

**DRIVING UNDER THE INFLUENCE MODIFICATIONS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 5 absent

**General Description:**

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

**Highlighted Provisions:**

This bill:

▶ prohibits the Driver License Division from suspending a driver license unless the person fails to complete certain requirements as an ignition interlock restricted driver;

▶ for a person who elects to become an ignition interlock restricted driver, provides for time served as an ignition interlock restricted driver to count toward the time of a driver license suspension period in certain circumstances;

▶ prohibits a court from ordering an ignition interlock system from a specific provider;

▶ imposes certain monitoring requirements for an ignition interlock system;

▶ amends administrative rule requirements regarding ignition interlock system providers;

▶ provides procedures for a person to petition to remove an ignition interlock



- 28 restriction due to a medical condition;
- 29       ▶ amends the revocation period for a refusal to submit to a chemical test under certain
- 30 circumstances;
- 31       ▶ provides in some circumstances that a person may elect to become an ignition
- 32 interlock restricted driver after refusal of a chemical test;
- 33       ▶ removes the requirement for a person to complete a risk assessment in connection
- 34 with certain ignition interlock requirements;
- 35       ▶ amends provisions relating to ignition interlock system providers; and
- 36       ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 None

41 **Utah Code Sections Affected:**

42 AMENDS:

- 43 **41-6a-509**, as last amended by Laws of Utah 2022, Chapter 116
- 44 **41-6a-518**, as last amended by Laws of Utah 2022, Chapter 272
- 45 **41-6a-518.2**, as last amended by Laws of Utah 2022, Chapter 116
- 46 **41-6a-521**, as last amended by Laws of Utah 2019, Chapter 77
- 47 **53-3-223**, as last amended by Laws of Utah 2022, Chapter 116
- 48 **53-3-1007**, as last amended by Laws of Utah 2016, Chapter 149

49 

---

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

51 Section 1. Section **41-6a-509** is amended to read:

52 **41-6a-509. Driver license suspension or revocation for a driving under the**  
53 **influence violation.**

54 (1) (a) The Driver License Division shall, if the person is 21 years old or older at the  
55 time of arrest:

56 [~~(a)~~] (i) suspend for a period of 120 days the operator's license of a person convicted  
57 for the first time under Section **41-6a-502** or **76-5-102.1**; or

58 [~~(b)~~] (ii) revoke for a period of two years the license of a person if:

59           [(†)] (A) the person has a prior conviction as defined under Subsection 41-6a-501(2);  
60 and

61           [(†)] (B) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is  
62 committed within a period of 10 years from the date of the prior violation.

63           (b) (i) If a person elects to become an interlock restricted driver under Subsection  
64 53-3-223(10)(a), the Driver License Division may not suspend the operator's license for a  
65 violation of Section 41-6a-502 as described in Subsection (1)(a)(i) unless the person fails to  
66 complete 120 days of the interlock restriction.

67           (ii) If a person elects to become an interlock restricted driver under Subsection  
68 53-3-223(10)(a), and the person fails to complete the full 120 days of interlock restriction, the  
69 Driver License Division shall:

70           (A) suspend the operator's license as described in Subsection (1)(a)(i); and

71           (B) reduce the 120-day suspension by one day for each day the person was compliant  
72 with the interlock restriction under Subsection 53-3-223(10)(a).

73           (2) The Driver License Division shall, if the person is 19 years old or older but under  
74 21 years old at the time of arrest:

75           (a) suspend the person's driver license until the person is 21 years old or for a period of  
76 one year, whichever is longer, if the person is convicted for the first time of a violation under  
77 Section 41-6a-502, 76-5-102.1, or 76-5-207 of an offense that was committed on or after July  
78 1, 2011;

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

81           (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or  
82 76-5-207 of an offense committed on or after July 1, 2011; and

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

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

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

87           (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is  
88 committed within a period of 10 years from the date of the prior violation; or

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

90 years old or for a period of two years, whichever is longer, if:

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

92 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is

93 committed within a period of 10 years from the date of the prior violation; and

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

95 (3) The Driver License Division shall, if the person is under 19 years old at the time of  
96 arrest:

97 (a) suspend the person's driver license until the person is 21 years old if the person is  
98 convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or 76-5-207;

99 (b) deny the person's application for a license or learner's permit until the person is 21  
100 years old if the person:

101 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or  
102 76-5-207; and

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

104 (c) revoke the person's driver license until the person is 21 years old if:

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

106 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is

107 committed within a period of 10 years from the date of the prior violation; or

108 (d) deny the person's application for a license or learner's permit until the person is 21  
109 years old if:

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

111 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is

112 committed within a period of 10 years from the date of the prior violation; and

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

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

116 (5) The Driver License Division shall subtract from any suspension or revocation  
117 period the number of days for which a license was previously suspended under Section  
118 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon  
119 which the record of conviction is based.

