

1                                   **DRIVER LICENSE SUSPENSION AMENDMENTS**

2   2021 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: A. Cory Maloy**

5                                   Senate Sponsor: Michael S. Kennedy

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7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11           This bill:

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

14 Division based solely on the individual's failure to pay certain fines;

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

- 17           ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19           None

20 **Other Special Clauses:**

21           None

22 **Utah Code Sections Affected:**

23 AMENDS:

24           **41-6a-509**, as last amended by Laws of Utah 2020, Chapter 177

25           **41-6a-517**, as last amended by Laws of Utah 2020, Chapter 12

26           **41-6a-1715**, as last amended by Laws of Utah 2014, Chapter 416

27           **53-3-102**, as last amended by Laws of Utah 2019, Chapters 426 and 459



28 [53-3-218](#), as last amended by Laws of Utah 2018, Chapter 121

29 [53-3-221](#), as last amended by Laws of Utah 2015, Chapter 52

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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](#); 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 violation under Section [41-6a-502](#) is committed within a period of 10  
42 years from the date of the prior violation.

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

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

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

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

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

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

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

56 (ii) the current violation under Section [41-6a-502](#) is committed within a period of 10  
57 years from the date of the prior violation; or

58 (d) deny the person's application for a license or learner's permit until the person is 21

59 years of age or for a period of two years, whichever is longer, if:

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

61 (ii) the current violation under Section 41-6a-502 is committed within a period of 10  
62 years from the date of the prior violation; and

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

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

66 (a) suspend the person's driver license until the person is 21 years of age if the person  
67 is convicted for the first time of a violation under Section 41-6a-502;

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

70 (i) is convicted for the first time of a violation under Section 41-6a-502; and

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

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

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

74 (ii) the current violation under Section 41-6a-502 is committed within a period of 10  
75 years from the date of the prior violation; or

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

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

79 (ii) the current violation under Section 41-6a-502 is committed within a period of 10  
80 years from the date of the prior violation; and

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

82 (4) The Driver License Division shall suspend or revoke the license of a person as  
83 ordered by the court under Subsection (9).

84 (5) The Driver License Division shall subtract from any suspension or revocation  
85 period the number of days for which a license was previously suspended under Section  
86 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon  
87 which the record of conviction is based.

88 (6) If a conviction recorded as impaired driving is amended to a driving under the  
89 influence conviction under Section 41-6a-502 in accordance with Subsection

90 41-6a-502.5(3)(a)(ii), the Driver License Division:

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

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

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

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

100 (b) completes a screening;

101 (c) completes an assessment, if it is found appropriate by a screening under Subsection  
102 (7)(b);

103 (d) completes substance abuse treatment if it is found appropriate by the assessment  
104 under Subsection (7)(c);

105 (e) completes an educational series if substance abuse treatment is not required by an  
106 assessment under Subsection (7)(c) or the court does not order substance abuse treatment;

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

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

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

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

119 (8) If the court shortens a person's license suspension period in accordance with the  
120 requirements of Subsection (7), the court shall forward the order shortening the person's

121 suspension period prior to the completion of the suspension period imposed under Subsection  
 122 (2)(a) or (b) or Subsection (3)(a) or (b) to the Driver License Division.

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

127 (ii) The additional suspension or revocation period provided in this Subsection (9) shall  
 128 begin the date on which the individual would be eligible to reinstate the individual's driving  
 129 privilege for a violation of Section 41-6a-502.

130 (b) If the court suspends or revokes the person's license under this Subsection (9), the  
 131 court shall prepare and send to the Driver License Division an order to suspend or revoke that  
 132 person's driving privileges for a specified period of time.

133 (10) (a) The court shall notify the Driver License Division if a person fails to~~[(i)]~~  
 134 complete all court ordered:

135 [~~(A)~~ screening;]

136 [~~(B)~~ assessment;]

137 (i) screenings;

138 (ii) assessments;

139 [~~(C)~~ (iii) educational series;

140 [~~(D)~~ (iv) substance abuse treatment; and

141 [~~(E)~~ (v) hours of work in a compensatory-service work program~~[, or]~~].

142 [~~(ii) pay all fines and fees, including fees for restitution and treatment costs.]~~

143 (b) ~~Upon~~ Subject to Subsection 53-3-218(3), upon receiving the notification  
 144 described in Subsection (10)(a), the division shall suspend the person's driving privilege in  
 145 accordance with [~~Subsections 53-3-221(2) and (3)] Subsection 53-3-221(2).~~

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

150 (b) If the court shortens a person's license suspension period in accordance with the  
 151 requirements of this Subsection (11), the court shall forward to the Driver License Division the

152 order shortening the person's suspension period.

