

SUSPENDED DRIVER LICENSE APPEALS AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Quinn Kotter

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to an administrative hearing to determine whether to suspend a driver license of an individual accused of driving under the influence.

Highlighted Provisions:

This bill:

- ▶ amends provisions regarding the timing of notice and a hearing with the Driver License Division for a person accused of driving under the influence;
- ▶ requires certain evidence be provided before the administrative hearing to a person accused of driving under the influence;
- ▶ classifies as a protected record certain video evidence provided to a person accused of driving under the influence; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-520, as last amended by Laws of Utah 2022, Chapters 116, 134

41-6a-521, as last amended by Laws of Utah 2019, Chapter 77



28 [53-3-223](#), as last amended by Laws of Utah 2022, Chapter 116

29

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

31 Section 1. Section **41-6a-520** is amended to read:

32 **41-6a-520. Implied consent to chemical tests for alcohol or drug -- Number of**
33 **tests -- Refusal -- Warning, report.**

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

38 (i) having a blood or breath alcohol content statutorily prohibited under Section
39 [41-6a-502](#), [41-6a-530](#), or [53-3-231](#);

40 (ii) under the influence of alcohol, any drug, or combination of alcohol and any drug
41 under Section [41-6a-502](#); or

42 (iii) having any measurable controlled substance or metabolite of a controlled
43 substance in the person's body in violation of Section [41-6a-517](#).

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

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

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

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

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

59 requested test or tests.

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

66 (i) has been placed under arrest;

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

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

70 (b) (i) Following the warning under Subsection (2)(a), if the person does not
71 immediately request that the chemical test or tests as offered by a peace officer be
72 administered, a peace officer shall, on behalf of the Driver License Division and within 24
73 hours of the arrest, give notice of the Driver License Division's intention to revoke the person's
74 privilege or license to operate a motor vehicle.

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

78 (c) ~~[As a matter of procedure, the]~~ The peace officer shall submit ~~[a signed report,]~~ to
79 the Driver License Division within 10 calendar days after ~~[the day on which notice is provided~~
80 ~~under Subsection (2)(b), that]~~ the date of the arrest:

81 (i) a copy of the citation issued to the person for the offense;

82 ~~[(i)]~~ (ii) a signed report stating that:

83 (A) the peace officer had grounds to believe the arrested person was in violation of any
84 provision under Subsections (1)(a)(i) through (iii); and

85 ~~[(i)]~~ (B) the person had refused to submit to a chemical test or tests under Subsection
86 (1)[-];

87 (iii) all video and audio recordings of the investigation, arrest, and chemical testing for
88 the offense; and

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

90 Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207.

91 (d) The county sheriff shall send to the division any video or audio of a chemical test
92 conducted in a jail facility within 10 days after the date of the chemical test.

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

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

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

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

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

106 (6) Notwithstanding the provisions in this section, a blood test taken under this section
107 is subject to Section 77-23-213.

108 (7) A person is guilty of refusing a chemical test if a peace officer has issued the
109 warning required in Subsection (2)(a) and the person refuses to submit to a test of the person's
110 blood under Subsection (1) after a court has issued a warrant to draw and test the blood.

111 (8) A person who violates Subsection (7) commits an offense classified as a
112 misdemeanor or felony in accordance with Subsections 41-6a-503(1), (2), and (3).

113 (9) As part of any sentence for a conviction of violating this section, the court shall
114 impose the same sentencing as outlined for driving under the influence violations in Section
115 41-6a-505, based on whether this is a first, second, or subsequent conviction as defined by
116 Subsection 41-6a-501(2), with the following modifications:

117 (a) any jail sentence shall be 24 consecutive hours more than would be required under
118 Section 41-6a-505;

119 (b) any fine imposed shall be \$100 more than would be required under Section
120 41-6a-505; and

121 (c) the court shall order one or more of the following:

122 (i) the installation of an ignition interlock system as a condition of probation for the
123 individual in accordance with Section 41-6a-518;

124 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
125 device as a condition of probation for the individual; or

126 (iii) the imposition of home confinement through the use of electronic monitoring in
127 accordance with Section 41-6a-506.

128 (10) (a) The offense of refusal to submit to a chemical test under this section does not
129 merge with any violation of Section 32B-4-409, 41-6a-502, 41-6a-517, or 41-6a-530.

130 (b) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
131 of refusal to submit to a chemical test under this section may not be held in abeyance.

132 Section 2. Section 41-6a-521 is amended to read:

133 **41-6a-521. Revocation hearing for refusal -- Appeal.**

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

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

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

141 (ii) The Driver License Division shall comply with Subsection 53-3-223(6) to provide
142 evidence and other information to the person before the hearing described in Subsection
143 (1)(c)(i).