120 (6) (a) If a conviction recorded as impaired driving is amended to a driving under the

121 influence conviction under Section [41-6a-502](#), [76-5-102.1](#), or [76-5-207](#) in accordance with  
122 Subsection [41-6a-502.5\(3\)\(a\)\(ii\)](#), the Driver License Division:

123 ~~[(a)]~~ (i) may not subtract from any suspension or revocation any time for which a  
124 license was previously suspended or revoked under Section [53-3-223](#) or [53-3-231](#); and

125 ~~[(b)]~~ (ii) shall start the suspension or revocation time under Subsection (1) on the date  
126 of the amended conviction.

127 (b) Notwithstanding Subsections (6)(a)(i) and (6)(a)(ii), the Driver License Division  
128 shall reduce the 120-day suspension period for a conviction under Section [41-6a-502](#) by one  
129 day for each day the person was compliant with the interlock restriction under Subsection  
130 [53-3-223\(10\)\(a\)](#).

131 (7) A court that reported a conviction of a violation of Section [41-6a-502](#), [76-5-102.1](#),  
132 or [76-5-207](#) for a violation that occurred on or after July 1, 2009, to the Driver License  
133 Division may shorten the suspension period imposed under Subsection (2)(a) or (b) or  
134 Subsection (3)(a) or (b) prior to completion of the suspension period if the person:

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

136 (b) completes a screening;

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

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

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

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

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

148 (h) (i) is 18 years old or older and provides a sworn statement to the court that the  
149 person has not unlawfully consumed alcohol during the suspension period imposed under  
150 Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or

151 (ii) is under 18 years old and has the person's parent or legal guardian provide an

152 affidavit or sworn statement to the court certifying that to the parent or legal guardian's  
153 knowledge the person has not unlawfully consumed alcohol during the suspension period  
154 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

155 (8) If the court shortens a person's license suspension period in accordance with the  
156 requirements of Subsection (7), the court shall forward the order shortening the person's  
157 suspension period to the Driver License Division in a manner specified by the division prior to  
158 the completion of the suspension period imposed under Subsection (2)(a) or (b) or Subsection  
159 (3)(a) or (b).

160 (9) (a) (i) In addition to any other penalties provided in this section, a court may order  
161 the operator's license of a person who is convicted of a violation of Section 41-6a-502,  
162 76-5-102.1, or 76-5-207 to be suspended or revoked for an additional period of 90 days, 120  
163 days, 180 days, one year, or two years to remove from the highways those persons who have  
164 shown they are safety hazards.

165 (ii) The additional suspension or revocation period provided in this Subsection (9) shall  
166 begin the date on which the individual would be eligible to reinstate the individual's driving  
167 privilege for a violation of Section 41-6a-502, 76-5-102.1, or 76-5-207.

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

171 (10) (a) The court shall notify the Driver License Division if a person fails to complete  
172 all court ordered:

- 173 (i) screenings;
- 174 (ii) assessments;
- 175 (iii) educational series;
- 176 (iv) substance abuse treatment; and
- 177 (v) hours of work in a compensatory-service work program.

178 (b) Subject to Subsection 53-3-218(3), upon receiving the notification described in  
179 Subsection (10)(a), the division shall suspend the person's driving privilege in accordance with  
180 Subsection 53-3-221(2).

181 (11) (a) A court that reported a conviction of a violation of Section 41-6a-502,  
182 76-5-102.1, or 76-5-207 to the Driver License Division may shorten the suspension period

183 imposed under Subsection (1) before completion of the suspension period if the person is  
184 participating in or has successfully completed a 24-7 sobriety program as defined in Section  
185 [41-6a-515.5](#).

186 (b) If the court shortens a person's license suspension period in accordance with the  
187 requirements of this Subsection (11), the court shall forward the order shortening the person's  
188 suspension period to the Driver License Division in a manner specified by the division.

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

192 (d) (i) (A) Upon receiving the notification described in Subsection (11)(c), for a first  
193 offense, the division shall suspend the person's driving privilege for a period of 120 days from  
194 the date of notice.

195 (B) For a suspension described under Subsection (11)(d)(i)(A), no days shall be  
196 subtracted from the 120-day suspension period for which a driving privilege was previously  
197 suspended under this section or Section [53-3-223](#), if the previous suspension was based on the  
198 same occurrence upon which the conviction under Section [41-6a-502](#), [76-5-102.1](#), or [76-5-207](#)  
199 is based.

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

203 (B) For a license revocation described in Subsection (11)(d)(ii)(A), no days shall be  
204 subtracted from the two-year revocation period for which a driving privilege was previously  
205 revoked under this section or Section [53-3-223](#), if the previous revocation was based on the  
206 same occurrence upon which the conviction under Section [41-6a-502](#), [76-5-102.1](#), or [76-5-207](#)  
207 is based.

