



# HB0423S01 compared with HB0423S05

adds that a Driver License Division hearing for a driving under the influence arrest cannot be dismissed solely due to a peace officer's failure to appear; and

20       ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22       None

23 **Other Special Clauses:**

24       This bill provides a special effective date.

25 **Utah Code Sections Affected:**

26 AMENDS:

27       **41-1a-1101** , as last amended by Laws of Utah 2025, Chapter 220

28       **41-6a-401** , as last amended by Laws of Utah 2019, Chapters 149, 383

29       **41-6a-401.3** , as last amended by Laws of Utah 2011, Chapter 241

30       **41-6a-401.7** , as last amended by Laws of Utah 2015, First Special Session, Chapter 1

31       **41-6a-505 , as last amended by Laws of Utah 2025, Chapter 471**

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32       **41-6a-507** , as last amended by Laws of Utah 2025, Chapter 214

33       **41-6a-521** , as last amended by Laws of Utah 2024, Chapter 153

34       **53-3-105 , as last amended by Laws of Utah 2025, Chapter 471**

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35       **53-3-223** , as last amended by Laws of Utah 2025, Chapter 296

36       **53-3-231** , as last amended by Laws of Utah 2020, Chapter 177

37       **53-3-414** , as last amended by Laws of Utah 2025, Chapter 296

38       **53-3-418** , as last amended by Laws of Utah 2019, Chapter 77

39       **53-10-403** , as last amended by Laws of Utah 2025, Chapters 173, 208 and 291

40 ENACTS:

41       **41-6a-401.8** , Utah Code Annotated 1953

42       **41-6a-532** , Utah Code Annotated 1953

43 REPEALS:

44       **41-6a-401.5** , as last amended by Laws of Utah 2011, Chapter 241

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

47       Section 1. Section **41-1a-1101** is amended to read:

48       **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

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- 47 (1) As used in this section:
- 48 (a)
- (i) "Criminal offense" means a class B misdemeanor offense, a class A misdemeanor offense, or a  
felony offense.
- 50 (ii) "Criminal offense" includes:
- 51 (A) a class B misdemeanor offense, a class A misdemeanor offense, or a felony offense described in  
Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2, Driver Licensing Act, Title 73, Chapter 18,  
State Boating Act, or Title 76, Utah Criminal Code; and
- 55 (B) a local ordinance that is a class B misdemeanor and is substantially similar to an offense listed in  
Subsection (1)(a)(ii)(A).
- 57 (b) "Operator" means the same as that term is defined in Section 41-6a-102.
- 58 (c) "Road rage event" means the commission of a criminal offense:
- 59 (i) by an operator of a vehicle;
- 60 (ii) in response to an incident that occurs or escalates upon a roadway; and
- 61 (iii) with the intent to endanger or intimidate an individual in another vehicle.
- 62 (d) "Roadway" means:
- 63 (i) a highway; or
- 64 (ii) a private road or driveway as defined in Section 41-6a-102.
- 65 (2) The division or any peace officer, without a warrant, may seize and take possession of any vehicle,  
vessel, or outboard motor:
- 67 (a) that the division or the peace officer has probable cause to believe has been stolen;
- 68 (b) on which any identification number has been defaced, altered, or obliterated;
- 69 (c) that has been abandoned in accordance with Section 41-6a-1408;
- 70 (d) for which the applicant has written a check for registration or title fees that has not been honored by  
the applicant's bank and that is not paid within 30 days;
- 72 (e) that is placed on the water with improper registration;
- 73 (f) that is being operated on a highway:
- 74 (i) with registration that has been expired for more than three months;
- 75 (ii) having never been properly registered by the current owner; or
- 76 (iii) with registration that is suspended or revoked;
- 77 (g)

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- (i) that the division or the peace officer has probable cause to believe has been involved in an accident described in Section 41-6a-401[;] or 41-6a-401.3[, ~~or 41-6a-401.5~~]; and
- 80 (ii) whose operator did not remain at the scene of the accident until the operator fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7; or
- 82 (h) if the division or peace officer has probable cause to believe that the operator:
- 83 (i) failed to properly display the license plate on a motorcycle as described in Section 41-1a-404.1; or
- 85 (ii) used the motorcycle:
- 86 (A) to perform a wheelie in violation of Section 41-6a-606.1; or
- 87 (B) to engage in lane splitting in violation of Section 41-6a-704.1.
- 88 (3)
- (a) The division or a peace officer shall seize and take possession of a vehicle, without a warrant, when:
- 90 (i) the division or the peace officer has probable cause to believe that an operator of the vehicle engaged in a road rage event; and
- 92 (ii) the operator of the vehicle has been arrested in conjunction with the road rage event.
- 94 (b) A peace officer may release a vehicle seized and possessed under Subsection (3)(a) to the registered owner of the vehicle if the registered owner is not the individual subject to arrest under Subsection (3)(a) and is immediately available, at the location of the arrest, to take possession of the vehicle.
- 98 (4)
- (a) Subject to the restriction in Subsection (4)(b), the division or any peace officer, without a warrant:
- 100 (i) shall seize and take possession of any vehicle that is being operated on a highway without owner's or operator's security in effect for the vehicle as required under Section 41-12a-301 and the vehicle was involved in an accident; or
- 103 (ii) may seize and take possession of any vehicle that is being operated on a highway without owner's or operator's security in effect for the vehicle as required under Section 41-12a-301 after the division or any peace officer makes a reasonable determination whether the vehicle would:
- 107 (A) present a public safety concern to the operator or any of the occupants in the vehicle; or
- 109 (B) prevent the division or the peace officer from addressing other public safety considerations.
- 111 (b) The division or any peace officer may not seize and take possession of a vehicle under Subsection (4)(a):

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- 118 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's security as defined in Section 41-12a-303.2 in the vehicle unless the division or peace officer verifies that owner's or operator's security is not in effect for the vehicle through the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803; or
- 124 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803 indicates that the owner's or operator's security is not in effect for the vehicle, unless the division or a peace officer makes a reasonable attempt to independently verify that owner's or operator's security is not in effect for the vehicle.
- 126 (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.
- 128 (6) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor under this section shall comply with the provisions of Section 41-6a-1406.
- 131 (7)
- 133 (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules setting standards for public garages, impound lots, and impound yards that may be used by peace officers and the division.
- 137 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of public garages, impound lots, or impound yards per geographical area.
- 140 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard unless the crusher, dismantler, or salvage dealer meets all of the requirements for a state impound yard set forth in this section and rules made in accordance with Subsection (7)(a).
- 142 (d)
- (i) Rules made by the commission shall include a requirement that a state impound yard have opaque fencing on any side of the state impound yard that has frontage with a highway.
- (ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link fencing.
- (8)
- (a) Except as provided under Subsection (8)(b), a person may not operate or allow to be operated a vehicle stored in a public garage, impound lot, or impound yard regulated under this part without prior written permission of the owner of the vehicle.

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(b) Incidental and necessary operation of a vehicle to move the vehicle from one parking space to another within the facility and that is necessary for the normal management of the facility is not prohibited under Subsection (8)(a).

148 (9) A person who violates the provisions of Subsection (8) is guilty of a class C misdemeanor.

150 (10) The division or the peace officer who seizes a vehicle shall record the mileage shown on the vehicle's odometer at the time of seizure, if:

152 (a) the vehicle is equipped with an odometer; and

153 (b) the odometer reading is accessible to the division or the peace officer.

156 Section 2. Section **41-6a-401** is amended to read:

157 **41-6a-401. Accident involving property damage -- Duties of operator, occupant, and owner**  
**-- Exchange of information -- Notification of law enforcement -- Penalties.**

157 (1) As used in this section:

160 (a) "Conviction" means the same as that term is defined in Section 77-38b-102.

158 ~~[(a)]~~ (b) {"Drug" means the same as that term is defined in Section 41-6a-501.

159 ~~{(b)}~~ "Knowledge" or "with knowledge" means, with respect to an individual's own conduct or to circumstances surrounding an individual's conduct, that the individual is aware of the nature of the conduct or the existing circumstances.

162 ~~[(b)]~~ (c) "Reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.

164 (2)

(a) ~~[The-]~~ An operator of a vehicle with knowledge that the operator was involved in, or who has reason to believe that the operator may have been involved in, an accident resulting only in damage to another vehicle or other property:

167 (i) may move the vehicle as soon as possible:

168 (A) out of the travel lanes on any roadway to an adjacent shoulder, the nearest suitable cross street, or other suitable location that does not obstruct traffic; or

170 (B) off the freeway main lines, shoulders, medians, or adjacent areas to the nearest safe location on an exit ramp shoulder, a frontage road, the nearest suitable cross street, or other suitable location that does not obstruct traffic; and

173 (ii) shall remain at the scene of the accident or the location described in Subsection (2)(a)(i) until the operator has fulfilled the requirements of this section.

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- 175 (b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the determination of fault for  
an accident.
- 177 (c) If the operator has knowledge that the operator was involved in, or reason to believe that the  
operator may have been involved in, an accident resulting in damage to another vehicle or other  
property only after leaving the scene of the accident, the operator shall immediately comply as  
nearly as possible with the requirements of this section.
- 182 (3) Except as provided under Subsection (6), if the vehicle or other property is operated, occupied,  
or attended by any person or if the owner of the vehicle or property is present, the operator of the  
vehicle involved in the accident shall:
- 185 (a) give to the persons involved:
- 186 (i) the operator's name, address, and the registration number of the vehicle being operated; and
- 188 (ii) the name of the insurance provider covering the vehicle being operated including the phone number  
of the agent or provider; and
- 190 (b) upon request and if available, exhibit the operator's license to:
- 191 (i) any investigating peace officer present;
- 192 (ii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident;  
and
- 194 (iii) the owner of property damaged in the accident, if present.
- 195 (4) The operator of a vehicle involved in an accident shall immediately and by the quickest means of  
communication available give notice or cause to give notice of the accident to the nearest office of a  
law enforcement agency if the accident resulted in property damage to an apparent extent of \$2,500  
or more.
- 199 (5) Except as provided under Subsection (6), if the vehicle or other property damaged in the accident is  
unattended, the operator of the vehicle involved in the accident shall:
- 201 (a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in  
the accident of the operator's name, address, and the registration number of the vehicle causing the  
damage; or
- 204 (b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the  
operator's name, address, and the registration number of the vehicle causing the damage.

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- (6) The operator of a vehicle that provides the information required under this section to an investigating peace officer at the scene of the accident is exempt from providing the information to other persons required under this section.
- 210 (7) An operator of a vehicle that has knowledge or has reason to believe that the operator may have been involved in an accident and fails to comply with the provisions of this section is guilty ~~{F}~~ [of a class B misdemeanor] of an offense punishable as described in Subsection (8).
- 214 (8)
- (a) Except as provided in Subsection (8)(b) or (c), a violation of Subsection (7) is a class B misdemeanor.
- 216 (b) Except as provided in Subsection (8)(c), a violation of Subsection (7) is a class A misdemeanor if, within 10 years before the day on which the operator committed the current violation, the operator was convicted of:
- 219 (i) a violation of Subsection (7);
- 220 (ii) a misdemeanor offense relating to the duty to stop and remain at an accident involving injury or death described in Section 41-6a-401.3;
- 222 (iii) a misdemeanor offense of driving under the influence described in Section 41-6a-502; or
- 224 (iv) a misdemeanor offense described in Subsections 41-6a-501(2)(a)(i) through (x).
- 225 (c) A violation of Subsection (7) is a third degree felony if the operator, within 10 years before the day on which the operator committed the current violation:
- 227 (i) was convicted two or more times of:
- 228 (A) a violation of Subsection (7);
- 229 (B) a misdemeanor offense relating to the duty to stop and remain at an accident involving injury or death described in Section 41-6a-401.3;
- 231 (C) driving under the influence described in Subsection 41-6a-502(2)(a) or (b); or
- 232 (D) a misdemeanor offense described in Subsections 41-6a-501(2)(a)(i) through (x); or
- 234 (ii) was convicted of:
- 235 (A) a felony offense relating to the duty to stop and remain at an accident involving injury or death described in Section 41-6a-401.3;
- 239 (B) a class A misdemeanor under Subsection (8)(b);
- 237 (B){(C)} a class A misdemeanor under Subsection (8)(b), for which judgment of conviction is subsequently reduced under Section 76-3-402;

