

1 **DRIVING UNDER THE INFLUENCE MODIFICATIONS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ryan D. Wilcox**

5 Senate Sponsor: Keith Grover

6

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

16 ▶ amends offenses eligible for the 24-7 sobriety program;

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

19 ▶ imposes certain monitoring requirements for an ignition interlock system;

20 ▶ amends administrative rule requirements regarding ignition interlock system
21 providers;

22 ▶ provides procedures for a person to petition to remove an ignition interlock
23 restriction due to a medical condition;

24 ▶ amends the revocation period for a refusal to submit to a chemical test under certain
25 circumstances;

26 ▶ provides in some circumstances that a person may elect to become an ignition
27 interlock restricted driver after:

- 28 • a refusal of a chemical test; or

- 29 • a criminal conviction based on a refusal to submit to a chemical test;
- 30 ▶ provides in some circumstances that a license revocation period may be shortened
- 31 based on participation in a 24-7 sobriety program;
- 32 ▶ amends individuals who are eligible for the 24-7 sobriety program;
- 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 **41-6a-521.1**, as enacted by Laws of Utah 2020, Chapter 177
- 48 **53-3-223**, as last amended by Laws of Utah 2022, Chapter 116
- 49 **53-3-1007**, as last amended by Laws of Utah 2016, Chapter 149

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

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

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

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

56 time of arrest:

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

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

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

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

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

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

71 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a period
72 of 120 days from the date the ignition interlock system was removed from the vehicle; and

73 (B) may not reduce the 120-day suspension for any days the person was compliant with
74 the interlock restriction under Subsection 53-3-223(10)(a).

75 (c) (i) If a person elects to become an interlock restricted driver under Subsection
76 41-6a-521(7), the Driver License Division may not suspend the operator's license for a
77 violation of Section 41-6a-502 as described in Subsection (1)(a)(i) unless the person fails to
78 complete three years of the interlock restriction under Subsection 41-6a-521(7).

79 (ii) If a person elects to become an interlock restricted driver under Subsection
80 41-6a-521(7), and the person fails to complete the full three years of interlock restriction, the
81 Driver License Division:

82 (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a period

83 of 120 days from the date the ignition interlock system was removed from the vehicle; and

84 (B) may not reduce the 120-day suspension for any days the person was compliant with
85 the interlock restriction under Subsection 41-6a-521(7).

86 (2) The Driver License Division shall, if the person is 19 years old or older but under
87 21 years old at the time of arrest:

88 (a) suspend the person's driver license until the person is 21 years old or for a period of
89 one year, whichever is longer, if the person is convicted for the first time of a violation under
90 Section 41-6a-502, 76-5-102.1, or 76-5-207 of an offense that was committed on or after July
91 1, 2011;

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

94 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or
95 76-5-207 of an offense committed on or after July 1, 2011; and

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

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

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

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

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

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

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

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

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

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

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

114 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or
115 76-5-207; and

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

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

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

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

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

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

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

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

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

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

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

129 (5) The Driver License Division shall subtract from any suspension or revocation
130 period the number of days for which a license was previously suspended under Section
131 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
132 which the record of conviction is based.

133 (6) If a conviction recorded as impaired driving is amended to a driving under the
134 influence conviction under Section 41-6a-502, 76-5-102.1, or 76-5-207 in accordance with
135 Subsection 41-6a-502.5(3)(a)(ii), the Driver License Division:

136 (a) may not subtract from any suspension or revocation any time for which a license

137 was previously suspended or revoked under Section 53-3-223 or 53-3-231; and
138 (b) shall start the suspension or revocation time under Subsection (1) on the date of the
139 amended conviction.

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

- 144 (a) completes at least six months of the license suspension;
- 145 (b) completes a screening;
- 146 (c) completes an assessment, if it is found appropriate by a screening under Subsection
147 (7)(b);
- 148 (d) completes substance abuse treatment if it is found appropriate by the assessment
149 under Subsection (7)(c);
- 150 (e) completes an educational series if substance abuse treatment is not required by an
151 assessment under Subsection (7)(c) or the court does not order substance abuse treatment;
- 152 (f) has not been convicted of a violation of any motor vehicle law in which the person
153 was involved as the operator of the vehicle during the suspension period imposed under
154 Subsection (2)(a) or (b) or Subsection (3)(a) or (b);
- 155 (g) has complied with all the terms of the person's probation or all orders of the court if
156 not ordered to probation; and
- 157 (h) (i) is 18 years old or older and provides a sworn statement to the court that the
158 person has not unlawfully consumed alcohol during the suspension period imposed under
159 Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or
- 160 (ii) is under 18 years old and has the person's parent or legal guardian provide an
161 affidavit or sworn statement to the court certifying that to the parent or legal guardian's
162 knowledge the person has not unlawfully consumed alcohol during the suspension period
163 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

