

Senator Stephanie Pitcher proposes the following substitute bill:

DRIVER LICENSE SUSPENSION AND REVOCATION

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill modifies provisions related to driver license suspension and revocation requirements.

Highlighted Provisions:

This bill:

- ▶ provides for the shortening of the driver license suspension or revocation period required for certain traffic violations if an individual participates in a problem solving court program and meets specified probationary conditions;
- ▶ limits the types of offenses for which a court is authorized to shorten an individual's driver license suspension or revocation period; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 [41-6a-509](#), as last amended by Laws of Utah 2022, Chapter 116

27 [53-3-223](#), as last amended by Laws of Utah 2022, Chapter 116

28

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

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

31 **41-6a-509. Driver license suspension or revocation for a driving under the**
32 **influence violation.**

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

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

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

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

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

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

41 (2) The Driver License Division shall, if the person is 19 years old or older but under
42 21 years old at the time of arrest:

43 (a) suspend the person's driver license until the person is 21 years old or for a period of
44 one year, whichever is longer, if the person is convicted for the first time of a violation under
45 Section [41-6a-502](#), [76-5-102.1](#), or [76-5-207](#) of an offense that was committed on or after July
46 1, 2011;

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

49 (i) is convicted for the first time of a violation under Section [41-6a-502](#), [76-5-102.1](#), or
50 [76-5-207](#) of an offense committed on or after July 1, 2011; and

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

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

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

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

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

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

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

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

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

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

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

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

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

69 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or
70 76-5-207; and

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

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

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

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

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

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

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

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

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

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

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

84 (5) The Driver License Division shall subtract from any suspension or revocation
85 period the number of days for which a license was previously suspended under Section
86 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
87 which the record of conviction is based.

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

91 (a) may not subtract from any suspension or revocation any time for which a license
92 was previously suspended or revoked under Section 53-3-223 or 53-3-231; and

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

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

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

100 (b) completes a screening;

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

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

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

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

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

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

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

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

124 (9) (a) (i) In addition to any other penalties provided in this section, a court may order
125 the operator's license of a person who is convicted of a violation of Section 41-6a-502,
126 76-5-102.1, or 76-5-207 to be suspended or revoked for an additional period of 90 days, 120
127 days, 180 days, one year, or two years to remove from the highways those persons who have
128 shown they are safety hazards.

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

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

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

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

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

145 (11) (a) A court that reported a conviction of a violation of Section 41-6a-502[;
146 76-5-102.1, or 76-5-207] to the Driver License Division may shorten the suspension or
147 revocation period imposed under Subsection (1) before completion of the suspension or
148 revocation period if the person:

- 149 (i) is participating in or has successfully completed a 24-7 sobriety program as defined

150 in Section [41-6a-515.5](#); or

151 (ii) (A) is participating in or has successfully completed a problem solving court
152 program approved by the Judicial Council, including a driving under the influence court
153 program or a drug court program; and

154 (B) has elected to become an interlock restricted driver as a condition of probation
155 during the remainder of the person's suspension or revocation period in accordance with
156 Section [41-6a-518](#).

157 (b) If ~~[the]~~ a court shortens a person's license suspension or revocation period in
158 accordance with the requirements of this Subsection (11), the court shall forward the order
159 shortening the person's suspension or revocation period to the Driver License Division in a
160 manner specified by the division.

161 (c) The court shall notify the Driver License Division, in a manner specified by the
162 Driver License Division, if a person fails to ~~[complete all requirements of a 24-7 sobriety~~
163 ~~program]~~ complete or comply with a condition that allowed the court to shorten the person's
164 license suspension or revocation period under Subsection (11)(a).

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

168 (B) For a suspension described under Subsection (11)(d)(i)(A), no days shall be
169 subtracted from the 120-day suspension period for which a driving privilege was previously
170 suspended under this section or Section [53-3-223](#), if the previous suspension was based on the
171 same occurrence upon which the conviction under Section [41-6a-502](#)~~[, [76-5-102.1](#), or~~
172 [76-5-207](#)] is based.

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

176 (B) For a license revocation described in Subsection (11)(d)(ii)(A), no days shall be
177 subtracted from the two-year revocation period for which a driving privilege was previously
178 revoked under this section or Section [53-3-223](#), if the previous revocation was based on the
179 same occurrence upon which the conviction under Section [41-6a-502](#)~~[, [76-5-102.1](#), or~~
180 [76-5-207](#)] is based.

