

Steve Eliason proposes the following substitute bill:

Hit and Run and DUI Offense Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor:

LONG TITLE

General Description:

This bill increases the penalty for leaving the scene of an accident and modifies deadlines for an administrative driver license hearing following an individual's arrest for driving under the influence.

Highlighted Provisions:

This bill:

- increases penalties for convictions of leaving the scene of an accident with property damage or injury if the operator has been previously convicted of:
 - the same offense; or
 - driving under the influence;
- creates a mitigation against an enhanced offense for an individual who obtains a negative chemical test;
- allows the Driver License Division to request a peace officer's presence for a driver license suspension hearing;
- 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
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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
- 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 **53-3-223**, as last amended by Laws of Utah 2025, Chapter 296
- 35 **53-3-231**, as last amended by Laws of Utah 2020, Chapter 177
- 36 **53-3-414**, as last amended by Laws of Utah 2025, Chapter 296
- 37 **53-3-418**, as last amended by Laws of Utah 2019, Chapter 77
- 38 **53-10-403**, as last amended by Laws of Utah 2025, Chapters 173, 208 and 291

39 ENACTS:

- 40 **41-6a-401.8**, Utah Code Annotated 1953
- 41 **41-6a-532**, Utah Code Annotated 1953

42 REPEALS:

- 43 **41-6a-401.5**, as last amended by Laws of Utah 2011, Chapter 241

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

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

47 **41-1a-1101 . Seizure -- Circumstances where permitted -- Impound lot standards.**

48 (1) As used in this section:

- 49 (a)(i) "Criminal offense" means a class B misdemeanor offense, a class A
- 50 misdemeanor offense, or a felony offense.
- 51 (ii) "Criminal offense" includes:
- 52 (A) a class B misdemeanor offense, a class A misdemeanor offense, or a felony
- 53 offense described in Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2,
- 54 Driver Licensing Act, Title 73, Chapter 18, State Boating Act, or Title 76, Utah
- 55 Criminal Code; and
- 56 (B) a local ordinance that is a class B misdemeanor and is substantially similar to
- 57 an offense listed in Subsection (1)(a)(ii)(A).
- 58 (b) "Operator" means the same as that term is defined in Section 41-6a-102.
- 59 (c) "Road rage event" means the commission of a criminal offense:
- 60 (i) by an operator of a vehicle;
- 61 (ii) in response to an incident that occurs or escalates upon a roadway; and
- 62 (iii) with the intent to endanger or intimidate an individual in another vehicle.

- 63 (d) "Roadway" means:
- 64 (i) a highway; or
- 65 (ii) a private road or driveway as defined in Section 41-6a-102.
- 66 (2) The division or any peace officer, without a warrant, may seize and take possession of
- 67 any vehicle, vessel, or outboard motor:
- 68 (a) that the division or the peace officer has probable cause to believe has been stolen;
- 69 (b) on which any identification number has been defaced, altered, or obliterated;
- 70 (c) that has been abandoned in accordance with Section 41-6a-1408;
- 71 (d) for which the applicant has written a check for registration or title fees that has not
- 72 been honored by the applicant's bank and that is not paid within 30 days;
- 73 (e) that is placed on the water with improper registration;
- 74 (f) that is being operated on a highway:
- 75 (i) with registration that has been expired for more than three months;
- 76 (ii) having never been properly registered by the current owner; or
- 77 (iii) with registration that is suspended or revoked;
- 78 (g)(i) that the division or the peace officer has probable cause to believe has been
- 79 involved in an accident described in Section 41-6a-401[;] or 41-6a-401.3[; ~~or~~
- 80 ~~41-6a-401.5~~]; and
- 81 (ii) whose operator did not remain at the scene of the accident until the operator
- 82 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7; or
- 83 (h) if the division or peace officer has probable cause to believe that the operator:
- 84 (i) failed to properly display the license plate on a motorcycle as described in Section
- 85 41-1a-404.1; or
- 86 (ii) used the motorcycle:
- 87 (A) to perform a wheelie in violation of Section 41-6a-606.1; or
- 88 (B) to engage in lane splitting in violation of Section 41-6a-704.1.
- 89 (3)(a) The division or a peace officer shall seize and take possession of a vehicle,
- 90 without a warrant, when:
- 91 (i) the division or the peace officer has probable cause to believe that an operator of
- 92 the vehicle engaged in a road rage event; and
- 93 (ii) the operator of the vehicle has been arrested in conjunction with the road rage
- 94 event.
- 95 (b) A peace officer may release a vehicle seized and possessed under Subsection (3)(a)
- 96 to the registered owner of the vehicle if the registered owner is not the individual

97 subject to arrest under Subsection (3)(a) and is immediately available, at the location
98 of the arrest, to take possession of the vehicle.

99 (4)(a) Subject to the restriction in Subsection (4)(b), the division or any peace officer,
100 without a warrant:

101 (i) shall seize and take possession of any vehicle that is being operated on a highway
102 without owner's or operator's security in effect for the vehicle as required under
103 Section 41-12a-301 and the vehicle was involved in an accident; or

104 (ii) may seize and take possession of any vehicle that is being operated on a highway
105 without owner's or operator's security in effect for the vehicle as required under
106 Section 41-12a-301 after the division or any peace officer makes a reasonable
107 determination whether the vehicle would:

108 (A) present a public safety concern to the operator or any of the occupants in the
109 vehicle; or

110 (B) prevent the division or the peace officer from addressing other public safety
111 considerations.

112 (b) The division or any peace officer may not seize and take possession of a vehicle
113 under Subsection (4)(a):

114 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's
115 security as defined in Section 41-12a-303.2 in the vehicle unless the division or
116 peace officer verifies that owner's or operator's security is not in effect for the
117 vehicle through the Uninsured Motorist Identification Database created in
118 accordance with Section 41-12a-803; or

119 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security
120 as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist
121 Identification Database created in accordance with Section 41-12a-803 indicates
122 that the owner's or operator's security is not in effect for the vehicle, unless the
123 division or a peace officer makes a reasonable attempt to independently verify that
124 owner's or operator's security is not in effect for the vehicle.

125 (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to
126 transport and store the vessel.

127 (6) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor
128 under this section shall comply with the provisions of Section 41-6a-1406.

129 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
130 the commission shall make rules setting standards for public garages, impound lots,

- 131 and impound yards that may be used by peace officers and the division.
- 132 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of
133 public garages, impound lots, or impound yards per geographical area.
- 134 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard
135 unless the crusher, dismantler, or salvage dealer meets all of the requirements for a
136 state impound yard set forth in this section and rules made in accordance with
137 Subsection (7)(a).
- 138 (d)(i) Rules made by the commission shall include a requirement that a state impound
139 yard have opaque fencing on any side of the state impound yard that has frontage
140 with a highway.
- 141 (ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link
142 fencing.
- 143 (8)(a) Except as provided under Subsection (8)(b), a person may not operate or allow to
144 be operated a vehicle stored in a public garage, impound lot, or impound yard
145 regulated under this part without prior written permission of the owner of the vehicle.
- 146 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking
147 space to another within the facility and that is necessary for the normal management
148 of the facility is not prohibited under Subsection (8)(a).
- 149 (9) A person who violates the provisions of Subsection (8) is guilty of a class C
150 misdemeanor.
- 151 (10) The division or the peace officer who seizes a vehicle shall record the mileage shown
152 on the vehicle's odometer at the time of seizure, if:
- 153 (a) the vehicle is equipped with an odometer; and
154 (b) the odometer reading is accessible to the division or the peace officer.
- 155 Section 2. Section **41-6a-401** is amended to read:
- 156 **41-6a-401 . Accident involving property damage -- Duties of operator, occupant,**
157 **and owner -- Exchange of information -- Notification of law enforcement -- Penalties.**
- 158 (1) As used in this section:
- 159 (a) "Drug" means the same as that term is defined in Section 41-6a-501.
- 160 (b) "Knowledge" or "with knowledge" means, with respect to an individual's own
161 conduct or to circumstances surrounding an individual's conduct, that the individual
162 is aware of the nature of the conduct or the existing circumstances.
- 163 [~~(b)~~] (c) "Reason to believe" means information from which a reasonable person would
164 believe that the person may have been involved in an accident.

