

LIMITED DRIVER LICENSE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to a driver license suspension for driving under the influence.

Highlighted Provisions:

This bill:

- ▶ modifies definitions;
- ▶ allows a person with a suspended driver license due to a first offense of driving under the influence to elect to become an interlock restricted driver under certain circumstances; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-518, as last amended by Laws of Utah 2018, Chapter 41

41-6a-518.2, as last amended by Laws of Utah 2019, Chapter 271

41-6a-520, as last amended by Laws of Utah 2019, Chapters 77 and 349

53-3-223, as last amended by Laws of Utah 2019, Chapter 77



28

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

30 Section 1. Section **41-6a-518** is amended to read:

31 **41-6a-518. Ignition interlock devices -- Use -- Probationer to pay cost --**

32 **Impecuniosity -- Fee.**

33 (1) As used in this section:

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

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

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

37 (ii) the vehicle the employee is operating for employment purposes is not made

38 available to the employee for personal use;

39 (iii) the business entity that employs the employee is not entirely or partly owned or

40 controlled by the employee;

41 (iv) the employer's auto insurance company is aware that the employee is an interlock

42 restricted driver; and

43 (v) the employee has been added to the employer's auto insurance policy as an operator

44 of the vehicle.

45 (c) "Ignition interlock system" or "system" means a constant monitoring device or any

46 similar device certified by the commissioner that prevents a motor vehicle from being started

47 or continuously operated without first determining the driver's breath alcohol concentration.

48 ~~[(d) "Probation provider" means the supervisor and monitor of the ignition interlock~~

49 ~~system required as a condition of probation who contracts with the court in accordance with~~

50 ~~Subsections [41-6a-507\(2\)](#) and [\(3\)](#).]~~

51 (d) "Probation provider" means a person who contracts with the court in accordance

52 with Subsections [41-6a-507\(2\)](#) and [\(3\)](#) to supervise and monitor an ignition interlock system

53 that is:

54 (i) required as a condition of probation; or

55 (ii) installed in lieu of a suspension of the driver license under Subsection

56 [53-3-223\(7\)\(d\)](#).

57 (2) (a) In addition to any other penalties imposed under Sections [41-6a-503](#) and

58 [41-6a-505](#), and in addition to any requirements imposed as a condition of probation, the court

59 may require that any person who is convicted of violating Section 41-6a-502 and who is
60 granted probation may not operate a motor vehicle during the period of probation unless that
61 motor vehicle is equipped with a functioning, certified ignition interlock system installed and
62 calibrated so that the motor vehicle will not start or continuously operate if the operator's blood
63 alcohol concentration exceeds a level ordered by the court.

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

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

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

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

75 (e) This section does not apply to a person convicted of a violation of Section
76 41-6a-502 whose violation does not involve alcohol.

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

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

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

83 (c) immediately notify the Driver License Division and the person's probation provider
84 of the order; and

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

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

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

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

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

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

101 ~~[(b) (i) A report of the monitoring shall be issued by the manufacturer or dealer to the~~
102 ~~court or the person's probation provider.]~~

103 ~~[(ii) The report shall be issued within 14 days following each monitoring.]~~

104 (b) The monitoring manufacturer or dealer shall provide a report to the court or the
105 probationer's probation provider within 14 days after each monitoring.

106 (6) (a) ~~[If an ignition interlock system is ordered installed,]~~ Except as provided in
107 Subsection (6)(b), if the court orders an ignition interlock system installed, the probationer
108 shall pay the reasonable costs of leasing or buying and installing and maintaining the system.

109 (b) A probationer ~~[may not be excluded from this section for inability to]~~ is not
110 required to pay the costs~~[, unless]~~ under Subsection (6)(a) if:

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

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

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

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

117 (7) (a) ~~[If]~~ Except as provided in Subsection (7)(b), if a probationer is required in the
118 course and scope of employment to operate a motor vehicle owned by the probationer's
119 employer, the probationer may operate that motor vehicle without installation of an ignition
120 interlock system only if:

121 (i) the motor vehicle is used in the course and scope of employment;
122 (ii) the employer has been notified that the employee is restricted; and
123 (iii) the employee has employer verification in the employee's possession while
124 operating the employer's motor vehicle.