153 (c) The court shall notify the Driver License Division if a person fails to complete all  
154 requirements of a 24-7 sobriety program.

155 (d) ~~Upon~~ Subject to Subsection 53-3-218(3), upon receiving the notification  
156 described in Subsection (11)(c), the division shall suspend the person's driving privilege in  
157 accordance with ~~[Subsections 53-3-221(2) and (3)]~~ Subsection 53-3-221(2).

158 Section 2. Section **41-6a-517** is amended to read:

159 **41-6a-517. Definitions -- Driving with any measurable controlled substance in the**  
160 **body -- Penalties -- Arrest without warrant.**

161 (1) As used in this section:

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

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

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

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

166 (2) (a) Except as provided in Subsection (2)(b), in cases not amounting to a violation of  
167 Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle  
168 within this state if the person has any measurable controlled substance or metabolite of a  
169 controlled substance in the person's body.

170 (b) Subsection (2)(a) does not apply to a person that has  
171 11-nor-9-carboxy-tetrahydrocannabinol as the only controlled substance present in the person's  
172 body.

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

175 (a) involuntarily ingested by the accused;

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

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

180 (d) otherwise legally ingested.

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

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

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

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

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

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

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

195 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
196 and within a period of 10 years after the date of the prior violation.

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

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

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

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

205 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
206 and within a period of 10 years after the date of the prior violation.

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

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

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

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

213 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,

214 and within a period of 10 years after the date of the prior violation.

215 (9) The Driver License Division shall subtract from any suspension or revocation  
216 period the number of days for which a license was previously suspended under Section  
217 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon  
218 which the record of conviction is based.

219 (10) The Driver License Division shall:

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

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

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

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

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

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

234 (b) completes a screening;

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

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

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

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

244 (g) has complied with all the terms of the person's probation or all orders of the court if



245 not ordered to probation; and

246 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
247 person has not consumed a controlled substance not prescribed by a practitioner for use by the  
248 person or unlawfully consumed alcohol during the suspension period imposed under

249 Subsection (7)(a) or (8)(a); or

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

255 (12) If the court shortens a person's license suspension period in accordance with the  
256 requirements of Subsection (11), the court shall forward the order shortening the person's  
257 license suspension period prior to the completion of the suspension period imposed under  
258 Subsection (7)(a) or (8)(a) to the Driver License Division.

259 (13) (a) The court shall notify the Driver License Division if a person fails to~~[(i)]~~  
260 complete all court ordered screening and assessment, educational series, and substance abuse  
261 treatment~~[; or]~~.

262 ~~[(ii) pay all fines and fees, including fees for restitution and treatment costs.]~~

263 (b) ~~[Upon]~~ Subject to Subsection [53-3-218\(3\)](#), upon receiving the notification, the  
264 division shall suspend the person's driving privilege in accordance with ~~[Subsections~~  
265 [53-3-221\(2\) and \(3\)\]](#) [Subsection 53-3-221\(2\)](#).

266 (14) The court:

267 (a) shall order supervised probation in accordance with Section [41-6a-507](#) for a person  
268 convicted under Subsection (2); and

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

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

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

276 requirements of this Subsection (15), the court shall forward to the Driver License Division the  
277 order shortening the person's suspension period.

278 (c) The court shall notify the Driver License Division if a person fails to complete all  
279 requirements of a 24-7 sobriety program.

280 (d) ~~Upon~~ Subject to Subsection [53-3-218\(3\)](#), upon receiving the notification  
281 described in Subsection (15)(c), the division shall suspend the person's driving privilege in  
282 accordance with ~~[Subsections [53-3-221\(2\)](#) and (3)]~~ [Subsection 53-3-221\(2\)](#).

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

284 **41-6a-1715. Careless driving defined and prohibited.**

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

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

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

- 292 (i) searching for an item in the vehicle; or
- 293 (ii) attending to personal hygiene or grooming.

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

295 (3) In addition to the penalty provided under this section or any other section, a judge  
296 may order the revocation of the convicted person's driver license if the violation causes or  
297 results in the death of another person in accordance with Subsection ~~[[53-3-218\(6\)](#)]~~  
298 [53-3-218\(7\)](#).

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

300 **53-3-102. Definitions.**

301 As used in this chapter:

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

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

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

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

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

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

311 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner  
312 permit:

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

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

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

317 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.  
318 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
319 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
320 commercial motor vehicle; and

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

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

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

327 (ii) contains the following:

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

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

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

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

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

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

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

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

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

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

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

353 (iii) firefighting and emergency vehicles;

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

356 (v) vehicles used to provide transportation network services, as defined in Section  
357 [13-51-102](#).

