

**DRIVER LICENSE SUSPENSION AND REVOCATION**

**AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Pitcher**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses driver license suspension and revocation requirements for a driving under the influence violation.

**Highlighted Provisions:**

This bill:

- ▶ allows a court to shorten the driver license suspension or revocation period for an individual convicted of a driving under the influence violation if the individual participates in or completes certain problem solving court programs; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-509**, as last amended by Laws of Utah 2022, Chapter 116

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

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



28           **41-6a-509. Driver license suspension or revocation for a driving under the**  
29 **influence violation.**

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

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

34           (b) revoke for a period of two years the license of a person if:

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

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

37 committed within a period of 10 years from the date of the prior violation.

38           (2) The Driver License Division shall, if the person is 19 years old or older but under  
39 21 years old at the time of arrest:

40           (a) suspend the person's driver license until the person is 21 years old or for a period of  
41 one year, whichever is longer, if the person is convicted for the first time of a violation under  
42 Section [41-6a-502](#), [76-5-102.1](#), or [76-5-207](#) of an offense that was committed on or after July  
43 1, 2011;

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

46           (i) is convicted for the first time of a violation under Section [41-6a-502](#), [76-5-102.1](#), or  
47 [76-5-207](#) of an offense committed on or after July 1, 2011; and

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

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

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

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

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

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

56           (i) the person has a prior conviction as defined under Subsection [41-6a-501](#)(2);

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

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

- 59 (iii) the person has not been issued an operator license.
- 60 (3) The Driver License Division shall, if the person is under 19 years old at the time of
- 61 arrest:
  - 62 (a) suspend the person's driver license until the person is 21 years old if the person is
  - 63 convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or 76-5-207;
  - 64 (b) deny the person's application for a license or learner's permit until the person is 21
  - 65 years old if the person:
    - 66 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or
    - 67 76-5-207; and
    - 68 (ii) has not been issued an operator license;
    - 69 (c) revoke the person's driver license until the person is 21 years old if:
      - 70 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
      - 71 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
      - 72 committed within a period of 10 years from the date of the prior violation; or
      - 73 (d) deny the person's application for a license or learner's permit until the person is 21
      - 74 years old if:
        - 75 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
        - 76 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
        - 77 committed within a period of 10 years from the date of the prior violation; and
        - 78 (iii) the person has not been issued an operator license.
    - 79 (4) The Driver License Division shall suspend or revoke the license of a person as
    - 80 ordered by the court under Subsection (9).
    - 81 (5) The Driver License Division shall subtract from any suspension or revocation
    - 82 period the number of days for which a license was previously suspended under Section
    - 83 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
    - 84 which the record of conviction is based.
    - 85 (6) If a conviction recorded as impaired driving is amended to a driving under the
    - 86 influence conviction under Section 41-6a-502, 76-5-102.1, or 76-5-207 in accordance with
    - 87 Subsection 41-6a-502.5(3)(a)(ii), the Driver License Division:
      - 88 (a) may not subtract from any suspension or revocation any time for which a license
      - 89 was previously suspended or revoked under Section 53-3-223 or 53-3-231; and

90 (b) shall start the suspension or revocation time under Subsection (1) on the date of the  
91 amended conviction.

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

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

97 (b) completes a screening;

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

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

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

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

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

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

112 (ii) is under 18 years old and has the person's parent or legal guardian provide an  
113 affidavit or sworn statement to the court certifying that to the parent or legal guardian's  
114 knowledge the person has not unlawfully consumed alcohol during the suspension period  
115 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

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

121 (9) (a) (i) In addition to any other penalties provided in this section, a court may order  
122 the operator's license of a person who is convicted of a violation of Section 41-6a-502,  
123 76-5-102.1, or 76-5-207 to be suspended or revoked for an additional period of 90 days, 120  
124 days, 180 days, one year, or two years to remove from the highways those persons who have  
125 shown they are safety hazards.

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

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

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

- 134 (i) screenings;
- 135 (ii) assessments;
- 136 (iii) educational series;
- 137 (iv) substance abuse treatment; and
- 138 (v) hours of work in a compensatory-service work program.

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

142 (11) (a) A court that reported a conviction of a violation of Section 41-6a-502,  
143 76-5-102.1, or 76-5-207 to the Driver License Division may shorten the suspension or  
144 revocation period imposed under Subsection (1) before completion of the suspension or  
145 revocation period if the person [~~is participating~~] participates in or [~~has~~] successfully  
146 [~~completed~~] completes:

- 147 (i) a 24-7 sobriety program as defined in Section 41-6a-515.5; or
- 148 (ii) a problem solving court program approved by the Judicial Council, including:
  - 149 (A) a driving under the influence court program; or
  - 150 (B) a drug court program.

151 (b) If [~~the~~] a court shortens a person's license suspension or revocation period in

152 accordance with the requirements of this Subsection (11), the court shall forward the order  
153 shortening the person's suspension or revocation period to the Driver License Division in a  
154 manner specified by the division.

155 (c) ~~[The]~~ If a court shortens a person's license suspension or revocation period for  
156 participation in a program described in Subsection (11)(a)(i) or (ii), the court shall notify the  
157 Driver License Division, in a manner specified by the Driver License Division, if [a] the person  
158 fails to complete all requirements of [a 24-7 sobriety] the program.

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

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

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

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