125 (b) (i) To the extent that an employer-owned motor vehicle is made available to a
126 probationer subject to this section for personal use, [~~no exemption under this section shall~~
127 ~~apply~~] the exemption described in Subsection (7)(a) does not apply.

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

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

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

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

- 139 (i) not impede the safe operation of the motor vehicle;
- 140 (ii) have features that make circumventing difficult and that do not interfere with the
141 normal use of the motor vehicle;
- 142 (iii) require a deep lung breath sample as a measure of breath alcohol concentration;
- 143 (iv) prevent the motor vehicle from being started if the driver's breath alcohol
144 concentration exceeds a specified level;

- 145 (v) work accurately and reliably in an unsupervised environment;
- 146 (vi) resist tampering and give evidence if tampering is attempted;
- 147 (vii) operate reliably over the range of motor vehicle environments; and
- 148 (viii) be manufactured by a party who will provide liability insurance.

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

152 (d) ~~[A]~~ The commissioner shall publish a list of certified systems ~~[shall be published~~
153 ~~by the commissioner]~~ and charge the cost of certification ~~[shall be borne by]~~ to the
154 manufacturers or dealers of ignition interlock systems seeking to sell, offer for sale, or lease the
155 systems.

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

159 (ii) The commissioner shall ensure that the assessment under Subsection (8)(e)(i) ~~[shall~~
160 ~~be]~~ is apportioned among the manufacturers on a fair and reasonable basis.

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

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

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

168 Section 2. Section 41-6a-518.2 is amended to read:

169 **41-6a-518.2. Interlock restricted driver -- Penalties for operation without ignition**
170 **interlock system.**

171 (1) As used in this section:

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

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

175 (ii) is certified by the Commissioner of Public Safety in accordance with Subsection
176 41-6a-518(8).

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

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

180 (B) within the last 18 months has been convicted of a driving under the influence
181 violation under Section 41-6a-502 that was committed on or after July 1, 2009;

182 (C) (I) within the last three years has been convicted of an offense that occurred after

183 May 1, 2006 which would be a conviction as defined under Section 41-6a-501; and
184 (II) the offense described under Subsection (1)(b)(i)(C)(I) is committed within 10 years
185 from the date that one or more prior offenses was committed if the prior offense resulted in a
186 conviction as defined in [~~Subsection~~] Section 41-6a-501~~[(2)]~~;

187 (D) within the last three years has been convicted of a violation of this section;
188 (E) within the last three years has had the person's driving privilege revoked for refusal
189 to submit to a chemical test under Section 41-6a-520, which refusal occurred after May 1,
190 2006;

191 (F) within the last three years has been convicted of a violation of Section 41-6a-502
192 and was under the age of 21 at the time the offense was committed;

193 (G) within the last six years has been convicted of a felony violation of Section
194 41-6a-502 for an offense that occurred after May 1, 2006; or

195 (H) within the last 10 years has been convicted of automobile homicide under Section
196 76-5-207 for an offense that occurred after May 1, 2006[-]; or

197 (I) has elected to become an interlock restricted driver in accordance with Subsection
198 53-3-223(7)(d) in lieu of a driver license suspension.

199 (ii) "Interlock restricted driver" does not include a person:

200 (A) whose conviction described in Subsection (1)(b)(i)(C)(I) is a conviction under
201 Section 41-6a-502 that does not involve alcohol or a conviction under Section 41-6a-517 and
202 whose prior convictions described in Subsection (1)(b)(i)(C)(II) are all convictions under
203 Section 41-6a-502 that did not involve alcohol or convictions under Section 41-6a-517;

204 (B) whose conviction described in Subsection (1)(b)(i)(B) or (F) does not involve
205 alcohol and the convicting court notifies the Driver License Division at the time of sentencing
206 that the conviction does not involve alcohol; or

207 (C) whose conviction described in Subsection (1)(b)(i)(B), (C), or (F) does not involve
208 alcohol and the ignition interlock restriction is removed as described in Subsection (7).

209 (2) The division shall post the ignition interlock restriction on a person's electronic
210 record that is available to law enforcement.