- 165 (2)(a) [~~The~~] An operator of a vehicle with knowledge that the operator was involved in,
166 or who has reason to believe that the operator may have been involved in, an accident
167 resulting only in damage to another vehicle or other property:
- 168 (i) may move the vehicle as soon as possible:
 - 169 (A) out of the travel lanes on any roadway to an adjacent shoulder, the nearest
170 suitable cross street, or other suitable location that does not obstruct traffic; or
 - 171 (B) off the freeway main lines, shoulders, medians, or adjacent areas to the nearest
172 safe location on an exit ramp shoulder, a frontage road, the nearest suitable
173 cross street, or other suitable location that does not obstruct traffic; and
 - 174 (ii) shall remain at the scene of the accident or the location described in Subsection
175 (2)(a)(i) until the operator has fulfilled the requirements of this section.
 - 176 (b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the
177 determination of fault for an accident.
 - 178 (c) If the operator has knowledge that the operator was involved in, or reason to believe
179 that the operator may have been involved in, an accident resulting in damage to
180 another vehicle or other property only after leaving the scene of the accident, the
181 operator shall immediately comply as nearly as possible with the requirements of this
182 section.
- 183 (3) Except as provided under Subsection (6), if the vehicle or other property is operated,
184 occupied, or attended by any person or if the owner of the vehicle or property is present,
185 the operator of the vehicle involved in the accident shall:
- 186 (a) give to the persons involved:
 - 187 (i) the operator's name, address, and the registration number of the vehicle being
188 operated; and
 - 189 (ii) the name of the insurance provider covering the vehicle being operated including
190 the phone number of the agent or provider; and
 - 191 (b) upon request and if available, exhibit the operator's license to:
 - 192 (i) any investigating peace officer present;
 - 193 (ii) the operator, occupant of, or person attending the vehicle or other property
194 damaged in the accident; and
 - 195 (iii) the owner of property damaged in the accident, if present.
- 196 (4) The operator of a vehicle involved in an accident shall immediately and by the quickest
197 means of communication available give notice or cause to give notice of the accident to
198 the nearest office of a law enforcement agency if the accident resulted in property

- 199 damage to an apparent extent of \$2,500 or more.
- 200 (5) Except as provided under Subsection (6), if the vehicle or other property damaged in the
201 accident is unattended, the operator of the vehicle involved in the accident shall:
- 202 (a) locate and notify the operator or owner of the vehicle or the owner of other property
203 damaged in the accident of the operator's name, address, and the registration number
204 of the vehicle causing the damage; or
- 205 (b) attach securely in a conspicuous place on the vehicle or other property a written
206 notice giving the operator's name, address, and the registration number of the vehicle
207 causing the damage.
- 208 (6) The operator of a vehicle that provides the information required under this section to an
209 investigating peace officer at the scene of the accident is exempt from providing the
210 information to other persons required under this section.
- 211 (7) An operator of a vehicle that has knowledge or has reason to believe that the operator
212 may have been involved in an accident and fails to comply with the provisions of this
213 section is guilty [~~of a class B misdemeanor~~] of an offense punishable as described in
214 Subsection (8).
- 215 (8)(a) Except as provided in Subsection (8)(b) or (c), a violation of Subsection (7) is a
216 class B misdemeanor.
- 217 (b) Except as provided in Subsection (8)(c), a violation of Subsection (7) is a class A
218 misdemeanor if, within 10 years before the day on which the operator committed the
219 current violation, the operator was convicted of:
- 220 (i) a violation of Subsection (7);
- 221 (ii) a misdemeanor offense relating to the duty to stop and remain at an accident
222 involving injury or death described in Section 41-6a-401.3;
- 223 (iii) a misdemeanor offense of driving under the influence described in Section
224 41-6a-502; or
- 225 (iv) a misdemeanor offense described in Subsections 41-6a-501(2)(a)(i) through (x).
- 226 (c) A violation of Subsection (7) is a third degree felony if the operator, within 10 years
227 before the day on which the operator committed the current violation:
- 228 (i) was convicted two or more times of:
- 229 (A) a violation of Subsection (7);
- 230 (B) a misdemeanor offense relating to the duty to stop and remain at an accident
231 involving injury or death described in Section 41-6a-401.3;
- 232 (C) driving under the influence described in Subsection 41-6a-502(2)(a) or (b); or

- 233 (D) a misdemeanor offense described in Subsections 41-6a-501(2)(a)(i) through
 234 (x); or
 235 (ii) was convicted of:
 236 (A) a felony offense relating to the duty to stop and remain at an accident
 237 involving injury or death described in Section 41-6a-401.3;
 238 (B) a class A misdemeanor under Subsection (8)(b), for which judgment of
 239 conviction is subsequently reduced under Section 76-3-402;
 240 (C) a felony offense of driving under the influence, described in Section 41-6a-502;
 241 or
 242 (D) a felony of an offense described in Subsections 41-6a-501(2)(a)(i) through (x).
- 243 (9) An operator is entitled to mitigation if, no later than six hours after the accident
 244 occurred, the operator voluntarily reports the accident to a law enforcement agency
 245 having jurisdiction over the location where the accident occurred.
- 246 (10)(a) Mitigation as described in Subsection (9) results in a reduction of a charge under
 247 this section.
- 248 (b) An offense under this section that is mitigated as described in Subsection (9) is
 249 reduced to an offense no higher than a class B misdemeanor.
- 250 (11) When sentencing an operator convicted under Subsection (8)(b) or (c), the court shall
 251 comply with Section 41-6a-401.8.
- 252 Section 3. Section **41-6a-401.3** is amended to read:
- 253 **41-6a-401.3 . Accident involving injury or death -- Stop at accident -- Penalty.**
- 254 (1) As used in this section:
- 255 (a) "Conviction" means the same as that term is defined in Section 77-38b-102.
- 256 (b) "Drug" means the same as that term is defined in Section 41-6a-501.
- 257 (c) "Reason to believe" means information from which a reasonable [person] individual
 258 would believe that the [person] individual may have been involved in an accident.
- 259 ~~(b)~~ (d) "Serious bodily injury" means bodily injury which involves a substantial risk of
 260 death, unconsciousness, extreme physical pain, protracted and obvious disfigurement,
 261 or protracted loss or impairment of the function of a bodily member, organ, or mental
 262 faculty.
- 263 (2)(a) ~~[The]~~ An operator of a vehicle who has reason to believe that the operator may
 264 have been involved in an accident resulting in injury to~~[a person]~~ an individual shall:
- 265 (i) immediately stop the vehicle at the scene of the accident or as close to it as
 266 possible without obstructing traffic more than is necessary; and

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

- 301 (B) the operator has previously been convicted under this section;
 302 (ii) within 10 years before the day on which the operator committed the current
 303 violation, the operator was convicted of two or more previous violations of the
 304 offense of driving under the influence described in Section 41-6a-502; or
 305 (iii) the accident results in the death of an individual.
- 306 (5) Except as provided in Subsection (6)(c), an operator is entitled to mitigation if, no later
 307 than six hours after the accident occurred, the operator voluntarily reports the accident to
 308 a law enforcement agency having jurisdiction over the location where the accident
 309 occurred.
- 310 (6)(a) Except as provided in Subsection (6)(c), mitigation as described in Subsection (5)
 311 results in a reduction of a charge under this section.
- 312 (b) An offense under this section that is mitigated as described in Subsection (5) is
 313 reduced to an offense no higher than a class A misdemeanor.
- 314 (c) A violation of Subsection (2) that results in serious bodily injury or death to an
 315 individual is not eligible for the mitigation described in Subsection (5).
- 316 (7) In addition to any other factor authorized by law, the fact that an operator self-reported
 317 the accident to a law enforcement agency, regardless of the time elapsed since the
 318 accident, is a mitigating factor for purposes of sentencing.
- 319 (8) When sentencing an operator convicted under Subsection (4), the court shall comply
 320 with Section 41-6a-401.8.
- 321 (9) An operator is guilty of a separate offense for each victim who suffers injury or death
 322 because of the operator's violation of this section.

