

29 [53-3-223](#), as last amended by Laws of Utah 2020, Chapter 177

30 **Utah Code Sections Affected by Coordination Clause:**

31 [41-6a-509](#), as last amended by Laws of Utah 2020, Chapter 177

32 [41-6a-517](#), as last amended by Laws of Utah 2020, Chapter 12

33 [53-3-221](#), as last amended by Laws of Utah 2015, Chapter 52

34

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

36 Section 1. Section [41-6a-505](#) is amended to read:

37 **[41-6a-505. Sentencing requirements for driving under the influence of alcohol,](#)**
38 **drugs, or a combination of both violations.**

39 (1) As part of any sentence for a first conviction of Section [41-6a-502](#):

40 (a) the court shall:

41 (i) (A) impose a jail sentence of not less than 48 consecutive hours; or

42 (B) require the individual to work in a compensatory-service work program for not less
43 than 48 hours;

44 (ii) order the individual to participate in a screening;

45 (iii) order the individual to participate in an assessment, if it is found appropriate by a
46 screening under Subsection (1)(a)(ii);

47 (iv) order the individual to participate in an educational series if the court does not
48 order substance abuse treatment as described under Subsection (1)(b);

49 (v) impose a fine of not less than \$700;

50 (vi) order probation for the individual in accordance with Section [41-6a-507](#), if there is
51 admissible evidence that the individual had a blood alcohol level of .16 or higher;

52 (vii) (A) order the individual to pay the administrative impound fee described in
53 Section [41-6a-1406](#); or

54 (B) if the administrative impound fee was paid by a party described in Subsection
55 [41-6a-1406\(5\)\(a\)](#), other than the individual sentenced, order the individual sentenced to

56 reimburse the party; [~~or~~]
57 (viii) (A) order the individual to pay the towing and storage fees described in Section
58 72-9-603; or
59 (B) if the towing and storage fees were paid by a party described in Subsection
60 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to
61 reimburse the party; [~~and~~] or
62 (ix) unless the court determines and states on the record that an ignition interlock
63 system is not necessary for the safety of the community and in the best interest of justice, order
64 the installation of an ignition interlock system as described in Section 41-6a-518; and
65 (b) the court may:
66 (i) order the individual to obtain substance abuse treatment if the substance abuse
67 treatment program determines that substance abuse treatment is appropriate;
68 (ii) order probation for the individual in accordance with Section 41-6a-507;
69 (iii) order the individual to participate in a 24-7 sobriety program as defined in Section
70 41-6a-515.5 if the individual is 21 years of age or older; or
71 (iv) order a combination of Subsections (1)(b)(i) through (iii).
72 (2) If an individual has a prior conviction as defined in Subsection 41-6a-501(2) that is
73 within 10 years of the current conviction under Section 41-6a-502 or the commission of the
74 offense upon which the current conviction is based:
75 (a) the court shall:
76 (i) (A) impose a jail sentence of not less than 240 hours; or
77 (B) impose a jail sentence of not less than 120 hours in addition to home confinement
78 of not fewer than 720 consecutive hours through the use of electronic monitoring that includes
79 a substance abuse testing instrument in accordance with Section 41-6a-506;
80 (ii) order the individual to participate in a screening;
81 (iii) order the individual to participate in an assessment, if it is found appropriate by a
82 screening under Subsection (2)(a)(ii);

83 (iv) order the individual to participate in an educational series if the court does not
84 order substance abuse treatment as described under Subsection (2)(b);

85 (v) impose a fine of not less than \$800;

86 (vi) order probation for the individual in accordance with Section 41-6a-507;

87 (vii) order the installation of an ignition interlock system as described in Section
88 41-6a-518;

89 [~~(vii)~~] (viii) (A) order the individual to pay the administrative impound fee described in
90 Section 41-6a-1406; or

91 (B) if the administrative impound fee was paid by a party described in Subsection
92 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to
93 reimburse the party; or

94 [~~(viii)~~] (ix) (A) order the individual to pay the towing and storage fees described in
95 Section 72-9-603; or

96 (B) if the towing and storage fees were paid by a party described in Subsection
97 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to
98 reimburse the party; and

99 (b) the court may:

100 (i) order the individual to obtain substance abuse treatment if the substance abuse
101 treatment program determines that substance abuse treatment is appropriate;

102 (ii) order the individual to participate in a 24-7 sobriety program as defined in Section
103 41-6a-515.5 if the individual is 21 years of age or older; or

104 (iii) order a combination of Subsections (2)(b)(i) and (ii).