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- 239 (C){(D)} a felony offense of driving under the influence, described in Section 41-6a-502; or  
241 (D){(E)} a felony of an offense described in Subsections 41-6a-501(2)(a)(i) through (x).
- 242 (9) ~~{An operator is entitled to mitigation}~~ Notwithstanding any other provision of this section, an enhancement under this section based on one or more prior convictions is not applicable if, no later than six hours after the accident occurred, the operator voluntarily reports the accident to a law enforcement agency having jurisdiction over the location where the accident occurred.
- 245 ~~{(10)}~~
- ~~{(a) Mitigation as described in Subsection (9) results in a reduction of a charge under this section.}~~
- 247 ~~{(b) An offense under this section that is mitigated as described in Subsection (9) is reduced to an offense no higher than a class B misdemeanor.}~~
- 249 (10) In addition to any other factor authorized by law, the fact that an operator self-reported the accident to a law enforcement agency, regardless of the time elapsed since the accident, is a mitigating factor for purposes of sentencing.
- 249 (11) When sentencing an operator convicted under Subsection (8)(b) or (c), the court shall comply with Section 41-6a-401.8.
- 254 Section 3. Section **41-6a-401.3** is amended to read:
- 255 **41-6a-401.3. Accident involving injury or death -- Stop at accident -- Penalty.**
- 253 (1) As used in this section:
- 257 (a) "Bodily injury" means the same as that term is defined in Section 76-1-101.5.
- 254 ~~(a)~~ (b) "Conviction" means the same as that term is defined in Section 77-38b-102.
- 255 ~~{(b) "Drug" means the same as that term is defined in Section 41-6a-501.}~~
- 256 (c) "Reason to believe" means information from which a reasonable [person] individual would believe that the [person] individual may have been involved in an accident.
- 258 ~~(b)~~ (d) "Serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- 262 (2)
- (a) ~~[The-]~~ An operator of a vehicle who has reason to believe that the operator may have been involved in an accident resulting in injury to~~[-a person-]~~ an individual shall:
- 264 (i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and

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- 266 (ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section  
41-6a-401.7.
- 268 (b) If the operator has reason to believe that the operator may have been involved in an accident only  
after leaving the scene of the accident, the operator shall immediately comply as nearly as possible  
with the requirements of Section 41-6a-401.7.
- 271 ~~[(3)~~
- ~~(a) Except as provided in Subsection (3)(b), a person who violates the provisions of Subsection (2):]~~
- 273 ~~[(i) is guilty of a class A misdemeanor if the accident resulted in injury to any person; and]~~
- 275 ~~[(ii) shall be fined not less than \$750;]~~
- 276 ~~[(b) A person who violates the provisions of Subsection (2):]~~
- 277 ~~[(i) is guilty of a third degree felony if the accident resulted in serious bodily injury to a person; and]~~
- 279 ~~[(ii) shall be fined not less than \$750;]~~
- 280 (3) An operator who violates Subsection (2) is guilty of an offense punishable as described in  
Subsection (4).
- 282 (4)
- (a) Except as provided in Subsection (4)(b) or (4)(c), a violation of Subsection (2) is a class A  
misdemeanor if the accident resulted in injury to an individual.
- 284 (b) Except as provided in Subsection (4)(c), a violation of Subsection (2) is a third degree felony if:
- 286 (i) within 10 years before the day on which the operator committed the current violation, the operator  
was convicted of two or more previous violations of the offense described in Subsection (2);
- 289 (ii) the operator has previously been convicted of:
- 290 (A) a felony offense relating to the duty to stop and remain at an accident involving injury or death,  
described in this section;
- 292 (B) a felony offense relating to the duty to stop and remain at an accident involving injury or death,  
described in this section for which judgment of conviction is subsequently reduced under Section  
76-3-402;
- 295 (C) an offense of driving under the influence described in Section 41-6a-502; or
- 296 (D) an offense described in Subsections 41-6a-501(2)(a)(i) through (x); or
- 297 (iii) the accident results in serious bodily injury to an individual.
- 298 (c) A violation of Subsection (2) is a second degree felony if:
- 299 (i)

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(A) the accident results in serious bodily injury to an individual; and

300 (B) the operator has previously been convicted under this section;

301 (ii) within 10 years before the day on which the operator committed the current violation, the operator  
was convicted of two or more previous violations of the offense of driving under the influence  
described in Section 41-6a-502; or

304 (iii) the accident results in the death of an individual.

308 (5)

305 (5){(a)} Except as provided in Subsection ~~{(6)(e)}~~, (5)(b), but notwithstanding any other provision of  
this section, an ~~{operator is entitled to mitigation}~~, enhancement under this section based on one or  
more prior convictions is not applicable if, no later than six hours after the accident occurred, the  
operator voluntarily reports the accident to a law enforcement agency having jurisdiction over the  
location where the accident occurred.

309 ~~{(6)}~~ }

~~{(a) {Except as provided in Subsection (6)(e), mitigation as described in Subsection (5) results in a~~  
~~reduction of a charge under this section.}}~~

311 ~~{(b) {An offense under this section that is mitigated as described in Subsection (5) is reduced to an~~  
~~offense no higher than a class A misdemeanor.}}~~

313 (c){(b)} ~~{A violation}~~ Subsection (5)(a) does not affect any enhancement or penalty based on the  
existence of ~~{Subsection (2) that results in}~~ bodily injury, serious bodily injury, or death ~~{to an~~  
~~individual is not eligible for the mitigation described in Subsection (5)}~~ .

315 (7){(6)} In addition to any other factor authorized by law, the fact that an operator self-reported  
the accident to a law enforcement agency, regardless of the time elapsed since the accident, is a  
mitigating factor for purposes of sentencing.

318 (8){(7)} When sentencing an operator convicted under Subsection (4), the court shall comply with  
Section 41-6a-401.8.

320 (9){(8)} An operator is guilty of a separate offense for each victim who suffers injury or death because  
of the operator's violation of this section.

322 Section 4. Section **41-6a-401.7** is amended to read:

323 **41-6a-401.7. Accident involving injury, death, or property damage -- Duties of operator,**  
**occupant, and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**

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- (1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 ~~{f}~~ [f] ~~[or 41-6a-401.5]~~ {  
} shall:
- 328 (a) give to the persons involved:
- 329 (i) the operator's name, address, and the registration number of the vehicle being operated; and
- 331 (ii) the name of the insurance provider covering the vehicle being operated including the phone number  
of the agent or provider;
- 333 (b) upon request and if available, exhibit the operator's license to:
- 334 (i) any investigating peace officer present;
- 335 (ii) the person struck;
- 336 (iii) the operator, occupant of, or person attending the vehicle or other property damaged in the  
accident; and
- 338 (iv) the owner of property damaged in the accident, if present; and
- 339 (c) render to any person injured in the accident reasonable assistance, including transporting or making  
arrangements for transporting, of the injured person to a physician or hospital for medical treatment  
if:
- 342 (i) it is apparent that treatment is necessary; or
- 343 (ii) transportation is requested by the injured person.
- 344 (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 ~~[or 41-6a-401.5]~~ shall  
immediately and by the quickest means of communication available give notice or cause to give  
notice of the accident to the nearest office of a law enforcement agency.
- 348 (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 ~~[or 41-6a-401.5]~~ who  
is not the operator of the vehicle shall give or cause to give the immediate notice required under  
Subsection (2) if:
- 351 (a) the operator of a vehicle involved in an accident is physically incapable of giving the notice; and
- 353 (b) the occupant is capable of giving an immediate notice.
- 354 (4) Except as provided under Subsection (5), if a vehicle or other property damaged in the accident is  
unattended, the operator of the vehicle involved in the accident shall:
- 356 (a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in  
the accident of the operator's name, address, and the registration number of the vehicle causing the  
damage; or

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(b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address, and the registration number of the vehicle causing the damage.

362 (5) The operator of a vehicle that provides the information required under this section to an  
investigating peace officer at the scene of the accident is exempt from providing the information to  
other persons required under this section.

365 [~~(6) A violation of Subsection (4) is a class C misdemeanor.~~]

366 Section 5. Section 5 is enacted to read:

367 **41-6a-401.8. Sentencing requirements for a violation of operator duties at the scene of an  
accident violations.**

369 (1) As used in this section:

371 (a) "24-7 sobriety program" means the same as that term is defined in Section 41-6a-515.5.

373 (b) "Assessment" means the same as that term is defined in Section 41-6a-501.

374 (c) "Screening" means the same as that term is defined in Section 41-6a-501.

375 (2) As part of a sentence for a conviction of a class A misdemeanor offense described in Subsection  
41-6a-401(8)(b) or 41-6a-401.3(4)(a):

377 (a) the court shall:

378 (i)

(A) subject to Subsection (3), impose a jail sentence of not less than two days; or

379 (B) require the individual to work in a compensatory-service work program for not less than 48 hours;

381 (ii) impose a fine of not less than \$700;

382 (iii)

(A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or

384 (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a),  
other than the individual sentenced, order the individual sentenced to reimburse the party; and

387 (iv)

(A) order the individual to pay the towing and storage fees described in Section 72-9-603; or

389 (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other  
than the individual sentenced, order the individual sentenced to reimburse the party; and

392 (b) the court may:

393 (i) order the individual to participate in a screening;

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- (ii) order the individual to participate in an assessment, if an assessment is found appropriate by a screening under Subsection (2)(b)(i);
- 396 (iii) order the individual to obtain substance abuse treatment if the screening or assessment described in  
Subsection (2)(b)(i) or (ii) determines that substance abuse treatment is appropriate;
- 399 (iv) order the individual to participate in an educational series if the court does not order substance  
abuse treatment under Subsection (2)(b)(iii);
- 401 (v) order probation for the individual in accordance with Section 41-6a-507; or
- 402 (vi) order the individual to participate in a 24-7 sobriety program if the individual is 21 years old or  
older.
- 404 (3)
- (a) If an individual described in Subsection (2) is participating in a 24-7 sobriety program, the court  
may suspend the jail sentence imposed under Subsection (2)(a).
- 406 (b) If an individual described in Subsection (3)(a) fails to successfully complete all of the requirements  
of the 24-7 sobriety program, the court shall impose the sentence suspended under Subsection (3)(a).
- 409 (4) As part of a sentence for a conviction of a third degree felony offense described in Subsection  
41-6a-401(8)(c) or 41-6a-401.3(4)(b):
- 411 (a) the court shall:
- 412 (i)
- (A) subject to Subsection (5), impose a jail sentence of not less than 10 days; or
- 413 (B) impose a jail sentence of not less than five days in addition to home confinement of not fewer than  
30 consecutive days through the use of electronic monitoring that includes a substance abuse testing  
instrument in accordance with Section 41-6a-506;
- 417 (ii) order the individual to participate in an educational series if the court does not order substance abuse  
treatment under Subsection (4)(b)(iii);
- 419 (iii) impose a fine of not less than \$800;
- 420 (iv) order probation for the individual in accordance with Section 41-6a-507;
- 421 (v)
- (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
- 423 (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a),  
other than the individual sentenced, order the individual sentenced to reimburse the party; and
- 426 (vi)

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- 428 (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or  
(B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other  
431 than the individual sentenced, order the individual sentenced to reimburse the party; and  
432 (b) the court may:  
433 (i) order the individual to participate in a screening;  
(ii) order the individual to participate in an assessment, if an assessment is found appropriate by a  
435 screening under Subsection (4)(b)(i);  
(iii) order the individual to obtain substance abuse treatment if the screening or assessment described in  
438 Subsection (4)(b)(i) or (ii) determines that substance abuse treatment is appropriate; or  
(iv) order the individual to participate in a 24-7 sobriety program if the individual is 21 years old or  
440 older.  
(5)  
(a) If an individual described in Subsection (4) is participating in a 24-7 sobriety program, the court  
may suspend the jail sentence imposed under Subsection (4)(a) after the individual has served a  
minimum of:  
443 (i) five days of the jail sentence for a second conviction; or  
444 (ii) 10 days of the jail sentence for a third or subsequent conviction.  
445 (b) If an individual described in Subsection (5)(a) fails to successfully complete all of the requirements  
of the 24-7 sobriety program, the court shall impose the sentence suspended under Subsection (5)(a).  
448 (6) As part of a sentence for a conviction of a second degree felony offense described in Subsection  
41-6a-401.3(4)(c):  
450 (a) the court shall:  
451 (i) subject to Subsection (7):  
452 (A) impose a jail sentence of not less than 20 days;  
453 (B) impose a jail sentence of not less than 10 days in addition to home confinement of not fewer than  
60 consecutive days through the use of electronic monitoring that includes a substance abuse testing  
instrument in accordance with Section 41-6a-506; or  
457 (C) impose a jail sentence of not less than 10 days in addition to ordering the individual to obtain  
substance abuse treatment, if the court finds that substance abuse treatment is more likely to reduce  
recidivism than imposing a jail sentence and is in the interest of public safety;

461

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(ii) order the individual to participate in an educational series if the court does not order substance abuse treatment under Subsection (6)(b)(iii);

463 (iii) impose a fine of not less than \$800;

464 (iv) order probation for the individual in accordance with Section 41-6a-507;

465 (v)

(A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or

467 (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and

470 (vi)

(A) order the individual to pay the towing and storage fees described in Section 72-9-603; or

472 (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and

475 (b) the court may order the individual to:

476 (i) participate in a screening;

477 (ii) participate in an assessment, if an assessment is found appropriate by a screening under Subsection (6)(b)(i);

479 (iii) obtain substance abuse treatment if the screening or assessment described in Subsection (6)(b)(i) or (ii) determines that substance abuse treatment is appropriate; or

482 (iv) participate in a 24-7 sobriety program if the individual is 21 years old or older.