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

169 (9) (a) (i) In addition to any other penalties provided in this section, a court may order
170 the operator's license of a person who is convicted of a violation of Section 41-6a-502,
171 76-5-102.1, or 76-5-207 to be suspended or revoked for an additional period of 90 days, 120
172 days, 180 days, one year, or two years to remove from the highways those persons who have
173 shown they are safety hazards.

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

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

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

- 182 (i) screenings;
- 183 (ii) assessments;
- 184 (iii) educational series;
- 185 (iv) substance abuse treatment; and
- 186 (v) hours of work in a compensatory-service work program.

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

190 (11) (a) A court that reported a conviction of a violation of Section 41-6a-502[;

191 ~~76-5-102.1, or 76-5-207~~] to the Driver License Division may shorten the suspension or
192 revocation period imposed under Subsection (1) before completion of the suspension or
193 revocation period if the person is participating in or has successfully completed a 24-7 sobriety
194 program as defined in Section ~~41-6a-515.5~~.

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

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

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

205 (B) For a suspension described under Subsection (11)(d)(i)(A), no days shall be
206 subtracted from the 120-day suspension period for which a driving privilege was previously
207 suspended under this section or Section ~~53-3-223~~, if the previous suspension was based on the
208 same occurrence upon which the conviction under Section ~~41-6a-502~~~~[, 76-5-102.1, or~~
209 ~~76-5-207]~~ is based.

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

213 (B) For a license revocation described in Subsection (11)(d)(ii)(A), no days shall be
214 subtracted from the two-year revocation period for which a driving privilege was previously
215 revoked under this section or Section ~~53-3-223~~, if the previous revocation was based on the
216 same occurrence upon which the conviction under Section ~~41-6a-502~~~~[, 76-5-102.1, or~~
217 ~~76-5-207]~~ is based.

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

219 **41-6a-518. Ignition interlock devices -- Use and monitoring -- Probationer to pay**
220 **cost -- Indigency -- Fee.**

221 (1) As used in this section:

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

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

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

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

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

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

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

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

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

239 (2) (a) In addition to any other penalties imposed under Sections **41-6a-503** and
240 **41-6a-505**, and in addition to any requirements imposed as a condition of probation, unless the
241 court determines and states on the record that an ignition interlock system is not necessary for
242 the safety of the community and in the best interest of justice, the court shall require that any
243 person who is convicted of violating Section **41-6a-502** and who is granted probation may not
244 operate a motor vehicle during the period of probation unless that motor vehicle is equipped

245 with a functioning, certified ignition interlock system installed and calibrated so that the motor
246 vehicle will not start or continuously operate if the operator's blood alcohol concentration
247 exceeds .02 grams or greater.

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

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

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

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

259 (e) This section does not apply to a person convicted of a violation of Section
260 41-6a-502 whose violation does not involve alcohol.

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

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

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

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

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

271 (v) order the probationer to have the ignition interlock system installed and regularly

272 monitored by an ignition interlock system provider licensed under Title 53, Chapter 3, Part 10,
273 Ignition Interlock System Program Act.

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

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

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

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

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

287 (5) (a) Any probationer required to install an ignition interlock system shall, every 60
288 days or more frequently as the court may order, have the system monitored by the manufacturer
289 or dealer of the system or the manufacturer's or dealer's authorized agent:

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

292 (ii) to collect information on all attempts to start the motor vehicle with a measurable
293 breath alcohol concentration that were prevented by the ignition interlock system, including the
294 date and time of each attempt.

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

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

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

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

304 (i) the probationer files an affidavit of indigency in accordance with Section
305 [78A-2-302](#); and

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

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

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

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

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

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

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

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

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

324 (c) A motor vehicle owned by a business entity that is all or partly owned or controlled
325 by a probationer subject to this section is not a motor vehicle owned by the employer and does

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

352 (ii) The assessment under Subsection (8)(e)(i) shall be apportioned among the

353 manufacturers on a fair and reasonable basis.

