

Representative Andrew Stoddard proposes the following substitute bill:

DUI MODIFICATIONS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Andrew Stoddard

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:

This bill provides a coordination clause.

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 Utah Code Sections Affected by Coordination Clause:

32 53-3-223, as last amended by Laws of Utah 2019, Chapter 77



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

35 Section 1. Section 41-6a-518.2 is amended to read:

36 41-6a-518.2. **Interlock restricted driver -- Penalties for operation without ignition**
37 **interlock system.**

38 (1) As used in this section:

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

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

42 (ii) is certified by the Commissioner of Public Safety in accordance with Subsection
43 41-6a-518(8).

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

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

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

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

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

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

55 (E) within the last three years has had the person's driving privilege revoked for refusal
56 to submit to a chemical test under Section 41-6a-520, which refusal occurred after May 1,

57 2006;

58 (F) within the last three years has been convicted of a violation of Section 41-6a-502
59 and was under the age of 21 at the time the offense was committed;

60 (G) within the last six years has been convicted of a felony violation of Section
61 41-6a-502 for an offense that occurred after May 1, 2006; [~~or~~]

62 (H) within the last 10 years has been convicted of automobile homicide under Section
63 76-5-207 for an offense that occurred after May 1, 2006[~~;~~]; or

64 (I) has elected to become an interlock restricted driver in lieu of a driver license
65 suspension pursuant to Section 53-3-1007.1.

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

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

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

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

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

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

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

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

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

87 (b) An interlock restricted driver who commits a second violation described in

88 Subsection (4)(a) is guilty of a class B misdemeanor and the court shall impose:

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

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

91 (c) An interlock restricted driver who commits a third or subsequent violation

92 described in Subsection (4)(a) is guilty of a class A misdemeanor and the court shall impose:

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

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

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

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

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

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

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

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

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

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

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

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

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

116 **53-3-102. Definitions.**

117 As used in this chapter:

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

119 (a) is designed to travel with three or fewer wheels in contact with the ground;
120 (b) is equipped with a steering wheel; and
121 (c) is equipped with seating that does not require the operator to straddle or sit astride
122 the vehicle.

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

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

127 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner
128 permit:

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

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

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

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

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

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

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

143 (ii) contains the following:

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

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

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

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

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

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

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

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

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

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

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

169 (iii) firefighting and emergency vehicles;

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

172 (v) vehicles used to provide transportation network services, as defined in Section
173 [13-51-102](#).

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

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

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

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

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

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

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

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

187 (11) "Disqualification" means either:

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

190 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
191 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
192 391; or

193 (c) the loss of qualification that automatically follows conviction of an offense listed in
194 49 C.F.R. Part 383.51.

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

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

199 (14) "Drive" means:

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

201 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
202 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
203 the state.

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

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

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

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

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

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

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

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

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

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

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

227 [~~24~~] (25) "License" means the privilege to drive a motor vehicle.

228 [~~25~~] (26) (a) "License certificate" means the evidence of the privilege issued under
229 this chapter to drive a motor vehicle.

230 (b) "License certificate" evidence includes:

231 (i) a regular license certificate;

232 (ii) a limited-term license certificate;

233 (iii) a driving privilege card;

234 (iv) a CDL license certificate;

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

236 (vi) a temporary regular license certificate;

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

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

239 [~~26~~] (27) "Limited-term commercial driver license" or "limited-term CDL" means a
240 license:

241 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
242 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,

243 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
244 commercial motor vehicle; and

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

247 ~~[(27)]~~ (28) "Limited-term identification card" means an identification card issued under
248 this chapter to a person whose card was obtained by providing evidence of lawful presence in
249 the United States with one of the document requirements described in Subsection
250 53-3-804(2)(i)(ii).

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

255 ~~[(29)]~~ (30) "Motor vehicle" means the same as that term is defined in Section
256 41-1a-102.

257 ~~[(30)]~~ (31) "Motor vehicle record" or "MVR" means a driving record under Subsection
258 53-3-109(6)(a).

