)~~], the division  
746 shall reinstate a person's license before completion of the suspension period imposed under  
747 Subsection (7)(a)(i) [~~or (ii)~~] if the reporting court notifies the Driver License Division that the  
748 defendant is participating in or has successfully completed a 24-7 sobriety program as defined  
749 in Section [41-6a-515.5](#).

750 (b) If a person's license is reinstated under Subsection (10)(a), the person is required to  
751 pay the license reinstatement fees under Subsections [~~53-3-105(24) and (25)~~] [53-3-105\(26\)](#) and  
752 [\(27\)](#).