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

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

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

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

362 **41-6a-518.2. Interlock restricted driver -- Penalties for operation without ignition**
363 **interlock system -- Exemptions.**

364 (1) As used in this section:

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

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

368 (ii) is certified by the Commissioner of Public Safety in accordance with Subsection
369 [41-6a-518\(8\)](#).

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

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

373 (B) within the last 18 months has been convicted of a violation under Section
374 [41-6a-502](#), Subsection [41-6a-520\(7\)](#), or Section [76-5-102.1](#);

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

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

- 380 (D) within the last three years has been convicted of a violation of this section;
- 381 (E) within the last three years has had the person's driving privilege revoked through an
382 administrative action for refusal to submit to a chemical test under Section 41-6a-520;
- 383 (F) within the last three years has been convicted of a violation of Section 41-6a-502,
384 Subsection 41-6a-520(7), or Section 76-5-102.1 and was under [~~the age of~~] 21 years old at the
385 time the offense was committed;
- 386 (G) within the last six years has been convicted of a felony violation of Section
387 41-6a-502, Subsection 41-6a-520(7), or Section 76-5-102.1 for an offense that occurred after
388 May 1, 2006; or
- 389 (H) within the last 10 years has been convicted of a violation of Section 76-5-207 for
390 an offense that occurred after May 1, 2006.
- 391 (ii) "Interlock restricted driver" does not include a person:
 - 392 (A) whose conviction described in Subsection (1)(b)(i)(C)(I) is a conviction under
393 Section 41-6a-502 that does not involve alcohol or a conviction under Section 41-6a-517 and
394 whose prior convictions described in Subsection (1)(b)(i)(C)(II) are all convictions under
395 Section 41-6a-502 that did not involve alcohol or convictions under Section 41-6a-517;
 - 396 (B) whose conviction described in Subsection (1)(b)(i)(B) or (F) is a conviction under
397 Section 41-6a-502 that does not involve alcohol and the convicting court notifies the Driver
398 License Division at the time of sentencing that the conviction does not involve alcohol; or
 - 399 (C) whose conviction described in Subsection (1)(b)(i)(B), (C), or (F) is a conviction
400 under Section 41-6a-502 that does not involve alcohol and the ignition interlock restriction is
401 removed as described in Subsection (7).
- 402 (2) The division shall post the ignition interlock restriction on a person's electronic
403 record that is available to law enforcement.
- 404 (3) For purposes of this section, a plea of guilty or no contest to a violation of Section
405 41-6a-502 which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,
406 prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently

407 reduced or dismissed in accordance with the plea in abeyance agreement.

408 (4) An interlock restricted driver who operates or is in actual physical control of a
409 vehicle in the state without an ignition interlock system is guilty of a class B misdemeanor.

410 (5) It is an affirmative defense to a charge of a violation of Subsection (4) if:

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

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

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

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

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

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

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

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

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

430 (8) (a) (i) An individual with an ignition interlock restriction may petition the division
431 for removal of the restriction if the individual has a medical condition that prohibits the
432 individual from providing a deep lung breath sample.

433 (ii) In support of a petition under Subsection (8)(a)(i), the individual shall provide

434 documentation from a physician that describes the individual's medical condition and whether
 435 the individual's medical condition would prohibit the individual from being able to provide a
 436 deep breath lung sample.

437 (b) If the division is able to establish that an individual is unable to provide a deep
 438 breath lung sample as a result of a medical condition, the division may remove the ignition
 439 interlock restriction.

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

441 **41-6a-521. Revocation hearing for refusal -- Appeal.**

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

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

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

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

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

453 (A) except as provided in Subsection (1)(d)(i)(B) or (9), 18 months~~[, unless Subsection~~
 454 ~~(1)(d)(i)(B) applies];~~ or

455 (B) 36 months~~[, if the arrest was made on or after July 1, 2009, and the person has had~~
 456 ~~a previous]~~ if the person previously committed an offense that occurred within the preceding
 457 10 years from the date of the arrest that resulted in a:

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

460 (II) conviction ~~[for an offense that occurred within the previous 10 years from the date~~

461 ~~of arrest]~~ under Section 41-6a-502 or a statute previously in effect in this state that would
462 constitute a violation of Section 41-6a-502;

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

464 (IV) conviction for an offense under Section 76-5-207; or

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

466 (A) except as provided in Subsection (1)(d)(ii)(B), until the person is 21 years [of age]
467 old or for a period of two years, whichever is longer~~[, if the arrest was made on or after July 1,~~
468 ~~2011, unless Subsection (1)(d)(ii)(B) applies]; or~~