208 Section 2. Section [41-6a-518](#) is amended to read:

209 **[41-6a-518](#). Ignition interlock devices -- Use and monitoring -- Probationer to pay**  
210 **cost -- Indigency -- Fee.**

211 (1) As used in this section:

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

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

- 214 (i) the employer is aware that the employee is an interlock restricted driver;
- 215 (ii) the vehicle the employee is operating for employment purposes is not made  
216 available to the employee for personal use;
- 217 (iii) the business entity that employs the employee is not entirely or partly owned or  
218 controlled by the employee;
- 219 (iv) the employer's auto insurance company is aware that the employee is an interlock  
220 restricted driver; and
- 221 (v) the employee has been added to the employer's auto insurance policy as an operator  
222 of the vehicle.

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

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

229 (2) (a) In addition to any other penalties imposed under Sections 41-6a-503 and  
230 41-6a-505, and in addition to any requirements imposed as a condition of probation, unless the  
231 court determines and states on the record that an ignition interlock system is not necessary for  
232 the safety of the community and in the best interest of justice, the court shall require that any  
233 person who is convicted of violating Section 41-6a-502 and who is granted probation may not  
234 operate a motor vehicle during the period of probation unless that motor vehicle is equipped  
235 with a functioning, certified ignition interlock system installed and calibrated so that the motor  
236 vehicle will not start or continuously operate if the operator's blood alcohol concentration  
237 exceeds .02 grams or greater.

238 (b) If a person convicted of violating Section 41-6a-502 was [~~under the age of 21~~]  
239 younger than 21 years old when the violation occurred, the court shall order the installation of  
240 the ignition interlock system as a condition of probation.

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



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

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

249 (e) This section does not apply to a person convicted of a violation of Section  
250 41-6a-502 whose violation does not involve alcohol.

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

253 ~~[(a)]~~ (i) stipulate on the record the requirement for and the period of the use of an  
254 ignition interlock system;

255 ~~[(b)]~~ (ii) order that an ignition interlock system be installed on each motor vehicle  
256 owned or operated by the probationer, at the probationer's expense;

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

259 ~~[(d)]~~ (iv) require the probationer to provide proof of compliance with the court's order  
260 to the probation provider within 30 days of the order[-]; and

261 (v) order the probationer to have the ignition interlock system installed and regularly  
262 monitored by an ignition interlock system provider licensed under Title 53, Chapter 3, Part 10,  
263 Ignition Interlock System Program Act.

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

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

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

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

275 (d) Cause for failure to comply means any reason the court finds sufficiently justifiable

276 to excuse the probationer's failure to comply with the court's order.

277 (5) (a) Any probationer required to install an ignition interlock system shall, every 30  
278 days or more frequently as the court may order, have the system monitored by the manufacturer  
279 or dealer of the system or the manufacturer's or dealer's authorized agent:

280 (i) [~~for~~] to determine the ignition interlock system's proper use and accuracy [at least  
281 semiannually and more frequently as the court may order.]; and

282 (ii) to collect information on all attempts to start the motor vehicle that were prevented  
283 by the ignition interlock system, including the date and time of each attempt.

284 (b) (i) A report of the monitoring described in Subsection (5)(a) shall be issued by the  
285 manufacturer or dealer or the manufacturer's or dealer's authorized agent to the court or the  
286 person's probation provider.

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

288 (6) (a) If an ignition interlock system is ordered installed, the probationer shall pay the  
289 reasonable costs of leasing or buying and installing [~~and~~], maintaining, and monitoring the  
290 system.

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

293 (i) the probationer files an affidavit of indigency in accordance with Section  
294 [78A-2-302](#); and

295 (ii) the court enters a finding that the probationer is indigent.

296 (c) In lieu of waiver of the entire amount of the cost, the court may direct the  
297 probationer to make partial or installment payments of costs when appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

329 (viii) collect information on all attempts to start a motor vehicle that were prevented by  
330 an ignition interlock system, including the date and time of each attempt; and

331 [~~viii~~] (ix) be manufactured by a party who will provide liability insurance.

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

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

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

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

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

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

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

350 Section 3. Section 41-6a-518.2 is amended to read:

351 **41-6a-518.2. Interlock restricted driver -- Penalties for operation without ignition**  
352 **interlock system -- Exemptions.**

353 (1) As used in this section:

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

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

357 (ii) is certified by the Commissioner of Public Safety in accordance with Subsection  
358 41-6a-518(8).

