

Senator Jerry W. Stevenson proposes the following substitute bill:

DRIVING UNDER THE INFLUENCE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill amends provisions related to ignition interlock restrictions and driving under the influence.

Highlighted Provisions:

This bill:

- ▶ for a person who elects to become an interlock restricted driver pre-conviction, provides for time served as an interlock restricted driver to count toward the time of a driver license suspension period;

- ▶ for a person who is ordered to be an interlock restricted driver, requires that the court allow at least three options of ignition interlock providers; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-509, as last amended by Laws of Utah 2021, Chapters 83, 120 and last amended



26 by Coordination Clause, Laws of Utah 2021, Chapter 83
27 **41-6a-518**, as last amended by Laws of Utah 2021, Chapter 83
28 **53-3-221**, as last amended by Laws of Utah 2021, Chapter 120 and last amended by
29 Coordination Clause, Laws of Utah 2021, Chapter 83

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~~] old or older at
36 the 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~~] old or older but
44 under 21 years [~~of age~~] old at the time of arrest:

45 (a) suspend the person's driver license until the person is 21 years [~~of age~~] old or for a
46 period of one year, whichever is longer, if the person is convicted for the first time of a
47 violation under 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~~] old 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~~] old or for a
54 period 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]~~ old 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]~~ old at the
65 time of arrest:

66 (a) suspend the person's driver license until the person is 21 years ~~[of age]~~ old if the
67 person 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]~~ old 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]~~ old 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]~~ old 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)]~~(10).

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~~] old or older and provides a sworn statement to the court that
113 the 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~~] old and has the person's parent or legal guardian provide
116 an 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) (a) Except as provided in Subsection (8)(b), if a court reports to the Driver License
120 Division a conviction of a violation of Section 41-6a-502 for a violation that occurred on or
121 after July 1, 2021, unless the court determines reduction of the suspension period would be
122 against the public interest in the circumstances, the court shall order the division to subtract
123 from the suspension period imposed under Subsection (1)(a), the number of days for which an
124 individual was an ignition interlock restricted driver if the person:

125 (i) elected to become an ignition interlock restricted driver under Subsection
126 53-3-223(10) and the election to become an ignition interlock restricted driver was based on
127 the same occurrence upon which the record of conviction is based;

128 (ii) is compliant with the requirements under Subsection 53-3-223(10)(a);

129 (iii) has not had the ignition interlock system removed from a vehicle owned or driven
130 by the person prior to the expiration of the 120 day ignition interlock restriction period; and

131 (iv) has not been reported by the ignition interlock system provider for improper or
132 inaccurate use.

133 (b) A court may not order the division to subtract from the suspension period as
134 described in Subsection (8)(a) if there is admissible evidence that the individual:

135 (i) has a prior conviction as that term is defined in Subsection 41-6a-501(2);

136 (ii) had a blood alcohol level of .05 or higher in addition to any measurable controlled
137 substance; or

138 (iii) had a combination of two or more controlled substances in the person's body that
139 were not:

140 (A) prescribed by a licensed physician; or

141 (B) recommended in accordance with Title 26, Chapter 61a, Utah Medical Cannabis
142 Act.

143 (c) If the court orders the division to subtract from the suspension period as described
144 in Subsection (8)(a), the court shall forward the order to subtract from the suspension period to
145 the Driver License Division in a manner specified by the division before the completion of the
146 suspension period imposed under Subsection (1)(a).

147 [{8}] (9) If the court shortens a person's license suspension period in accordance with
148 the requirements of Subsection (7), the court shall forward the order shortening the person's
149 suspension period to the Driver License Division in a manner specified by the division prior to

150 the completion of the suspension period imposed under Subsection (2)(a) or (b) or Subsection
151 (3)(a) or (b).

152 ~~[(9)]~~ (10) (a) (i) In addition to any other penalties provided in this section, a court may
153 order the operator's license of a person who is convicted of a violation of Section 41-6a-502 to
154 be suspended or revoked for an additional period of 90 days, 120 days, 180 days, one year, or
155 two years to remove from the highways those persons who have shown they are safety hazards.

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

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

162 ~~[(10)]~~ (11) (a) The court shall notify the Driver License Division if a person fails to
163 complete all court ordered:

- 164 (i) screenings;
- 165 (ii) assessments;
- 166 (iii) educational series;
- 167 (iv) substance abuse treatment; and
- 168 (v) hours of work in a compensatory-service work program.

