

DRIVER LICENSE SUSPENSION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Uniform Driver License Act.

Highlighted Provisions:

This bill:

▶ prohibits the Driver License Division from suspending a driver license under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-218, as last amended by Laws of Utah 2018, Chapter 121

53-3-221, as last amended by Laws of Utah 2015, Chapter 52

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

Section 1. Section **53-3-218** is amended to read:

53-3-218. Court to report convictions and may recommend suspension of license

-- **Severity of speeding violation defined.**

(1) As used in this section, "conviction" means conviction by the court of first



28 impression or final administrative determination in an administrative traffic proceeding.

29 (2) (a) ~~[Except as provided in Subsection (2)(c), a]~~ A court having jurisdiction over
30 offenses committed under this chapter or any other law of this state, or under any municipal
31 ordinance regulating driving motor vehicles on highways or driving motorboats on the water,
32 shall forward to the division within five days, an abstract of the court record of the conviction
33 or plea held in abeyance of any person in the court for a reportable traffic or motorboating
34 violation of any laws or ordinances, and may recommend the suspension of the license of the
35 person convicted.

36 (b) When the division receives a court record of a conviction or plea in abeyance for a
37 motorboat violation, the division may only take action against a person's driver license if the
38 motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the
39 Influence and Reckless Driving.

40 ~~[(c) A court may not forward to the division an abstract of a court record of a~~
41 ~~conviction for a violation described in Subsection 53-3-220(1)(c)(i) or (ii), unless the court~~
42 ~~found that the person convicted of the violation was an operator of a motor vehicle at the time~~
43 ~~of the violation.]~~

44 (3) The abstract shall be made in the form prescribed by the division and shall include:

45 (a) the name, date of birth, and address of the party charged;

46 (b) the license certificate number of the party charged, if any;

47 (c) the registration number of the motor vehicle or motorboat involved;

48 (d) whether the motor vehicle was a commercial motor vehicle;

49 (e) whether the motor vehicle carried hazardous materials;

50 (f) whether the motor vehicle carried 16 or more occupants;

51 (g) whether the driver presented a commercial driver license;

52 (h) the nature of the offense;

53 (i) whether the offense involved an accident;

54 (j) the driver's blood alcohol content, if applicable;

55 (k) if the offense involved a speeding violation:

56 (i) the posted speed limit;

57 (ii) the actual speed; and

58 (iii) whether the speeding violation occurred on a highway that is part of the interstate

59 system as defined in Section 72-1-102;

60 (l) the date of the hearing;

61 (m) the plea;

62 (n) the judgment or whether bail was forfeited; and

63 (o) the severity of the violation, which shall be graded by the court as "minimum,"
64 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

65 (4) When a convicted person secures a judgment of acquittal or reversal in any
66 appellate court after conviction in the court of first impression, the division shall reinstate the
67 convicted person's license immediately upon receipt of a certified copy of the judgment of
68 acquittal or reversal.

69 (5) Upon a conviction for a violation of the prohibition on using a handheld wireless
70 communication device for text messaging or electronic mail communication while operating a
71 moving motor vehicle under Section 41-6a-1716, a judge may order a suspension of the
72 convicted person's license for a period of three months.

73 (6) Upon a conviction for a violation of careless driving under Section 41-6a-1715 that
74 causes or results in the death of another person, a judge may order a revocation of the convicted
75 person's license for a period of one year.

76 Section 2. Section 53-3-221 is amended to read:

77 **53-3-221. Offenses that may result in denial, suspension, disqualification, or**
78 **revocation of license -- Additional grounds for suspension -- Point system for traffic**
79 **violations -- Notice and hearing -- Reporting of traffic violation procedures.**

80 (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
81 Act, the division may deny, suspend, disqualify, or revoke the license or permit of any person
82 without receiving a record of the person's conviction of crime when the division has been
83 notified or has reason to believe the person:

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

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

88 (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or
89 physical disability rendering it unsafe for the person to drive a motor vehicle or mobility

90 vehicle upon the highways;

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

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

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

96 (2) (a) [~~The~~] Except as provided in Subsection (4), the division may suspend the
97 license of a person under Subsection (1) when the person has failed to comply with the terms
98 stated on a traffic citation issued in this state, except this Subsection (2) does not apply to
99 highway weight limit violations or violations of law governing the transportation of hazardous
100 materials.