211 (3) For purposes of this section, a plea of guilty or no contest to a violation of Section
212 41-6a-502 which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,
213 prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently

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

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

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

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

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

223 (c) the interlock restricted driver had on the interlock restricted driver's person, or in
224 the vehicle, at the time of operation or physical control employer verification, as defined in
225 [~~Subsection~~] Section 41-6a-518~~(+)~~; and

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

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

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

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

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

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

237 Section 3. Section **41-6a-520** is amended to read:

238 **41-6a-520. Implied consent to chemical tests for alcohol or drug -- Number of**
239 **tests -- Refusal -- Warning, report.**

240 (1) (a) A person operating a motor vehicle in this state is considered to have given the
241 person's consent to a chemical test or tests of the person's breath, blood, urine, or oral fluids for
242 the purpose of determining whether the person was operating or in actual physical control of a
243 motor vehicle while:

244 (i) having a blood or breath alcohol content statutorily prohibited under Section

245 41-6a-502, 41-6a-530, or 53-3-231;

246 (ii) under the influence of alcohol, any drug, or combination of alcohol and any drug
247 under Section 41-6a-502; or

248 (iii) having any measurable controlled substance or metabolite of a controlled
249 substance in the person's body in violation of Section 41-6a-517.

250 (b) A test or tests authorized under this Subsection (1) must be administered at the
251 direction of a peace officer having grounds to believe that person to have been operating or in
252 actual physical control of a motor vehicle while in violation of any provision under
253 [~~Subsections (1)(a)(i) through (iii)~~] Subsection (1)(a).

254 (c) (i) The peace officer determines which of the tests are administered and how many
255 of them are administered.

256 (ii) If a peace officer requests more than one test, refusal by a person to take one or
257 more requested tests, even though the person does submit to any other requested test or tests, is
258 a refusal under this section.

259 (d) (i) A person who has been requested under this section to submit to a chemical test
260 or tests of the person's breath, blood, or urine, or oral fluids may not select the test or tests to be
261 administered.

262 (ii) The failure or inability of a peace officer to arrange for any specific chemical test is
263 not a defense to taking a test requested by a peace officer, and it is not a defense in any
264 criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the
265 requested test or tests.

266 (2) (a) A peace officer requesting a test or tests shall warn a person that refusal to
267 submit to the test or tests may result in revocation of the person's license to operate a motor
268 vehicle, a five or 10 year prohibition of driving with any measurable or detectable amount of
269 alcohol in the person's body depending on the person's prior driving history, and a three-year
270 prohibition of driving without an ignition interlock device if the person:

271 (i) has been placed under arrest;

272 (ii) has then been requested by a peace officer to submit to any one or more of the
273 chemical tests under Subsection (1); and

274 (iii) refuses to submit to any chemical test requested.

275 (b) (i) Following the warning under Subsection (2)(a), if the person does not

276 immediately request that the chemical test or tests as offered by a peace officer be
277 administered, a peace officer shall, on behalf of the Driver License Division and within 24
278 hours of the arrest, give notice of the Driver License Division's intention to revoke the person's
279 privilege or license to operate a motor vehicle.

280 (ii) When a peace officer gives the notice on behalf of the Driver License Division, the
281 peace officer shall supply to the operator, in a manner specified by the Driver License Division,
282 basic information regarding how to obtain a hearing before the Driver License Division.

283 (c) As a matter of procedure, the peace officer shall submit a signed report, within 10
284 calendar days after the day on which notice is provided under Subsection (2)(b), that:

285 (i) the peace officer had grounds to believe the arrested person was in violation of any
286 provision under [~~Subsections (1)(a)(i) through (iii)~~] Subsection (1)(a); and

287 (ii) the person had refused to submit to a chemical test or tests under Subsection (1).

288 (3) Upon the request of the person who was tested, the results of the test or tests shall
289 be made available to the person.

290 (4) (a) The person to be tested may, at the person's own expense, have a physician or a
291 physician assistant of the person's own choice administer a chemical test in addition to the test
292 or tests administered at the direction of a peace officer.

293 (b) The failure or inability to obtain the additional test does not affect admissibility of
294 the results of the test or tests taken at the direction of a peace officer, or preclude or delay the
295 test or tests to be taken at the direction of a peace officer.

296 (c) The additional test shall be subsequent to the test or tests administered at the
297 direction of a peace officer.

298 (5) For the purpose of determining whether to submit to a chemical test or tests, the
299 person to be tested does not have the right to consult an attorney or have an attorney, physician,
300 or other person present as a condition for the taking of any test.

301 (6) Notwithstanding the provisions in this section, a blood test taken under this section
302 is subject to Section [77-23-213](#).