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

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

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

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

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

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

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

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

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

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

- 488 (3) The hearing shall be documented and shall cover the issues of:
- 489 (a) whether a peace officer had reasonable grounds to believe that a person was
- 490 operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 41-6a-530, or
- 491 53-3-231; and
- 492 (b) whether the person refused to submit to the test or tests under Section 41-6a-520.
- 493 (4) (a) In connection with the hearing, the division or its authorized agent:
- 494 (i) may administer oaths and may issue subpoenas for the attendance of witnesses and
- 495 the production of relevant books and papers; and
- 496 (ii) shall issue subpoenas for the attendance of necessary peace officers.
- 497 (b) The Driver License Division shall pay witness fees and mileage from the
- 498 Transportation Fund in accordance with the rates established in Section 78B-1-119.
- 499 (5) (a) If after a hearing, the Driver License Division determines that the person was
- 500 requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the
- 501 person fails to appear before the Driver License Division as required in the notice, the Driver
- 502 License Division shall revoke the person's license or permit to operate a motor vehicle in Utah
- 503 beginning on the date the hearing is held:
- 504 (i) for a person 21 years ~~[of age]~~ old or older on the date of arrest, for a period of:
- 505 (A) except as provided in Subsection (5)(a)(i)(B) or (9), 18 months ~~[unless Subsection~~
- 506 ~~(5)(a)(i)(B) applies];~~ or
- 507 (B) 36 months~~[-, if the arrest was made on or after July 1, 2009, and the person has had~~
- 508 ~~a previous]~~ if the person previously committed an offense that occurred within the preceding
- 509 10 years from the date of the arrest that resulted in a:
- 510 (I) license sanction ~~[for an offense that occurred within the previous 10 years from the~~
- 511 ~~date of arrest]~~ under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; ~~[or]~~
- 512 (II) conviction ~~[for an offense that occurred within the previous 10 years from the date~~
- 513 ~~of arrest]~~ under Section 41-6a-502 or a statute previously in effect in this state that would
- 514 constitute a violation of Section 41-6a-502;

515 (III) conviction for an offense under Section 76-5-102.1; or
516 (IV) conviction for an offense under Section 76-5-207; or
517 (ii) for a person under 21 years of age on the date of arrest:
518 (A) except as provided in Subsection (5)(a)(ii)(B), until the person is 21 years [of age]
519 old or for a period of two years, whichever is longer[, for an arrest that was made on or after
520 July 1, 2011, and unless Subsection (5)(a)(ii)(B) applies]; or
521 (B) until the person is 21 years [of age] old or for a period of 36 months, whichever is
522 longer, if [~~the arrest was made on or after July 1, 2009, and the person has had a previous~~] the
523 person previously committed an offense that occurred within the preceding 10 years from the
524 date of the arrest that resulted in a:
525 (I) license sanction [~~for an offense that occurred within the previous 10 years from the~~
526 ~~date of arrest~~] under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; [~~or~~]
527 (II) conviction [~~for an offense that occurred within the previous 10 years from the date~~
528 ~~of arrest~~] under Section 41-6a-502 or a statute previously in effect in this state that would
529 constitute a violation of Section 41-6a-502; [~~or~~]
530 (III) conviction for an offense under Section 76-5-102.1; or
531 (IV) conviction for an offense under Section 76-5-207.
532 [~~(iii) for a person that was arrested prior to July 1, 2009, for the revocation periods in~~
533 ~~effect prior to July 1, 2009.~~]
534 (b) The Driver License Division shall also assess against the person, in addition to any
535 fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be paid
536 before the person's driving privilege is reinstated, to cover administrative costs.
537 (c) The fee shall be cancelled if the person obtains an unappealed court decision
538 following a proceeding allowed under Subsection (2) that the revocation was improper.
539 (6) (a) Any person whose license has been revoked by the Driver License Division
540 under this section following an administrative hearing may seek judicial review.
541 (b) Judicial review of an informal adjudicative proceeding is a trial.

542 (c) Venue is in the district court in the county in which the offense occurred.
543 (7) If the Driver License Division revokes a person's driving privilege under
544 Subsection (1)(d)(i)(A) or (5)(a)(i)(A), the person may petition the division and elect to become
545 an ignition interlock restricted driver after the driver serves at least 90 days of the revocation if
546 the person:

- 547 (a) has a valid driving privilege, with the exception of the revocation under Subsection
548 (1)(d)(i)(A) or (5)(a)(i)(A);
- 549 (b) installs an ignition interlock device in any vehicle owned or driven by the person in
550 accordance with Section [53-3-1007](#);
- 551 (c) pays the license reinstatement application fees described in Subsections
552 [53-3-105](#)(26) and (27);
- 553 (d) pays the appropriate original license fees under Section [53-3-105](#); and
- 554 (e) completes the license application process including successful completion of
555 required testing.