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

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

362 (B) within the last 18 months has been convicted of a violation under Section  
363 41-6a-502, Subsection 41-6a-520(7), or Section 76-5-102.1;

364 (C) (I) within the last three years has been convicted of an offense which would be a  
365 conviction as defined under Section 41-6a-501; and

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

- 369 (D) within the last three years has been convicted of a violation of this section;
- 370 (E) within the last three years has had the person's driving privilege revoked through an  
371 administrative action for refusal to submit to a chemical test under Section 41-6a-520;
- 372 (F) within the last three years has been convicted of a violation of Section 41-6a-502,  
373 Subsection 41-6a-520(7), or Section 76-5-102.1 and was under [~~the age of~~] 21 years old at the  
374 time the offense was committed;
- 375 (G) within the last six years has been convicted of a felony violation of Section  
376 41-6a-502, Subsection 41-6a-520(7), or Section 76-5-102.1 for an offense that occurred after  
377 May 1, 2006; or
- 378 (H) within the last 10 years has been convicted of a violation of Section 76-5-207 for  
379 an offense that occurred after May 1, 2006.
- 380 (ii) "Interlock restricted driver" does not include a person:
- 381 (A) whose conviction described in Subsection (1)(b)(i)(C)(I) is a conviction under  
382 Section 41-6a-502 that does not involve alcohol or a conviction under Section 41-6a-517 and  
383 whose prior convictions described in Subsection (1)(b)(i)(C)(II) are all convictions under  
384 Section 41-6a-502 that did not involve alcohol or convictions under Section 41-6a-517;
- 385 (B) whose conviction described in Subsection (1)(b)(i)(B) or (F) is a conviction under  
386 Section 41-6a-502 that does not involve alcohol and the convicting court notifies the Driver  
387 License Division at the time of sentencing that the conviction does not involve alcohol; or
- 388 (C) whose conviction described in Subsection (1)(b)(i)(B), (C), or (F) is a conviction  
389 under Section 41-6a-502 that does not involve alcohol and the ignition interlock restriction is  
390 removed as described in Subsection (7).
- 391 (2) The division shall post the ignition interlock restriction on a person's electronic  
392 record that is available to law enforcement.
- 393 (3) For purposes of this section, a plea of guilty or no contest to a violation of Section  
394 41-6a-502 which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,  
395 prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently  
396 reduced or dismissed in accordance with the plea in abeyance agreement.
- 397 (4) An interlock restricted driver who operates or is in actual physical control of a  
398 vehicle in the state without an ignition interlock system is guilty of a class B misdemeanor.
- 399 (5) It is an affirmative defense to a charge of a violation of Subsection (4) if:

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

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

405 (c) the interlock restricted driver had on the interlock restricted driver's person, or in  
406 the vehicle, at the time of operation or physical control employer verification, as defined in  
407 Subsection 41-6a-518(1); and

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

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

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

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

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

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

419 (8) (a) (i) An individual with an ignition interlock restriction may petition the division  
420 for removal of the restriction if the individual has a medical condition that prohibits the  
421 individual from properly using an ignition interlock system.

422 (ii) In support of a petition under Subsection (8)(a)(i), the individual shall provide  
423 documentation from a physician that describes the individual's medical condition and whether  
424 the individual's medical condition would prohibit the individual from being able to properly  
425 use an ignition interlock system.

426 (b) If the division is able to establish that an individual is unable to properly use an  
427 ignition interlock system for a medical condition, the division may remove the ignition  
428 interlock restriction.

429 Section 4. Section 41-6a-521 is amended to read:

430 **41-6a-521. Revocation hearing for refusal -- Appeal.**

431 (1) (a) A person who has been notified of the Driver License Division's intention to  
432 revoke the person's license under Section 41-6a-520 is entitled to a hearing.

433 (b) A request for the hearing shall be made in writing within 10 calendar days after the  
434 day on which notice is provided.

435 (c) Upon request in a manner specified by the Driver License Division, the Driver  
436 License Division shall grant to the person an opportunity to be heard within 29 days after the  
437 date of arrest.

438 (d) If the person does not make a request for a hearing before the Driver License  
439 Division under this Subsection (1), the person's privilege to operate a motor vehicle in the state  
440 is revoked beginning on the 45th day after the date of arrest:

441 (i) for a person 21 years ~~[of age]~~ old or older on the date of arrest, for a period of:

442 (A) except as provided in Subsection (1)(d)(i)(B), 18 months~~[, unless Subsection~~  
443 ~~(1)(d)(i)(B) applies];~~ or

444 (B) 36 months~~[, if the arrest was made on or after July 1, 2009, and the person has had~~  
445 ~~a previous] if the person previously committed an offense that occurred within the preceding~~  
446 10 years from the date of the arrest that resulted in a:

447 (I) license sanction ~~[for an offense that occurred within the previous 10 years from the~~  
448 ~~date of arrest]~~ under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; ~~[or]~~