169 (b) Subject to Subsection 53-3-218(3), upon receiving the notification described in
170 Subsection ~~[(10)]~~ (11)(a), the division shall suspend the person's driving privilege in
171 accordance with Subsection 53-3-221(2).

172 ~~[(11)]~~ (12) (a) A court that reported a conviction of a violation of Section 41-6a-502 to
173 the Driver License Division may shorten the suspension period imposed under Subsection (1)
174 before completion of the suspension period if the person is participating in or has successfully
175 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

176 (b) If the court shortens a person's license suspension period in accordance with the
177 requirements of this Subsection ~~[(11)]~~ (12), the court shall forward the order shortening the
178 person's suspension period to the Driver License Division in a manner specified by the
179 division.

180 (c) The court shall notify the Driver License Division, in a manner specified by the

181 Driver License Division, if a person fails to complete all requirements of a 24-7 sobriety
182 program.

183 (d) (i) (A) Upon receiving the notification described in Subsection [~~(11)~~] (12)(c), for a
184 first offense, the division shall suspend the person's driving privilege for a period of 120 days
185 from the date of notice.

186 (B) For a suspension described under Subsection [~~(11)~~] (12)(d)(i)(A), no days shall be
187 subtracted from the 120-day suspension period for which a driving privilege was previously
188 suspended under this section or Section 53-3-223, if the previous suspension was based on the
189 same occurrence upon which the conviction under Section 41-6a-502 is based.

190 (ii) (A) Upon receiving the notification described in Subsection [~~(11)~~] (12)(c), for a
191 second or subsequent offense, the division shall revoke the person's driving privilege for a
192 period of two years from the date of notice.

193 (B) For a license revocation described in Subsection [~~(11)~~] (12)(d)(ii)(A), no days shall
194 be subtracted from the two-year revocation period for which a driving privilege was previously
195 revoked under this section or Section 53-3-223, if the previous revocation was based on the
196 same occurrence upon which the conviction under Section 41-6a-502 is based.

197 Section 2. Section 41-6a-518 is amended to read:

198 **41-6a-518. Ignition interlock devices -- Use -- Probationer to pay cost --**
199 **Impecuniosity -- Fee.**

200 (1) As used in this section:

201 (a) "Commissioner" means the commissioner of the Department of Public Safety.

202 (b) "Employer verification" means written verification from the employer that:

203 (i) the employer is aware that the employee is an interlock restricted driver;

204 (ii) the vehicle the employee is operating for employment purposes is not made
205 available to the employee for personal use;

206 (iii) the business entity that employs the employee is not entirely or partly owned or
207 controlled by the employee;

208 (iv) the employer's auto insurance company is aware that the employee is an interlock
209 restricted driver; and

210 (v) the employee has been added to the employer's auto insurance policy as an operator
211 of the vehicle.

212 (c) "Ignition interlock system" or "system" means a constant monitoring device or any
213 similar device certified by the commissioner that prevents a motor vehicle from being started
214 or continuously operated without first determining the driver's breath alcohol concentration.

215 (d) "Probation provider" means the supervisor and monitor of the ignition interlock
216 system required as a condition of probation who contracts with the court in accordance with
217 Subsections 41-6a-507(2) and (3).

218 (2) (a) In addition to any other penalties imposed under Sections 41-6a-503 and
219 41-6a-505, and in addition to any requirements imposed as a condition of probation, unless the
220 court determines and states on the record that an ignition interlock system is not necessary for
221 the safety of the community and in the best interest of justice, the court shall require that any
222 person who is convicted of violating Section 41-6a-502 and who is granted probation may not
223 operate a motor vehicle during the period of probation unless that motor vehicle is equipped
224 with a functioning, certified ignition interlock system installed and calibrated so that the motor
225 vehicle will not start or continuously operate if the operator's blood alcohol concentration
226 exceeds .02 grams or greater.

227 (b) If a person convicted of violating Section 41-6a-502 was under the age of 21 when
228 the violation occurred, the court shall order the installation of the ignition interlock system as a
229 condition of probation.

230 (c) (i) If a person is convicted of a violation of Section 41-6a-502 within 10 years of a
231 prior conviction as defined in Subsection 41-6a-501(2), the court shall order the installation of
232 the interlock ignition system, at the person's expense, for all motor vehicles registered to that
233 person and all motor vehicles operated by that person.

234 (ii) A person who operates a motor vehicle without an ignition interlock device as
235 required under this Subsection (2)(c) is in violation of Section 41-6a-518.2.