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

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

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

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

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

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

367 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to  
368 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,

369 do not apply.

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

371 (11) "Disqualification" means either:

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

374 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
375 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part  
376 391; or

377 (c) the loss of qualification that automatically follows conviction of an offense listed in  
378 49 C.F.R. Part 383.51.

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

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

383 (14) "Drive" means:

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

385 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections  
386 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within  
387 the state.

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

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

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

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

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

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

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

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

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

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

409 (24) "License" means the privilege to drive a motor vehicle.

410 (25) (a) "License certificate" means the evidence of the privilege issued under this  
411 chapter to drive a motor vehicle.

412 (b) "License certificate" evidence includes:

413 (i) a regular license certificate;

414 (ii) a limited-term license certificate;

415 (iii) a driving privilege card;

416 (iv) a CDL license certificate;

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

418 (vi) a temporary regular license certificate;

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

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

421 (26) "Limited-term commercial driver license" or "limited-term CDL" means a license:

422 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.  
423 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
424 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
425 commercial motor vehicle; and

426 (b) that was obtained by providing evidence of lawful presence in the United States  
427 with one of the document requirements described in Subsection [53-3-410\(1\)\(i\)\(ii\)](#).

428 (27) "Limited-term identification card" means an identification card issued under this  
429 chapter to a person whose card was obtained by providing evidence of lawful presence in the  
430 United States with one of the document requirements described in Subsection

431 53-3-804(2)(i)(ii).

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

436 (29) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.

437 (30) "Motor vehicle record" or "MVR" means a driving record under Subsection  
438 53-3-109(6)(a).

439 (31) "Motorboat" means the same as that term is defined in Section 73-18-2.

440 (32) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or  
441 saddle for the use of the rider and designed to travel with not more than three wheels in contact  
442 with the ground.

443 (33) "Office of Recovery Services" means the Office of Recovery Services, created in  
444 Section 62A-11-102.

445 (34) "Operate" means the same as that term is defined in Section 41-1a-102.

446 (35) (a) "Owner" means a person other than a lien holder having an interest in the  
447 property or title to a vehicle.

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

450 (36) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,  
451 or other financial penalty imposed on an individual by a court or other government entity.

452 [~~36~~] (37) (a) "Private passenger carrier" means any motor vehicle for hire that is:

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

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

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

456 (i) a taxicab;

457 (ii) a motor vehicle driven by a transportation network driver as defined in Section  
458 13-51-102;

459 (iii) a motor vehicle driven for transportation network services as defined in Section  
460 13-51-102; and

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

462 13-51-102 and registered with the Division of Consumer Protection as described in Section  
463 13-51-104.

464 ~~[(37)]~~ (38) "Regular identification card" means an identification card issued under this  
465 chapter to a person whose card was obtained by providing evidence of lawful presence in the  
466 United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

467 ~~[(38)]~~ (39) "Regular license certificate" means the evidence of the privilege issued  
468 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence  
469 of lawful presence in the United States with one of the document requirements described in  
470 Subsection 53-3-205(8)(a)(ii)(A).

471 ~~[(39)]~~ (40) "Renewal" means to validate a license certificate so that it expires at a later  
472 date.

473 ~~[(40)]~~ (41) "Reportable violation" means an offense required to be reported to the  
474 division as determined by the division and includes those offenses against which points are  
475 assessed under Section 53-3-221.

476 ~~[(41)]~~ (42) (a) "Resident" means an individual who:

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

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

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

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

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

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

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

491 (iii) a person domiciled in another state or country, who is temporarily assigned in this  
492 state, assigned by or representing an employer, religious or private organization, or a



493 governmental entity; or

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

496 ~~[(42)]~~ (43) "Revocation" means the termination by action of the division of a licensee's  
497 privilege to drive a motor vehicle.

498 ~~[(43)]~~ (44) (a) "School bus" means a commercial motor vehicle used to transport  
499 pre-primary, primary, or secondary school students to and from home and school, or to and  
500 from school sponsored events.

501 (b) "School bus" does not include a bus used as a common carrier as defined in Section  
502 [59-12-102](#).

503 ~~[(44)]~~ (45) "Suspension" means the temporary withdrawal by action of the division of a  
504 licensee's privilege to drive a motor vehicle.

505 ~~[(45)]~~ (46) "Taxicab" means any class D motor vehicle transporting any number of  
506 passengers for hire and that is subject to state or federal regulation as a taxi.