105 (3) Under Subsection 41-6a-503(2), if the court suspends the execution of a prison
106 sentence and places the defendant on probation, the court shall impose:

107 (a) a fine of not less than \$1,500;

108 (b) a jail sentence of not less than 1,500 hours; and

109 (c) supervised probation.

- 110 (4) For Subsection (3) or Subsection 41-6a-503(2)(b), the court:
- 111 (a) shall impose an order requiring the individual to obtain a screening and assessment
112 for alcohol and substance abuse, and treatment as appropriate; and
- 113 (b) may impose an order requiring the individual to participate in a 24-7 sobriety
114 program as defined in Section 41-6a-515.5 if the individual is 21 years ~~[of age]~~ old or older.
- 115 (5) The requirements of Subsections (1)(a), (2)(a), (3), and (4) may not be suspended.
- 116 (6) If an individual is convicted of a violation of Section 41-6a-502 and there is
117 admissible evidence that the individual had a blood alcohol level of .16 or higher, the court
118 shall order the following, or describe on record why the order or orders are not appropriate:
- 119 (a) treatment as described under Subsection (1)(b), (2)(b), or (4); and
- 120 (b) one or more of the following:
- 121 (i) the installation of an ignition interlock system as a condition of probation for the
122 individual in accordance with Section 41-6a-518;
- 123 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
124 device or remote alcohol monitor as a condition of probation for the individual; or
- 125 (iii) the imposition of home confinement through the use of electronic monitoring in
126 accordance with Section 41-6a-506.
- 127 Section 2. Section 41-6a-509 is amended to read:
- 128 **41-6a-509. Driver license suspension or revocation for a driving under the**
129 **influence violation.**
- 130 (1) The Driver License Division shall, if the person is 21 years of age or older at the
131 time of arrest:
- 132 (a) suspend for a period of 120 days the operator's license of a person convicted for the
133 first time under Section 41-6a-502; or
- 134 (b) revoke for a period of two years the license of a person if:
- 135 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
- 136 (ii) the current violation under Section 41-6a-502 is committed within a period of 10

137 years from the date of the prior violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

164 years of age if the person:

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

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

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

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

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

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

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

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

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

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

179 (5) The Driver License Division shall subtract from any suspension or revocation
180 period the number of days for which a license was previously suspended under Section
181 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
182 which the record of conviction is based.

183 (6) If a conviction recorded as impaired driving is amended to a driving under the
184 influence conviction under Section 41-6a-502 in accordance with Subsection
185 41-6a-502.5(3)(a)(ii), the Driver License Division:

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

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

190 (7) A court that reported a conviction of a violation of Section 41-6a-502 for a

191 violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the
192 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) prior to
193 completion of the suspension period if the person:

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

195 (b) completes a screening;

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

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

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

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

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

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

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

214 (8) If the court shortens a person's license suspension period in accordance with the
215 requirements of Subsection (7), the court shall forward the order shortening the person's
216 suspension period to the Driver License Division in a manner specified by the division prior to
217 the completion of the suspension period imposed under Subsection (2)(a) or (b) or Subsection

218 (3)(a) or (b) [~~to the Driver License Division~~].

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

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

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

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

230 (i) complete all court ordered:

231 (A) screening;

232 (B) assessment;

233 (C) educational series;

234 (D) substance abuse treatment; and

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

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

237 (b) Upon receiving the notification described in Subsection (10)(a), the division shall
238 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

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

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

245 the order shortening the person's suspension period to the Driver License Division in a manner
246 specified by the division.

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

250 (d) (i) (A) Upon receiving the notification described in Subsection (11)(c), for a first
251 offense, the division shall suspend the person's driving privilege [~~in accordance with~~
252 ~~Subsections 53-3-221(2) and (3):]~~ for a period of 120 days from the date of notice.