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

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

- 562 (i) the person's driving privilege shall be revoked under Subsection (1)(d)(i)(A) or
563 (5)(a)(i)(A) for a period of 18 months from the date the ignition interlock device was removed
564 from the vehicle;
- 565 (ii) no days may be subtracted from the 18-month revocation period under Subsection
566 (8)(b)(i) for any days the person was in compliance with the interlock restriction under
567 Subsection (7);
- 568 (iii) the person is required to pay the license reinstatement application fee under

569 Subsection 53-3-105(26); and

570 (iv) the person may not elect to become an ignition interlock restricted driver under this
571 section.

572 (9) (a) Notwithstanding the provisions in Subsection (1)(d)(i)(A) or (5)(a)(i)(A), the
573 division shall reinstate a person's driving privilege before completion of the revocation period
574 imposed under Subsection (1)(d)(i)(A) or (5)(a)(i)(A) if:

575 (i) the reporting court notifies the Driver License Division that the person is
576 participating in or has successfully completed a 24-7 sobriety program as defined in Section
577 41-6a-515.5;

578 (ii) the person has served at least 90 days of the revocation under Subsection
579 (1)(d)(i)(A) or (5)(a)(i)(A); and

580 (iii) the person has a valid driving privilege, with the exception of the revocation under
581 Subsection (1)(d)(i)(A) or (5)(a)(i)(A).

582 (b) If a person's driving privilege is reinstated under Subsection (9)(a), the person is
583 required to:

584 (i) install an ignition interlock device in any vehicle owned or driven by the person in
585 accordance with Section 53-3-1007;

586 (ii) pay the license reinstatement application fees described in Subsections
587 53-3-105(26) and (27);

588 (iii) pay the appropriate original license fees under Section 53-3-105; and

589 (iv) complete the license application process including successful completion of
590 required testing.

591 (c) If the reporting court notifies the Driver License Division that a person has failed to
592 complete all requirements of the 24-7 sobriety program, the division:

593 (i) shall revoke the person's driving privilege under Subsection (1)(d)(i)(A) or
594 (5)(a)(i)(A) for a period of 18 months from the date of the notice; and

595 (ii) may not subtract any days from the 18-month revocation period for:

- 596 (A) days during which the person's driving privilege previously was revoked; or
597 (B) days during which the person was compliant with the 24-7 sobriety program.

598 Section 5. Section **41-6a-521.1** is amended to read:

599 **41-6a-521.1. Driver license denial or revocation for a criminal conviction for a**
600 **refusal to submit to a chemical test violation.**

601 (1) [~~The~~] Except as provided in Subsection (7) or (8), the Driver License Division
602 shall, if the person is 21 years [~~of age~~] old or older at the time of arrest:

603 (a) revoke for a period of 18 months the operator's license of a person convicted for the
604 first time under Subsection **41-6a-520(7)**; or

605 (b) revoke for a period of 36 months the license of a person if:

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

607 (ii) the current refusal to submit to a chemical test violation under Subsection
608 **41-6a-520(7)** is committed within a period of 10 years from the date of the prior violation.

609 (2) The Driver License Division shall, if the person is under 21 years of age at the time
610 of arrest:

611 (a) revoke the person's driver license until the person is 21 years of age or for a period
612 of two years, whichever is longer; [~~or~~]

613 (b) revoke the person's driver license until the person is 21 years of age or for a period
614 of 36 months, whichever is longer, if:

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

616 (ii) the current refusal to submit to a chemical test violation under Subsection
617 **41-6a-520(7)** is committed within a period of 10 years from the date of the prior violation; or

618 (c) if the person has not been issued an operator license:

619 (i) deny the person's application for a license or learner's permit until the person is 21
620 years of age or for a period of two years, whichever is longer; or

621 (ii) deny the person's application for a license or learner's permit until the person is 21
622 years of age or for a period of 36 months, whichever is longer, if:

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

624 (B) the current refusal to submit to a chemical test violation under Subsection
625 [41-6a-520\(7\)](#) is committed within a period of 10 years from the date of the prior violation.

626 (3) The Driver License Division shall suspend or revoke the license of a person as
627 ordered by the court under Subsection (5).