483 (7)

(a) If an individual described in Subsection (6) is participating in a 24-7 sobriety program, the court may suspend the jail sentence imposed under Subsection (6)(a) after the individual has served a minimum of:

486 (i) five days of the jail sentence for a second conviction; or

487 (ii) 10 days of the jail sentence for a third or subsequent conviction.

488 (b) If an individual described in Subsection (7)(a) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the sentence suspended under Subsection (7)(a).

490 Section 6. Section 41-6a-505 is amended to read:

491 **41-6a-505. Sentencing requirements for driving under the influence of alcohol, drugs, or a combination of both violations.**

493 (1) As part of any sentence for a first conviction of extreme DUI:

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- 494 (a) the court shall:
- 495 (i)
- (A) impose a jail sentence of not less than five days; or
- 496 (B) impose a jail sentence of not less than two days in addition to home confinement of not fewer than  
30 consecutive days through the use of electronic monitoring that includes a substance abuse testing  
instrument in accordance with Section 41-6a-506;
- 500 (ii) order the individual to participate in a screening;
- 501 (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under  
Subsection (1)(a)(ii);
- 503 (iv) order the individual to participate in an educational series if the court does not order substance  
abuse treatment as described under Subsection (1)(b);
- 505 (v) impose a fine of not less than \$700;
- 506 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 507 (vii)
- (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
- 509 (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a),  
other than the individual sentenced, order the individual sentenced to reimburse the party;
- 512 (viii)
- (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
- 514 (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other  
than the individual sentenced, order the individual sentenced to reimburse the party;
- 517 (ix) unless the court determines and states on the record that an ignition interlock system is not  
necessary for the safety of the community and in the best interest of justice, order the installation of  
an ignition interlock system as described in Section 41-6a-518; and
- 521 (x) designate the individual as an interdicted person for a period of time not to exceed the probationary  
period, unless the court finds good cause to order a shorter or longer time, and require the individual  
to surrender the individual's driver license or identification card; and
- 525 (b) the court may:
- 526 (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program  
determines that substance abuse treatment is appropriate;
- 528

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- (ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older; or
- 530 (iii) order a combination of Subsections (1)(b)(i) and (ii).
- 531 (2)
- (a) If an individual described in Subsection (1) is participating in a 24-7 sobriety program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (1)(a).
- 534 (b) If an individual described in Subsection (1) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in Subsection (2)(a).
- 537 (3) As part of any sentence for any first conviction of Section 41-6a-502 not described in Subsection (1):
- 539 (a) the court shall:
- 540 (i)
- (A) impose a jail sentence of not less than two days; or
- 541 (B) require the individual to work in a compensatory-service work program for not less than 48 hours;
- 543 (ii) order the individual to participate in a screening;
- 544 (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (3)(a)(ii);
- 546 (iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (3)(b);
- 548 (v) impose a fine of not less than \$700;
- 549 (vi)
- (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
- 551 (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
- 554 (vii)
- (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
- 556 (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
- 559 (b) the court may:
- 560

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- (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;
- 562 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 563 (iii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older;
- 565 (iv) order a combination of Subsections (3)(b)(i) through (iii); or
- 566 (v) designate the individual as an interdicted person for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time, and require the individual to surrender the individual's driver license or identification card.
- 570 (4)
- (a) If an individual described in Subsection (3) is participating in a 24-7 sobriety program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (3)(a).
- 573 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in Subsection (4)(a).
- 576 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10 years of the current conviction under Section 41-6a-502 or the commission of the offense upon which the current conviction amounts to extreme DUI:
- 579 (a) the court shall:
- 580 (i)
- (A) impose a jail sentence of not less than 20 days;
- 581 (B) impose a jail sentence of not less than 10 days in addition to home confinement of not fewer than 60 consecutive days through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506; or
- 585 (C) impose a jail sentence of not less than 10 days in addition to ordering the individual to obtain substance abuse treatment, if the court finds that substance abuse treatment is more likely to reduce recidivism and is in the interests of public safety;
- 589 (ii) order the individual to participate in a screening;
- 590 (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (5)(a)(ii);
- 592

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- (iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (5)(b);
- 594 (v) impose a fine of not less than \$800;
- 595 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 596 (vii) order the installation of an ignition interlock system as described in Section 41-6a-518;
- 598 (viii)
- (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
- 600 (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party;
- 603 (ix)
- (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
- 605 (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
- 608 (x) designate the individual as an interdicted person for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time, and require the individual to surrender the individual's driver license or identification card; and
- 612 (b) the court may:
- 613 (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;
- 615 (ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older; or
- 617 (iii) order a combination of Subsections (5)(b)(i) and (ii).
- 618 (6)
- (a) If an individual described in Subsection (5) is participating in a 24-7 sobriety program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (5)(a) after the individual has served a minimum of:
- 621 (i) five days of the jail sentence for a second offense; or
- 622 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 623 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in Subsection (6)(a).

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- 626 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10 years of the  
current conviction under Section 41-6a-502 or the commission of the offense upon which the current  
conviction is based and that does not qualify under Subsection (5):
- 630 (a) the court shall:
- 631 (i)
- (A) impose a jail sentence of not less than 10 days; or
- 632 (B) impose a jail sentence of not less than 5 days in addition to home confinement of not fewer than 30  
consecutive days through the use of electronic monitoring that includes a substance abuse testing  
instrument in accordance with Section 41-6a-506;
- 636 (ii) order the individual to participate in a screening;
- 637 (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under  
Subsection (7)(a)(ii);
- 639 (iv) order the individual to participate in an educational series if the court does not order substance  
abuse treatment as described under Subsection (7)(b);
- 641 (v) impose a fine of not less than \$800;
- 642 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 643 (vii)
- (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
- 645 (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a),  
other than the individual sentenced, order the individual sentenced to reimburse the party; and
- 648 (viii)
- (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
- 650 (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other  
than the individual sentenced, order the individual sentenced to reimburse the party; and
- 653 (b) the court may:
- 654 (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program  
determines that substance abuse treatment is appropriate;
- 656 (ii) order the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if  
the individual is 21 years old or older;
- 658 (iii) order a combination of Subsections (7)(b)(i) and (ii); or
- 659

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(iv) designate the individual as an interdicted person for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time, and require the individual to surrender the individual's driver license or identification card.

663 (8)

(a) If an individual described in Subsection (7) is participating in a 24-7 sobriety program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (7)(a) after the individual has served a minimum of:

666 (i) five days of the jail sentence for a second offense; or

667 (ii) 10 days of the jail sentence for a third or subsequent offense.

668 (b) If an individual described in Subsection (8)(a) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended jail sentence described in Subsection (8)(a).

671 (9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison sentence and places the defendant on probation for a conviction of extreme DUI, the court shall:

674 (a) impose a fine of not less than \$1,500;

675 (b) impose a jail sentence of not less than 120 days;

676 (c) order home confinement of not fewer than 120 consecutive days through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506;

679 (d) order supervised probation; and

680 (e) designate the individual as an interdicted person for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time, and require the individual to surrender the individual's driver license or identification card.

684 (10)

(a) For Subsection (9) or Subsection 41-6a-502(2)(c)(i), the court:

685 (i) shall impose an order requiring the individual to obtain a screening and assessment for alcohol and substance abuse, and treatment as appropriate; and

687 (ii) may impose an order requiring the individual to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older.

690 (b) If an individual described in Subsection (10)(a)(ii) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the suspended prison sentence described in Subsection (9).

## HB0423S01 compared with HB0423S05

- 693 (11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison sentence and  
places the defendant on probation with a sentence not described in Subsection (9), the court shall  
impose:
- 696 (a) a fine of not less than \$1,500;
- 697 (b) a jail sentence of not less than 60 days;
- 698 (c) home confinement of not fewer than 60 consecutive days through the use of electronic monitoring  
that includes a substance abuse testing instrument in accordance with Section 41-6a-506; and
- 701 (d) supervised probation.
- 702 (12)
- (a)
- (i) Except as described in Subsection (12)(a)(ii), a court may not suspend the requirements of this  
section.
- 704 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).
- 705 (b) A court, with stipulation of both parties and approval from the judge, may convert a jail sentence  
required in this section to electronic home confinement.
- 707 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation under this  
section to be served in multiple two-day increments at weekly intervals if the court determines that  
separate jail increments are necessary to ensure the defendant can serve the statutorily required jail  
term and maintain employment.
- 711 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible evidence  
that the individual had a blood or breath alcohol level of .16 or higher, the court shall order the  
following, or describe on record why the order or orders are not appropriate:
- 715 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and
- 716 (b) one or more of the following:
- 717 (i) the installation of an ignition interlock system as a condition of probation for the individual in  
accordance with Section 41-6a-518;
- 719 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring device or remote  
alcohol monitor as a condition of probation for the individual; or
- 721 (iii) the imposition of home confinement through the use of electronic monitoring in accordance with  
Section 41-6a-506.

723

## HB0423S01 compared with HB0423S05

(14) If a court enters a class A misdemeanor or felony conviction that meets the definition of extreme DUI:

- 725 (a) the sentencing court shall note the extreme DUI in the judgment of commitment; and  
726 (b) the Board of Pardons and Parole shall consider the extreme DUI when calculating the sentencing guideline.

728 Section 7. Section **41-6a-507** is amended to read:

729 **41-6a-507. Supervised probation for certain driving under the influence violations.**

494 (1) If supervised probation is ordered under Section 41-6a-401.8, 41-6a-505, or 41-6a-517:

- 495 (a) the court shall specify the period of the probation;  
496 (b) the person shall pay all of the costs of the probation; and  
497 (c) the court may order any other conditions of the probation.

498 (2)

(a) Subject to Subsection (2)(b), the court shall provide the probation described in this section by contract with a probation monitoring agency or a private probation provider.

501 (b) If a court determines that a person is subject to supervised probation provided by the Division of Adult Probation and Parole created in Section 64-14-202 for an offense other than the offense for which probation is ordered under Section 41-6a-505 or 41-6a-517, the court may order supervised probation to be provided by the Division of Adult Probation and Parole.

506 (3) The probation provider described in Subsection (2) shall monitor the person's compliance with all conditions of the person's sentence, conditions of probation, and court orders received under this part and shall notify the court of any failure to comply with or complete that sentence or those conditions or orders.

510 (4)

(a) The court may waive all or part of the costs associated with probation if the person is determined to be indigent by the court.

512 (b) The probation provider described in Subsection (2) shall cover the costs of waivers by the court under Subsection (4)(a).