236 (d) The division shall post the ignition interlock restriction on the electronic record
237 available to law enforcement.

238 (e) This section does not apply to a person convicted of a violation of Section
239 41-6a-502 whose violation does not involve alcohol.

240 (3) (a) If the court imposes the use of an ignition interlock system as a condition of
241 probation, the court shall:

242 [~~(a)~~] (i) stipulate on the record the requirement for and the period of the use of an

243 ignition interlock system;

244 ~~[(b)]~~ (ii) order that an ignition interlock system be:

245 (A) installed on each motor vehicle owned or operated by the probationer, at the
246 probationer's expense; and

247 (B) monitored by an ignition interlock system provider licensed under Sections
248 53-3-1001 through 53-3-1008;

249 ~~[(c)]~~ (iii) immediately notify the Driver License Division and the person's probation
250 provider of the order; and

251 ~~[(d)]~~ (iv) require the probationer to provide proof of compliance with the court's order
252 to the probation provider within 30 days of the order.

253 (b) A court may not order a probationer to use a specific interlock system provider.

254 (4) (a) The probationer shall provide timely proof of installation within 30 days of an
255 order imposing the use of a system or show cause why the order was not complied with to the
256 court or to the probationer's probation provider.

257 (b) The probation provider shall notify the court of failure to comply under Subsection
258 (4)(a).

259 (c) For failure to comply under Subsection (4)(a) or upon receiving the notification
260 under Subsection (4)(b), the court shall order the Driver License Division to suspend the
261 probationer's driving privileges for the remaining period during which the compliance was
262 imposed.

263 (d) Cause for failure to comply means any reason the court finds sufficiently justifiable
264 to excuse the probationer's failure to comply with the court's order.

265 (5) (a) Any probationer required to install an ignition interlock system shall have the
266 system monitored by the manufacturer or dealer of the system for proper use and accuracy at
267 least semiannually and more frequently as the court may order.

268 (b) (i) A report of the monitoring shall be issued by the manufacturer or dealer to the
269 court or the person's probation provider.

270 (ii) The report shall be issued within 14 days following each monitoring.

271 (6) (a) If an ignition interlock system is ordered installed, the probationer shall pay the
272 reasonable costs of leasing or buying and installing and maintaining the system.

273 (b) A probationer may not be excluded from this section for inability to pay the costs,

274 unless:

275 (i) the probationer files an affidavit of impecuniosity; and

276 (ii) the court enters a finding that the probationer is impecunious.

277 (c) In lieu of waiver of the entire amount of the cost, the court may direct the

278 probationer to make partial or installment payments of costs when appropriate.

279 (d) The ignition interlock provider shall cover the costs of waivers by the court under

280 this Subsection (6).

281 (7) (a) If a probationer is required in the course and scope of employment to operate a

282 motor vehicle owned by the probationer's employer, the probationer may operate that motor

283 vehicle without installation of an ignition interlock system only if:

284 (i) the motor vehicle is used in the course and scope of employment;

285 (ii) the employer has been notified that the employee is restricted; and

286 (iii) the employee has employer verification in the employee's possession while

287 operating the employer's motor vehicle.

288 (b) (i) To the extent that an employer-owned motor vehicle is made available to a

289 probationer subject to this section for personal use, no exemption under this section shall apply.

290 (ii) A probationer intending to operate an employer-owned motor vehicle for personal

291 use and who is restricted to the operation of a motor vehicle equipped with an ignition interlock

292 system shall notify the employer and obtain consent in writing from the employer to install a

293 system in the employer-owned motor vehicle.

294 (c) A motor vehicle owned by a business entity that is all or partly owned or controlled

295 by a probationer subject to this section is not a motor vehicle owned by the employer and does

296 not qualify for an exemption under this Subsection (7).

297 (8) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

298 the commissioner shall make rules setting standards for the certification of ignition interlock

299 systems.

300 (b) The standards under Subsection (8)(a) shall require that the system:

301 (i) not impede the safe operation of the motor vehicle;

302 (ii) have features that make circumventing difficult and that do not interfere with the

303 normal use of the motor vehicle;

304 (iii) require a deep lung breath sample as a measure of breath alcohol concentration;

305 (iv) prevent the motor vehicle from being started if the driver's breath alcohol
306 concentration exceeds .02 grams or greater;

307 (v) work accurately and reliably in an unsupervised environment;

308 (vi) resist tampering and give evidence if tampering is attempted;

309 (vii) operate reliably over the range of motor vehicle environments; and

310 (viii) be manufactured by a party who will provide liability insurance.