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

257 (ii) (A) Upon receiving the notification described in Subsection (11)(c), for a second or
258 subsequent offense, the division shall revoke the person's driving privilege for a period of two
259 years from the date of notice.

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

264 Section 3. Section **41-6a-515.5** is amended to read:

265 **41-6a-515.5. Sobriety program for DUI.**

266 (1) As used in this section:

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

- 269 (i) requires an individual to abstain from alcohol or drugs for a period of time;
- 270 (ii) requires an individual to submit to random drug testing; and
- 271 (iii) requires the individual to be subject to testing to determine the presence of

272 alcohol:

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

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

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

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

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

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

282 (B) drug patch testing;

283 (C) urinalysis testing;

284 (D) saliva testing;

285 (E) continuous remote sensing;

286 (F) transdermal alcohol monitoring; or

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

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

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

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

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

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

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

298 (b) The commissioner shall consider the following factors to determine which testing

299 methodologies are best suited for each participant:

300 (i) whether a device is available;

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

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

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

306 (v) other factors the commissioner considers relevant.

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

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

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

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

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

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

320 (d) A person who is ordered by a judge to participate in the 24-7 sobriety program for a
321 first conviction as defined in Subsection 41-6a-501(2) shall be required to participate in a 24-7
322 sobriety program for at least 30 days.

323 [~~d~~] (e) If a person who is ordered by a judge to participate in the 24-7 sobriety
324 program has a prior conviction as defined in Subsection 41-6a-501(2) that is within 10 years of
325 the current conviction under Section 41-6a-502 or the commission of the offense upon which

326 the current conviction is based, the person shall be required to participate in a 24-7 sobriety
327 program for at least one year.

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

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

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

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

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

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

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

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

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

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

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

352 [~~(v) establish a process for piloting alternate components of the 24-7 sobriety~~

353 program.]

354 Section 4. Section 41-6a-517 is amended to read:

355 **41-6a-517. Definitions -- Driving with any measurable controlled substance in the**
356 **body -- Penalties -- Arrest without warrant.**

357 (1) As used in this section:

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

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

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

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

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

366 (b) Subsection (2)(a) does not apply to a person that has
367 11-nor-9-carboxy-tetrahydrocannabinol as the only controlled substance present in the person's
368 body.

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

371 (a) involuntarily ingested by the accused;

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

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

376 (d) otherwise legally ingested.

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

379 (b) A person who violates this section is subject to conviction and sentencing under

380 both this section and any applicable offense under Section 58-37-8.

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

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

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

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

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

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

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

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

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

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

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

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

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

407 (b) revoke, until the person is 21 years of age, the driver license of a person if:
408 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
409 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
410 and within a period of 10 years after the date of the prior violation.

411 (9) The Driver License Division shall subtract from any suspension or revocation
412 period the number of days for which a license was previously suspended under Section
413 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
414 which the record of conviction is based.

415 (10) The Driver License Division shall:

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

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

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

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

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

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

430 (b) completes a screening;

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

432 (11)(b);

433 (d) completes substance abuse treatment if it is found appropriate by the assessment

434 under Subsection (11)(c);

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

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

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

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

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

451 (12) If the court shortens a person's license suspension period in accordance with the
452 requirements of Subsection (11), the court shall forward the order shortening the person's
453 license suspension period to the Driver License Division in a manner specified by the division
454 prior to the completion of the suspension period imposed under Subsection (7)(a) or (8)(a) [~~to~~
455 ~~the Driver License Division~~].

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

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

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

460 (b) Upon receiving the notification, the division shall suspend the person's driving

461 privilege in accordance with Subsections 53-3-221(2) and (3).

462 (14) The court:

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

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

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

471 (b) If the court shortens a person's license suspension period in accordance with the
472 requirements of this Subsection (15), the court shall forward to the Driver License Division, in
473 a manner specified by the division, the order shortening the person's suspension period.

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

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

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

481 (B) For a suspension described in Subsection (15)(d)(i)(A), no days shall be subtracted
482 from the 120-day suspension period for which a driving privilege was suspended under this
483 section or under Section 53-3-223, if the previous suspension was based on the same
484 occurrence upon which the conviction under this section is based.