628 (4) The Driver License Division shall subtract from any revocation period the number
629 of days for which a license was previously revoked under Section [~~53-3-221~~] [41-6a-521](#) if the
630 previous revocation was based on the same occurrence upon which the record of conviction
631 under Subsection [41-6a-520\(7\)](#) is based.

632 (5) (a) (i) In addition to any other penalties provided in this section, a court may order
633 the driver license of a person who is convicted of a violation of Subsection [41-6a-520\(7\)](#) to be
634 revoked for an additional period of 90 days, 120 days, 180 days, one year, or two years to
635 remove from the highways those persons who have shown they are safety hazards.

636 (ii) The additional revocation period provided in this Subsection (5) shall begin the
637 date on which the individual would be eligible to reinstate the individual's driving privilege for
638 a violation of Subsection [41-6a-520\(7\)](#).

639 (b) If the court suspends or revokes the person's license under this Subsection (5), the
640 court shall prepare and send to the Driver License Division an order to suspend or revoke that
641 person's driving privileges for a specified period of time.

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

643 (i) complete all court ordered:

644 (A) screening;

645 (B) assessment;

646 (C) educational series;

647 (D) substance abuse treatment; and

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

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

650 (b) Upon receiving the notification described in Subsection (6)(a), the Driver License
651 Division shall suspend the person's driving privilege in accordance with Subsections
652 [53-3-221\(2\)](#) and (3).

653 (7) (a) If a person elects to become an interlock restricted driver under Subsection
654 [41-6a-521\(7\)](#), the Driver License Division may not revoke the operator's license as described in
655 Subsection (1)(a) unless the person fails to complete three years of the interlock restriction
656 under Subsection [41-6a-521\(7\)](#).

657 (b) If a person elects to become an interlock restricted driver under Subsection
658 [41-6a-521\(7\)](#) and the person fails to complete the full three years of interlock restriction, the
659 Driver License Division:

660 (i) shall revoke the operator's license as described in Subsection (1)(a), effective on the
661 date the ignition interlock was removed from the vehicle; and

662 (ii) may not subtract any days from the revocation period under Subsection (7)(b)(i) for
663 days during which the person was compliant with the interlock restriction under Subsection
664 [41-6a-521\(7\)](#).

665 (8) (a) The Driver License Division may shorten a person's revocation period imposed
666 under Subsection (1) before the completion of the person's revocation period if:

667 (i) the person is participating in or has successfully completed a 24-7 sobriety program
668 as defined in Section [41-6a-515.5](#); and

669 (ii) the reporting court:

670 (A) shortens the person's operator's license revocation period due to the person's
671 participation in or successful completion of a 24-7 sobriety program; and

672 (B) forwards the order shortening the person's operator's license revocation period to
673 the Driver License Division in the manner specified by the Driver License Division.

674 (b) A reporting court shall notify the Driver License Division, in the manner specified
675 by the Driver License Division, if a person fails to complete all requirements of a 24-7 sobriety
676 program.

677 (c) Upon receiving a notification described in Subsection (8)(b), for a first offense, the
678 Driver License Division:

679 (i) shall revoke the person's operator's license for a period of 18 months from the date
680 of the notice; and

681 (ii) may not subtract any days from the revocation period under Subsection (8)(c)(i) for
682 which the operator's license was previously revoked under this section or Section 41-6a-521, or
683 suspended under Section 53-3-223, if the previous suspension was based on the same
684 occurrence upon which the conviction under this section is based.

685 (d) Upon receiving a notification described in Subsection (8)(b), for a second or
686 subsequent offense, the Driver License Division:

687 (i) shall revoke the person's operator's license for a period of three years from the date
688 of the notice; and

689 (ii) may not subtract any days from the revocation period under Subsection (8)(d)(i) for
690 which the operator's license was previously revoked under this section or Section 41-6a-521, or
691 suspended under Section 53-3-223, if the previous revocation was based on the same
692 occurrence upon which the conviction under this section is based.

693 Section 6. Section 53-3-223 is amended to read:

694 **53-3-223. Chemical test for driving under the influence -- Temporary license --**
695 **Hearing and decision -- Suspension and fee -- Judicial review.**

696 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
697 violating or has violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, the peace
698 officer may, in connection with arresting the person, request that the person submit to a
699 chemical test or tests to be administered in compliance with the standards under Section
700 41-6a-520.