449 (II) conviction ~~[for an offense that occurred within the previous 10 years from the date~~  
450 ~~of arrest]~~ under Section 41-6a-502 or a statute previously in effect in this state that would  
451 constitute a violation of Section 41-6a-502;

452 (III) conviction for an offense under Section 76-5-102.1; or

453 (IV) conviction for an offense under Section 76-6-207; or

454 (ii) for a person under 21 years ~~[of age]~~ old on the date of arrest:

455 (A) except as provided in Subsection (1)(d)(ii)(B), until the person is 21 years ~~[of age]~~  
456 old or for a period of two years, whichever is longer~~[, if the arrest was made on or after July 1,~~  
457 ~~2011, unless Subsection (1)(d)(ii)(B) applies];~~ or

458 (B) until the person is 21 years ~~[of age]~~ old or for a period of 36 months, whichever is  
459 longer, ~~[if the arrest was made on or after July 1, 2009, and the person has had a previous] if~~  
460 the person previously committed an offense that occurred within the preceding 10 years from  
461 the date of the arrest that resulted in a:

462 (I) license sanction [~~for an offense that occurred within the previous 10 years from the~~  
463 ~~date of arrest~~] under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; or

464 (II) conviction for an offense [~~that occurred within the previous 10 years from the date~~  
465 ~~of arrest~~] under Section 41-6a-502 or a statute previously in effect in this state that would  
466 constitute a violation of Section 41-6a-502; [~~or~~]

467 (III) conviction for an offense under Section 76-5-102.1; or

468 (IV) conviction for an offense under Section 76-5-207.

469 [~~(iii) for a person that was arrested prior to July 1, 2009, for the suspension periods in~~  
470 ~~effect prior to July 1, 2009.~~]

471 (2) (a) Except as provided in Subsection (2)(b), if a hearing is requested by the person,  
472 the hearing shall be conducted by the Driver License Division in:

473 (i) the county in which the offense occurred; or

474 (ii) a county which is adjacent to the county in which the offense occurred.

475 (b) The Driver License Division may hold a hearing in some other county if the Driver  
476 License Division and the person both agree.

477 (3) The hearing shall be documented and shall cover the issues of:

478 (a) whether a peace officer had reasonable grounds to believe that a person was  
479 operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 41-6a-530, or  
480 53-3-231; and

481 (b) whether the person refused to submit to the test or tests under Section 41-6a-520.

482 (4) (a) In connection with the hearing, the division or its authorized agent:

483 (i) may administer oaths and may issue subpoenas for the attendance of witnesses and  
484 the production of relevant books and papers; and

485 (ii) shall issue subpoenas for the attendance of necessary peace officers.

486 (b) The Driver License Division shall pay witness fees and mileage from the  
487 Transportation Fund in accordance with the rates established in Section 78B-1-119.

488 (5) (a) If after a hearing, the Driver License Division determines that the person was  
489 requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the  
490 person fails to appear before the Driver License Division as required in the notice, the Driver  
491 License Division shall revoke the person's license or permit to operate a motor vehicle in Utah  
492 beginning on the date the hearing is held:



493 (i) for a person 21 years ~~[of age]~~ old or older on the date of arrest, for a period of:

494 (A) except as provided in Subsection (5)(a)(i)(B), 18 months ~~[unless Subsection~~  
495 ~~(5)(a)(i)(B) applies];~~ or

496 (B) 36 months~~[- if the arrest was made on or after July 1, 2009, and the person has had~~  
497 ~~a previous]~~ if the person previously committed an offense that occurred within the preceding  
498 10 years from the date of the arrest that resulted in a:

499 (I) license sanction ~~[for an offense that occurred within the previous 10 years from the~~  
500 ~~date of arrest]~~ under Section [41-6a-517](#), [41-6a-520](#), [41-6a-530](#), [53-3-223](#), or [53-3-231](#); ~~[or]~~

501 (II) conviction ~~[for an offense that occurred within the previous 10 years from the date~~  
502 ~~of arrest]~~ under Section [41-6a-502](#) or a statute previously in effect in this state that would  
503 constitute a violation of Section [41-6a-502](#);

504 (III) conviction for an offense under Section [76-5-102.1](#); or

505 (IV) conviction for an offense under Section [76-5-207](#); or

506 (ii) for a person under 21 years of age on the date of arrest:

507 (A) except as provided in Subsection (5)(a)(ii)(B), until the person is 21 years ~~[of age]~~  
508 old or for a period of two years, whichever is longer~~[- for an arrest that was made on or after~~  
509 ~~July 1, 2011, and unless Subsection (5)(a)(ii)(B) applies];~~ or

510 (B) until the person is 21 years of age or for a period of 36 months, whichever is  
511 longer, if ~~[the arrest was made on or after July 1, 2009, and the person has had a previous]~~ the  
512 person previously committed an offense that occurred within the preceding 10 years from the  
513 date of the arrest that resulted in a:

514 (I) license sanction ~~[for an offense that occurred within the previous 10 years from the~~  
515 ~~date of arrest]~~ under Section [41-6a-517](#), [41-6a-520](#), [41-6a-530](#), [53-3-223](#), or [53-3-231](#); ~~[or]~~

516 (II) conviction ~~[for an offense that occurred within the previous 10 years from the date~~  
517 ~~of arrest]~~ under Section [41-6a-502](#) or a statute previously in effect in this state that would  
518 constitute a violation of Section [41-6a-502](#); ~~[or]~~

519 (III) conviction for an offense under Section [76-5-102.1](#); or

520 (IV) conviction for an offense under Section [76-5-207](#).

521 ~~[(iii) for a person that was arrested prior to July 1, 2009, for the revocation periods in~~  
522 ~~effect prior to July 1, 2009.]~~

523 (b) The Driver License Division shall also assess against the person, in addition to any

524 fee imposed under Subsection [53-3-205](#)(12), a fee under Section [53-3-105](#), which shall be paid  
525 before the person's driving privilege is reinstated, to cover administrative costs.

526 (c) The fee shall be cancelled if the person obtains an unappealed court decision  
527 following a proceeding allowed under Subsection (2) that the revocation was improper.

528 (6) (a) Any person whose license has been revoked by the Driver License Division  
529 under this section following an administrative hearing may seek judicial review.

530 (b) Judicial review of an informal adjudicative proceeding is a trial.

531 (c) Venue is in the district court in the county in which the offense occurred.

532 (7) If the Driver License Division revokes a person's license under Subsection  
533 (1)(d)(i)(A) or (5)(a)(i)(A), the person may petition the division and elect to become an ignition  
534 interlock restricted driver after the driver serves at least 90 days of the revocation if the person:

535 (a) has a valid driving privilege, with the exception of the revocation under Subsection  
536 (1)(d)(i)(A) or (5)(a)(i)(A);

537 (b) installs an ignition interlock device in any vehicle owned or driven by the person in  
538 accordance with Section [53-3-1007](#);

539 (c) pays the license reinstatement application fees described in Subsections  
540 [53-3-105](#)(26) and (27);

541 (d) pays the appropriate original license fees under Section [53-3-105](#); and

542 (e) completes the license application process including successful completion of  
543 required testing.

544 (8) (a) A person who elects to become an ignition interlock restricted driver under  
545 Subsection (7) shall remain an ignition interlock restricted driver for a period of three years.

546 (b) If the person described under Subsection (8)(a) removes an ignition interlock  
547 device from a vehicle owned or driven by the person prior to the expiration of the three-year  
548 ignition interlock restriction period and does not install a new ignition interlock device from  
549 the same or a different ignition interlock provider within 24 hours:

550 (i) the person's driver license shall be revoked under Subsection (1)(d)(i)(A) or  
551 (5)(a)(i)(A) from the original effective date of the revocation;

552 (ii) the person is required to pay the license reinstatement application fee under  
553 Subsection [53-3-105](#)(26); and

554 (iii) the person may not elect to become an ignition interlock restricted driver under

555 this section.

556 Section 5. Section **53-3-223** is amended to read:

557 **53-3-223. Chemical test for driving under the influence -- Temporary license --**  
558 **Hearing and decision -- Suspension and fee -- Judicial review.**

559 (1) (a) If a peace officer has reasonable grounds to believe that a person may be  
560 violating or has violated Section [41-6a-502](#), [41-6a-517](#), [76-5-102.1](#), or [76-5-207](#), the peace  
561 officer may, in connection with arresting the person, request that the person submit to a  
562 chemical test or tests to be administered in compliance with the standards under Section  
563 [41-6a-520](#).

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

566 (2) The peace officer shall advise a person prior to the person's submission to a  
567 chemical test that a test result indicating a violation of Section [41-6a-502](#), [41-6a-517](#),  
568 [76-5-102.1](#), or [76-5-207](#) shall, and the existence of a blood alcohol content sufficient to render  
569 the person incapable of safely driving a motor vehicle may, result in suspension or revocation  
570 of the person's license to drive a motor vehicle.

571 (3) If the person submits to a chemical test and the test results indicate a blood or  
572 breath alcohol content in violation of Section [41-6a-502](#), [41-6a-517](#), [76-5-102.1](#), or [76-5-207](#),  
573 or if a peace officer makes a determination, based on reasonable grounds, that the person is  
574 otherwise in violation of Section [41-6a-502](#), [76-5-102.1](#), or [76-5-207](#), a peace officer shall, on  
575 behalf of the division and within 24 hours of arrest, give notice of the division's intention to  
576 suspend the person's license to drive a motor vehicle.