751 Section 8. Section **41-6a-521** is amended to read:

752 **41-6a-521. Revocation hearing for refusal -- Appeal.**

516 (1)

## HB0423S01 compared with HB0423S05

- (a) ~~[A person]~~ An individual who has been notified of the Driver License Division's intention to revoke the ~~[person's]~~ individual's license under Section 41-6a-520 is entitled to a hearing.
- 519 (b) ~~[A request for the hearing shall be made]~~ An individual shall request to be heard in writing within ~~{10{}} 5~~ calendar days after the day on which ~~[notice is provided]~~ a peace officer provides notice.
- 522 (c) Upon request in a manner specified by the Driver License Division, the Driver License Division shall grant to the ~~[person]~~ individual an opportunity to be heard within ~~[29]~~ 45 days after the date of arrest.
- 525 (d) If the ~~[person]~~ individual does not make a request for a hearing before the Driver License Division under this Subsection (1), the ~~[person's]~~ individual's privilege to operate a motor vehicle in the state is revoked beginning on the ~~[45th]~~ 60th day after the date of arrest:
- 529 (i) for ~~[a person]~~ an individual 21 years old or older on the date of arrest, for a period of:
- 531 (A) except as provided in Subsection (1)(d)(i)(B) or (9), 18 months; or
- 532 (B) 36 months if the ~~[person]~~ individual previously committed an offense that occurred within the preceding 10 years from the date of the arrest that resulted in a:
- 535 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231;
- 537 (II) conviction under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
- 539 (III) conviction for an offense under Section 76-5-102.1; or
- 540 (IV) conviction for an offense under Section 76-5-207; or
- 541 (ii) for ~~[a person]~~ an individual under 21 years old on the date of arrest:
- 542 (A) except as provided in Subsection (1)(d)(ii)(B), until the ~~[person]~~ individual is 21 years old or for a period of two years, whichever is longer; or
- 544 (B) until the ~~[person]~~ individual is 21 years old or for a period of 36 months, whichever is longer, if the ~~[person]~~ individual previously committed an offense that occurred within the preceding 10 years from the date of the arrest that resulted in a:
- 548 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; ~~[{f} or]~~
- 550 (II) conviction for an offense under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
- 552 (III) conviction for an offense under Section 76-5-102.1; or
- 553 (IV) conviction for an offense under Section 76-5-207.

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- 554 (2)
- (a) Except as provided in Subsection (2)(b), [~~if a hearing is requested by the person~~] if an individual requests a hearing, the [~~hearing shall be conducted by the~~] Driver License Division shall hold the hearing in:
- 557 (i) the county in which the offense occurred; or
- 558 (ii) a county which is adjacent to the county in which the offense occurred.
- 559 (b) The Driver License Division may hold a hearing in [~~some other~~] another county if the Driver License Division and the [~~person~~] individual both agree.
- 561 (3) The [~~hearing shall be documented~~] Driver License Division shall document the hearing and shall cover the issues of:
- 563 (a) whether a peace officer had reasonable grounds to believe that [~~a person~~] an individual was operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 41-6a-530, or 53-3-231; and
- 566 (b) whether the [~~person~~] individual refused to submit to [~~the~~] a test [~~or tests under~~] as described in Section 41-6a-520.
- 568 (4)
- (a) In connection with the hearing, the [~~division~~] Driver License Division or [~~its~~] the Driver License Division's authorized agent:
- 570 (i) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant [~~books and papers~~] documents; and
- 572 (ii) shall issue subpoenas for the attendance of necessary peace officers.
- 573 (b) The Driver License Division shall pay witness fees and mileage from the Transportation Fund in accordance with the rates established in Section 78B-1-119.
- 575 (5)
- (a) If after a hearing, the Driver License Division determines that the [~~person~~] individual was requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the [~~person~~] individual fails to appear before the Driver License Division as required in the notice, the Driver License Division shall revoke the [~~person's~~] individual's license or permit to operate a motor vehicle in Utah beginning on the date the hearing is held:
- 581 (i) for [~~a person~~] an individual 21 years old or older on the date of arrest, for a period of:
- 583 (A) except as provided in Subsection (5)(a)(i)(B) or (9), 18 months; or
- 584

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- (B) 36 months if the [person] individual previously committed an offense that occurred within the preceding 10 years from the date of the arrest that resulted in a:
- 587 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231;
- 589 (II) conviction under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
- 591 (III) conviction for an offense under Section 76-5-102.1; or
- 592 (IV) conviction for an offense under Section 76-5-207; or
- 593 (ii) for [a person] an individual under an individual younger than 21 years of age old on the date of arrest:
- 595 (A) except as provided in Subsection (5)(a)(ii)(B), until the [person] individual is 21 years old or for a period of two years, whichever is longer; or
- 597 (B) until the [person] individual is 21 years old or for a period of 36 months, whichever is longer, if the [person] individual previously committed an offense that occurred within the preceding 10 years from the date of the arrest that resulted in a:
- 601 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231;
- 603 (II) conviction under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
- 605 (III) conviction for an offense under Section 76-5-102.1; or
- 606 (IV) conviction for an offense under Section 76-5-207.
- 607 (b) The Driver License Division shall also assess against the person, in addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs.
- 611 (c) The ~~[fee shall be cancelled]~~ Driver License Division shall void the fee described in Subsection (5) (b) if the [person] individual obtains an unappealed court decision following a proceeding allowed under Subsection (2) that the revocation was improper.
- 615 (6)
- (a) ~~[Any person-]~~ An individual whose license has been revoked by the Driver License Division under this section following an administrative hearing may ~~[seek judicial review]~~ file a petition for judicial review as described in Section 53-3-224 within 30 days after the Driver License Division issues a suspension order.
- 619 (b) Judicial review of an informal adjudicative proceeding is a trial.

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- 620 (c) Venue is in the district court in the county in which the offense occurred.
- 621 (7) If the Driver License Division revokes ~~[a person's]~~ an individual's driving privilege under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A), the ~~[person]~~ individual may petition the division and elect to become an ignition interlock restricted driver after the driver serves at least 90 days of the revocation if the ~~[person]~~ individual:
- 625 (a) has a valid driving privilege, with the exception of the revocation under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A);
- 627 (b) installs an ignition interlock device in any vehicle owned or driven by the ~~[person]~~ individual in accordance with Section 53-3-1007;
- 629 (c) pays the license reinstatement application fees described in Subsections 53-3-105(26) and (27);
- 631 (d) pays the appropriate original license fees under Section 53-3-105; and
- 632 (e) completes the license application process including successful completion of required testing.
- 634 (8)
- (a) ~~[A person]~~ An individual who elects to become an ignition interlock restricted driver under Subsection (7) shall remain an ignition interlock restricted driver for a period of ~~[three]~~ two years.
- 637 (b) If the ~~[person]~~ individual described under Subsection (8)(a) removes an ignition interlock device from a vehicle owned or driven by the ~~[person]~~ individual prior to the expiration of the ~~[three-year]~~ two-year ignition interlock restriction period and does not install a new ignition interlock device from the same or a different ignition interlock provider within 24 hours:
- 642 (i) the ~~[person's]~~ individual's driving privilege shall be revoked under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A) for a period of 18 months from the date the ignition interlock device was removed from the vehicle;
- 645 (ii) no days may be subtracted from the 18-month revocation period under Subsection (8)(b)(i) for any days the ~~[person]~~ individual was in compliance with the interlock restriction under Subsection (7);
- 648 (iii) the ~~[person]~~ individual is required to pay the license reinstatement application fee under Subsection 53-3-105(26); and
- 650 (iv) the ~~[person]~~ individual may not elect to become an ignition interlock restricted driver under this section.
- 652 (9)

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(a) Notwithstanding the provisions in Subsection (1)(d)(i)(A) or (5)(a)(i)(A), the division shall reinstate ~~[a person's]~~ an individual's driving privilege before completion of the revocation period imposed under Subsection (1)(d)(i)(A) or (5)(a)(i)(A) if:

- 655 (i) the reporting court notifies the Driver License Division that the ~~[person]~~ individual is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5;
- 658 (ii) the ~~[person]~~ individual has served at least 90 days of the revocation under Subsection (1)(d)(i)(A) or (5)(a)(i)(A); and
- 660 (iii) the ~~[person]~~ individual has a valid driving privilege, with the exception of the revocation under Subsection (1)(d)(i)(A) or (5)(a)(i)(A).

662 (b) If ~~[a person's]~~ an individual's driving privilege is reinstated under Subsection (9)(a), the ~~[person]~~ individual is required to:

- 664 (i) install an ignition interlock device in any vehicle owned or driven by the ~~[person]~~ individual in accordance with Section 53-3-1007;
- 666 (ii) pay the license reinstatement application fees described in Subsections 53-3-105(26) and (27);
- 668 (iii) pay the appropriate original license fees under Section 53-3-105; and
- 669 (iv) complete the license application process including successful completion of required testing.
- 671 (c) If the reporting court notifies the Driver License Division that ~~[a person]~~ an individual has failed to complete all requirements of the 24-7 sobriety program, the division:
- 673 (i) shall revoke the ~~[person's]~~ individual's driving privilege under Subsection (1)(d)(i)(A) or (5)(a)(i)(A) for a period of 18 months from the date of the notice; and
- 676 (ii) may not subtract any days from the 18-month revocation period for:
- 677 (A) days during which the ~~[person's]~~ individual's driving privilege previously was revoked; or
- 679 (B) days during which the ~~[person]~~ individual was compliant with the 24-7 sobriety program.
- 681 (10) A driver license reinstatement before completion of the revocation period authorized under this section does not apply to a CDL disqualification imposed under Section 53-3-414.

921 Section 9. Section **9** is enacted to read:

922 **41-6a-532. DUI reporting system requirements.**

686 (1) As used in this section, "electronic DUI reporting system" means a software platform or electronic form used by a law enforcement agency to generate, submit, or store reports related to an investigation or arrest for driving under the influence under this part.

## HB0423S01 compared with HB0423S05

689 (2) A vendor that provides an electronic DUI reporting system to a law enforcement agency shall ensure  
that the electronic DUI reporting system is capable of being updated to conform with statutory  
changes affecting offenses under this part.

692 (3) A vendor described in Subsection (2) shall implement any update or change required to conform  
with a statutory change no later than the effective date of the statutory change.

931 Section 10. Section 53-3-105 is amended to read:

932 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling, and**  
**identification cards.**

Except as provided in Subsection (39), the following fees apply under this chapter:

935 (1) An original class D license application under Section 53-3-205 is \$52.

936 (2) An original provisional license application for a class D license under Section 53-3-205 is \$39.

938 (3) An original limited term license application under Section 53-3-205 is \$32.

939 (4) An original application for a motorcycle endorsement under Section 53-3-205 is \$18.

940 (5) An original application for a taxicab endorsement under Section 53-3-205 is \$14.

941 (6) A learner permit application under Section 53-3-210.5 is \$19.

942 (7) A renewal of a class D license under Section 53-3-214 is \$52 unless Subsection (12) applies.

944 (8) A renewal of a provisional license application for a class D license under Section 53-3-214 is \$52.

946 (9) A renewal of a limited term license application under Section 53-3-214 is \$32.

947 (10) A renewal of a motorcycle endorsement under Section 53-3-214 is \$18.

948 (11) A renewal of a taxicab endorsement under Section 53-3-214 is \$14.

949 (12) A renewal of a class D license for an individual 65 and older under Section 53-3-214 is \$27.

951 (13) An extension of a class D license under Section 53-3-214 is \$42 unless Subsection (17) applies.

953 (14) An extension of a provisional license application for a class D license under Section 53-3-214 is  
\$42.

955 (15) An extension of a motorcycle endorsement under Section 53-3-214 is \$18.

956 (16) An extension of a taxicab endorsement under Section 53-3-214 is \$14.

957 (17) An extension of a class D license for an individual 65 and older under Section 53-3-214 is \$22.

959 (18) An original or renewal application for a commercial class A, B, or C license or an original or  
renewal of a provisional commercial class A or B license under Part 4, Uniform Commercial Driver  
License Act, is \$52.

962 (19) A commercial class A, B, or C license skills test is \$78.