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

324 **41-6a-401.7 . Accident involving injury, death, or property damage -- Duties of**
 325 **operator, occupant, and owner -- Exchange of information -- Notification of law**
 326 **enforcement -- Penalties.**

- 327 (1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 [~~or~~
 328 ~~41-6a-401.5~~] shall:
- 329 (a) give to the persons involved:
- 330 (i) the operator's name, address, and the registration number of the vehicle being
 331 operated; and
- 332 (ii) the name of the insurance provider covering the vehicle being operated including
 333 the phone number of the agent or provider;
- 334 (b) upon request and if available, exhibit the operator's license to:

- 335 (i) any investigating peace officer present;
- 336 (ii) the person struck;
- 337 (iii) the operator, occupant of, or person attending the vehicle or other property
- 338 damaged in the accident; and
- 339 (iv) the owner of property damaged in the accident, if present; and
- 340 (c) render to any person injured in the accident reasonable assistance, including
- 341 transporting or making arrangements for transporting, of the injured person to a
- 342 physician or hospital for medical treatment if:
- 343 (i) it is apparent that treatment is necessary; or
- 344 (ii) transportation is requested by the injured person.
- 345 (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 [~~or~~
- 346 ~~41-6a-401.5~~] shall immediately and by the quickest means of communication available
- 347 give notice or cause to give notice of the accident to the nearest office of a law
- 348 enforcement agency.
- 349 (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 [~~or~~
- 350 ~~41-6a-401.5~~] who is not the operator of the vehicle shall give or cause to give the
- 351 immediate notice required under Subsection (2) if:
- 352 (a) the operator of a vehicle involved in an accident is physically incapable of giving the
- 353 notice; and
- 354 (b) the occupant is capable of giving an immediate notice.
- 355 (4) Except as provided under Subsection (5), if a vehicle or other property damaged in the
- 356 accident is unattended, the operator of the vehicle involved in the accident shall:
- 357 (a) locate and notify the operator or owner of the vehicle or the owner of other property
- 358 damaged in the accident of the operator's name, address, and the registration number
- 359 of the vehicle causing the damage; or
- 360 (b) attach securely in a conspicuous place on the vehicle or other property a written
- 361 notice giving the operator's name, address, and the registration number of the vehicle
- 362 causing the damage.
- 363 (5) The operator of a vehicle that provides the information required under this section to an
- 364 investigating peace officer at the scene of the accident is exempt from providing the
- 365 information to other persons required under this section.
- 366 [~~(6) A violation of Subsection (4) is a class C misdemeanor.~~]
- 367 Section 5. Section **41-6a-401.8** is enacted to read:
- 368 **41-6a-401.8 . Sentencing requirements for a violation of operator duties at the**

369 **scene of an accident violations.**

370 (1) As used in this section:

372 (a) "24-7 sobriety program" means the same as that term is defined in Section
373 41-6a-515.5.

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

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

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

378 (a) the court shall:

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

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

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

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

385 (B) if the administrative impound fee was paid by a party described in Subsection
386 41-6a-1406(6)(a), other than the individual sentenced, order the individual
387 sentenced to reimburse the party; and

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

390 (B) if the towing and storage fees were paid by a party described in Subsection
391 41-6a-1406(6)(a), other than the individual sentenced, order the individual
392 sentenced to reimburse the party; and

393 (b) the court may:

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

395 (ii) order the individual to participate in an assessment, if an assessment is found
396 appropriate by a screening under Subsection (2)(b)(i);

397 (iii) order the individual to obtain substance abuse treatment if the screening or
398 assessment described in Subsection (2)(b)(i) or (ii) determines that substance
399 abuse treatment is appropriate;

400 (iv) order the individual to participate in an educational series if the court does not
401 order substance abuse treatment under Subsection (2)(b)(iii);

402 (v) order probation for the individual in accordance with Section 41-6a-507; or

403 (vi) order the individual to participate in a 24-7 sobriety program if the individual is

- 404 21 years old or older.
- 405 (3)(a) If an individual described in Subsection (2) is participating in a 24-7 sobriety
406 program, the court may suspend the jail sentence imposed under Subsection (2)(a).
- 407 (b) If an individual described in Subsection (3)(a) fails to successfully complete all of
408 the requirements of the 24-7 sobriety program, the court shall impose the sentence
409 suspended under Subsection (3)(a).
- 410 (4) As part of a sentence for a conviction of a third degree felony offense described in
411 Subsection 41-6a-401(8)(c) or 41-6a-401.3(4)(b):
- 412 (a) the court shall:
- 413 (i)(A) subject to Subsection (5), impose a jail sentence of not less than 10 days; or
414 (B) impose a jail sentence of not less than five days in addition to home
415 confinement of not fewer than 30 consecutive days through the use of
416 electronic monitoring that includes a substance abuse testing instrument in
417 accordance with Section 41-6a-506;
- 418 (ii) order the individual to participate in an educational series if the court does not
419 order substance abuse treatment under Subsection (4)(b)(iii);
- 420 (iii) impose a fine of not less than \$800;
- 421 (iv) order probation for the individual in accordance with Section 41-6a-507;
- 422 (v)(A) order the individual to pay the administrative impound fee described in
423 Section 41-6a-1406; or
- 424 (B) if the administrative impound fee was paid by a party described in Subsection
425 41-6a-1406(6)(a), other than the individual sentenced, order the individual
426 sentenced to reimburse the party; and
- 427 (vi)(A) order the individual to pay the towing and storage fees described in
428 Section 72-9-603; or
- 429 (B) if the towing and storage fees were paid by a party described in Subsection
430 41-6a-1406(6)(a), other than the individual sentenced, order the individual
431 sentenced to reimburse the party; and
- 432 (b) the court may:
- 433 (i) order the individual to participate in a screening;
- 434 (ii) order the individual to participate in an assessment, if an assessment is found
435 appropriate by a screening under Subsection (4)(b)(i);
- 436 (iii) order the individual to obtain substance abuse treatment if the screening or
437 assessment described in Subsection (4)(b)(i) or (ii) determines that substance