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

703 (2) The peace officer shall advise a person prior to the person's submission to a

704 chemical test that a test result indicating a violation of Section 41-6a-502, 41-6a-517,
705 76-5-102.1, or 76-5-207 shall, and the existence of a blood alcohol content sufficient to render
706 the person incapable of safely driving a motor vehicle may, result in suspension or revocation
707 of the person's license to drive a motor vehicle.

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

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

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

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

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

722 (c) any other basis for the peace officer's determination that the person has violated
723 Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207.

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

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

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

731 (B) a county that is adjacent to the county in which the arrest occurred.
732 (ii) The division may hold a hearing in some other county if the division and the person
733 both agree.
734 (c) The hearing shall be documented and shall cover the issues of:
735 (i) whether a peace officer had reasonable grounds to believe the person was driving a
736 motor vehicle in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207;
737 (ii) whether the person refused to submit to the test; and
738 (iii) the test results, if any.
739 (d) (i) In connection with a hearing the division or its authorized agent:
740 (A) may administer oaths and may issue subpoenas for the attendance of witnesses and
741 the production of relevant books and papers; or
742 (B) may issue subpoenas for the attendance of necessary peace officers.
743 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
744 accordance with the rates established in Section 78B-1-119.
745 (e) The division may designate one or more employees to conduct the hearing.
746 (f) Any decision made after a hearing before any designated employee is as valid as if
747 made by the division.
748 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
749 grounds to believe that the person was driving a motor vehicle in violation of Section
750 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the person failed to appear before the
751 division as required in the notice, or if a hearing is not requested under this section, the division
752 shall:
753 (i) if the person is 21 years old or older at the time of arrest, suspend the person's
754 license or permit to operate a motor vehicle for a period of:
755 (A) 120 days beginning on the 45th day after the date of arrest for a first suspension; or
756 (B) two years beginning on the 45th day after the date of arrest for a second or
757 subsequent suspension for an offense that occurred within the previous 10 years; or

758 (ii) if the person is under 21 years old at the time of arrest:
759 (A) suspend the person's license or permit to operate a motor vehicle:
760 (I) for a period of six months, beginning on the 45th day after the date of arrest for a
761 first suspension; or
762 (II) until the person is 21 years old or for a period of two years, whichever is longer,
763 beginning on the 45th day after the date of arrest for a second or subsequent suspension for an
764 offense that occurred within the previous 10 years; or
765 (B) deny the person's application for a license or learner's permit:
766 (I) for a period of six months beginning on the 45th day after the date of the arrest for a
767 first suspension, if the person has not been issued an operator license; or
768 (II) until the person is 21 years old or for a period of two years, whichever is longer,
769 beginning on the 45th day after the date of arrest for a second or subsequent suspension for an
770 offense that occurred within the previous 10 years.
771 (b) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall
772 reinstate a person's license prior to completion of the 120 day suspension period imposed under
773 Subsection (7)(a)(i)(A):
774 (A) immediately upon receiving written verification of the person's dismissal of a
775 charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written
776 verification is received prior to completion of the suspension period; or
777 (B) no sooner than 60 days beginning on the 45th day after the date of arrest upon
778 receiving written verification of the person's reduction of a charge for a violation of Section
779 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written verification is received prior to
780 completion of the suspension period.
781 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall
782 reinstate a person's license prior to completion of the 120-day suspension period imposed under
783 Subsection (7)(a)(i)(A) immediately upon receiving written verification of the person's
784 conviction of impaired driving under Section 41-6a-502.5 if:

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

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

790 (iii) If a person's license is reinstated under this Subsection (7)(b), the person is
791 required to pay the license reinstatement application fees under Subsections 53-3-105(26) and
792 (27).

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

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

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

803 (9) (a) Notwithstanding the provisions in Subsection [~~(7)(a)(i) or (ii)~~] (7)(a)(i), the
804 division shall reinstate a person's license before completion of the suspension period imposed
805 under Subsection [~~(7)(a)(i) or (ii)~~] (7)(a)(i) if:

806 (i) the reporting court notifies the Driver License Division that the defendant is
807 participating in or has successfully completed a 24-7 sobriety program as defined in Section
808 41-6a-515.5; and

809 (ii) the person has a valid driving privilege, with the exception of the suspension under
810 Subsection (7)(a)(i).

811 (b) If a person's license is reinstated under Subsection (9)(a), the person is required to

812 pay the license reinstatement application fees under Subsections 53-3-105(26) and (27).