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

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

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

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

585 (c) any other basis for the peace officer's determination that the person has violated

586 Section [41-6a-502](#), [41-6a-517](#), [76-5-102.1](#), or [76-5-207](#).

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

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

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

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

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

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

598 (i) whether a peace officer had reasonable grounds to believe the person was driving a  
599 motor vehicle in violation of Section [41-6a-502](#), [41-6a-517](#), [76-5-102.1](#), or [76-5-207](#);

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

601 (iii) the test results, if any.

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

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

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

606 (ii) The division shall pay witness fees and mileage from the Transportation Fund in  
607 accordance with the rates established in Section [78B-1-119](#).

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

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

611 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable  
612 grounds to believe that the person was driving a motor vehicle in violation of Section  
613 [41-6a-502](#), [41-6a-517](#), [76-5-102.1](#), or [76-5-207](#), if the person failed to appear before the  
614 division as required in the notice, or if a hearing is not requested under this section, the division  
615 shall:

616 (i) if the person is 21 years old or older at the time of arrest, suspend the person's

617 license or permit to operate a motor vehicle for a period of:

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

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

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

621 (ii) if the person is under 21 years old at the time of arrest:

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

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

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

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

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

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

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

637 (A) immediately upon receiving written verification of the person's dismissal of a  
638 charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written  
639 verification is received prior to completion of the suspension period; or

640 (B) no sooner than 60 days beginning on the 45th day after the date of arrest upon  
641 receiving written verification of the person's reduction of a charge for a violation of Section  
642 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written verification is received prior to  
643 completion of the suspension period.

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

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

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

653 (iii) If a person's license is reinstated under this Subsection (7)(b), the person is  
654 required to pay the license reinstatement application fees under Subsections 53-3-105(26) and  
655 (27).

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

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

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

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

671 (b) If a person's license is reinstated under Subsection (9)(a), the person is required to  
672 pay the license reinstatement application fees under Subsections 53-3-105(26) and (27).

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

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

678 [~~(ii) completes a risk assessment approved by the division that:]~~

679 ~~[(A) is completed after the date of the arrest for which the person is suspended under~~  
 680 ~~Subsection (7)(a)(i)(A); and]~~

681 ~~[(B) identifies the person as a low risk offender;]~~

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

684 ~~[(iv)]~~ (iii) pays the license reinstatement application fees described in Subsections  
 685 53-3-105(26) and (27).

686 (b) (i) The person shall remain an ignition interlock restricted driver for a period of 120  
 687 days from the original effective date of the suspension under Subsection (7)(a)(i)(A).

688 (ii) If the person removes an ignition interlock device from a vehicle owned or driven  
 689 by the person prior to the expiration of the 120 day ignition interlock restriction period and  
 690 does not install a new ignition interlock device from the same or a different provider within 24  
 691 hours:

692 ~~[(i)]~~ (A) the person's driver license shall be suspended under Subsection (7)(a)(i)(A)  
 693 for the remainder of the 120 day ignition interlock restriction period;

694 ~~[(ii)]~~ (B) the person is required to pay the license reinstatement application fee under  
 695 Subsection 53-3-105(26); and

696 ~~[(iii)]~~ (C) the person may not elect to become an ignition interlock restricted driver  
 697 under this section.

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

700 Section 6. Section 53-3-1007 is amended to read:

701 **53-3-1007. Ignition interlock system provider -- Notification to the division upon**  
 702 **installation or removal of an ignition interlock system -- Monitoring and reporting**  
 703 **requirements -- Penalties.**

704 (1) An ignition interlock system provider who installs an ignition interlock system on  
 705 ~~[a person's]~~ an individual's vehicle shall:

706 (a) provide proof of installation to the ~~[person]~~ individual; and

707 (b) electronically notify the division of installation of an ignition interlock system on  
 708 the ~~[person's]~~ individual's vehicle.

709 (2) An ignition interlock system provider shall electronically notify the division if [a

710 person] an individual has:

711 (a) removed an ignition interlock system from the [person's] individual's vehicle[-];

712 (b) attempted to start the motor vehicle with a measurable breath alcohol concentration,

713 and the attempt to start the motor vehicle was prevented by the ignition interlock system,

714 including the date and time of each attempt; or

715 (c) failed to report to the ignition interlock provider for the purpose of monitoring the

716 device every 30 days, or more frequently if ordered by the court as described in Subsection

717 41-62-518(5)(a).

718 (3) If an individual is an interlock restricted driver and the individual removes an

719 ignition interlock system as described in Subsection (2)(a), the division shall:

720 (a) suspend the [person's] individual's driving privilege for the duration of the

721 restriction period as defined in Section 41-6a-518.2; and

722 (b) notify the [person] individual of the suspension period in place and the

723 requirements for reinstatement of the driving privilege with respect to the ignition interlock

724 restriction suspension.