- 438 abuse treatment is appropriate; or
- 439 (iv) order the individual to participate in a 24-7 sobriety program if the individual is
- 440 21 years old or older.
- 441 (5)(a) If an individual described in Subsection (4) is participating in a 24-7 sobriety
- 442 program, the court may suspend the jail sentence imposed under Subsection (4)(a)
- 443 after the individual has served a minimum of:
- 444 (i) five days of the jail sentence for a second conviction; or
- 445 (ii) 10 days of the jail sentence for a third or subsequent conviction.
- 446 (b) If an individual described in Subsection (5)(a) fails to successfully complete all of
- 447 the requirements of the 24-7 sobriety program, the court shall impose the sentence
- 448 suspended under Subsection (5)(a).
- 449 (6) As part of a sentence for a conviction of a second degree felony offense described in
- 450 Subsection 41-6a-401.3(4)(c):
- 451 (a) the court shall:
- 452 (i) subject to Subsection (7):
- 453 (A) impose a jail sentence of not less than 20 days;
- 454 (B) impose a jail sentence of not less than 10 days in addition to home
- 455 confinement of not fewer than 60 consecutive days through the use of
- 456 electronic monitoring that includes a substance abuse testing instrument in
- 457 accordance with Section 41-6a-506; or
- 458 (C) impose a jail sentence of not less than 10 days in addition to ordering the
- 459 individual to obtain substance abuse treatment, if the court finds that substance
- 460 abuse treatment is more likely to reduce recidivism than imposing a jail
- 461 sentence and is in the interest of public safety;
- 462 (ii) order the individual to participate in an educational series if the court does not
- 463 order substance abuse treatment under Subsection (6)(b)(iii);
- 464 (iii) impose a fine of not less than \$800;
- 465 (iv) order probation for the individual in accordance with Section 41-6a-507;
- 466 (v)(A) order the individual to pay the administrative impound fee described in
- 467 Section 41-6a-1406; or
- 468 (B) if the administrative impound fee was paid by a party described in Subsection
- 469 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 470 sentenced to reimburse the party; and
- 471 (vi)(A) order the individual to pay the towing and storage fees described in

- 472 Section 72-9-603; or
- 473 (B) if the towing and storage fees were paid by a party described in Subsection
- 474 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 475 sentenced to reimburse the party; and
- 476 (b) the court may order the individual to:
- 477 (i) participate in a screening;
- 478 (ii) participate in an assessment, if an assessment is found appropriate by a screening
- 479 under Subsection (6)(b)(i);
- 480 (iii) obtain substance abuse treatment if the screening or assessment described in
- 481 Subsection (6)(b)(i) or (ii) determines that substance abuse treatment is
- 482 appropriate; or
- 483 (iv) participate in a 24-7 sobriety program if the individual is 21 years old or older.
- 484 (7)(a) If an individual described in Subsection (6) is participating in a 24-7 sobriety
- 485 program, the court may suspend the jail sentence imposed under Subsection (6)(a)
- 486 after the individual has served a minimum of:
- 487 (i) five days of the jail sentence for a second conviction; or
- 488 (ii) 10 days of the jail sentence for a third or subsequent conviction.
- 489 (b) If an individual described in Subsection (7)(a) fails to successfully complete all of
- 490 the requirements of the 24-7 sobriety program, the court shall impose the sentence
- 491 suspended under Subsection (7)(a).

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

493 **41-6a-505 . Sentencing requirements for driving under the influence of alcohol,**

494 **drugs, or a combination of both violations.**

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

- 496 (a) the court shall:
- 497 (i)(A) impose a jail sentence of not less than five days; or
- 498 (B) impose a jail sentence of not less than two days in addition to home
- 499 confinement of not fewer than 30 consecutive days through the use of
- 500 electronic monitoring that includes a substance abuse testing instrument in
- 501 accordance with Section 41-6a-506;
- 502 (ii) order the individual to participate in a screening;
- 503 (iii) order the individual to participate in an assessment, if it is found appropriate by a
- 504 screening under Subsection (1)(a)(ii);
- 505 (iv) order the individual to participate in an educational series if the court does not

- 506 order substance abuse treatment as described under Subsection (1)(b);
- 507 (v) impose a fine of not less than \$700;
- 508 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 509 (vii)(A) order the individual to pay the administrative impound fee described in
- 510 Section 41-6a-1406; or
- 511 (B) if the administrative impound fee was paid by a party described in Subsection
- 512 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 513 sentenced to reimburse the party;
- 514 (viii)(A) order the individual to pay the towing and storage fees described in
- 515 Section 72-9-603; or
- 516 (B) if the towing and storage fees were paid by a party described in Subsection
- 517 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 518 sentenced to reimburse the party;
- 519 (ix) unless the court determines and states on the record that an ignition interlock
- 520 system is not necessary for the safety of the community and in the best interest of
- 521 justice, order the installation of an ignition interlock system as described in
- 522 Section 41-6a-518; and
- 523 (x) designate the individual as an interdicted person for a period of time not to exceed
- 524 the probationary period, unless the court finds good cause to order a shorter or
- 525 longer time, and require the individual to surrender the individual's driver license
- 526 or identification card; and
- 527 (b) the court may:
- 528 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 529 treatment program determines that substance abuse treatment is appropriate;
- 530 (ii) order the individual to participate in a 24-7 sobriety program as defined in
- 531 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 532 (iii) order a combination of Subsections (1)(b)(i) and (ii).
- 533 (2)(a) If an individual described in Subsection (1) is participating in a 24-7 sobriety
- 534 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 535 imposed under Subsection (1)(a).
- 536 (b) If an individual described in Subsection (1) fails to successfully complete all of the
- 537 requirements of the 24-7 sobriety program, the court shall impose the suspended jail
- 538 sentence described in Subsection (2)(a).
- 539 (3) As part of any sentence for any first conviction of Section 41-6a-502 not described in

- 540 Subsection (1):
- 541 (a) the court shall:
- 542 (i)(A) impose a jail sentence of not less than two days; or
- 543 (B) require the individual to work in a compensatory-service work program for
- 544 not less than 48 hours;
- 545 (ii) order the individual to participate in a screening;
- 546 (iii) order the individual to participate in an assessment, if it is found appropriate by a
- 547 screening under Subsection (3)(a)(ii);
- 548 (iv) order the individual to participate in an educational series if the court does not
- 549 order substance abuse treatment as described under Subsection (3)(b);
- 550 (v) impose a fine of not less than \$700;
- 551 (vi)(A) order the individual to pay the administrative impound fee described in
- 552 Section 41-6a-1406; or
- 553 (B) if the administrative impound fee was paid by a party described in Subsection
- 554 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 555 sentenced to reimburse the party; and
- 556 (vii)(A) order the individual to pay the towing and storage fees described in
- 557 Section 72-9-603; or
- 558 (B) if the towing and storage fees were paid by a party described in Subsection
- 559 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 560 sentenced to reimburse the party; and
- 561 (b) the court may:
- 562 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 563 treatment program determines that substance abuse treatment is appropriate;
- 564 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 565 (iii) order the individual to participate in a 24-7 sobriety program as defined in
- 566 Section 41-6a-515.5 if the individual is 21 years old or older;
- 567 (iv) order a combination of Subsections (3)(b)(i) through (iii); or
- 568 (v) designate the individual as an interdicted person for a period of time not to exceed
- 569 the probationary period, unless the court finds good cause to order a shorter or
- 570 longer time, and require the individual to surrender the individual's driver license
- 571 or identification card.
- 572 (4)(a) If an individual described in Subsection (3) is participating in a 24-7 sobriety
- 573 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence

- 574 imposed under Subsection (3)(a).
- 575 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of
576 the requirements of the 24-7 sobriety program, the court shall impose the suspended
577 jail sentence described in Subsection (4)(a).
- 578 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
579 years of the current conviction under Section 41-6a-502 or the commission of the
580 offense upon which the current conviction amounts to extreme DUI:
- 581 (a) the court shall:
- 582 (i)(A) impose a jail sentence of not less than 20 days;
- 583 (B) impose a jail sentence of not less than 10 days in addition to home
584 confinement of not fewer than 60 consecutive days through the use of
585 electronic monitoring that includes a substance abuse testing instrument in
586 accordance with Section 41-6a-506; or
- 587 (C) impose a jail sentence of not less than 10 days in addition to ordering the
588 individual to obtain substance abuse treatment, if the court finds that substance
589 abuse treatment is more likely to reduce recidivism and is in the interests of
590 public safety;
- 591 (ii) order the individual to participate in a screening;
- 592 (iii) order the individual to participate in an assessment, if it is found appropriate by a
593 screening under Subsection (5)(a)(ii);
- 594 (iv) order the individual to participate in an educational series if the court does not
595 order substance abuse treatment as described under Subsection (5)(b);
- 596 (v) impose a fine of not less than \$800;
- 597 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 598 (vii) order the installation of an ignition interlock system as described in Section
599 41-6a-518;
- 600 (viii)(A) order the individual to pay the administrative impound fee described in
601 Section 41-6a-1406; or
- 602 (B) if the administrative impound fee was paid by a party described in Subsection
603 41-6a-1406(6)(a), other than the individual sentenced, order the individual
604 sentenced to reimburse the party;
- 605 (ix)(A) order the individual to pay the towing and storage fees described in
606 Section 72-9-603; or
- 607 (B) if the towing and storage fees were paid by a party described in Subsection