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- 963 (20) Each original CDL endorsement for passengers, hazardous material, double or triple trailers, or  
tankers is \$9.
- 965 (21) An original CDL endorsement for a school bus under Part 4, Uniform Commercial Driver License  
Act, is \$9.
- 967 (22) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License Act, is \$9.
- 969 (23)
- (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.
- 970 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.
- 971 (24) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.
- 972 (25) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.
- 973 (26)
- (a) A license reinstatement application under Section 53-3-205 is \$40.
- 974 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or combination of  
alcohol and any drug-related offense is \$45 in addition to the fee under Subsection (26)(a).
- 977 (27)
- (a)
- (i) An administrative fee for license reinstatement after an alcohol, drug, or combination of  
alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or 53-3-231 or an  
alcohol, drug, or combination of alcohol and any drug-related offense under Part 4, Uniform  
Commercial Driver License Act, is [~~\$255~~] \$262.
- 982 (ii) Seven dollars of the fee described in Subsection (27)(a)(i) shall be deposited into the General  
Fund.
- 984 (b) [~~This~~] The administrative fee described in Subsection (27)(a)(i) is in addition to the fees under  
Subsection (26).
- 986 (28)
- (a) An administrative fee for providing the driving record of a driver under Section 53-3-104 or  
53-3-420 is \$8.
- 988 (b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county,  
state, or federal agency.
- 990 (29) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.
- 991 (30)

## HB0423S01 compared with HB0423S05

- (a) Except as provided under Subsections (30)(b) and (c), an identification card application under Section 53-3-808 is \$23.
- 993 (b) An identification card application under Section 53-3-808 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.
- 995 (c) A fee may not be charged for an identification card application if the individual applying:
- 997 (i)
- (A) has not been issued a Utah driver license;
- 998 (B) is indigent; and
- 999 (C) is at least 18 years old;
- 1000 (ii) submits written verification that the individual is homeless, as defined in Section 26B-3-207, a person who is homeless, as defined in Section 35A-5-302, or a child or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
- 1003 (A) a homeless shelter, as defined in Section 35A-16-305;
- 1004 (B) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;
- 1006 (C) the Department of Workforce Services; or
- 1007 (D) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec. 11432(g)(1)(J)(ii); or
- 1009 (iii) is under 26 years old and submits written verification that the individual:
- 1010 (A) is in the custody of the Division of Child and Family Services; or
- 1011 (B) was in the custody of the Division of Child and Family Services but is no longer in the custody of the Division of Child and Family Services due to the individual's age.
- 1014 (31)
- (a) An extension of a regular identification card under Subsection 53-3-807(4) for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.
- 1016 (b) The fee described in Subsection (31)(a) is waived if the applicant submits written verification that the individual is homeless, as defined in Section 26B-3-207, or a person who is homeless, as defined in Section 35A-5-302, or a child or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:
- 1020 (i) a homeless shelter, as defined in Section 35A-16-305;
- 1021

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- (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;
- 1023 (iii) the Department of Workforce Services;
- 1024 (iv) a homeless service provider as verified by the Department of Workforce Services as described in Section 26B-8-113; or
- 1026 (v) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).
- 1028 (32)
- (a) An extension of a regular identification card under Subsection 53-3-807(5) is \$23.
- 1030 (b) The fee described in Subsection (32)(a) is waived if the applicant submits written verification that the individual is homeless, as defined in Section 26B-3-207, or a person who is homeless, as defined in Section 35A-5-302, from:
- 1033 (i) a homeless shelter, as defined in Section 35A-16-305;
- 1034 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;
- 1036 (iii) the Department of Workforce Services; or
- 1037 (iv) a homeless service provider as verified by the Department of Workforce Services as described in Section 26B-8-113.
- 1039 (33) In addition to any license application fees collected under this chapter, the division shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.
- 1043 (34) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.
- 1044 (35) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.
- 1045 (36) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.
- 1046 (37) An original driving privilege card application under Section 53-3-207 is \$32.
- 1047 (38) A renewal of a driving privilege card application under Section 53-3-207 is \$23.
- 1048 (39) A fee may not be charged for an original class D license application, original provisional license application for a class D license, or a learner permit application if the individual applying is:
- 1051 (a) under [the-]26 years old; and
- 1052 (b) submits written verification that the individual:

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- 1053 (i) is in the custody of the Division of Child and Family Services; or  
1054 (ii) was in the custody of the Division of Child and Family Services but is no longer in the custody of  
the Division of Child and Family Services due to the individual's age.
- 1057 (40) An administrative fee to add an interdicted person identifier to a license certificate under Section  
53-3-236 or identification card under Section 53-3-805 is \$7.
- 1059 Section 11. Section **53-3-223** is amended to read:  
1060 **53-3-223. Chemical test for driving under the influence -- Temporary license -- Hearing and  
decision -- Suspension and fee -- Judicial review.**
- 697 (1)  
(a) If a peace officer has reasonable grounds to believe that an individual may be violating or has  
violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, the peace officer may, [~~in~~  
~~connection with~~] when arresting the individual, request that the individual submit to a chemical test  
or tests to be administered in compliance with [~~the standards under~~] Section 41-6a-520.
- 702 (b) In this section, a reference to Section 41-6a-502 includes any similar local ordinance adopted in  
compliance with Subsection 41-6a-510(1).
- 704 (2) The peace officer shall advise an individual [~~prior to~~] before the individual's submission to a  
chemical test that a test result [~~indicating~~] showing:
- 706 (a) a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207 shall[;] result in suspension or  
revocation of the individual's driver license; and
- 708 (b) the existence of a blood alcohol content sufficient to render the individual incapable of safely  
driving a motor vehicle may[;] result in suspension or revocation of the individual's [license to drive  
a motor vehicle] driver license.
- 711 (3) If the individual submits to a chemical test and the test results [~~indicate~~] show a blood or breath  
alcohol content in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, or if a peace  
officer [~~makes a determination~~] determines, based on reasonable grounds, that the individual is  
otherwise in violation of Section 41-6a-502, 76-5-102.1, or 76-5-207, a peace officer shall, on  
behalf of the division and within 24 hours of arrest, give notice of the division's intention to suspend  
the individual's license to drive a motor vehicle.
- 718 (4) When a peace officer gives notice on behalf of the division, the peace officer shall supply to the  
driver, in a manner specified by the division, [~~basic~~] information regarding how to obtain a prompt  
hearing before the division.

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- 721 (5) As a matter of procedure, a peace officer shall send to the division within 10 calendar days after the  
day on which ~~[notice is provided]~~ the peace officer provides notice:
- 723 (a) a copy of the citation issued for the offense;
- 724 (b) a signed report in a manner specified by the division ~~[indicating]~~ showing the chemical test results,  
if any; and
- 726 (c) any other basis for the peace officer's determination that the individual has violated Section  
41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207.
- 728 (6)
- (a)
- (i) Upon request by an individual, in a manner specified by the division, the division shall grant to  
the individual an opportunity to be heard within ~~[29]~~ 45 days after the date of arrest.
- 731 (ii) The individual shall submit a request to be heard ~~[shall be made]~~ within ~~{10}~~ {5} calendar  
days ~~[of]~~ after the day on which ~~[notice is provided]~~ the peace officer provides notice under  
Subsection (5).
- 734 (b)
- (i) Except as provided in Subsection (6)(b)(ii), ~~[a hearing, if held, shall be before the division]~~ if the  
division holds a hearing, the division shall hold the hearing in:
- 736 (A) the county in which the arrest occurred; or
- 737 (B) a county that is adjacent to the county in which the arrest occurred.
- 738 (ii) The division may hold a hearing in ~~[some other]~~ another county if the division and the individual  
both agree.
- 740 (c) The division shall document the hearing ~~[shall be documented]~~ and shall cover the issues of:
- 742 (i) whether a peace officer had reasonable grounds to believe the individual was driving a motor vehicle  
in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207;
- 745 (ii) whether the individual refused to submit to ~~[the]~~ a test; and
- 746 (iii) the test results, if any.
- 747 (d)
- (i) In connection with a hearing, the division or ~~[its]~~ the division's authorized agent:
- 748 (A) may administer oaths and may issue subpoenas for the attendance of witnesses and the  
production of relevant ~~[books and papers]~~ documents; ~~[or]~~ and
- 750 (B) may issue subpoenas for the attendance of necessary peace officers.

## HB0423S01 compared with HB0423S05

- 751 (ii) The division shall pay witness fees and mileage from the Transportation Fund in accordance with  
the rates established in Section 78B-1-119.
- 753 (e) The division may designate one or more employees to conduct the hearing.
- 754 (f) ~~[Any decision made after a hearing before any designated employee]~~ After a hearing, a  
determination made by an authorized agent is ~~[as-]~~valid and binding as if made by the division.
- 757 (7)
- (a) If, after a hearing, the division determines that a peace officer had reasonable grounds to believe that  
the individual was driving a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1,  
or 76-5-207, if the individual failed to appear before the division as required in the notice, or if a  
hearing is not requested under this section, the division shall:
- 762 (i) if the individual is 21 years old or older at the time of arrest, suspend the individual's license or  
permit to operate a motor vehicle for a period of:
- 764 (A) 120 days beginning on the ~~[45th]~~ 60th day after the date of arrest for a first suspension; or
- 766 (B) two years beginning on the ~~[45th]~~ 60th day after the date of arrest for a second or subsequent  
suspension for an offense that occurred within the previous 10 years; or
- 769 (ii) if the individual is under 21 years old at the time of arrest:
- 770 (A) suspend the individual's license or permit to operate a motor vehicle:
- 771 (I) for a period of six months, beginning on the ~~[45th]~~ 60th day after the date of arrest for a first  
suspension; or
- 773 (II) until the individual is 21 years old or for a period of two years, whichever is longer, beginning on  
the ~~[45th]~~ 60th day after the date of arrest for a second or subsequent suspension for an offense that  
occurred within the previous 10 years; or
- 777 (B) deny the individual's application for a license or learner's permit:
- 778 (I) for a period of six months beginning on the ~~[45th]~~ 60th day after the date of the arrest for a first  
suspension, if the individual has not been issued an operator license; or
- 781 (II) until the individual is 21 years old or for a period of two years, whichever is longer, beginning on  
the ~~[45th]~~ 60th day after the date of arrest for a second or subsequent suspension for an offense that  
occurred within the previous 10 years.
- 785 (b)

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(i) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i)(A), the division shall reinstate an individual's license ~~[prior to]~~ before completion of the 120 day suspension period imposed under Subsection (7)(a)(i)(A):

788 (A) immediately upon receiving written verification of the individual's dismissal of a charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written verification is received ~~[prior to]~~ before completion of the suspension period; or

792 (B) no sooner than 60 days beginning on the ~~[45th]~~ 60th day after the date of arrest upon receiving written verification of the individual's reduction of a charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written verification is received ~~[prior to]~~ before completion of the suspension period.

797 (ii) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i)(A), the division shall reinstate an individual's license ~~[prior to]~~ before completion of the 120-day suspension period imposed under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the individual's conviction of impaired driving under Section 41-6a-502.5 if:

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

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

807 (iii) ~~[If an individual's license is reinstated under]~~ If the division reinstates the individual's license as described in this Subsection (7)(b), the individual ~~[is required to]~~ shall pay the license reinstatement application fees under Subsections 53-3-105(26) and (27).

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

813 ~~[(v) A driver license reinstatement authorized under this Subsection (7)(b) does not apply to a CDL disqualification imposed under Section 53-3-414.]~~

815 (8)

(a)

(i) The division shall assess against an individual, in addition to ~~[any]~~ a fee imposed under Subsection 53-3-205(12) for driving under the influence, a fee under Section 53-3-105 to cover administrative costs, which shall be paid before the individual's driving privilege is reinstated.