181 Section 2. Section 53-3-223 is amended to read:

182 **53-3-223. Chemical test for driving under the influence -- Temporary license --**
183 **Hearing and decision -- Suspension and fee -- Judicial review.**

184 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
185 violating or has violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, the peace
186 officer may, in connection with arresting the person, request that the person submit to a
187 chemical test or tests to be administered in compliance with the standards under Section
188 41-6a-520.

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

191 (2) The peace officer shall advise a person prior to the person's submission to a
192 chemical test that a test result indicating a violation of Section 41-6a-502, 41-6a-517,
193 76-5-102.1, or 76-5-207 shall, and the existence of a blood alcohol content sufficient to render
194 the person incapable of safely driving a motor vehicle may, result in suspension or revocation
195 of the person's license to drive a motor vehicle.

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

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

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

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

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

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

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

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

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

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

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

222 (c) The hearing shall be documented and shall cover the issues of:

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

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

226 (iii) the test results, if any.

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

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

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

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

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

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

236 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
237 grounds to believe that the person was driving a motor vehicle in violation of Section
238 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the person failed to appear before the
239 division as required in the notice, or if a hearing is not requested under this section, the division
240 shall:

241 (i) if the person is 21 years old or older at the time of arrest, suspend the person's
242 license or permit to operate a motor vehicle for a period of:

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

244 (B) two years beginning on the 45th day after the date of arrest for a second or

245 subsequent suspension for an offense that occurred within the previous 10 years; or

246 (ii) if the person is under 21 years old at the time of arrest:

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

248 (I) for a period of six months, beginning on the 45th day after the date of arrest for a

249 first suspension; or

250 (II) until the person is 21 years old or for a period of two years, whichever is longer,

251 beginning on the 45th day after the date of arrest for a second or subsequent suspension for an

252 offense that occurred within the previous 10 years; or

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

254 (I) for a period of six months beginning on the 45th day after the date of the arrest for a

255 first suspension, if the person has not been issued an operator license; or

256 (II) until the person is 21 years old or for a period of two years, whichever is longer,

257 beginning on the 45th day after the date of arrest for a second or subsequent suspension for an

258 offense that occurred within the previous 10 years.

259 (b) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall

260 reinstate a person's license prior to completion of the 120 day suspension period imposed under

261 Subsection (7)(a)(i)(A):

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

263 charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written

264 verification is received prior to completion of the suspension period; or

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

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

267 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written verification is received prior to

268 completion of the suspension period.

269 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall

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

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

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

273 (A) the written verification is received prior to completion of the suspension period;

274 and

275 (B) the reporting court notifies the Driver License Division that the defendant is
276 participating in or has successfully completed the program of a driving under the influence
277 court as defined in Section [41-6a-501](#).

278 (iii) If a person's license is reinstated under this Subsection (7)(b), the person is
279 required to pay the license reinstatement application fees under Subsections [53-3-105](#)(26) and
280 (27).

281 (iv) The driver license reinstatements authorized under this Subsection (7)(b) only
282 apply to a [~~120-day~~] 120-day suspension period imposed under Subsection (7)(a)(i)(A).

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

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

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

294 (i) (A) the reporting court notifies the Driver License Division that the [defendant]
295 person is participating in or has successfully completed a 24-7 sobriety program as defined in
296 Section [41-6a-515.5](#); or

297 (B) the reporting court notifies the Driver License Division that the person is
298 participating in or has successfully completed a problem solving court program approved by
299 the Judicial Council, including a driving under the influence court program or a drug court
300 program, and has elected to become an interlock restricted driver as a condition of probation
301 during the remainder of the person's suspension period in accordance with Section [41-6a-518](#);
302 and

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

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

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

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

312 (ii) completes a risk assessment approved by the division that:

313 (A) is completed after the date of the arrest for which the person is suspended under
314 Subsection (7)(a)(i)(A); and

315 (B) identifies the person as a low risk offender;

316 (iii) installs an ignition interlock device in any vehicle owned or driven by the person
317 in accordance with Section 53-3-1007; and

318 (iv) pays the license reinstatement application fees described in Subsections
319 53-3-105(26) and (27).

320 (b) The person shall remain an ignition interlock restricted driver for a period of 120
321 days from the original effective date of the suspension under Subsection (7)(a)(i)(A). If the
322 person removes an ignition interlock device from a vehicle owned or driven by the person prior
323 to the expiration of the [~~120-day~~] 120-day ignition interlock restriction period:

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

326 (ii) the person is required to pay the license reinstatement application fee under
327 Subsection 53-3-105(26); and

328 (iii) the person may not elect to become an ignition interlock restricted driver under
329 this section.

330 (c) If a person elects to become an ignition interlock restricted driver under Subsection
331 (10)(a), the provisions under Subsection (7)(b) do not apply.