101 (b) This Subsection (2) applies to parking and standing violations only if a court has
102 issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy
103 the terms of the citation.

104 (c) (i) This Subsection (2) may not be exercised unless notice of the pending
105 suspension of the driving privilege has been sent at least 10 days previously to the person at the
106 address provided to the division.

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

110 (3) (a) [~~The~~] Except as provided in Subsection (4), the division may suspend the
111 license of a person under Subsection (1) when the division has been notified by a court that the
112 person has an outstanding unpaid fine, an outstanding incomplete restitution requirement, or an
113 outstanding warrant levied by order of a court .

114 (b) The suspension remains in effect until the division is notified by the court that the
115 order has been satisfied.

116 (c) After clearance by the division, a report authorized by Section 53-3-104 may not
117 contain any evidence of the suspension.

118 (d) The provisions of Subsection (3)(c) do not apply to:

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

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

121 (4) The division may not revoke, deny, suspend, or disqualify an individual's license
122 for:

123 (a) failure to pay an outstanding unpaid fine, if the unpaid amount is less than \$1,000;

124 (b) the first instance the individual fails to appear in court for a case involving a

125 misdemeanor or infraction; or

126 (c) a bench warrant issued as a result of an event described in Subsection (4)(a) or (b).

127 [~~4~~] (5) (a) The division shall make rules establishing a point system as provided for in
128 this Subsection [~~4~~] (5).

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

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

133 (iii) Except as provided in Subsection [~~4~~] (5)(b)(iv), the division may not assess
134 points against a person's driving record for a conviction of a traffic violation:

135 (A) that occurred in another state; and

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

137 (iv) The provisions of Subsection [~~4~~] (5)(b)(iii) do not apply to:

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

140 (B) an offense committed in another state which, if committed within Utah, would
141 result in the mandatory suspension or revocation of a license upon conviction under Section
142 [53-3-220](#).

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

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

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

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

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

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

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

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

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

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

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

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

169 ~~(5)~~ (6) (a) (i) If the division finds that the license of a person should be denied,
170 suspended, disqualified, or revoked under this section, the division shall immediately notify the
171 licensee in a manner specified by the division and afford the person an opportunity for a
172 hearing in the county where the licensee resides.

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

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

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

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

- 183 (i) whose license has been denied or suspended following reexamination;
184 (ii) who is incompetent to drive a motor vehicle;
185 (iii) who is afflicted with mental or physical infirmities that might make him dangerous
186 on the highways; or
187 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.
- 188 ~~[(6)]~~ (7) (a) Subject to Subsection ~~[(6)]~~ (7)(d), the division shall suspend a person's
189 license when the division receives notice from the Office of Recovery Services that the Office
190 of Recovery Services has ordered the suspension of the person's license.
- 191 (b) A suspension under Subsection ~~[(6)]~~ (7)(a) shall remain in effect until the division
192 receives notice from the Office of Recovery Services that the Office of Recovery Services has
193 rescinded the order of suspension.
- 194 (c) After an order of suspension is rescinded under Subsection ~~[(6)]~~ (7)(b), a report
195 authorized by Section 53-3-104 may not contain any evidence of the suspension.
- 196 (d) (i) If the division suspends a person's license under this Subsection ~~[(6)]~~ (7), the
197 division shall, upon application, issue a temporary limited driver license to the person if that
198 person needs a driver license for employment, education, or child visitation.
- 199 (ii) The temporary limited driver license described in this section:
200 (A) shall provide that the person may operate a motor vehicle only for the purpose of
201 driving to or from the person's place of employment, education, or child visitation;
202 (B) shall prohibit the person from driving a motor vehicle for any purpose other than a
203 purpose described in Subsection ~~[(6)]~~ (7)(d)(ii)(A); and
204 (C) shall expire 90 days after the day on which the temporary limited driver license is
205 issued.
- 206 (iii) (A) During the period beginning on the day on which a temporary limited driver
207 license is issued under this Subsection ~~[(6)]~~ (7), and ending on the day that the temporary
208 limited driver license expires, the suspension described in this Subsection ~~[(6)]~~ (7) only applies
209 if the person who is suspended operates a motor vehicle for a purpose other than employment,
210 education, or child visitation.
- 211 (B) Upon expiration of a temporary limited driver license described in this Subsection
212 ~~[(6)]~~ (7)(d):
213 (I) a suspension described in Subsection ~~[(6)]~~ (7)(a) shall be in full effect until the