819

## HB0423S01 compared with HB0423S05

- (ii) ~~[This fee shall be cancelled]~~ The division shall void the fee described in Subsection (8)(a)(i) if the individual obtains an unappealed division hearing or court decision that the suspension was ~~[not proper]~~ improper.
- 822 (b) An individual whose license has been suspended by the division under this section following an administrative hearing may file a petition for judicial review as described in Subsection 53-3-224 within 30 days after the division issues an order of suspension ~~{:} [for a hearing on the matter which, if held, is governed by Section 53-3-224] {;}~~
- 827 (9)
- (a) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i), the division shall reinstate an individual's license before completion of the suspension period imposed under Subsection (7)(a)(i) if:
- 830 (i)
- (A) the reporting court notifies the ~~[Driver License Division]~~ division that the individual is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5; or
- 833 (B) the reporting court notifies the ~~[Driver License Division]~~ division that the individual is participating in or has successfully completed a problem solving court program approved by the Judicial Council, including a driving under the influence court program or a drug court program, and has elected to become an interlock restricted driver as a condition of probation during the remainder of the individual's suspension period in accordance with Section 41-6a-518; and
- 839 (ii) the individual has a valid driving privilege, ~~[with the exception of]~~ except for the suspension under Subsection (7)(a)(i).
- 841 (b) If ~~[an]~~ the division reinstates an individual's license ~~[is reinstated under]~~ as described in Subsection (9)(a), the individual ~~[is required to]~~ shall pay the license reinstatement application fees under Subsections 53-3-105(26) and (27).
- 844 (10)
- (a) If the division suspends an individual's license for an alcohol related offense under Subsection (7)(a)(i)(A), the individual may petition the division and elect to become an ignition interlock restricted driver if the individual:
- 847 (i) has a valid driving privilege, with the exception of the suspension under Subsection (7)(a)(i)(A);
- 849 (ii) installs an ignition interlock device in any vehicle owned or driven by the individual in accordance with Section 53-3-1007; and

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- 851 (iii) pays the license reinstatement application fees described in Subsections 53-3-105(26) and (27).  
853 (b)
- (i) The individual shall remain an ignition interlock restricted driver for a period of 120 days from the original effective date of the suspension under Subsection (7)(a)(i)(A).
- 856 (ii) If the individual removes an ignition interlock device from a vehicle owned or driven by the individual [~~prior to~~] before the expiration of the 120-day ignition interlock restriction period and does not install a new ignition interlock device from the same or a different provider within 24 hours:
- 860 (A) the division shall suspend the individual's driver license [~~shall be suspended under~~] as described in Subsection (7)(a)(i)(A) for the remainder of the 120-day ignition interlock restriction period;
- 863 (B) the individual [~~is required to~~] shall pay the license reinstatement application fee under Subsection 53-3-105(26); and
- 865 (C) the individual may not elect to become an ignition interlock restricted driver under this section.
- 867 (c) If an individual elects to become an ignition interlock restricted driver under Subsection (10)(a), the provisions under Subsection (7)(b) do not apply.
- 869 (11)
- (a) If the division suspends an individual's license for an alcohol related offense under Subsection (7)(a)(i)(B), the individual may petition the division and elect to become an ignition interlock restricted driver after the driver serves at least 90 days of the suspension if the individual:
- 873 (i) was charged with a violation of Section 41-6a-502 that is a misdemeanor;
- 874 (ii) has a valid driving privilege, with the exception of the suspension under Subsection (7)(a)(i)(B);
- 876 (iii) installs an ignition interlock device in any vehicle owned or driven by the individual in accordance with Section 53-3-1007; and
- 878 (iv) pays the license reinstatement application fees described in Subsections 53-3-105(26) and (27)[;] .
- 880 (b)
- (i) The individual shall remain an ignition interlock restricted driver for a period of two years from the original effective date of the suspension under Subsection (7)(a)(i)(B).
- 883 (ii) If the individual removes an ignition interlock device from a vehicle owned or driven by the individual [~~prior to~~] before the expiration of the two-year ignition interlock restriction period and

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does not install a new ignition interlock device from the same or a different provider within 24 hours:

- 887 (A) the division shall suspend the individual's driver license [~~shall be suspended under~~] as described in  
Subsection (7)(a)(i)(B) for the remainder of the two-year ignition interlock restriction period;
- 890 (B) the individual [~~is required to~~] shall pay the license reinstatement application fee under Subsection  
53-3-105(26); and
- 892 (C) the individual may not elect to become an ignition interlock restricted driver under this section.
- 894 (c) Notwithstanding Subsections (11)(a) and (b), if a court convicts the individual [~~is subsequently~~  
~~convicted~~] of the violation of Section 41-6a-502 that [~~gave rise to~~] prompted the suspension  
under Subsection (7)(a)(i)(B), the division shall revoke the individual's license under Subsection  
41-6a-509(1)(a)(ii), and the individual is no longer an ignition interlock restricted driver under this  
Subsection (11).

899 (12)

(a) Notwithstanding [~~the provisions in~~] Subsection (7)(a)(i)(B), the division shall reinstate an  
individual's license [~~prior to~~] before completion of the two-year suspension period imposed under  
Subsection (7)(a)(i)(B) immediately upon receiving written verification of the individual's dismissal  
of a charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written  
verification is received [~~prior to~~] before completion of the suspension period.

905 (b) If the individual elected to become an ignition interlock restricted driver under Subsection (11), and  
the division receives written verification of the individual's dismissal of a charge for violation of  
Section 41-6a-502, the driver is no longer an ignition interlock restricted driver under Subsection  
(11)(b)(i), and the division shall reinstate the individual's license [~~prior to~~] before the completion of  
the two-year ignition interlock restriction period under Subsection (11)(b)(i).

911 (13) A driver license reinstatement before completion of the suspension period authorized under this  
section does not apply to a CDL disqualification imposed under Section 53-3-414.

1279 Section 12. Section **53-3-231** is amended to read:

1280 **53-3-231. Person under 21 may not operate a vehicle or motorboat with detectable alcohol  
in body -- Chemical test procedures -- Temporary license -- Hearing and decision -- Suspension  
of license or operating privilege -- Fees -- Judicial review -- Referral to local substance abuse  
authority or program.**

919 (1)

## HB0423S01 compared with HB0423S05

- (a) As used in this section:
- 920 (i) "Local substance abuse authority" ~~[has the same meaning as provided]~~ means the same as that term is defined in Section 62A-15-102.
- 922 (ii) "Substance abuse program" means ~~[any]~~ a substance abuse program licensed by the Department of Human Services or the Department of Health and approved by the local substance abuse authority.
- 925 (b) Calculations of blood, breath, or urine alcohol concentration under this section shall be made in accordance with ~~[the procedures in]~~ Subsection 41-6a-502(1).
- 927 (2)
- (a) ~~[A person]~~ An individual younger than 21 ~~[years of age]~~ years old may not operate or be in actual physical control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol concentration in the ~~[person's]~~ individual's body as shown by a chemical test.
- 931 (b) ~~[A person]~~ An individual who violates Subsection (2)(a), in addition to any other applicable penalties arising out of the incident, shall have the ~~[person's]~~ individual's operator license denied or suspended as provided in Subsection (7).
- 934 (3)
- (a) When a peace officer has reasonable grounds to believe that ~~[a person]~~ an individual may be violating or has violated Subsection (2), the peace officer may, ~~[in connection with]~~ when arresting the ~~[person]~~ individual for a violation of Section 32B-4-409, request that the ~~[person]~~ individual submit to a chemical test or tests to be administered in compliance with ~~[the standards under]~~ Section 41-6a-520.
- 939 (b) The peace officer shall advise ~~[a person prior to the person's]~~ an individual before the individual's submission to a chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or suspension of the ~~[person's]~~ individual's license to operate a motor vehicle or a refusal to issue a license.
- 943 (c) If the ~~[person]~~ individual submits to a chemical test and the test results ~~[indicate]~~ show a blood, breath, or urine alcohol content in violation of Subsection (2)(a), or if a peace officer ~~[makes a determination]~~ determines, based on reasonable grounds, that the ~~[person]~~ individual is otherwise in violation of Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the arrest, give notice of the division's intention to deny or suspend the ~~[person's]~~ individual's license to operate a vehicle or refusal to issue a license under this section.

## HB0423S01 compared with HB0423S05

- 950 (4) When a peace officer gives notice on behalf of the division, the peace officer shall supply to the  
operator, in a manner specified by the division, basic information regarding how to obtain a prompt  
hearing before the division.
- 953 (5) As a matter of procedure, a peace officer shall send to the division within 10 calendar days after the  
day on which ~~[notice is provided]~~ the peace officer provides notice:
- 955 (a) a copy of the citation issued for the offense;
- 956 (b) a signed report in a manner specified by the ~~[Driver License Division indicating]~~ division showing  
the chemical test results, if any; and
- 958 (c) any other basis for a peace officer's determination that the ~~[person]~~ individual has violated  
Subsection (2).
- 960 (6)
- (a)
- (i) Upon request by an individual, in a manner specified by the division, the ~~[Driver License~~  
~~Division]~~ division shall grant to the ~~[person]~~ individual an opportunity to be heard within  
~~[29]~~ 45 days after the date of arrest under Section 32B-4-409.
- 964 (ii) The ~~[request shall be made]~~ individual shall request a hearing described in Subsection (6)(a)  
(i) within ~~{10}~~ 5 calendar days ~~[of]~~ after the day on which ~~[notice is provided]~~ the peace  
officer provides notice.
- 967 (b)
- (i) Except as provided in Subsection (6)(b)(ii), ~~[a hearing, if held, shall be before the division in]~~ if the  
division holds a hearing, the division shall hold the hearing in:
- 969 (A) the county in which the arrest occurred; or
- 970 (B) a county that is adjacent to the county in which the arrest occurred.
- 971 (ii) The division may hold a hearing in ~~[some other]~~ another county if the division and the  
~~[person]~~ individual both agree.
- 973 (c) The ~~[hearing shall be documented]~~ division shall document the hearing and shall cover the issues of:
- 975 (i) whether a peace officer had reasonable grounds to believe the ~~[person]~~ individual was operating a  
motor vehicle or motorboat in violation of Subsection (2)(a);
- 977 (ii) whether the ~~[person]~~ individual refused to submit to ~~[the]~~ a test; and
- 978 (iii) the test results, if any.
- 979 (d) In connection with a hearing, the division or ~~[its]~~ the division's authorized agent may:

## HB0423S01 compared with HB0423S05

- 980 (i) administer oaths and ~~[may] issue subpoenas for the attendance of witnesses and the production of~~  
relevant ~~[books and papers and records as defined in Section 46-4-102.]~~ documents; and
- 983 (ii) issue subpoenas for the attendance of necessary peace officers.
- 984 (e) One or more members of the division may conduct the hearing.
- 985 ~~[(f) Any decision made after a hearing before any number of the members of the division is as valid as~~  
~~if made after a hearing before the full membership of the division.]~~
- 988 (f) After a hearing, a determination made by an authorized agent is valid and binding as if made by the  
division.
- 990 (7) If, after a hearing, the division determines that a peace officer had reasonable grounds to believe  
that the ~~[person]~~ individual was driving a motor vehicle in violation of Subsection (2)(a), if  
the ~~[person]~~ individual fails to appear before the division as required in the notice, or if the  
~~[person]~~ individual does not request a hearing under this section, the division shall for ~~[a person]~~ an  
individual under 21 years ~~[of age]~~ old on the date of arrest:
- 996 (a) deny the ~~[person's]~~ individual's license until the ~~[person]~~ individual complies with Subsection (10)  
(b)(i) but for a period of not less than six months beginning on the ~~[45th]~~ 60th day after the date of  
arrest for a first offense under Subsection (2)(a);
- 999 (b) suspend the ~~[person's]~~ individual's license until the ~~[person]~~ individual complies with Subsection  
(10)(b)(i) and until the ~~[person]~~ individual is 21 years ~~[of age]~~ old or for a period of two years,  
whichever is longer, beginning on the ~~[45th]~~ 60th day after the date of arrest for a second or  
subsequent offense under Subsection (2)(a) within 10 years of a prior denial or suspension;
- 1004 (c) deny the ~~[person's]~~ individual's application for a license or learner's permit until the  
~~[person]~~ individual complies with Subsection (10)(b)(i) but for a period of not less than six months  
beginning on the ~~[45th]~~ 60th day after the date of the arrest, if:
- 1007 (i) the ~~[person]~~ individual has not been issued an operator license; and
- 1008 (ii) the suspension is for a first offense under Subsection (2)(a); and
- 1009 (d) deny the ~~[person's]~~ individual's application for a license or learner's permit until the  
~~[person]~~ individual complies with Subsection (10)(b)(i) and until the ~~[person]~~ individual is 21 years  
~~[of age]~~ old or for a period of two years, whichever is longer, beginning on the ~~[45th]~~ 60th day after  
the date of the arrest, if:
- 1013 (i) the ~~[person]~~ individual has not been issued an operator license; and
- 1014

## HB0423S01 compared with HB0423S05

(ii) the suspension is for a second or subsequent offense under Subsection (2)(a) committed within 10 years of a prior denial or suspension.