303 Section 4. Section **53-3-223** is amended to read:

304 **53-3-223. Chemical test for driving under the influence -- Temporary license --**
305 **Hearing and decision -- Suspension and fee -- Judicial review.**

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

307 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a
308 certain blood or breath alcohol concentration and driving under the influence of any drug,
309 alcohol, or combination of a drug and alcohol or while having any measurable controlled
310 substance or metabolite of a controlled substance in the person's body in violation of Section
311 41-6a-517, the peace officer may, in connection with arresting the person, request that the
312 person submit to a chemical test or tests to be administered in compliance with the standards
313 under Section 41-6a-520.

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

316 (2) [~~The peace officer shall advise a person prior to the~~] Before a person's submission
317 to a chemical test, the peace officer shall advise the person that a test result indicating a
318 violation of Section 41-6a-502 or 41-6a-517 shall, and the existence of a blood alcohol content
319 sufficient to render the person incapable of safely driving a motor vehicle may, result in
320 suspension or revocation of the person's license to drive a motor vehicle.

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

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

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

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

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

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

337 (6) (a) Upon request in a manner specified by the division, the division shall grant to

338 the person an opportunity to be heard within 29 days after the date of arrest. The request to be
339 heard shall be made within 10 calendar days of the day on which notice is provided under
340 Subsection (5).

341 (i) A person may file a request to be heard with the division within 10 calendar days
342 after the day on which the notice is provided under Subsection (4) in the manner specified by
343 the division.

344 (ii) If a person makes a request described in Subsection (6)(a)(i), the division shall
345 grant the person an opportunity to be heard within 29 days after the date of the arrest.

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

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

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

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

352 (c) The ~~[hearing shall be documented and shall cover the issues of:]~~ division shall:

353 (i) document the hearing; and

354 (ii) determine:

355 ~~[(i)]~~ (A) whether a peace officer had reasonable grounds to believe the person was
356 driving a motor vehicle in violation of Section 41-6a-502 or 41-6a-517;

357 ~~[(ii)]~~ (B) whether the person refused to submit to the test; and

358 ~~[(iii) the test results, if any.]~~

359 (C) the result of any chemical test.

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

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

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

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

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

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

369 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
370 grounds to believe that the person was driving a motor vehicle in violation of Section
371 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the
372 notice, or if a hearing is not requested under this section, the division shall:

373 (i) if the person is 21 years of age or older at the time of arrest and the arrest was made
374 on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a
375 period of:

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

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

379 (ii) if the person is under 21 years of age at the time of arrest and the arrest was made
380 on or after May 14, 2013:

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

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

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

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

388 (I) for a period of six months for a first suspension, if the person has not been issued an
389 operator license; or

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

393 (b) The division shall deny or suspend a person's license for the denial and suspension
394 periods in effect:

395 (i) prior to July 1, 2009, for an offense that was committed prior to July 1, 2009;

396 (ii) from July 1, 2009, through June 30, 2011, if:

397 (A) the person was 20 years 6 months of age or older but under 21 years of age at the
398 time of arrest; and

399 (B) the conviction under Subsection (2) is for an offense that was committed on or

400 after July 1, 2009, and prior to July 1, 2011; or

401 (iii) prior to May 14, 2013, for an offense that was committed prior to May 14, 2013.

402 (c) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall

403 reinstate a person's license [~~prior to~~] before completion of the 120 day suspension period

404 imposed under Subsection (7)(a)(i)(A):

405 (A) immediately upon receiving written verification of the person's dismissal of a

406 charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received

407 [~~prior to~~] before completion of the suspension period; or

408 (B) no sooner than 60 days beginning on the 45th day after the date of arrest upon

409 receiving written verification of the person's reduction of a charge for a violation of Section

410 41-6a-502 or 41-6a-517, if the written verification is received [~~prior to~~] before completion of

411 the suspension period.

412 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) or (7)(b), the division

413 shall reinstate a person's license prior to completion of the 120-day suspension period imposed

414 under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the person's

415 conviction of impaired driving under Section 41-6a-502.5 if:

416 (A) the written verification is received [~~prior to~~] before completion of the suspension
417 period; and

418 (B) the reporting court notifies the Driver License Division that the defendant is

419 participating in or has successfully completed the program of a driving under the influence

420 court as defined in Section 41-6a-501.