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

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

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

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

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

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

824 [~~(iv)~~] (iii) pays the license reinstatement application fees described in Subsections
825 53-3-105(26) and (27).

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

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

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

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

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

838 (c) If a person elects to become an ignition interlock restricted driver under Subsection

839 (10)(a), the provisions under Subsection (7)(b) do not apply.

840 Section 7. Section **53-3-1007** is amended to read:

841 **53-3-1007. Ignition interlock system provider -- Notification to the division upon**
842 **installation or removal of an ignition interlock system -- Monitoring and reporting**
843 **requirements -- Penalties.**

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

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

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

849 (2) An ignition interlock system provider shall electronically notify the division if ~~[a~~
850 ~~person]~~ an individual has:

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

852 (b) attempted to start the motor vehicle with a measurable breath alcohol concentration,
853 and the attempt to start the motor vehicle was prevented by the ignition interlock system,
854 including the date and time of each attempt; or

855 (c) failed to report to the ignition interlock provider for the purpose of monitoring the
856 device every 60 days, or more frequently if ordered by the court as described in Subsection
857 41-6a-518(5)(a).

858 (3) If an individual is an interlock restricted driver and the individual removes an
859 ignition interlock system as described in Subsection (2)(a), the division shall:

860 (a) suspend the ~~[person's]~~ individual's driving privilege for the duration of the
861 restriction period as defined in Section [41-6a-518.2](#); and

862 (b) notify the ~~[person]~~ individual of the suspension period in place and the
863 requirements for reinstatement of the driving privilege with respect to the ignition interlock
864 restriction suspension.

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

- 866 (a) receipt of payment of the fee or fees required under Section 53-3-105; and
- 867 (b) (i) receipt of electronic notification from an ignition interlock system provider
- 868 showing proof of the installation of an ignition interlock system on the [person's] individual's
- 869 vehicle or the vehicle the [person] individual will be operating;
- 870 (ii) if the [person] individual does not own a vehicle or will not be operating a vehicle
- 871 owned by another individual:
 - 872 (A) electronic verification that the [person] individual does not have a vehicle
 - 873 registered in the [person's] individual's name in the state; and
 - 874 (B) receipt of employer verification, as defined in Subsection 41-6a-518(1); or
 - 875 (iii) if the [person] individual is not a resident of Utah, electronic verification that the
 - 876 [person] individual is licensed in the [person's] individual's state of residence or is in the
 - 877 process of obtaining a license in the [person's] individual's state of residence.
- 878 (5) If Subsection (4)(b)(ii) applies, the division shall every six months:
 - 879 (a) electronically verify the [person] individual does not have a vehicle registered in the
 - 880 [person's] individual's name in the state; and
 - 881 (b) require the [person] individual to provide updated documentation described in
 - 882 Subsection (4)(b)(ii).
 - 883 (6) If the [person] individual described in Subsection (5) does not provide the required
 - 884 documentation described in Subsection (4)(b)(ii), the division shall suspend the [person's]
 - 885 individual's driving privilege until:
 - 886 (a) the division receives payment of the fee or fees required under Section 53-3-105;
 - 887 and
 - 888 (b) (i) the division:
 - 889 (A) receives electronic notification from an ignition interlock system provider showing
 - 890 proof of the installation of an ignition interlock system on the [person's] individual's vehicle or
 - 891 the vehicle the [person] individual will be operating; or
 - 892 (B) if the [person] individual does not own a vehicle or will not be operating a vehicle

893 owned by another individual, receives electronic verification that the [person] individual does
894 not have a vehicle registered in the [person's] individual's name in the state, and receives
895 employer verification, as defined in Subsection 41-6a-518(1); or

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

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

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

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

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

914 (ii) if the [person] individual is not a resident of Utah, the division receives electronic
915 verification that the [person] individual is licensed in the [person's] individual's state of
916 residence or is in the process of obtaining a license in the [person's] individual's state of
917 residence; or

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

919 (8) (a) Upon receipt of a notice described in Subsection (2)(b) or (2)(c), the division

920 shall extend the individual's ignition interlock restriction period by 60 days.

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

923 ~~[(8)]~~ (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
924 Act, the division shall make rules establishing:

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

926 (b) acceptable documentation for proof of the installation of an ignition interlock
927 device;

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

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

932 (e) procedures for the removal of an ignition interlock restriction if the individual is
933 unable to provide a deep lung breath sample as a result of a medical condition and is unable to
934 properly use an ignition interlock system as described in Subsection [41-6a-518.2\(8\)](#); and

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