1016 (8)

(a)

(i) Following denial or suspension the division shall assess against [~~a person~~] an individual, in addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs.

1020 (ii) [~~This fee shall be canceled.~~] The division shall void the fee described in Subsection (8)(a)(i) if the [~~person~~] individual obtains an unappealed division hearing or court decision that the suspension was [~~not proper~~] improper.

1023 (b) [~~A person~~] An individual whose operator license has been denied, suspended, or postponed by the division under this section following an administrative hearing may file a petition for judicial review as described in Section 53-3-224 within 30 days after the day on which the division issues a suspension [~~for a hearing on the matter which, if held, is governed by Section 53-3-224.~~] order.

1028 (9) After reinstatement of an operator license for a first offense under this section, a report authorized under Section 53-3-104 may not contain evidence of the denial or suspension of the [~~person's~~] individual's operator license under this section if the [~~person~~] individual has not been convicted of any other offense for which the denial or suspension may be extended.

1033 (10)

(a) In addition to the penalties in Subsection (8), [~~a person~~] an individual who violates Subsection (2)(a) shall:

1035 (i) obtain an assessment and recommendation for appropriate action from a substance abuse program, but any associated costs shall be the [~~person's~~] individual's responsibility; or

1038 (ii) be referred by the division to the local substance abuse authority for an assessment and recommendation for appropriate action.

1040 (b)

(i) Reinstatement of the [~~person's~~] individual's operator license or the right to obtain an operator license within five years of the effective date of the license sanction under Subsection (7) is contingent upon successful completion of the action recommended by the local substance abuse authority or the substance abuse program.

## HB0423S01 compared with HB0423S05

- 1045 (ii) The local substance abuse authority's or the substance abuse program's recommended action shall be  
determined by an assessment of the [person's] individual's alcohol abuse and may include:
- 1048 (A) a targeted education and prevention program;
- 1049 (B) an early intervention program; or
- 1050 (C) a substance abuse treatment program.
- 1051 (iii) Successful completion of the recommended action shall be determined by standards established by  
the Division of Substance Abuse and Mental Health.
- 1053 (c) At the conclusion of the penalty period imposed under Subsection (2), the local substance abuse  
authority or the substance abuse program shall notify the division of the [person's] individual's status  
regarding completion of the recommended action.
- 1056 (d) The local substance abuse authorities and the substance abuse programs shall cooperate with the  
division in:
- 1058 (i) conducting the assessments;
- 1059 (ii) making appropriate recommendations for action; and
- 1060 (iii) notifying the division about the [person's] individual's status regarding completion of the  
recommended action.
- 1062 (e)
- (i) The local substance abuse authority is responsible for the cost of the assessment of the  
[person's] individual's alcohol abuse, if the assessment is conducted by the local substance abuse  
authority.
- 1065 (ii) The local substance abuse authority or a substance abuse program selected by [~~a person~~] an  
individual is responsible for:
- 1067 (A) conducting an assessment of the [person's] individual's alcohol abuse; and
- 1068 (B) for making a referral to an appropriate program on the basis of the findings of the assessment.
- 1070 (iii)
- (A) The [~~person~~] individual who violated Subsection (2)(a) is responsible for all costs and fees  
associated with the recommended program to which the [~~person~~] individual selected or is referred.
- 1073 (B) The costs and fees under Subsection (10)(e)(iii)(A) shall be based on a sliding scale consistent with  
the local substance abuse authority's policies and practices regarding fees for services or determined  
by the substance abuse program.
- 1442 Section 13. Section **53-3-414** is amended to read:

## HB0423S01 compared with HB0423S05

- 1443           **53-3-414. CDL disqualification or suspension -- Grounds and duration -- Procedure.**
- 1080       (1)
- (a) An individual who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle for a period of not less than one year effective seven days from the date of notice to the driver if convicted of a first offense of:
- 1083           (i) driving a motor vehicle while impaired or under the influence of alcohol, drugs, a controlled substance, or more than one of these;
- 1085           (ii) driving a commercial motor vehicle while the concentration of alcohol in the individual's blood, breath, or urine is .04 grams or more;
- 1087           (iii) leaving the scene of an accident involving a motor vehicle the individual was driving;
- 1089           (iv) failing to provide reasonable assistance or identification when involved in an accident resulting in~~[-]~~ personal injury or death in accordance with Section 41-6a-401.3;
- 1092       ~~[(A) personal injury in accordance with Section 41-6a-401.3; or]~~
- 1093       ~~[(B) death in accordance with Section 41-6a-401.5;]~~
- 1094           (v) using a motor vehicle in the commission of a felony;
- 1095           (vi) refusal to submit to a test to determine the concentration of alcohol in the individual's blood, breath, or urine;
- 1097           (vii) driving a commercial motor vehicle while the individual's commercial driver license is disqualified in accordance with the provisions of this section for violating an offense described in this section; or
- 1100           (viii) operating a commercial motor vehicle in a negligent manner causing the death of another including the offenses of manslaughter under Section 76-5-205, negligent homicide under Section 76-5-206, or automobile homicide under Section 76-5-207.
- 1104       (b) The division shall subtract from any disqualification period under Subsection (1)(a)(i) the number of days for which a license was previously disqualified under Subsection (1)(a)(ii) or (14) if the previous disqualification was based on the same occurrence upon which the record of conviction is based.
- 1108       (2) If any of the violations under Subsection (1) occur while the driver is transporting a hazardous material required to be placarded, the driver is disqualified for not less than three years.
- 1111       (3)

## HB0423S01 compared with HB0423S05

- (a) Except as provided under Subsection (4), a driver of a motor vehicle who holds or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if convicted of or administrative action is taken for two or more of any of the offenses under Subsection (1) or (14) arising from two or more separate incidents.
- 1115 (b) An individual who is convicted of or administrative action is taken for an offense under Subsection (5):
- 1117 (i) is disqualified for life from driving a commercial motor vehicle; and
- 1118 (ii) may not be reinstated under Subsection (4).
- 1119 (c) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.
- 1120 (4)
- (a) Any driver disqualified for life from driving a commercial motor vehicle under this section may apply to the division for reinstatement of the driver's CDL if the driver:
- 1123 (i) has both voluntarily enrolled in and successfully completed an appropriate rehabilitation program that:
- 1125 (A) meets the standards of the division; and
- 1126 (B) complies with 49 C.F.R. Sec. 383.51;
- 1127 (ii) has served a minimum disqualification period of 10 years; and
- 1128 (iii) has fully met the standards for reinstatement of commercial motor vehicle driving privileges established by rule of the division.
- 1130 (b) If a reinstated driver is subsequently convicted of another disqualifying offense under this section, the driver is permanently disqualified for life and is ineligible to again apply for a reduction of the lifetime disqualification.
- 1133 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if the driver uses a motor vehicle in the commission of any felony involving:
- 1136 (a) the manufacturing, distributing, or dispensing of a controlled substance; or
- 1137 (b) an act or practice of severe forms of trafficking in persons as defined and described in 22 U.S.C. Sec. 7102(11).
- 1139 (6)
- (a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for not less than:

## HB0423S01 compared with HB0423S05

- 1141 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two serious traffic  
violations; and
- 1143 (ii) 120 days if the driver is convicted of three or more serious traffic violations.
- 1144 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic violations:
- 1146 (i) occur within three years of each other;
- 1147 (ii) arise from separate incidents; and
- 1148 (iii) involve the use or operation of a commercial motor vehicle.
- 1149 (c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified  
from driving a commercial motor vehicle and the division receives notice of a subsequent conviction  
for a serious traffic violation that results in an additional disqualification period under this  
Subsection (6), the subsequent disqualification period is effective beginning on the ending date of  
the current serious traffic violation disqualification period.
- 1155 (7)
- (a) A driver of a commercial motor vehicle who is convicted of violating an out-of-service order while  
driving a commercial motor vehicle is disqualified from driving a commercial motor vehicle for a  
period not less than:
- 1158 (i) 180 days if the driver is convicted of a first violation;
- 1159 (ii) two years if, during any 10 year period, the driver is convicted of two violations of out-of-  
service orders in separate incidents;
- 1161 (iii) three years but not more than five years if, during any 10 year period, the driver is convicted of  
three or more violations of out-of-service orders in separate incidents;
- 1164 (iv) 180 days but not more than two years if the driver is convicted of a first violation of an out-of-  
service order while transporting hazardous materials required to be placarded or while operating  
a motor vehicle designed to transport 16 or more passengers, including the driver; or
- 1168 (v) three years but not more than five years if, during any 10 year period, the driver is convicted  
of two or more violations, in separate incidents, of an out-of-service order while transporting  
hazardous materials required to be placarded or while operating a motor vehicle designed to  
transport 16 or more passengers, including the driver.
- 1173 (b) A driver of a commercial motor vehicle who is convicted of a first violation of an out-of-service  
order is subject to a civil penalty of not less than \$2,500.

1175

## HB0423S01 compared with HB0423S05

- (c) A driver of a commercial motor vehicle who is convicted of a second or subsequent violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.
- 1177 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for not less than 60 days if the division determines, in its check of the driver's driver license status, application, and record prior to issuing a CDL or at any time after the CDL is issued, that the driver has falsified information required to apply for a CDL in this state.
- 1182 (9) A driver of a commercial motor vehicle who is convicted of violating a railroad-highway grade crossing provision under Section 41-6a-1205, while driving a commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period not less than:
- 1186 (a) 60 days if the driver is convicted of a first violation;
- 1187 (b) 120 days if, during any three-year period, the driver is convicted of a second violation in separate incidents; or
- 1189 (c) one year if, during any three-year period, the driver is convicted of three or more violations in separate incidents.
- 1191 (10)
- (a) The division shall update its records and notify the CDLIS within 10 days of suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.
- 1194 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL, the division shall notify the licensing authority of the issuing state or other jurisdiction and the CDLIS within 10 days after the action is taken.
- 1197 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this state, the division shall notify the CDLIS within 10 days after the action is taken.
- 1199 (11)
- (a) The division may immediately suspend or disqualify the CDL of a driver without a hearing or receiving a record of the driver's conviction when the division has reason to believe that the:
- 1202 (i) CDL was issued by the division through error or fraud;
- 1203 (ii) applicant provided incorrect or incomplete information to the division;
- 1204 (iii) applicant cheated on any part of a CDL examination;
- 1205 (iv) driver no longer meets the fitness standards required to obtain a CDL; or
- 1206 (v) driver poses an imminent hazard.
- 1207 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with Section 53-3-221.

## HB0423S01 compared with HB0423S05

- 1209 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the suspension order or  
cancel the CDL.
- 1211 (12)
- (a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is required to hold a CDL is  
disqualified for not less than:
- 1213 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two serious traffic  
violations; and
- 1215 (ii) 120 days if the driver is convicted of three or more serious traffic violations.
- 1216 (b) The disqualifications under Subsection (12)(a) are effective only if the serious traffic violations:
- 1218 (i) occur within three years of each other;
- 1219 (ii) arise from separate incidents; and
- 1220 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving privilege from at  
least one of the violations.
- 1222 (c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified from driving a  
commercial motor vehicle and the division receives notice of a subsequent conviction for a serious  
traffic violation that results in an additional disqualification period under this Subsection (12), the  
subsequent disqualification period is effective beginning on the ending date of the current serious  
traffic violation disqualification period.
- 1228 (13)
- (a) Upon receiving a notice that an individual has entered into a plea of guilty or no contest to a  
violation of a disqualifying offense described in this section which plea is held in abeyance pursuant  
to a plea in abeyance agreement, the division shall disqualify, suspend, cancel, or revoke the  
individual's CDL for the period required under this section for a conviction of that disqualifying  
offense, even if the charge has been subsequently reduced or dismissed in accordance with the plea  
in abeyance agreement.
- 1235 (b) The division shall report the plea in abeyance to the CDLIS within 10 days of taking the action  
under Subsection (13)(a).
- 1237 (c) A plea which is held in abeyance may not be removed from an individual's driving record for 10  
years from the date of the plea in abeyance agreement, even if the charge is:
- 1240 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or
- 1241 (ii) expunged under Title 77, Chapter 40a, Expungement of Criminal Records.