421 (iii) If a person's license is reinstated under this Subsection (7)(c), the person is

422 required to pay the license reinstatement fees under Subsections 53-3-105[~~(24)~~] (26) and [~~(25)~~]

423 (27).

424 (iv) The driver license reinstatements authorized under this Subsection (7)(c) only

425 apply to a 120 day suspension period imposed under Subsection (7)(a)(i)(A).

426 (d) (i) Notwithstanding the provisions of Subsections (7)(a) through (c), if the division

427 suspends a person's license for an alcohol related offense in accordance with this section, and if

428 the offense is the person's first offense, the person may elect to become an interlock restricted

429 driver and install an ignition interlock device in any vehicle driven by the person in lieu of

430 receiving the license suspension.

431 (ii) If the person elects to become an interlock restricted driver in lieu of suspension,
432 the person shall:

433 (A) install an ignition interlock device in any vehicle driven by the person and keep the
434 ignition interlock device installed in any vehicle driven by the person for the same time period
435 as the prescribed license suspension;

436 (B) provide proof of installation to the division through a probation provider;

437 (C) pay the costs of leasing or buying and installing and maintaining the ignition
438 interlock device; and

439 (D) pay the license reinstatement application fees described in Subsections
440 53-3-105(26) and (27).

441 (iii) The division shall reinstate the person's driver license and the person shall become
442 an interlock restricted driver if the driver provides to the division:

443 (A) proof of installation of an ignition interlock device from a probation provider; and

444 (B) payment of the license reinstatement application fees described in Subsections
445 53-3-105(26) and (27).

446 (iv) The probation provider shall immediately notify the division of any tampering or
447 removal of an installed ignition interlock device associated with the interlock restricted driver.

448 (v) If the division receives notice that an ignition interlock device described in this
449 section has been tampered with or removed, the division shall reinstate the license suspension
450 and restart the time period of the suspension.

451 (8) (a) Notwithstanding the provisions in Subsection (7)(b)(iii), the division shall
452 shorten a person's two-year license suspension period that is currently in effect to a six-month
453 suspension period if:

454 (i) the driver was under the age of 19 at the time of arrest;

455 (ii) the offense was a first offense that was committed prior to May 14, 2013; and

456 (iii) the suspension under Subsection (7)(b)(iii) was based on the same occurrence
457 upon which the following written verifications are based:

458 (A) a court order shortening the driver license suspension for a violation of Section
459 41-6a-502 pursuant to Subsection 41-6a-509(8);

460 (B) a court order shortening the driver license suspension for a violation of Section
461 41-6a-517 pursuant to Subsection 41-6a-517(11);

462 (C) a court order shortening the driver license suspension for a violation of Section
463 32B-4-409;

464 (D) a dismissal for a violation of Section 32B-4-409 Section 41-6a-502, or Section
465 41-6a-517[, ~~or Section 32B-4-409~~];

466 (E) a notice of declination to prosecute for a charge under Section 41-6a-502, Section
467 41-6a-517, or Section 32B-4-409;

468 (F) a reduction of a charge under Section 41-6a-502, Section 41-6a-517, or Section
469 32B-4-409; or

470 (G) other written documentation acceptable to the division.

471 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
472 division may make rules establishing requirements for acceptable written documentation to
473 shorten a person's driver license suspension period under Subsection (8)(a)(iii)(G).

474 (c) If a person's license sanction is shortened under this Subsection (8), the person is
475 required to pay the license reinstatement fees under Subsections 53-3-105~~[(24) and (25)]~~ (26)
476 and (27).

477 (9) (a) [~~The division shall assess against a person, in~~] In addition to any fee imposed
478 under Subsection 53-3-205(12) for driving under the influence, the division shall:

479 (i) assess from a probationer a fee under Section 53-3-105 to cover administrative
480 costs, which shall be paid before the person's driving privilege is reinstated~~[-];~~ and

481 (ii) [~~This fee shall be cancelled~~] cancel the fee if the person obtains an unappealed
482 division hearing or court decision that the suspension was not proper.

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

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

491 (b) If a person's license is reinstated under Subsection (10)(a), the person is required to
492 pay the license reinstatement fees under Subsections 53-3-105~~[(24)]~~ (26) and ~~[(25)]~~ (27).