259 ~~[(31)]~~ (32) "Motorboat" means the same as that term is defined in Section 73-18-2.

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

263 ~~[(33)]~~ (34) "Office of Recovery Services" means the Office of Recovery Services,
264 created in Section 62A-11-102.

265 ~~[(34)]~~ (35) "Operate" means the same as that term is defined in Section 41-1a-102.

266 ~~[(35)]~~ (36) (a) "Owner" means a person other than a lien holder having an interest in
267 the property or title to a vehicle.

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

270 ~~[(36)]~~ (37) (a) "Private passenger carrier" means any motor vehicle for hire that is:

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

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

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

- 274 (i) a taxicab;
- 275 (ii) a motor vehicle driven by a transportation network driver as defined in Section
- 276 13-51-102;
- 277 (iii) a motor vehicle driven for transportation network services as defined in Section
- 278 13-51-102; and
- 279 (iv) a motor vehicle driven for a transportation network company as defined in Section
- 280 13-51-102 and registered with the Division of Consumer Protection as described in Section
- 281 13-51-104.

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

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

289 [~~39~~] (40) "Renewal" means to validate a license certificate so that it expires at a later
290 date.

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

294 [~~41~~] (42) (a) "Resident" means an individual who:

- 295 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
- 296 regardless of domicile, remains in this state for an aggregate period of six months or more
- 297 during any calendar year;
- 298 (ii) engages in a trade, profession, or occupation in this state, or who accepts
- 299 employment in other than seasonal work in this state, and who does not commute into the state;
- 300 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
- 301 license certificate or motor vehicle registration; or
- 302 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended
- 303 to nonresidents, including going to school, or placing children in school without paying
- 304 nonresident tuition or fees.

- 305 (b) "Resident" does not include any of the following:
- 306 (i) a member of the military, temporarily stationed in this state;
- 307 (ii) an out-of-state student, as classified by an institution of higher education,
- 308 regardless of whether the student engages in any type of employment in this state;
- 309 (iii) a person domiciled in another state or country, who is temporarily assigned in this
- 310 state, assigned by or representing an employer, religious or private organization, or a
- 311 governmental entity; or
- 312 (iv) an immediate family member who resides with or a household member of a person
- 313 listed in Subsections ~~[(41)(b)(i)]~~ (42)(b)(i) through (iii).

314 ~~[(42)]~~ (43) "Revocation" means the termination by action of the division of a licensee's

315 privilege to drive a motor vehicle.

316 ~~[(43)]~~ (44) (a) "School bus" means a commercial motor vehicle used to transport

317 pre-primary, primary, or secondary school students to and from home and school, or to and

318 from school sponsored events.

319 (b) "School bus" does not include a bus used as a common carrier as defined in Section

320 [59-12-102](#).

321 ~~[(44)]~~ (45) "Suspension" means the temporary withdrawal by action of the division of a

322 licensee's privilege to drive a motor vehicle.

323 ~~[(45)]~~ (46) "Taxicab" means any class D motor vehicle transporting any number of

324 passengers for hire and that is subject to state or federal regulation as a taxi.

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

326 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**

327 **disqualification of license -- Offense requiring an extension of period -- Hearing --**

328 **Limited driving privileges.**

329 (1) (a) ~~[The]~~ Except as provided in Subsection (5), the division shall immediately

330 revoke or, when this chapter, Title 41, Chapter 6a, Traffic Code, or Section [76-5-303](#),

331 specifically provides for denial, suspension, or disqualification, the division shall deny,

332 suspend, or disqualify the license of a person upon receiving a record of the person's conviction

333 for:

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

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

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

343 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
344 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
345 regulating driving on highways;

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

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

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

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

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

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

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

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

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

366 (xiv) operating or being in actual physical control of a motor vehicle while having any

367 measurable or detectable amount of alcohol in the person's body in violation of Section
368 41-6a-530;

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

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

373 (xvii) custodial interference, under:

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

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

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

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

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

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

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

390 (i) any violation of:

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

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

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

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

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

396 (ii) any criminal offense that prohibits:

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

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

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

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

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

405 (B) a record of the conviction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

459 (ii) those offenses referred to in Subsections (1)(a)(ii), (iii), (xi), (xii), (xiii), (1)(b), and

460 (1)(c); and

461 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,
462 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,
463 41-6a-517, a local ordinance which complies with the requirements of Subsection
464 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person
465 was charged with violating as a result of a plea bargain after having been originally charged
466 with violating one or more of these sections or ordinances, unless:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

506 **53-3-223. Chemical test for driving under the influence -- Temporary license --**
507 **Hearing and decision -- Suspension and fee -- Judicial review.**

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

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

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

522 suspension or revocation of the person's license to drive a motor vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

552 (ii) The division may hold a hearing in some other county if the division and the person

553 both agree.

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

555 (i) document the hearing; and

556 (ii) determine:

557 ~~[(i)]~~ (A) whether a peace officer had reasonable grounds to believe the person was
558 driving a motor vehicle in violation of Section 41-6a-502 or 41-6a-517;

559 ~~[(ii)]~~ (B) whether the person refused to submit to the test; and

560 ~~[(iii) the test results, if any:]~~

561 (C) the result of any chemical test.

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

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

565 (B) may issue subpoenas for the attendance of necessary peace officers.

566 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
567 accordance with the rates established in Section 78B-1-119.

568 (e) The division may designate one or more employees to conduct the hearing.

569 (f) Any decision made after a hearing before any designated employee is as valid as if
570 made by the division.

571 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
572 grounds to believe that the person was driving a motor vehicle in violation of Section
573 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the
574 notice, or if a hearing is not requested under this section, the division shall:

575 (i) if the person is 21 years of age or older at the time of arrest and the arrest was made
576 on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a
577 period of:

578 (A) 120 days beginning on the 45th day after the date of arrest for a first suspension; or

579 (B) two years beginning on the 45th day after the date of arrest for a second or
580 subsequent suspension for an offense that occurred within the previous 10 years; or

581 (ii) if the person is under 21 years of age at the time of arrest and the arrest was made
582 on or after May 14, 2013:

583 (A) suspend the person's license or permit to operate a motor vehicle:

584 (I) for a period of six months, beginning on the 45th day after the date of arrest for a
585 first suspension; or

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

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

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

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

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

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

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

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

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

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

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

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

610 (B) no sooner than 60 days beginning on the 45th day after the date of arrest upon
611 receiving written verification of the person's reduction of a charge for a violation of Section
612 41-6a-502 or 41-6a-517, if the written verification is received [~~prior to~~] before completion of
613 the suspension period.

614 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) or (7)(b), the division

615 shall reinstate a person's license [~~prior to~~] before completion of the 120-day suspension period
616 imposed under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the
617 person's conviction of impaired driving under Section [41-6a-502.5](#) if:

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

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

623 (iii) If a person's license is reinstated under this Subsection (7)(c), the person is
624 required to pay the license reinstatement fees under Subsections [~~53-3-105(24) and (25)~~]
625 [53-3-105\(26\) and \(27\)](#).

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

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

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

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

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

635 (A) a court order shortening the driver license suspension for a violation of Section
636 [41-6a-502](#) pursuant to Subsection [41-6a-509\(8\)](#);

637 (B) a court order shortening the driver license suspension for a violation of Section
638 [41-6a-517](#) pursuant to Subsection [41-6a-517\(11\)](#);

639 (C) a court order shortening the driver license suspension for a violation of Section
640 [32B-4-409](#);

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

643 (E) a notice of declination to prosecute for a charge under Section [32B-4-409](#),
644 [41-6a-502](#), [~~Section 41-6a-517~~, or Section [32B-4-409](#)] or [41-6a-517](#);

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

646 or Section ~~32B-4-409~~] or 41-6a-517; or

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

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

651 (c) If a person's license sanction is shortened under this Subsection (8), the person is
652 required to pay the license reinstatement fees under Subsections [~~53-3-105(24) and (25)~~]
653 53-3-105(26) and (27).