## HB0423S01 compared with HB0423S05

- 1242 (14) The division shall disqualify the CDL of a driver for an arrest of a violation of Section 41-6a-502  
when administrative action is taken against the operator's driving privilege pursuant to Section  
53-3-223 for a period of:
- 1245 (a) one year; or
- 1246 (b) three years if the violation occurred while transporting hazardous materials.
- 1247 (15) The division may concurrently impose any disqualification periods that arise under this section  
while a driver is disqualified by the Secretary of the United States Department of Transportation  
under 49 C.F.R. Sec. 383.52 for posing an imminent hazard.
- 1615 Section 14. Section **53-3-418** is amended to read:
- 1616 **53-3-418. Prohibited alcohol level for drivers -- Procedures, including hearing.**
- 1252 (1) [~~a person~~] An individual who holds or is required to hold a CDL may not drive a commercial  
motor vehicle in this state if the [~~person~~] individual:
- 1254 (a) has sufficient alcohol in the [~~person's~~] individual's body that a subsequent chemical test shows that  
the [~~person~~] individual has a blood or breath alcohol concentration of .04 grams or greater at the  
time of the test after the alleged driving of the commercial motor vehicle;
- 1258 (b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to  
degree that renders the [~~person~~] individual incapable of safely driving a commercial motor vehicle;  
or
- 1261 (c) has a blood or breath alcohol concentration of .04 grams or greater at the time of driving the  
commercial motor vehicle.
- 1263 (2) [~~A person~~] An individual who holds or is required to hold a CDL and who drives a commercial  
motor vehicle in this state is considered to have given the [~~person's~~] individual's consent to a test or  
tests of the [~~person's~~] individual's blood, breath, or urine to determine the concentration of alcohol or  
the presence of other drugs in the [~~person's~~] individual's physical system.
- 1268 (3) If a peace officer or port-of-entry agent has reasonable cause to believe that [~~a person~~] an  
individual may be violating this section, the peace officer or port-of-entry agent may request the  
[~~person~~] individual to submit to a chemical test to be administered in compliance with Section  
41-6a-515.
- 1272 (4) When a peace officer or port-of-entry agent requests [~~a person~~] an individual to submit to a test  
under this section, the peace officer or port-of-entry agent shall advise the [~~person~~] individual that  
test results [~~indicating~~] showing a violation of Subsection (1) or refusal to submit to [~~any~~] a test

## HB0423S01 compared with HB0423S05

requested will result in the [person's] individual's disqualification under Section 53-3-414 from driving a commercial motor vehicle.

- 1277 (5) If test results under this section [~~indicate~~] show a violation of Subsection (1) or the  
[person] individual refuses to submit to [~~any~~] a test requested under this section, a peace officer  
or port-of-entry agent shall, on behalf of the division and within 24 hours of the arrest, give the  
[person] individual notice of the division's intention to disqualify the [person's] individual's privilege  
to drive a commercial motor vehicle.
- 1282 (6) When a peace officer or port-of-entry agent gives notice under Subsection (5), the peace officer or  
port-of-entry agent shall:
- 1284 (a) provide the driver, in a manner specified by the division, basic information regarding how to obtain  
a prompt hearing before the division; and
- 1286 (b) issue a 24-hour out-of-service order.
- 1287 (7) As a matter of procedure, a peace officer or port-of-entry agent shall, within 10 calendar days after  
the day on which notice is provided, send to the division a copy of the notice, and a report signed  
by the peace officer or port-of-entry agent that [~~indicates~~] shows the results of any chemical test  
administered or that the person refused a test.
- 1291 (8)
- (a) [~~A person~~] An individual disqualified under this section has the right to a hearing regarding the  
disqualification.
- 1293 (b) The request for the hearing shall be submitted to the division in a manner specified by the division  
and shall be made within ~~{10}~~ 5 calendar days of the date the notice was issued.
- 1296 (c) If requested, the hearing shall be conducted within ~~[29]~~ 45 days after the date of arrest.
- 1297 (9)
- (a)
- (i) Except as provided in Subsection (9)(a)(ii), a hearing held under this section shall be held before  
the division and in:
- 1299 (A) the county where the notice was issued; or
- 1300 (B) a county that is adjacent to the county where the notice was issued.
- 1301 (ii) The division may hold a hearing in [~~some other~~] another county if the division and the  
[person] individual both agree.
- 1303 (b) [~~The hearing shall be documented~~] The division shall document the hearing and shall determine:

## HB0423S01 compared with HB0423S05

- 1305 (i) whether the peace officer or port-of-entry agent had reasonable grounds to believe the  
[person] individual had been driving a commercial motor vehicle in violation of this section;
- 1308 (ii) whether the [person] individual refused to submit to [any] a requested test; and
- 1309 (iii) [any] each test [results] result obtained.
- 1310 (c) In connection with a hearing, the division or [its] the division's authorized agent may:
- 1311 (i) administer oaths and [may] issue subpoenas for the attendance of witnesses and the production of  
relevant [~~books and~~] documents[-] ; and
- 1313 (ii) may issue subpoenas for the attendance of necessary peace officers.
- 1314 (d) One or more members of the division may conduct the hearing.
- 1315 [~~(e) A decision made after a hearing before any number of members of the division is as valid as if the  
hearing were held before the full membership of the division.~~]
- 1317 (e) After a hearing, a determination made by an authorized agent is valid and binding as if made by the  
division;
- 1319 (f) After a hearing under this section the division shall indicate by order if the [person's] individual's  
CDL is disqualified.
- 1321 (g) If the [person] individual for whom the hearing is held fails to appear before the division as required  
in the notice, the division shall indicate by order if the [person's] individual's CDL is disqualified.
- 1324 (10)  
[~~(a) If the division disqualifies [a person] an individual's commercial driving privilege under this  
section following an administrative hearing, the [person] individual may petition for [a hearing  
under] judicial review as described in Section 53-3-224 within 30 days after the day on which the  
division issues a disqualification order.~~]
- 1329 [(b) ~~The petition shall be filed within 30 days after the division issues the disqualification.~~]
- 1331 (11)  
(a) [~~A person~~] An individual who violates this section shall be punished in accordance with Section  
53-3-414.
- 1333 (b)  
(i) In accordance with Section 53-3-414, the first disqualification under this section shall be for one  
year, and a second disqualification shall be for life.
- 1335 (ii) A disqualification under Section 53-3-414 begins on the [45th] 60th day after the date of arrest.
- 1337 (12)

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- (a) In addition to the fees imposed under Section 53-3-205 for reinstatement of a CDL, a fee under Section 53-3-105 to cover administrative costs shall be paid before the driving privilege is reinstated.
- 1340 (b) ~~[The fees under Sections 53-3-105 and 53-3-205 shall be canceled.]~~ The division shall void the fees described in Subsection (12)(a) if an unappealed hearing at the division or court level determines the disqualification was [not proper] improper.
- 1343 (13) Notwithstanding the provisions of this section, a blood test taken under this section is subject to Section 77-23-213.
- 1710 Section 15. Section **53-10-403** is amended to read:
- 1711 **53-10-403. DNA specimen analysis -- Application to offenders, including minors.**
- 1347 (1) Sections 53-10-403.6, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to:
- 1348 (a) a person who has pled guilty to or has been convicted of any of the offenses under Subsection (2)(a) or (b) on or after July 1, 2002;
- 1350 (b) a person who has pled guilty to or has been convicted by any other state or by the United States government of an offense which if committed in this state would be punishable as one or more of the offenses listed in Subsection (2)(a) or (b) on or after July 1, 2003;
- 1354 (c) a person who has been booked on or after January 1, 2011, through December 31, 2014, for any offense under Subsection (2)(c);
- 1356 (d) a person who has been booked:
- 1357 (i) by a law enforcement agency that is obtaining a DNA specimen on or after May 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any felony offense; or
- 1360 (ii) on or after January 1, 2015, for any felony offense; or
- 1361 (e) a minor:
- 1362 (i)
- (A) who is adjudicated by the juvenile court for an offense described in Subsection (2) that is within the jurisdiction of the juvenile court on or after July 1, 2002; or
- 1365 (B) who is adjudicated by the juvenile court for an offense described in Subsection (2) and is in the legal custody of the Division of Juvenile Justice and Youth Services for the offense on or after July 1, 2002; and
- 1368 (ii) who is 14 years old or older at the time of the commission of the offense described in Subsection (2).

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- 1370 (2) Offenses referred to in Subsection (1) are:
- 1371 (a) any felony or class A misdemeanor under the Utah Code;
- 1372 (b) any offense under Subsection (2)(a):
- 1373 (i) for which the court enters a judgment for conviction to a lower degree of offense under Section  
76-3-402; or
- 1375 (ii) regarding which the court allows the defendant to enter a plea in abeyance as defined in Section  
77-2a-1; or
- 1377 (c)
- (i) any violent felony as defined in Section 53-10-403.5;
- 1378 (ii) sale or use of body parts, Section 26B-8-315;
- 1379 (iii) failure to stop at an accident that resulted in death, Section [~~41-6a-401.5~~] 41-6a-401.3;
- 1381 (iv) operating a motor vehicle with any amount of a controlled substance in an individual's body and  
causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021, Chapter  
236, Section 1, Subsection 58-37-8(2)(g);
- 1385 (v) a felony violation of enticing a minor, Section 76-5-417;
- 1386 (vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);
- 1387 (vii) a felony violation of propelling a substance or object at a correctional officer, a peace officer, or an  
employee or a volunteer, including health care providers, Section 76-5-102.6;
- 1390 (viii) automobile homicide, Subsection 76-5-207(2)(b);
- 1391 (ix) aggravated human trafficking, Section 76-5-310, and aggravated human smuggling, Section  
76-5-310.1;
- 1393 (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
- 1394 (xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;
- 1395 (xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;
- 1396 (xiii) sale of a child, Section 76-7-203;
- 1397 (xiv) aggravated escape, Section 76-8-309.3;
- 1398 (xv) a felony violation of threatened or attempted assault on an elected official, Section 76-8-313;
- 1400 (xvi) threat with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the  
Board of Pardons and Parole or acting against a family member of a judge or a member of the Board  
of Pardons and Parole, Section 76-8-316;
- 1403

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- (xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.2;
- 1407 (xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.4;
- 1411 (xix) attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.6;
- 1415 (xx) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 1416 (xxi) assembling for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 1417 (xxii) a felony violation of sexual battery, Section 76-5-418;
- 1418 (xxiii) a felony violation of lewdness involving a child, Section 76-5-420;
- 1419 (xxiv) a felony violation of abuse or desecration of a dead human body, Section 76-5-802;
- 1421 (xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section 76-15-302;
- 1423 (xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction, Section 76-15-303;
- 1425 (xxvii) possession of a concealed firearm in the commission of a violent felony, Subsection 76-11-202(3)(c);
- 1427 (xxviii) assault with the intent to commit bus hijacking with a dangerous weapon as described in Subsection 76-9-1503(3)(b);
- 1429 (xxix) aggravated commercial obstruction, Section 76-9-114;
- 1430 (xxx) a felony violation of failure to register as a sex or kidnap offender, Section 53-29-305;
- 1432 (xxxii) repeat violation of a protective order, Subsection 77-36-1.1(4); or
- 1433 (xxxii) violation of condition for release after arrest under Section 78B-7-802.

1799 Section 16. **Repealer.**

This Bill Repeals:

1800 This bill repeals:

1801 Section **41-6a-401.5, Accident involving death -- Stop at accident -- Penalty.**

1802 Section 17. **Effective date.**

Effective Date.

This bill takes effect on July 1, 2026.

## **HB0423S01 compared with HB0423S05**

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