- 608 41-6a-1406(6)(a), other than the individual sentenced, order the individual
609 sentenced to reimburse the party; and
- 610 (x) designate the individual as an interdicted person for a period of time not to exceed
611 the probationary period, unless the court finds good cause to order a shorter or
612 longer time, and require the individual to surrender the individual's driver license
613 or identification card; and
- 614 (b) the court may:
- 615 (i) order the individual to obtain substance abuse treatment if the substance abuse
616 treatment program determines that substance abuse treatment is appropriate;
- 617 (ii) order the individual to participate in a 24-7 sobriety program as defined in
618 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 619 (iii) order a combination of Subsections (5)(b)(i) and (ii).
- 620 (6)(a) If an individual described in Subsection (5) is participating in a 24-7 sobriety
621 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
622 imposed under Subsection (5)(a) after the individual has served a minimum of:
- 623 (i) five days of the jail sentence for a second offense; or
624 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 625 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of
626 the requirements of the 24-7 sobriety program, the court shall impose the suspended
627 jail sentence described in Subsection (6)(a).
- 628 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
629 years of the current conviction under Section 41-6a-502 or the commission of the
630 offense upon which the current conviction is based and that does not qualify under
631 Subsection (5):
- 632 (a) the court shall:
- 633 (i)(A) impose a jail sentence of not less than 10 days; or
634 (B) impose a jail sentence of not less than 5 days in addition to home confinement
635 of not fewer than 30 consecutive days through the use of electronic monitoring
636 that includes a substance abuse testing instrument in accordance with Section
637 41-6a-506;
- 638 (ii) order the individual to participate in a screening;
- 639 (iii) order the individual to participate in an assessment, if it is found appropriate by a
640 screening under Subsection (7)(a)(ii);
- 641 (iv) order the individual to participate in an educational series if the court does not

- 642 order substance abuse treatment as described under Subsection (7)(b);
- 643 (v) impose a fine of not less than \$800;
- 644 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 645 (vii)(A) order the individual to pay the administrative impound fee described in
- 646 Section 41-6a-1406; or
- 647 (B) if the administrative impound fee was paid by a party described in Subsection
- 648 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 649 sentenced to reimburse the party; and
- 650 (viii)(A) order the individual to pay the towing and storage fees described in
- 651 Section 72-9-603; or
- 652 (B) if the towing and storage fees were paid by a party described in Subsection
- 653 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 654 sentenced to reimburse the party; and
- 655 (b) the court may:
- 656 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 657 treatment program determines that substance abuse treatment is appropriate;
- 658 (ii) order the individual to participate in a 24-7 sobriety program as defined in
- 659 Section 41-6a-515.5 if the individual is 21 years old or older;
- 660 (iii) order a combination of Subsections (7)(b)(i) and (ii); or
- 661 (iv) designate the individual as an interdicted person for a period of time not to
- 662 exceed the probationary period, unless the court finds good cause to order a
- 663 shorter or longer time, and require the individual to surrender the individual's
- 664 driver license or identification card.
- 665 (8)(a) If an individual described in Subsection (7) is participating in a 24-7 sobriety
- 666 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 667 imposed under Subsection (7)(a) after the individual has served a minimum of:
- 668 (i) five days of the jail sentence for a second offense; or
- 669 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 670 (b) If an individual described in Subsection (8)(a) fails to successfully complete all of
- 671 the requirements of the 24-7 sobriety program, the court shall impose the suspended
- 672 jail sentence described in Subsection (8)(a).
- 673 (9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
- 674 sentence and places the defendant on probation for a conviction of extreme DUI, the
- 675 court shall:

- 676 (a) impose a fine of not less than \$1,500;
- 677 (b) impose a jail sentence of not less than 120 days;
- 678 (c) order home confinement of not fewer than 120 consecutive days through the use of
- 679 electronic monitoring that includes a substance abuse testing instrument in
- 680 accordance with Section 41-6a-506;
- 681 (d) order supervised probation; and
- 682 (e) designate the individual as an interdicted person for a period of time not to exceed
- 683 the probationary period, unless the court finds good cause to order a shorter or longer
- 684 time, and require the individual to surrender the individual's driver license or
- 685 identification card.
- 686 (10)(a) For Subsection (9) or Subsection 41-6a-502(2)(c)(i), the court:
- 687 (i) shall impose an order requiring the individual to obtain a screening and
- 688 assessment for alcohol and substance abuse, and treatment as appropriate; and
- 689 (ii) may impose an order requiring the individual to participate in a 24-7 sobriety
- 690 program as defined in Section 41-6a-515.5 if the individual is 21 years old or
- 691 older.
- 692 (b) If an individual described in Subsection (10)(a)(ii) fails to successfully complete all
- 693 of the requirements of the 24-7 sobriety program, the court shall impose the
- 694 suspended prison sentence described in Subsection (9).
- 695 (11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
- 696 sentence and places the defendant on probation with a sentence not described in
- 697 Subsection (9), the court shall impose:
- 698 (a) a fine of not less than \$1,500;
- 699 (b) a jail sentence of not less than 60 days;
- 700 (c) home confinement of not fewer than 60 consecutive days through the use of
- 701 electronic monitoring that includes a substance abuse testing instrument in
- 702 accordance with Section 41-6a-506; and
- 703 (d) supervised probation.
- 704 (12)(a)(i) Except as described in Subsection (12)(a)(ii), a court may not suspend the
- 705 requirements of this section.
- 706 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).
- 707 (b) A court, with stipulation of both parties and approval from the judge, may convert a
- 708 jail sentence required in this section to electronic home confinement.
- 709 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation

710 under this section to be served in multiple two-day increments at weekly intervals if
 711 the court determines that separate jail increments are necessary to ensure the
 712 defendant can serve the statutorily required jail term and maintain employment.

713 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible
 714 evidence that the individual had a blood or breath alcohol level of .16 or higher, the
 715 court shall order the following, or describe on record why the order or orders are not
 716 appropriate:

717 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and

718 (b) one or more of the following:

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

721 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
 722 device or remote alcohol monitor as a condition of probation for the individual; or

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

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

727 (a) the sentencing court shall note the extreme DUI in the judgment of commitment; and

728 (b) the Board of Pardons and Parole shall consider the extreme DUI when calculating
 729 the sentencing guideline.

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

731 **41-6a-507 . Supervised probation for certain driving under the influence**
 732 **violations.**

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

734 (a) the court shall specify the period of the probation;

735 (b) the person shall pay all of the costs of the probation; and

736 (c) the court may order any other conditions of the probation.

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

740 (b) If a court determines that a person is subject to supervised probation provided by the
 741 Division of Adult Probation and Parole created in Section 64-14-202 for an offense
 742 other than the offense for which probation is ordered under Section 41-6a-505 or
 743 41-6a-517, the court may order supervised probation to be provided by the Division

744 of Adult Probation and Parole.