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

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

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

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

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

668 (b) If a person's license is reinstated under Subsection (10)(a), the person is required to
669 pay the license reinstatement fees under Subsections [~~53-3-105(24) and (25)~~] 53-3-105(26) and
670 (27).

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

672 **53-3-1007.1. Ignition interlock system election in lieu of license suspension.**

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

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

677 (ii) the offense is an offense that includes only alcohol and not any other substance; and
678 (iii) there is no other basis for the division to suspend the driver license.

679 (b) The election described in this section does not apply to a person under the age of
680 21.

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

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

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

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

690 (d) the person pays the license reinstatement application fees described in Subsections
691 53-3-105(26) and (27).

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

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

698 **Section 6. Coordinating S.B. 211 with H.B. 139 -- Substantive and technical**
699 **amendments.**

700 If this S.B. 211 and H.B. 139, DUI Liability Amendments, both pass and become law, it
701 is the intent of the Legislature that the Office of Legislative Research and General Counsel
702 shall prepare the Utah Code database for publication by amending Section 53-3-223 to read:

703 **"53-3-223. Chemical test for driving under the influence -- Temporary license --**
704 **Hearing and decision -- Suspension and fee -- Judicial review.**

705 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
706 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a
707 certain blood or breath alcohol concentration and driving under the influence of any drug,

708 alcohol, or combination of a drug and alcohol or while having any measurable controlled
709 substance or metabolite of a controlled substance in the person's body in violation of Section
710 41-6a-517, the peace officer may, in connection with arresting the person, request that the
711 person submit to a chemical test or tests to be administered in compliance with the standards
712 under Section 41-6a-520.

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

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

720 (3) If the person submits to a chemical test and the test results indicate a blood or
721 breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer
722 makes a determination, based on reasonable grounds, that the person is otherwise in violation
723 of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of
724 arrest, give notice of the division's intention to suspend the person's license to drive a motor
725 vehicle.

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

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

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

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

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

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

739 Subsection (5).

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

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

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

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

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

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

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

752 [~~(i)~~] (c) The division shall:

753 (i) document the hearing; and

754 (ii) determine:

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

757 [~~(ii)~~] (B) whether the person refused to submit to the test; and

758 [~~(iii) the test results, if any.~~]

759 (C) the result of any chemical test.

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

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

763 (B) may issue subpoenas for the attendance of necessary peace officers.

764 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
765 accordance with the rates established in Section 78B-1-119.

766 (e) The division may designate one or more employees to conduct the hearing.

767 (f) Any decision made after a hearing before any designated employee is as valid as if
768 made by the division.

769 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable

770 grounds to believe that the person was driving a motor vehicle in violation of Section
771 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the
772 notice, or if a hearing is not requested under this section, the division shall:

773 (i) if the person is 21 years ~~[of age]~~ old or older at the time of arrest ~~[and the arrest was~~
774 ~~made on or after July 1, 2009]~~, suspend the person's license or permit to operate a motor
775 vehicle for a period of:

776 (A) 120 days beginning on the 45th day after the date of arrest for a first suspension; or

777 (B) two years beginning on the 45th day after the date of arrest for a second or

778 subsequent suspension for an offense that occurred within the previous 10 years; or

779 (ii) if the person is under 21 years ~~[of age]~~ old at the time of arrest ~~[and the arrest was~~
780 ~~made on or after May 14, 2013]~~:

781 (A) suspend the person's license or permit to operate a motor vehicle:

782 (I) for a period of six months, beginning on the 45th day after the date of arrest for a
783 first suspension; or

784 (II) until the person is 21 years ~~[of age]~~ old or for a period of two years, whichever is
785 longer, beginning on the 45th day after the date of arrest for a second or subsequent suspension
786 for an offense that occurred within the previous 10 years; or

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

788 (I) for a period of six months beginning on the 45th day after the date of the arrest for a
789 first suspension, if the person has not been issued an operator license; or

790 (II) until the person is 21 years ~~[of age]~~ old or for a period of two years, whichever is
791 longer, beginning on the 45th day after the date of arrest for a second or subsequent suspension
792 for an offense that occurred within the previous 10 years.