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

508 **53-3-218. Court to report convictions and may recommend suspension of license**  
509 **-- Severity of speeding violation defined.**

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

512 (2) (a) Except as provided in Subsection (2)(c), a court having jurisdiction over  
513 offenses committed under this chapter or any other law of this state, or under any municipal  
514 ordinance regulating driving motor vehicles on highways or driving motorboats on the water,  
515 shall forward to the division within five days, an abstract of the court record of the conviction  
516 or plea held in abeyance of any person in the court for a reportable traffic or motorboating  
517 violation of any laws or ordinances, and may recommend the suspension of the license of the  
518 person convicted.

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

523 (c) A court may not forward to the division an abstract of a court record of a conviction

524 for a violation described in Subsection 53-3-220(1)(c)(i) or (ii), unless the court found that the  
525 person convicted of the violation was an operator of a motor vehicle at the time of the  
526 violation.

527 (3) (a) A court may not order the division to suspend a person's driver license based  
528 solely on the person's failure to pay a penalty accounts receivable.

529 (b) The court may notify the division, and the division may, prior to sentencing,  
530 suspend the driver license of a person who fails to appear if the person is charged with:

531 (i) an offense of any level that is a moving traffic violation;

532 (ii) an offense described in Title 41, Chapter 12a, Part 3, Owner's or Operator's  
533 Security Requirement; or

534 (iii) an offense described in Subsection 53-3-220(1)(a) or (b).

535 ~~(3)~~ (4) The abstract shall be made in the form prescribed by the division and shall  
536 include:

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

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

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

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

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

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

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

544 (h) the nature of the offense;

545 (i) whether the offense involved an accident;

546 (j) the driver's blood alcohol content, if applicable;

547 (k) if the offense involved a speeding violation:

548 (i) the posted speed limit;

549 (ii) the actual speed; and

550 (iii) whether the speeding violation occurred on a highway that is part of the interstate  
551 system as defined in Section 72-1-102;

552 (l) the date of the hearing;

553 (m) the plea;

554 (n) the judgment or whether bail was forfeited; and

555 (o) the severity of the violation, which shall be graded by the court as "minimum,"  
556 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

557 [~~(4)~~] (5) When a convicted person secures a judgment of acquittal or reversal in any  
558 appellate court after conviction in the court of first impression, the division shall reinstate the  
559 convicted person's license immediately upon receipt of a certified copy of the judgment of  
560 acquittal or reversal.

561 [~~(5)~~] (6) Upon a conviction for a violation of the prohibition on using a handheld  
562 wireless communication device for text messaging or electronic mail communication while  
563 operating a moving motor vehicle under Section 41-6a-1716, a judge may order a suspension  
564 of the convicted person's license for a period of three months.

565 [~~(6)~~] (7) Upon a conviction for a violation of careless driving under Section  
566 41-6a-1715 that causes or results in the death of another person, a judge may order a revocation  
567 of the convicted person's license for a period of one year.

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

569 **53-3-221. Offenses that may result in denial, suspension, disqualification, or**  
570 **revocation of license -- Additional grounds for suspension -- Point system for traffic**  
571 **violations -- Notice and hearing -- Reporting of traffic violation procedures.**

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

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

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

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

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

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

585 (f) has been convicted of serious offenses against traffic laws governing the movement

586 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard  
587 for the safety of other persons on the highways.

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

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

595 (2) (a) (i) Except as provided in Subsection 53-3-218(3), and subject to  
596 Subsection(2)(a)(ii), the division may suspend a license of a person under Subsection (1):

597 (A) when the person has failed to comply with the terms stated on a traffic citation  
598 issued in this state;

599 (B) when the person has failed to successfully complete a 24-7 sobriety program as  
600 defined in Section 41-6a-515.5; or

601 (C) if the division receives a notification from a court as described in Subsection  
602 41-6a-509(11)(d) or 41-6a-517(13)(b).

603 (ii) This Subsection (2) does not apply to highway weight limit violations or violations  
604 of law governing the transportation of hazardous materials.

605 ~~[(c)]~~ (b) (i) This Subsection (2) may not be exercised unless notice of the pending  
606 suspension of the driving privilege has been sent at least [10] 30 days previously to the person  
607 at the address provided to the division.

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

611 ~~[(3) (a) The division may suspend the license of a person under Subsection (1) when  
612 the division has been notified by a court that the person has an outstanding unpaid fine, an  
613 outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a  
614 court.]~~

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

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

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

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

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

622 (3) Except as provided in Subsection 53-3-218(3), the division may not revoke, deny,  
623 suspend, or disqualify an individual's driver license based solely on:

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

625 (b) the individual's failure to pay an outstanding penalty accounts receivable; or

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

627 (3)(a) or (b).

