

DRIVER LICENSE SUSPENSION REVISIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill limits suspension of an individual's driver license for certain offenses.

Highlighted Provisions:

This bill:

▶ amends driver license suspension for certain drug related offenses to ~~H~~→ [offenses involving the controlled substance or paraphernalia in the passenger compartment of the vehicle] circumstances in which the court finds that a driver license suspension is likely to reduce recidivism and is in the interest of public safety ←H ;

▶ removes driver license suspension requirements for certain offenses related to custodial interference; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-220, as last amended by Laws of Utah 2020, Chapter 177

76-5-303, as last amended by Laws of Utah 2017, Chapter 181

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



90 (c) Except when action is taken under Section 53-3-219 for the same offense, upon
 91 receiving a record of conviction, the division shall immediately suspend for six months the
 92 license of the convicted person if the person was convicted of one of the following offenses
 93 while the person was an operator of a motor vehicle, and the court finds that ~~it~~ → [the substance or
 94 paraphernalia was found in the passenger compartment of the motor vehicle] a driver license
 94a suspension is likely to reduce recidivism and is in the interest of public safety ← ~~it~~ :

- 95 (i) any violation of:
- 96 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
- 97 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 98 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;
- 99 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
- 100 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or
- 101 (ii) any criminal offense that prohibits:
- 102 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance
 103 that is prohibited under the acts described in Subsection (1)(c)(i); or
- 104 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or
 105 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).
- 106 (d) (i) The division shall immediately suspend a person's driver license for conviction
 107 of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:
- 108 (A) an order from the sentencing court requiring that the person's driver license be
 109 suspended; and
- 110 (B) a record of the conviction.
- 111 (ii) An order of suspension under this section is at the discretion of the sentencing
 112 court, and may not be for more than 90 days for each offense.
- 113 (e) (i) The division shall immediately suspend for one year the license of a person upon
 114 receiving a record of:
- 115 (A) conviction for the first time for a violation under Section 32B-4-411; or
- 116 (B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act, for a violation
 117 under Section 32B-4-411.
- 118 (ii) The division shall immediately suspend for a period of two years the license of a
 119 person upon receiving a record of:
- 120 (A) (I) conviction for a second or subsequent violation under Section 32B-4-411; and