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

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

148 (A) 18 months, unless Subsection (1)(d)(i)(B) applies; or

149 (B) 36 months, if the arrest was made on or after July 1, 2009, and the person has had a
150 previous:

151 (I) license sanction for an offense that occurred within the previous 10 years from the

152 date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; or

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

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

157 (A) until the person is 21 years [~~of age~~] old or for a period of two years, whichever is
158 longer, if the arrest was made on or after July 1, 2011, unless Subsection (1)(d)(ii)(B) applies;
159 or

160 (B) until the person is 21 years [~~of age~~] old or for a period of 36 months, whichever is
161 longer, if the arrest was made on or after July 1, 2009, and the person has had a previous:

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

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

167 (iii) for a person that was arrested prior to July 1, 2009, for the suspension periods in
168 effect prior to July 1, 2009.

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

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

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

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

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

176 (a) whether a peace officer had reasonable grounds to believe that a person was
177 operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 41-6a-530, or
178 53-3-231; and

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

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

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

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

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

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

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

192 (A) 18 months unless Subsection (5)(a)(i)(B) applies; or

193 (B) 36 months, if the arrest was made on or after July 1, 2009, and the person has had a
194 previous:

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

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

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

201 (A) until the person is 21 years [~~of age~~] old or for a period of two years, whichever is
202 longer, for an arrest that was made on or after July 1, 2011, and unless Subsection (5)(a)(ii)(B)
203 applies; or

204 (B) until the person is 21 years [~~of age~~] old or for a period of 36 months, whichever is
205 longer, if the arrest was made on or after July 1, 2009, and the person has had a previous:

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

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

211 (iii) for a person that was arrested prior to July 1, 2009, for the revocation periods in
212 effect prior to July 1, 2009.

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

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

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

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

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

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

222 Section 3. Section 53-3-223 is amended to read:

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

225 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
226 violating or has violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, the peace
227 officer may, in connection with arresting the person, request that the person submit to a
228 chemical test or tests to be administered in compliance with the standards under Section
229 41-6a-520.

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

232 (2) The peace officer shall advise a person prior to the person's submission to a
233 chemical test that a test result indicating a violation of Section 41-6a-502, 41-6a-517,
234 76-5-102.1, or 76-5-207 shall, and the existence of a blood alcohol content sufficient to render
235 the person incapable of safely driving a motor vehicle may, result in suspension or revocation
236 of the person's license to drive a motor vehicle.

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

243 (4) When a peace officer gives notice on behalf of the division as described in
244 Subsection (3), the peace officer shall supply to the driver, in a manner specified by the

245 division, basic information regarding how to obtain a prompt hearing before the division.

246 (5) ~~(a) [As a matter of procedure, a]~~ A peace officer shall send to the division within 10
247 calendar days after the day on which notice is provided to the driver:

248 ~~[(a)]~~ (i) a copy of the citation issued ~~[for the offense]~~ to the driver;

249 ~~[(b)]~~ (ii) a signed report in a manner specified by the division indicating the chemical
250 test results, if any; ~~[and]~~

251 (iii) all video and audio recordings of the investigation, arrest, and chemical testing for
252 the offense; and

253 ~~[(c)]~~ (iv) any other basis for the peace officer's determination that the person has
254 violated Section [41-6a-502](#), [41-6a-517](#), [76-5-102.1](#), or [76-5-207](#).

255 (b) The county sheriff shall send to the division any video or audio of a chemical test
256 described in Subsection (1)(a) conducted in a jail facility within 10 days after the date of the
257 chemical test.

258 (6) (a) (i) Upon request in a manner specified by the division, the division shall grant to
259 the person an opportunity to be heard within 29 days after the date of arrest.

260 (ii) The request to be heard shall be made within 10 calendar days ~~[of the day on which~~
261 notice is provided under Subsection (5)] after the date of the arrest.

262 (iii) Upon receiving the request for a hearing, and at least 10 days before the hearing,
263 the division shall provide the driver or the driver's counsel the entire agency file and all
264 information gathered during the investigation in accordance with Subsection [63G-4-203\(1\)\(f\)](#)
265 to include:

266 (A) the summons and citation for driving under the influence;

267 (B) the driving under the influence report form;

268 (C) any other police reports and supplemental reports documenting the investigation
269 and arrest; and

270 (D) all video and audio recordings made during the investigation, arrest, and chemical
271 testing.

272 (b) (i) Any video evidence provided as described in Subsection (6)(a)(iii)(D) is
273 protected record, as defined in Section [63G-2-103](#).

274 (ii) A person who receives video or audio evidence as described in Subsection
275 (6)(a)(iii)(D) may not disclose the video or audio evidence in violation of Title 63G, Chapter 2,

276 Government Records Access and Management Act.

277 (iii) A person who intentionally discloses, provides a copy of, or improperly uses video
278 or audio evidence described in Subsection (6)(a)(iii)(D) is subject to the penalties described in
279 Section 63G-2-801.