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

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

492 Section 5. Section **41-6a-518** is amended to read:

493 **41-6a-518. Ignition interlock devices -- Use -- Probationer to pay cost --**
494 **Impecuniosity -- Fee.**

495 (1) As used in this section:

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

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

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

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

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

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

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

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

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

513 (2) (a) In addition to any other penalties imposed under Sections **41-6a-503** and
514 **41-6a-505**, and in addition to any requirements imposed as a condition of probation, unless the

515 court determines and states on the record that an ignition interlock system is not necessary for
516 the safety of the community and in the best interest of justice, the court [~~may~~] shall require that
517 any person who is convicted of violating Section 41-6a-502 and who is granted probation may
518 not operate a motor vehicle during the period of probation unless that motor vehicle is
519 equipped with a functioning, certified ignition interlock system installed and calibrated so that
520 the motor vehicle will not start or continuously operate if the operator's blood alcohol
521 concentration exceeds [~~a level ordered by the court~~] .02 grams or greater.

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

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

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

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

533 (e) This section does not apply to a person convicted of a violation of Section
534 41-6a-502 whose violation does not involve alcohol.

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

537 (a) stipulate on the record the requirement for and the period of the use of an ignition
538 interlock system;

539 (b) order that an ignition interlock system be installed on each motor vehicle owned or
540 operated by the probationer, at the probationer's expense;

541 (c) immediately notify the Driver License Division and the person's probation provider

542 of the order; and

543 (d) require the probationer to provide proof of compliance with the court's order to the
544 probation provider within 30 days of the order.

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

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

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

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

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

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

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

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

564 (b) A probationer may not be excluded from this section for inability to pay the costs,
565 unless:

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

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

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

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

570 (d) The ignition interlock provider shall cover the costs of waivers by the court under
571 this Subsection (6).

572 (7) (a) If a probationer is required in the course and scope of employment to operate a
573 motor vehicle owned by the probationer's employer, the probationer may operate that motor
574 vehicle without installation of an ignition interlock system only if:

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

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

577 (iii) the employee has employer verification in the employee's possession while
578 operating the employer's motor vehicle.

579 (b) (i) To the extent that an employer-owned motor vehicle is made available to a
580 probationer subject to this section for personal use, no exemption under this section shall apply.

581 (ii) A probationer intending to operate an employer-owned motor vehicle for personal
582 use and who is restricted to the operation of a motor vehicle equipped with an ignition interlock
583 system shall notify the employer and obtain consent in writing from the employer to install a
584 system in the employer-owned motor vehicle.

585 (c) A motor vehicle owned by a business entity that is all or partly owned or controlled
586 by a probationer subject to this section is not a motor vehicle owned by the employer and does
587 not qualify for an exemption under this Subsection (7).

588 (8) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
589 the commissioner shall make rules setting standards for the certification of ignition interlock
590 systems.

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

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

593 (ii) have features that make circumventing difficult and that do not interfere with the
594 normal use of the motor vehicle;

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

596 (iv) prevent the motor vehicle from being started if the driver's breath alcohol
597 concentration exceeds [~~a specified level~~] .02 grams or greater;

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

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

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

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

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

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

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

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

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

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

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

620 Section 6. Section **53-3-220** is amended to read:

621 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
622 **disqualification of license -- Offense requiring an extension of period -- Hearing --**

623 **Limited driving privileges.**

624 (1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter
625 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or
626 disqualification, the division shall deny, suspend, or disqualify the license of a person upon
627 receiving a record of the person's conviction for:

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

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

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

637 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
638 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
639 regulating driving on highways;

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

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

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

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

649 (ix) failure to bring a motor vehicle to a stop at the command of a law enforcement

650 officer as required in Section 41-6a-210;

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

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

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

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

660 (xiv) operating or being in actual physical control of a motor vehicle while having any
661 measurable or detectable amount of alcohol in the person's body in violation of Section
662 41-6a-530;

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

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

667 (xvii) custodial interference, under:

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

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

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

674 (xviii) refusal of a chemical test under Subsection 41-6a-520(7).