628 (4) (a) The division shall make rules establishing a point system as provided for in this  
629 Subsection (4).

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

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

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

636 (A) that occurred in another state; and

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

638 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:

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

641 (B) an offense committed in another state which, if committed within Utah, would  
642 result in the mandatory suspension or revocation of a license upon conviction under Section  
643 53-3-220.

644 (c) Every person convicted of a traffic violation shall have assessed against the person's  
645 driving record the number of points that the division has assigned to the type of violation of  
646 which the person has been convicted, except that the number of points assessed shall be  
647 decreased by 10% if on the abstract of the court record of the conviction the court has graded

648 the severity of violation as minimum, and shall be increased by 10% if on the abstract the court  
649 has graded the severity of violation as maximum.

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

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

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

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

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

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

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

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

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

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

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

670 (5) (a) (i) If the division finds that the license of a person should be denied, suspended,  
671 disqualified, or revoked under this section, the division shall immediately notify the licensee in  
672 a manner specified by the division and afford the person an opportunity for a hearing in the  
673 county where the licensee resides.

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

677 (iii) One or more members of the division may conduct the hearing, and any decision  
678 made after a hearing before any number of the members of the division is as valid as if made

679 after a hearing before the full membership of the division.

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

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

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

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

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

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

689 (6) (a) Subject to Subsection (6)(d), the division shall suspend a person's license when  
690 the division receives notice from the Office of Recovery Services that the Office of Recovery  
691 Services has ordered the suspension of the person's license.

692 (b) A suspension under Subsection (6)(a) shall remain in effect until the division  
693 receives notice from the Office of Recovery Services that the Office of Recovery Services has  
694 rescinded the order of suspension.

695 (c) After an order of suspension is rescinded under Subsection (6)(b), a report  
696 authorized by Section 53-3-104 may not contain any evidence of the suspension.

697 (d) (i) If the division suspends a person's license under this Subsection (6), the division  
698 shall, upon application, issue a temporary limited driver license to the person if that person  
699 needs a driver license for employment, education, or child visitation.

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

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

703 (B) shall prohibit the person from driving a motor vehicle for any purpose other than a  
704 purpose described in Subsection (6)(d)(ii)(A); and

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

707 (iii) (A) During the period beginning on the day on which a temporary limited driver  
708 license is issued under this Subsection (6), and ending on the day that the temporary limited  
709 driver license expires, the suspension described in this Subsection (6) only applies if the person

710 who is suspended operates a motor vehicle for a purpose other than employment, education, or  
711 child visitation.

712 (B) Upon expiration of a temporary limited driver license described in this Subsection  
713 (6)(d):

714 (I) a suspension described in Subsection (6)(a) shall be in full effect until the division  
715 receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

716 (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any  
717 reason.

718 (iv) The division is not required to issue a limited driver license to a person under this  
719 Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver  
720 license.

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

723 (7) (a) The division may suspend or revoke the license of any resident of this state  
724 upon receiving notice of the conviction of that person in another state of an offense committed  
725 there that, if committed in this state, would be grounds for the suspension or revocation of a  
726 license.

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

731 (8) (a) The division may suspend or revoke the license of any nonresident to drive a  
732 motor vehicle in this state for any cause for which the license of a resident driver may be  
733 suspended or revoked.

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

736 (9) (a) The division may not deny or suspend the license of any person for a period of  
737 more than one year except:

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

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



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

743 (iv) for failure to give and maintain owner's or operator's security under Section  
744 41-12a-411;

745 (v) when the division suspends the license under Subsection (6); or

746 (vi) when the division denies the license under Subsection (14).

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

749 (10) (a) By following the procedures in Title 63G, Chapter 4, Administrative  
750 Procedures Act, the division may suspend the license of any person without receiving a record  
751 of the person's conviction for a crime when the division has reason to believe that the person's  
752 license was granted by the division through error or fraud or that the necessary consent for the  
753 license has been withdrawn or is terminated.

754 (b) The procedure upon suspension is the same as under Subsection (5), except that  
755 after the hearing the division shall either rescind its order of suspension or cancel the license.

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

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

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

764 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section  
765 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in  
766 this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed  
767 limit and did not result in an accident, unless authorized in a manner specified by the division  
768 by the individual whose report is being requested.

769 (b) The provisions of Subsection (12)(a) do not apply for:

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

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

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

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

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

781 (ii) the driving privilege card holder's vehicle registration has been revoked under  
782 Subsection [41-1a-110\(2\)\(a\)\(ii\)\(A\)](#).

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

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

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

789 (16) Any suspension or revocation of a person's license under this section also  
790 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License  
791 Act.