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

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

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

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

754 **41-6a-521 . Revocation hearing for refusal -- Appeal.**

755 (1)(a) [~~A person~~] An individual who has been notified of the Driver License Division's
756 intention to revoke the [~~person's~~] individual's license under Section 41-6a-520 is
757 entitled to a hearing.

758 (b) [~~A request for the hearing shall be made-~~] An individual shall request to be heard in
759 writing within [10] 5 calendar days after the day on which [notice is provided] a peace
760 officer provides notice.

761 (c) Upon request in a manner specified by the Driver License Division, the Driver
762 License Division shall grant to the [~~person~~] individual an opportunity to be heard
763 within [~~29~~] 45 days after the date of arrest.

764 (d) If the [~~person~~] individual does not make a request for a hearing before the Driver
765 License Division under this Subsection (1), the [~~person's~~] individual's privilege to
766 operate a motor vehicle in the state is revoked beginning on the [~~45th~~] 60th day after
767 the date of arrest:

768 (i) for [~~a person~~] an individual 21 years old or older on the date of arrest, for a period
769 of:

770 (A) except as provided in Subsection (1)(d)(i)(B) or (9), 18 months; or

771 (B) 36 months if the [~~person~~] individual previously committed an offense that
772 occurred within the preceding 10 years from the date of the arrest that resulted
773 in a:

774 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223,
775 or 53-3-231;

776 (II) conviction under Section 41-6a-502 or a statute previously in effect in this
777 state that would constitute a violation of Section 41-6a-502;

- 778 (III) conviction for an offense under Section 76-5-102.1; or
779 (IV) conviction for an offense under Section 76-5-207; or
780 (ii) for ~~a person~~ an individual under 21 years old on the date of arrest:
781 (A) except as provided in Subsection (1)(d)(ii)(B), until the ~~person~~ individual is
782 21 years old or for a period of two years, whichever is longer; or
783 (B) until the ~~person~~ individual is 21 years old or for a period of 36 months,
784 whichever is longer, if the ~~person~~ individual previously committed an offense
785 that occurred within the preceding 10 years from the date of the arrest that
786 resulted in a:
787 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223,
788 or 53-3-231;~~or~~
789 (II) conviction for an offense under Section 41-6a-502 or a statute previously
790 in effect in this state that would constitute a violation of Section 41-6a-502;
791 (III) conviction for an offense under Section 76-5-102.1; or
792 (IV) conviction for an offense under Section 76-5-207.
- 793 (2)(a) Except as provided in Subsection (2)(b), ~~if a hearing is requested by the person~~ if
794 an individual requests a hearing, the ~~hearing shall be conducted by the~~ Driver
795 License Division shall hold the hearing in:
796 (i) the county in which the offense occurred; or
797 (ii) a county which is adjacent to the county in which the offense occurred.
798 (b) The Driver License Division may hold a hearing in ~~some other~~ another county if the
799 Driver License Division and the ~~person~~ individual both agree.
- 800 (3) The ~~hearing shall be documented~~ Driver License Division shall document the hearing
801 and shall cover the issues of:
802 (a) whether a peace officer had reasonable grounds to believe that ~~a person~~ an individual
803 was operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517,
804 41-6a-530, or 53-3-231; and
805 (b) whether the ~~person~~ individual refused to submit to ~~the~~ a test ~~or tests under~~ as
806 described in Section 41-6a-520.
- 807 (4)(a) In connection with the hearing, the ~~division~~ Driver License Division or ~~its~~ the
808 Driver License Division's authorized agent:
809 (i) may administer oaths and may issue subpoenas for the attendance of witnesses and
810 the production of relevant ~~books and papers~~ documents; and
811 (ii) shall issue subpoenas for the attendance of necessary peace officers.

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

814 (5)(a) If after a hearing, the Driver License Division determines that the [~~person~~]
815 individual was requested to submit to a chemical test or tests and refused to submit to
816 the test or tests, or if the [~~person~~] individual fails to appear before the Driver License
817 Division as required in the notice, the Driver License Division shall revoke the [
818 ~~person's~~] individual's license or permit to operate a motor vehicle in Utah beginning
819 on the date the hearing is held:

820 (i) for [~~a person~~] an individual 21 years old or older on the date of arrest, for a period
821 of:

822 (A) except as provided in Subsection (5)(a)(i)(B) or (9), 18 months; or

823 (B) 36 months if the [~~person~~] individual previously committed an offense that
824 occurred within the preceding 10 years from the date of the arrest that resulted
825 in a:

826 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223,
827 or 53-3-231;

828 (II) conviction under Section 41-6a-502 or a statute previously in effect in this
829 state that would constitute a violation of Section 41-6a-502;

830 (III) conviction for an offense under Section 76-5-102.1; or

831 (IV) conviction for an offense under Section 76-5-207; or

832 (ii) for [~~a person~~] an individual [~~under~~] younger than 21 years [~~of age~~] old on the date
833 of arrest:

834 (A) except as provided in Subsection (5)(a)(ii)(B), until the [~~person~~] individual is
835 21 years old or for a period of two years, whichever is longer; or

836 (B) until the [~~person~~] individual is 21 years old or for a period of 36 months,
837 whichever is longer, if the [~~person~~] individual previously committed an offense
838 that occurred within the preceding 10 years from the date of the arrest that
839 resulted in a:

840 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223,
841 or 53-3-231;

842 (II) conviction under Section 41-6a-502 or a statute previously in effect in this
843 state that would constitute a violation of Section 41-6a-502;

844 (III) conviction for an offense under Section 76-5-102.1; or

845 (IV) conviction for an offense under Section 76-5-207.

- 846 (b) The Driver License Division shall also assess against the person, in addition to any
847 fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which
848 shall be paid before the person's driving privilege is reinstated, to cover
849 administrative costs.
- 850 (c) The ~~[fee shall be cancelled]~~ Driver License Division shall void the fee described in
851 Subsection (5)(b) if the ~~[person]~~ individual obtains an unappealed court decision
852 following a proceeding allowed under Subsection (2) that the revocation was
853 improper.
- 854 (6)(a) ~~[Any person-]~~ An individual whose license has been revoked by the Driver License
855 Division under this section following an administrative hearing may ~~[seek judicial~~
856 ~~review]~~ file a petition for judicial review as described in Section 53-3-224 within 30
857 days after the Driver License Division issues a suspension order.
- 858 (b) Judicial review of an informal adjudicative proceeding is a trial.
- 859 (c) Venue is in the district court in the county in which the offense occurred.
- 860 (7) If the Driver License Division revokes ~~[a person's]~~ an individual's driving privilege
861 under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A), the ~~[person]~~
862 individual may petition the division and elect to become an ignition interlock restricted
863 driver after the driver serves at least 90 days of the revocation if the ~~[person]~~ individual:
864 (a) has a valid driving privilege, with the exception of the revocation under Subsection
865 (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A);
866 (b) installs an ignition interlock device in any vehicle owned or driven by the ~~[person]~~
867 individual in accordance with Section 53-3-1007;
868 (c) pays the license reinstatement application fees described in Subsections 53-3-105(26)
869 and (27);
870 (d) pays the appropriate original license fees under Section 53-3-105; and
871 (e) completes the license application process including successful completion of
872 required testing.
- 873 (8)(a) ~~[A person-]~~ An individual who elects to become an ignition interlock restricted
874 driver under Subsection (7) shall remain an ignition interlock restricted driver for a
875 period of three years.
- 876 (b) If the ~~[person]~~ individual described under Subsection (8)(a) removes an ignition
877 interlock device from a vehicle owned or driven by the ~~[person]~~ individual prior to the
878 expiration of the three-year ignition interlock restriction period and does not install a
879 new ignition interlock device from the same or a different ignition interlock provider