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

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

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

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

685 (i) any violation of:

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

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

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

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

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

691 (ii) any criminal offense that prohibits:

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

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

696 (iii) Notwithstanding the provisions in this Subsection (1)(c), the division shall
697 reinstate a person's driving privilege before completion of the suspension period imposed under
698 this Subsection (1)(c) if the reporting court notifies the Driver License Division, in a manner
699 specified by the division, that the defendant is participating in or has successfully completed a
700 drug court program as defined in Section 78A-5-201.

701 (iv) If a person's driving privilege is reinstated under Subsection (1)(c)(iii), the person
702 is required to pay the license reinstatement fees under Subsection 53-3-105(26).

703 (v) The court shall notify the division, in a manner specified by the division, if a person

704 fails to complete all requirements of the drug court program.

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

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

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

713 (B) a record of the conviction.

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

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

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

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

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

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

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

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

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

- 731 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:
- 732 (A) for a conviction or adjudication described in Subsection (1)(e)(i):
- 733 (I) impose a suspension for one year beginning on the date of conviction; or
- 734 (II) if the person is under the age of eligibility for a driver license, impose a suspension
- 735 that begins on the date of conviction and continues for one year beginning on the date of
- 736 eligibility for a driver license; or
- 737 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):
- 738 (I) impose a suspension for a period of two years; or
- 739 (II) if the person is under the age of eligibility for a driver license, impose a suspension
- 740 that begins on the date of conviction and continues for two years beginning on the date of
- 741 eligibility for a driver license.
- 742 (iv) Upon receipt of the first order suspending a person's driving privileges under
- 743 Section [32B-4-411](#), the division shall reduce the suspension period under Subsection (1)(e)(i) if
- 744 ordered by the court in accordance with Subsection [32B-4-411\(3\)\(a\)](#).
- 745 (v) Upon receipt of the second or subsequent order suspending a person's driving
- 746 privileges under Section [32B-4-411](#), the division shall reduce the suspension period under
- 747 Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection [32B-4-411\(3\)\(b\)](#).
- 748 (2) The division shall extend the period of the first denial, suspension, revocation, or
- 749 disqualification for an additional like period, to a maximum of one year for each subsequent
- 750 occurrence, upon receiving:
- 751 (a) a record of the conviction of any person on a charge of driving a motor vehicle
- 752 while the person's license is denied, suspended, revoked, or disqualified;
- 753 (b) a record of a conviction of the person for any violation of the motor vehicle law in
- 754 which the person was involved as a driver;
- 755 (c) a report of an arrest of the person for any violation of the motor vehicle law in
- 756 which the person was involved as a driver; or
- 757 (d) a report of an accident in which the person was involved as a driver.

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

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

766 (i) automobile homicide under Subsection (1)(a)(i);
767 (ii) those offenses referred to in Subsections (1)(a)(ii), (iii), (xi), (xii), (xiii), (1)(b), and
768 (1)(c); and

769 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,
770 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,
771 41-6a-517, a local ordinance which complies with the requirements of Subsection
772 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person
773 was charged with violating as a result of a plea bargain after having been originally charged
774 with violating one or more of these sections or ordinances, unless:

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

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

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

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

784 (C) for a period of one year prior to the date of the request for a limited driving

785 privilege:

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

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

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

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

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

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

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

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

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

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

808 Section 7. Section **53-3-223** is amended to read:

809 **53-3-223. Chemical test for driving under the influence -- Temporary license --**
810 **Hearing and decision -- Suspension and fee -- Judicial review.**

811 (1) (a) If a peace officer has reasonable grounds to believe that a person may be

812 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a
813 certain blood or breath alcohol concentration and driving under the influence of any drug,
814 alcohol, or combination of a drug and alcohol or while having any measurable controlled
815 substance or metabolite of a controlled substance in the person's body in violation of Section
816 41-6a-517, the peace officer may, in connection with arresting the person, request that the
817 person submit to a chemical test or tests to be administered in compliance with the standards
818 under Section 41-6a-520.