214 division receives notice, under Subsection [~~(6)~~] (7)(b), that the order of suspension is
215 rescinded; and

216 (II) a person suspended under Subsection [~~(6)~~] (7)(a) may not drive a motor vehicle for
217 any reason.

218 (iv) The division is not required to issue a limited driver license to a person under this
219 Subsection [~~(6)~~] (7)(d) if there are other legal grounds for the suspension of the person's driver
220 license.

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

223 [~~(7)~~] (8) (a) The division may suspend or revoke the license of any resident of this state
224 upon receiving notice of the conviction of that person in another state of an offense committed
225 there that, if committed in this state, would be grounds for the suspension or revocation of a
226 license.

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

231 [~~(8)~~] (9) (a) The division may suspend or revoke the license of any nonresident to drive
232 a motor vehicle in this state for any cause for which the license of a resident driver may be
233 suspended or revoked.

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

236 [~~(9)~~] (10) (a) The division may not deny or suspend the license of any person for a
237 period of more than one year except:

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

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

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

243 (iv) for failure to give and maintain owner's or operator's security under Section
244 41-12a-411;

245 (v) when the division suspends the license under Subsection [~~(6)~~] (7); or

246 (vi) when the division denies the license under Subsection [~~(14)~~] (15).

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

249 [~~(10)~~] (11) (a) By following the procedures in Title 63G, Chapter 4, Administrative
250 Procedures Act, the division may suspend the license of any person without receiving a record
251 of the person's conviction for a crime when the division has reason to believe that the person's
252 license was granted by the division through error or fraud or that the necessary consent for the
253 license has been withdrawn or is terminated.

254 (b) The procedure upon suspension is the same as under Subsection [~~(5)~~] (6), except
255 that after the hearing the division shall either rescind its order of suspension or cancel the
256 license.

257 [~~(11)~~] (12) (a) The division, having good cause to believe that a licensed driver is
258 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified
259 by the division of at least five days to the licensee require him to submit to an examination.

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

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

265 [~~(12)~~] (13) (a) Except as provided in Subsection [~~(12)~~] (13)(b), a report authorized by
266 Section 53-3-104 may not contain any evidence of a conviction for speeding on an interstate
267 system in this state if the conviction was for a speed of 10 miles per hour or less, above the
268 posted speed limit and did not result in an accident, unless authorized in a manner specified by
269 the division by the individual whose report is being requested.

270 (b) The provisions of Subsection [~~(12)~~] (13)(a) do not apply for:

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

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

273 [~~(13)~~] (14) (a) By following the procedures in Title 63G, Chapter 4, Administrative
274 Procedures Act, the division may suspend the license of a person if it has reason to believe that
275 the person is the owner of a motor vehicle for which security is required under Title 41,

276 Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has
277 driven the motor vehicle or permitted it to be driven within this state without the security being
278 in effect.

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

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

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

284 (c) Section [41-12a-411](#) regarding the requirement of proof of owner's or operator's
285 security applies to persons whose driving privileges are suspended under this Subsection [~~(13)~~]
286 (14).

287 [~~(14)~~] (15) The division may deny an individual's license if the person fails to comply
288 with the requirement to downgrade the person's CDL to a class D license under Section
289 [53-3-410.1](#).

290 [~~(15)~~] (16) The division may deny a person's class A, B, C, or D license if the person
291 fails to comply with the requirement to have a K restriction removed from the person's license.

292 [~~(16)~~] (17) Any suspension or revocation of a person's license under this section also
293 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License
294 Act.