280 ~~[(b)]~~ (c) (i) Except as provided in Subsection ~~[(6)(b)(ii);]~~ (6)(c)(ii), a hearing, if held,
281 shall be before the division in:

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

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

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

286 ~~[(e)]~~ (d) The hearing shall be documented and shall cover the issues of:

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

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

290 (iii) the test results, if any.

291 ~~[(d)]~~ (e) (i) In connection with a hearing the division or its authorized agent:

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

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

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

297 ~~[(e)]~~ (f) The division may designate one or more employees to conduct the hearing.

298 ~~[(f)]~~ (g) Any decision made after a hearing before any designated employee is as valid
299 as if made by the division.

300 (h) The division may not conduct a hearing if the division did not provide the person
301 the information described in this Subsection (6) at least 10 days before the date of the hearing.

302 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
303 grounds to believe that the person was driving a motor vehicle in violation of Section
304 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the person failed to appear before the
305 division as required in the notice, or if a hearing is not requested under this section, the division
306 shall:

- 307 (i) if the person is 21 years old or older at the time of arrest, suspend the person's
308 license or permit to operate a motor vehicle for a period of:
- 309 (A) 120 days beginning on the 45th day after the date of arrest for a first suspension; or
310 (B) two years beginning on the 45th day after the date of arrest for a second or
311 subsequent suspension for an offense that occurred within the previous 10 years; or
- 312 (ii) if the person is under 21 years old at the time of arrest:
- 313 (A) suspend the person's license or permit to operate a motor vehicle:
- 314 (I) for a period of six months, beginning on the 45th day after the date of arrest for a
315 first suspension; or
- 316 (II) until the person is 21 years old or for a period of two years, whichever is longer,
317 beginning on the 45th day after the date of arrest for a second or subsequent suspension for an
318 offense that occurred within the previous 10 years; or
- 319 (B) deny the person's application for a license or learner's permit:
- 320 (I) for a period of six months beginning on the 45th day after the date of the arrest for a
321 first suspension, if the person has not been issued an operator license; or
- 322 (II) until the person is 21 years old or for a period of two years, whichever is longer,
323 beginning on the 45th day after the date of arrest for a second or subsequent suspension for an
324 offense that occurred within the previous 10 years.
- 325 (b) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall
326 reinstate a person's license prior to completion of the 120 day suspension period imposed under
327 Subsection (7)(a)(i)(A):
- 328 (A) immediately upon receiving written verification of the person's dismissal of a
329 charge for a violation of Section [41-6a-502](#), [41-6a-517](#), [76-5-102.1](#), or [76-5-207](#), if the written
330 verification is received prior to completion of the suspension period; or
- 331 (B) no sooner than 60 days beginning on the 45th day after the date of arrest upon
332 receiving written verification of the person's reduction of a charge for a violation of Section
333 [41-6a-502](#), [41-6a-517](#), [76-5-102.1](#), or [76-5-207](#), if the written verification is received prior to
334 completion of the suspension period.
- 335 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall
336 reinstate a person's license prior to completion of the 120-day suspension period imposed under
337 Subsection (7)(a)(i)(A) immediately upon receiving written verification of the person's

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

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

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

344 (iii) If a person's license is reinstated under this Subsection (7)(b), the person is
345 required to pay the license reinstatement application fees under Subsections 53-3-105(26) and
346 (27).

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

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

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

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

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

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

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

- 369 (ii) completes a risk assessment approved by the division that:
- 370 (A) is completed after the date of the arrest for which the person is suspended under
- 371 Subsection (7)(a)(i)(A); and
- 372 (B) identifies the person as a low risk offender;
- 373 (iii) installs an ignition interlock device in any vehicle owned or driven by the person
- 374 in accordance with Section 53-3-1007; and
- 375 (iv) pays the license reinstatement application fees described in Subsections
- 376 53-3-105(26) and (27).
- 377 (b) The person shall remain an ignition interlock restricted driver for a period of 120
- 378 days from the original effective date of the suspension under Subsection (7)(a)(i)(A). If the
- 379 person removes an ignition interlock device from a vehicle owned or driven by the person prior
- 380 to the expiration of the 120 day ignition interlock restriction period:
- 381 (i) the person's driver license shall be suspended under Subsection (7)(a)(i)(A) for the
- 382 remainder of the 120 day ignition interlock restriction period;
- 383 (ii) the person is required to pay the license reinstatement application fee under
- 384 Subsection 53-3-105(26); and
- 385 (iii) the person may not elect to become an ignition interlock restricted driver under
- 386 this section.
- 387 (c) If a person elects to become an ignition interlock restricted driver under Subsection
- 388 (10)(a), the provisions under Subsection (7)(b) do not apply.