725 (4) The division shall clear a suspension described in Subsection (3) upon:

726 (a) receipt of payment of the fee or fees required under Section 53-3-105; and

727 (b) (i) receipt of electronic notification from an ignition interlock system provider

728 showing proof of the installation of an ignition interlock system on the [person's] individual's

729 vehicle or the vehicle the [person] individual will be operating;

730 (ii) if the [person] individual does not own a vehicle or will not be operating a vehicle  
731 owned by another individual:

732 (A) electronic verification that the [person] individual does not have a vehicle

733 registered in the [person's] individual's name in the state; and

734 (B) receipt of employer verification, as defined in Subsection 41-6a-518(1); or

735 (iii) if the [person] individual is not a resident of Utah, electronic verification that the

736 [person] individual is licensed in the [person's] individual's state of residence or is in the

737 process of obtaining a license in the [person's] individual's state of residence.

738 (5) If Subsection (4)(b)(ii) applies, the division shall every six months:

739 (a) electronically verify the [person] individual does not have a vehicle registered in the

740 [person's] individual's name in the state; and



741 (b) require the [person] individual to provide updated documentation described in  
742 Subsection (4)(b)(ii).

743 (6) If the [person] individual described in Subsection (5) does not provide the required  
744 documentation described in Subsection (4)(b)(ii), the division shall suspend the [person's]  
745 individual's driving privilege until:

746 (a) the division receives payment of the fee or fees required under Section 53-3-105;  
747 and

748 (b) (i) the division:

749 (A) receives electronic notification from an ignition interlock system provider showing  
750 proof of the installation of an ignition interlock system on the [person's] individual's vehicle or  
751 the vehicle the [person] individual will be operating; or

752 (B) if the [person] individual does not own a vehicle or will not be operating a vehicle  
753 owned by another individual, receives electronic verification that the [person] individual does  
754 not have a vehicle registered in the [person's] individual's name in the state, and receives  
755 employer verification, as defined in Subsection 41-6a-518(1); or

756 (ii) if the [person] individual is not a resident of Utah, electronic verification that the  
757 [person] individual is licensed in the [person's] individual's state of residence or is in the  
758 process of obtaining a license in the [person's] individual's state of residence.

759 (7) By following the procedures in Title 63G, Chapter 4, Administrative Procedures  
760 Act, the division shall suspend the license of any [person] individual without receiving a record  
761 of the [person's] individual's conviction of crime seven days after receiving electronic  
762 notification from an ignition interlock system provider that [a person] an individual has  
763 removed an ignition interlock system from the [person's] individual's vehicle or a vehicle  
764 owned by another individual and operated by the [person] individual if the [person] individual  
765 is an interlock restricted driver until:

766 (a) the division receives payment of the fee or fees specified in Section 53-3-105; and

767 (b) (i) (A) the division receives electronic notification from an ignition interlock  
768 system provider showing new proof of the installation of an ignition interlock system on the  
769 [person's] individual's vehicle or the vehicle the [person] individual will be operating; or

770 (B) if the [person] individual does not own a vehicle or will not be operating a vehicle  
771 owned by another individual, the division receives electronic verification that the [person]

772 individual does not have a vehicle registered in the [~~person's~~] individual's name in the state,  
773 and receives employer verification, as defined in Subsection [41-6a-518\(1\)](#);

774 (ii) if the [~~person~~] individual is not a resident of Utah, the division receives electronic  
775 verification that the [~~person~~] individual is licensed in the [~~person's~~] individual's state of  
776 residence or is in the process of obtaining a license in the [~~person's~~] individual's state of  
777 residence; or

778 (iii) the [~~person's~~] individual's interlock restricted period has expired.

779 (8) (a) Upon receipt of a notice described in Subsection (2)(b) or (2)(c), the division  
780 shall extend the individual's ignition interlock restriction period by 60 days.

781 (b) The division shall notify the individual of the modified ignition interlock restriction  
782 period described in Subsection (8)(a).

783 [~~(8)~~] (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
784 Act, the division shall make rules establishing:

785 (a) procedures for certification and regulation of ignition interlock system providers;

786 (b) acceptable documentation for proof of the installation of an ignition interlock  
787 device;

788 (c) procedures for an ignition interlock system provider to electronically notify the  
789 division;

790 (d) procedures for an ignition interlock system provider to provide monitoring of an  
791 ignition interlock system and reporting the results of monitoring;

792 (e) procedures for the removal of an ignition interlock restriction if the individual has a  
793 medical condition that prohibits the individual from properly using an ignition interlock system  
794 as described in Subsection [41-6a-518.2\(8\)](#); and

795 [~~(d)~~] (f) policies and procedures for the administration of the ignition interlock system  
796 program created under this section.