793 ~~[(b) The division shall deny or suspend a person's license for the denial and suspension~~
794 ~~periods in effect:]~~

795 ~~[(i) prior to July 1, 2009, for an offense that was committed prior to July 1, 2009;]~~

796 ~~[(ii) from July 1, 2009, through June 30, 2011, if:]~~

797 ~~[(A) the person was 20 years 6 months of age or older but under 21 years of age at the~~
798 ~~time of arrest, and]~~

799 ~~[(B) the conviction under Subsection (2) is for an offense that was committed on or~~
800 ~~after July 1, 2009, and prior to July 1, 2011; or]~~

801 ~~[(iii) prior to May 14, 2013, for an offense that was committed prior to May 14, 2013.]~~

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

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

808 (B) no sooner than 60 days beginning on the 45th day after the date of arrest upon
809 receiving written verification of the person's reduction of a charge for a violation of Section
810 41-6a-502 or 41-6a-517, if the written verification is received ~~[prior to]~~ before completion of
811 the suspension period.

812 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) ~~[or (7)(b)]~~, the division
813 shall reinstate a person's license ~~[prior to]~~ before completion of the 120-day suspension period
814 imposed under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the
815 person's conviction of impaired driving under Section 41-6a-502.5 if:

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

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

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

824 (iv) The driver license reinstatements authorized under this Subsection (7)~~[(c)]~~(b) only
825 apply to a 120 day suspension period imposed under Subsection (7)(a)(i)(A).

826 ~~[(8)(a) Notwithstanding the provisions in Subsection (7)(b)(iii), the division shall
827 shorten a person's two-year license suspension period that is currently in effect to a six-month
828 suspension period if:]~~

829 ~~[(i) the driver was under the age of 19 at the time of arrest;]~~

830 ~~[(ii) the offense was a first offense that was committed prior to May 14, 2013; and]~~

831 ~~[(iii) the suspension under Subsection (7)(b)(iii) was based on the same occurrence]~~

832 upon which the following written verifications are based:]

833 [(A) a court order shortening the driver license suspension for a violation of Section
834 ~~41-6a-502~~ pursuant to Subsection ~~41-6a-509~~(8);]

835 [(B) a court order shortening the driver license suspension for a violation of Section
836 ~~41-6a-517~~ pursuant to Subsection ~~41-6a-517~~(11);]

837 [(C) a court order shortening the driver license suspension for a violation of Section
838 ~~32B-4-409~~;]

839 [(D) a dismissal for a violation of Section ~~41-6a-502~~, Section ~~41-6a-517~~, or Section
840 ~~32B-4-409~~;]

841 [(E) a notice of declination to prosecute for a charge under Section ~~41-6a-502~~, Section
842 ~~41-6a-517~~, or Section ~~32B-4-409~~;]

843 [(F) a reduction of a charge under Section ~~41-6a-502~~, Section ~~41-6a-517~~, or Section
844 ~~32B-4-409~~; or]

845 [(G) other written documentation acceptable to the division.]

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

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

851 [(9)] (8) (a) [The division shall assess against a person, in] In addition to any fee
852 imposed under Subsection ~~53-3-205~~(12) for driving under the influence, the division shall:

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

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

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

860 [(10)] (9) (a) Notwithstanding the provisions in Subsection (7)(a)(i) or (ii), the division
861 shall reinstate a person's license before completion of the suspension period imposed under
862 Subsection (7)(a)(i) or (ii) if the reporting court notifies the Driver License Division that the

863 defendant is participating in or has successfully completed a 24-7 sobriety program as defined
864 in Section [41-6a-515.5](#).

865 (b) If a person's license is reinstated under Subsection [~~(10)~~] (9)(a), the person is
866 required to pay the license reinstatement fees under Subsections [53-3-105](#)[~~(24)~~ and ~~(25)~~] (26)
867 and (27)".