- 880 within 24 hours:
- 881 (i) the ~~[person's]~~ individual's driving privilege shall be revoked under Subsection
- 882 (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A) for a period of 18 months
- 883 from the date the ignition interlock device was removed from the vehicle;
- 884 (ii) no days may be subtracted from the 18-month revocation period under Subsection
- 885 (8)(b)(i) for any days the ~~[person]~~ individual was in compliance with the interlock
- 886 restriction under Subsection (7);
- 887 (iii) the ~~[person]~~ individual is required to pay the license reinstatement application fee
- 888 under Subsection 53-3-105(26); and
- 889 (iv) the ~~[person]~~ individual may not elect to become an ignition interlock restricted
- 890 driver under this section.
- 891 (9)(a) Notwithstanding the provisions in Subsection (1)(d)(i)(A) or (5)(a)(i)(A), the
- 892 division shall reinstate ~~[a person's]~~ an individual's driving privilege before completion
- 893 of the revocation period imposed under Subsection (1)(d)(i)(A) or (5)(a)(i)(A) if:
- 894 (i) the reporting court notifies the Driver License Division that the ~~[person]~~ individual
- 895 is participating in or has successfully completed a 24-7 sobriety program as
- 896 defined in Section 41-6a-515.5;
- 897 (ii) the ~~[person]~~ individual has served at least 90 days of the revocation under
- 898 Subsection (1)(d)(i)(A) or (5)(a)(i)(A); and
- 899 (iii) the ~~[person]~~ individual has a valid driving privilege, with the exception of the
- 900 revocation under Subsection (1)(d)(i)(A) or (5)(a)(i)(A).
- 901 (b) If ~~[a person's]~~ an individual's driving privilege is reinstated under Subsection (9)(a),
- 902 the ~~[person]~~ individual is required to:
- 903 (i) install an ignition interlock device in any vehicle owned or driven by the ~~[person]~~
- 904 individual in accordance with Section 53-3-1007;
- 905 (ii) pay the license reinstatement application fees described in Subsections
- 906 53-3-105(26) and (27);
- 907 (iii) pay the appropriate original license fees under Section 53-3-105; and
- 908 (iv) complete the license application process including successful completion of
- 909 required testing.
- 910 (c) If the reporting court notifies the Driver License Division that ~~[a person]~~ an individual
- 911 has failed to complete all requirements of the 24-7 sobriety program, the division:
- 912 (i) shall revoke the ~~[person's]~~ individual's driving privilege under Subsection
- 913 (1)(d)(i)(A) or (5)(a)(i)(A) for a period of 18 months from the date of the notice;

- 914 and
- 915 (ii) may not subtract any days from the 18-month revocation period for:
- 916 (A) days during which the ~~[person's]~~ individual's driving privilege previously was
- 917 revoked; or
- 918 (B) days during which the ~~[person]~~ individual was compliant with the 24-7
- 919 sobriety program.

920 (10) A driver license reinstatement before completion of the revocation period authorized

921 under this section does not apply to a CDL disqualification imposed under Section

922 53-3-414.

923 Section 9. Section **41-6a-532** is enacted to read:

924 **41-6a-532 . DUI reporting system requirements.**

- 925 (1) As used in this section, "electronic DUI reporting system" means a software platform or
- 926 electronic form used by a law enforcement agency to generate, submit, or store reports
- 927 related to an investigation or arrest for driving under the influence under this part.
- 928 (2) A vendor that provides an electronic DUI reporting system to a law enforcement agency
- 929 shall ensure that the electronic DUI reporting system is capable of being updated to
- 930 conform with statutory changes affecting offenses under this part.
- 931 (3) A vendor described in Subsection (2) shall implement any update or change required to
- 932 conform with a statutory change no later than the effective date of the statutory change.

933 Section 10. Section **53-3-223** is amended to read:

934 **53-3-223 . Chemical test for driving under the influence -- Temporary license --**

935 **Hearing and decision -- Suspension and fee -- Judicial review.**

- 936 (1)(a) If a peace officer has reasonable grounds to believe that an individual may be
- 937 violating or has violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, the
- 938 peace officer may, ~~[in connection with]~~ when arresting the individual, request that the
- 939 individual submit to a chemical test or tests to be administered in compliance with [
- 940 ~~the standards under~~]Section 41-6a-520.
- 941 (b) In this section, a reference to Section 41-6a-502 includes any similar local ordinance
- 942 adopted in compliance with Subsection 41-6a-510(1).
- 943 (2) The peace officer shall advise an individual ~~[prior to]~~ before the individual's submission
- 944 to a chemical test that a test result ~~[indicating]~~ showing:
- 945 (a) a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207 shall[;] result
- 946 in suspension or revocation of the individual's driver license; and
- 947 (b) the existence of a blood alcohol content sufficient to render the individual incapable

- 948 of safely driving a motor vehicle may~~;~~ result in suspension or revocation of the
 949 individual's [~~license to drive a motor vehicle~~] driver license.
- 950 (3) If the individual submits to a chemical test and the test results [~~indicate~~] show a blood or
 951 breath alcohol content in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or
 952 76-5-207, or if a peace officer [~~makes a determination~~] determines, based on reasonable
 953 grounds, that the individual is otherwise in violation of Section 41-6a-502, 76-5-102.1,
 954 or 76-5-207, a peace officer shall, on behalf of the division and within 24 hours of arrest,
 955 give notice of the division's intention to suspend the individual's license to drive a motor
 956 vehicle.
- 957 (4) When a peace officer gives notice on behalf of the division, the peace officer shall
 958 supply to the driver, in a manner specified by the division, [~~basic~~] information regarding
 959 how to obtain a prompt hearing before the division.
- 960 (5) As a matter of procedure, a peace officer shall send to the division within 10 calendar
 961 days after the day on which [~~notice is provided~~] the peace officer provides notice:
 962 (a) a copy of the citation issued for the offense;
 963 (b) a signed report in a manner specified by the division [~~indicating~~] showing the
 964 chemical test results, if any; and
 965 (c) any other basis for the peace officer's determination that the individual has violated
 966 Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207.
- 967 (6)(a)(i) Upon request by an individual, in a manner specified by the division, the
 968 division shall grant to the individual an opportunity to be heard within [~~29~~] 45 days
 969 after the date of arrest.
- 970 (ii) The individual shall submit a request to be heard [~~shall be made~~] within [~~10~~] 5
 971 calendar days [~~of~~] after the day on which [~~notice is provided~~] the peace officer
 972 provides notice under Subsection (5).
- 973 (b)(i) Except as provided in Subsection (6)(b)(ii), [~~a hearing, if held, shall be before~~
 974 ~~the division~~] if the division holds a hearing, the division shall hold the hearing in:
 975 (A) the county in which the arrest occurred; or
 976 (B) a county that is adjacent to the county in which the arrest occurred.
- 977 (ii) The division may hold a hearing in [~~some other~~] another county if the division
 978 and the individual both agree.
- 979 (c) The division shall document the hearing [~~shall be documented~~] and shall cover the
 980 issues of:
 981 (i) whether a peace officer had reasonable grounds to believe the individual was