311 (c) The commissioner may adopt in whole or in part, the guidelines, rules, studies, or
312 independent laboratory tests relied upon in certification of ignition interlock systems by other
313 states.

314 (d) A list of certified systems shall be published by the commissioner and the cost of
315 certification shall be borne by the manufacturers or dealers of ignition interlock systems
316 seeking to sell, offer for sale, or lease the systems.

317 (e) (i) In accordance with Section 63J-1-504, the commissioner may establish an
318 annual dollar assessment against the manufacturers of ignition interlock systems distributed in
319 the state for the costs incurred in certifying.

320 (ii) The assessment under Subsection (8)(e)(i) shall be apportioned among the
321 manufacturers on a fair and reasonable basis.

322 (f) The commissioner shall require a provider of an ignition interlock system certified
323 in accordance with this section to comply with the requirements of Title 53, Chapter 3, Part 10,
324 Ignition Interlock System Program Act.

325 (9) A violation of this section is a class C misdemeanor.

326 (10) There shall be no liability on the part of, and no cause of action of any nature shall
327 arise against, the state or its employees in connection with the installation, use, operation,
328 maintenance, or supervision of an interlock ignition system as required under this section.

329 Section 3. Section 53-3-221 is amended to read:

330 **53-3-221. Offenses that may result in denial, suspension, disqualification, or**
331 **revocation of license -- Additional grounds for suspension -- Point system for traffic**
332 **violations -- Notice and hearing -- Reporting of traffic violation procedures.**

333 (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
334 Act, the division may deny, suspend, disqualify, or revoke the license or permit of any person
335 without receiving a record of the person's conviction of crime when the division has been

336 notified or has reason to believe the person:

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

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

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

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

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

346 (f) has been convicted of serious offenses against traffic laws governing the movement
347 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard
348 for the safety of other persons on the highways.

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

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

353 (B) if the division receives a notification from a court as described in Subsection
354 [~~41-6a-509(11)(d)~~ 41-6a-509(12)(d) or 41-6a-517(13)(b).

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

357 (b) (i) This Subsection (2) may not be exercised unless notice of the pending
358 suspension of the driving privilege has been sent at least 30 days previously to the person at the
359 address provided to the division.

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

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

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

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

367 (c) the issuance of a bench warrant as a result of an event described in Subsection
368 (3)(a) or (b).

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

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

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

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

377 (A) that occurred in another state; and

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

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

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

382 (B) an offense committed in another state which, if committed within Utah, would
383 result in the mandatory suspension or revocation of a license upon conviction under Section
384 [53-3-220](#).

385 (c) Every person convicted of a traffic violation shall have assessed against the person's
386 driving record the number of points that the division has assigned to the type of violation of
387 which the person has been convicted, except that the number of points assessed shall be
388 decreased by 10% if on the abstract of the court record of the conviction the court has graded
389 the severity of violation as minimum, and shall be increased by 10% if on the abstract the court
390 has graded the severity of violation as maximum.

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

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

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

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

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

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

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

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

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

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

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

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

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

418 (iii) One or more members of the division may conduct the hearing, and any decision
419 made after a hearing before any number of the members of the division is as valid as if made
420 after a hearing before the full membership of the division.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

448 (iii) (A) During the period beginning on the day on which a temporary limited driver
449 license is issued under this Subsection (6), and ending on the day that the temporary limited
450 driver license expires, the suspension described in this Subsection (6) only applies if the person
451 who is suspended operates a motor vehicle for a purpose other than employment, education, or
452 child visitation.

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

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

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

459 (iv) The division is not required to issue a limited driver license to a person under this

460 Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver
461 license.

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

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

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

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

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

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

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

480 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges
481 under Section 53-3-219;

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

484 (iv) for failure to give and maintain owner's or operator's security under Section
485 41-12a-411;

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

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

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

490 (10) (a) By following the procedures in Title 63G, Chapter 4, Administrative

491 Procedures Act, the division may suspend the license of any person without receiving a record
492 of the person's conviction for a crime when the division has reason to believe that the person's
493 license was granted by the division through error or fraud or that the necessary consent for the
494 license has been withdrawn or is terminated.

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

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

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

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

505 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section
506 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in
507 this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed
508 limit and did not result in an accident, unless authorized in a manner specified by the division
509 by the individual whose report is being requested.

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

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

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

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

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

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

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

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

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

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

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