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

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

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

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

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

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

838 (b) a signed report in a manner specified by the division indicating the chemical test

839 results, if any; and

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

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

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

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

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

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

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

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

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

856 (iii) the test results, if any.

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

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

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

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

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

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

866 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
867 grounds to believe that the person was driving a motor vehicle in violation of Section
868 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the
869 notice, or if a hearing is not requested under this section, the division shall:

870 (i) if the person is 21 years of age or older at the time of arrest, suspend the person's
871 license or permit to operate a motor vehicle for a period of:

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

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

875 (ii) if the person is under 21 years of age at the time of arrest:

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

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

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

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

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

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

888 (b) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall
889 reinstate a person's license prior to completion of the 120 day suspension period imposed under
890 Subsection (7)(a)(i)(A):

891 (A) immediately upon receiving written verification of the person's dismissal of a
892 charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received

893 prior to completion of the suspension period; or

894 (B) no sooner than 60 days beginning on the 45th day after the date of arrest upon
895 receiving written verification of the person's reduction of a charge for a violation of Section
896 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the
897 suspension period.

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

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

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

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

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

912 (8) (a) The division shall assess against a person, in addition to any fee imposed under
913 Subsection 53-3-205(12) for driving under the influence, a fee under Section 53-3-105 to cover
914 administrative costs, which shall be paid before the person's driving privilege is reinstated.
915 This fee shall be cancelled if the person obtains an unappealed division hearing or court
916 decision that the suspension was not proper.

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

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

925 (b) If a person's license is reinstated under Subsection (9)(a), the person is required to
926 pay the license reinstatement application fees under Subsections [53-3-105](#)~~[(24)]~~(26) and ~~[(25)]~~
927 (27).

928 (10) (a) If the division suspends a person's license for an alcohol related offense under
929 Subsection (7)(a)(i)(A), the person may petition the division and elect to become an ignition
930 interlock restricted driver if the person:

931 (i) has a valid driving privilege, with the exception of the suspension under Subsection
932 (7)(a)(i)(A);

933 (ii) completes a risk assessment approved by the division that:

934 (A) is completed after the date of the arrest for which the person is suspended under
935 Subsection (7)(a)(i)(A); and

936 (B) identifies the person as a low risk offender;

937 (iii) installs an ignition interlock device in any vehicle owned or driven by the person
938 in accordance with Section [53-3-1007](#); and

939 (iv) pays the license reinstatement application fees described in Subsections
940 [53-3-105](#)(26) and (27).

941 (b) The person shall remain an ignition interlock restricted driver for a period of 120
942 days from the original effective date of the suspension under Subsection (7)(a)(i)(A). If the
943 person removes an ignition interlock device from a vehicle owned or driven by the person prior
944 to the expiration of the 120 day ignition interlock restriction period:

945 (i) the person's driver license shall be suspended under Subsection (7)(a)(i)(A) for the
946 remainder of the 120 day ignition interlock restriction period;

947 (ii) the person is required to pay the license reinstatement application fee under
948 Subsection 53-3-105(26); and

949 (iii) the person may not elect to become an ignition interlock restricted driver under
950 this section.

951 (c) If a person elects to become an ignition interlock restricted driver under Subsection
952 (10)(a), the provisions under Subsection (7)(b) do not apply.

953 **Section 8. Coordinating H.B. 26 with H.B. 143 -- Substantive amendments.**

954 If this H.B. 26 and H.B. 143, Driver License Suspension Amendments, both pass and
955 become law, the Legislature intends that the Office of Legislative Research and General
956 Counsel prepare the Utah Code database for publication by making the following changes:

957 (1) Subsection 41-6a-509(11)(d) in H.B. 26 supersedes Subsection 41-6a-509(11)(d) in
958 H.B. 143.

959 (2) Subsection 41-6a-517(15)(d) in H.B. 26 supersedes Subsection 41-6a-517(15)(d) in
960 H.B. 143.

961 (3) Subsection 53-3-221(2)(a)(i)(B) in H.B. 143 shall be deleted, the word "or" inserted
962 at the end of Subsection 53-3-221(2)(a)(i)(A), and the remaining subsections renumbered.