- 982 driving a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1,
983 or 76-5-207;
- 984 (ii) whether the individual refused to submit to ~~[the]~~ a test; and
985 (iii) the test results, if any.
- 986 (d)(i) In connection with a hearing, the division or ~~[its]~~ the division's authorized agent:
987 (A) may administer oaths and may issue subpoenas for the attendance of witnesses
988 and the production of relevant ~~[books and papers]~~ documents; ~~[or]~~ and
989 (B) may issue subpoenas for the attendance of necessary peace officers.
- 990 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
991 accordance with the rates established in Section 78B-1-119.
- 992 (e) The division may designate one or more employees to conduct the hearing.
- 993 (f) ~~[Any decision made after a hearing before any designated employee]~~ After a hearing,
994 a determination made by an authorized agent is ~~[as]~~ valid and binding as if made by
995 the division.
- 996 (7)(a) If, after a hearing, the division determines that a peace officer had reasonable
997 grounds to believe that the individual was driving a motor vehicle in violation of
998 Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the individual failed to
999 appear before the division as required in the notice, or if a hearing is not requested
1000 under this section, the division shall:
- 1001 (i) if the individual is 21 years old or older at the time of arrest, suspend the
1002 individual's license or permit to operate a motor vehicle for a period of:
1003 (A) 120 days beginning on the ~~[45th]~~ 60th day after the date of arrest for a first
1004 suspension; or
1005 (B) two years beginning on the ~~[45th]~~ 60th day after the date of arrest for a second
1006 or subsequent suspension for an offense that occurred within the previous 10
1007 years; or
- 1008 (ii) if the individual is under 21 years old at the time of arrest:
1009 (A) suspend the individual's license or permit to operate a motor vehicle:
1010 (I) for a period of six months, beginning on the ~~[45th]~~ 60th day after the date of
1011 arrest for a first suspension; or
1012 (II) until the individual is 21 years old or for a period of two years, whichever
1013 is longer, beginning on the ~~[45th]~~ 60th day after the date of arrest for a
1014 second or subsequent suspension for an offense that occurred within the
1015 previous 10 years; or

- 1016 (B) deny the individual's application for a license or learner's permit:
- 1017 (I) for a period of six months beginning on the ~~[45th]~~ 60th day after the date of
- 1018 the arrest for a first suspension, if the individual has not been issued an
- 1019 operator license; or
- 1020 (II) until the individual is 21 years old or for a period of two years, whichever
- 1021 is longer, beginning on the ~~[45th]~~ 60th day after the date of arrest for a
- 1022 second or subsequent suspension for an offense that occurred within the
- 1023 previous 10 years.
- 1024 (b)(i) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i)(A), the division shall
- 1025 reinstate an individual's license ~~[prior to]~~ before completion of the 120 day
- 1026 suspension period imposed under Subsection (7)(a)(i)(A):
- 1027 (A) immediately upon receiving written verification of the individual's dismissal
- 1028 of a charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or
- 1029 76-5-207, if the written verification is received ~~[prior to]~~ before completion of
- 1030 the suspension period; or
- 1031 (B) no sooner than 60 days beginning on the ~~[45th]~~ 60th day after the date of arrest
- 1032 upon receiving written verification of the individual's reduction of a charge for
- 1033 a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the
- 1034 written verification is received ~~[prior to]~~ before completion of the suspension
- 1035 period.
- 1036 (ii) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i)(A), the division shall
- 1037 reinstate an individual's license ~~[prior to]~~ before completion of the 120-day
- 1038 suspension period imposed under Subsection (7)(a)(i)(A) immediately upon
- 1039 receiving written verification of the individual's conviction of impaired driving
- 1040 under Section 41-6a-502.5 if:
- 1041 (A) the written verification is received ~~[prior to]~~ before completion of the
- 1042 suspension period; and
- 1043 (B) the reporting court notifies the ~~[Driver License Division]~~ division that the
- 1044 defendant is participating in or has successfully completed the program of a
- 1045 driving under the influence court as defined in Section 41-6a-501.
- 1046 (iii) ~~[If an individual's license is reinstated under]~~ If the division reinstates the
- 1047 individual's license as described in this Subsection (7)(b), the individual ~~[is~~
- 1048 required to] shall pay the license reinstatement application fees under Subsections
- 1049 53-3-105(26) and (27).

- 1050 (iv) The driver license reinstatements authorized under this Subsection (7)(b) only
1051 apply to a 120-day suspension period imposed under Subsection (7)(a)(i)(A).
1052 [~~(v) A driver license reinstatement authorized under this Subsection (7)(b) does not~~
1053 ~~apply to a CDL disqualification imposed under Section 53-3-414.~~]
- 1054 (8)(a)(i) The division shall assess against an individual, in addition to [~~any~~] a fee
1055 imposed under Subsection 53-3-205(12) for driving under the influence, a fee
1056 under Section 53-3-105 to cover administrative costs, which shall be paid before
1057 the individual's driving privilege is reinstated.
- 1058 (ii) [~~This fee shall be cancelled~~] The division shall void the fee described in
1059 Subsection (8)(a)(i) if the individual obtains an unappealed division hearing or
1060 court decision that the suspension was [~~not proper~~] improper.
- 1061 (b) An individual whose license has been suspended by the division under this section
1062 following an administrative hearing may file a petition for judicial review as
1063 described in Subsection 53-3-224 within 30 days after the division issues an order of
1064 suspension[~~for a hearing on the matter which, if held, is governed by Section~~
1065 ~~53-3-224~~].
- 1066 (9)(a) Notwithstanding [~~the provisions in~~] Subsection (7)(a)(i), the division shall
1067 reinstate an individual's license before completion of the suspension period imposed
1068 under Subsection (7)(a)(i) if:
- 1069 (i)(A) the reporting court notifies the [~~Driver License Division~~] division that the
1070 individual is participating in or has successfully completed a 24-7 sobriety
1071 program as defined in Section 41-6a-515.5; or
- 1072 (B) the reporting court notifies the [~~Driver License Division~~] division that the
1073 individual is participating in or has successfully completed a problem solving
1074 court program approved by the Judicial Council, including a driving under the
1075 influence court program or a drug court program, and has elected to become an
1076 interlock restricted driver as a condition of probation during the remainder of
1077 the individual's suspension period in accordance with Section 41-6a-518; and
- 1078 (ii) the individual has a valid driving privilege, [~~with the exception of~~] except for the
1079 suspension under Subsection (7)(a)(i).
- 1080 (b) If [~~an~~] the division reinstates an individual's license [~~is reinstated under~~] as described
1081 in Subsection (9)(a), the individual [~~is required to~~] shall pay the license reinstatement
1082 application fees under Subsections 53-3-105(26) and (27).
- 1083 (10)(a) If the division suspends an individual's license for an alcohol related offense

- 1084 under Subsection (7)(a)(i)(A), the individual may petition the division and elect to
1085 become an ignition interlock restricted driver if the individual:
- 1086 (i) has a valid driving privilege, with the exception of the suspension under
1087 Subsection (7)(a)(i)(A);
 - 1088 (ii) installs an ignition interlock device in any vehicle owned or driven by the
1089 individual in accordance with Section 53-3-1007; and
 - 1090 (iii) pays the license reinstatement application fees described in Subsections
1091 53-3-105(26) and (27).
- 1092 (b)(i) The individual shall remain an ignition interlock restricted driver for a period of
1093 120 days from the original effective date of the suspension under Subsection
1094 (7)(a)(i)(A).
- 1095 (ii) If the individual removes an ignition interlock device from a vehicle owned or
1096 driven by the individual [~~prior to~~] before the expiration of the 120-day ignition
1097 interlock restriction period and does not install a new ignition interlock device
1098 from the same or a different provider within 24 hours:
 - 1099 (A) the division shall suspend the individual's driver license [~~shall be suspended~~
1100 ~~under~~] as described in Subsection (7)(a)(i)(A) for the remainder of the 120-day
1101 ignition interlock restriction period;
 - 1102 (B) the individual [~~is required to~~] shall pay the license reinstatement application
1103 fee under Subsection 53-3-105(26); and
 - 1104 (C) the individual may not elect to become an ignition interlock restricted driver
1105 under this section.
- 1106 (c) If an individual elects to become an ignition interlock restricted driver under
1107 Subsection (10)(a), the provisions under Subsection (7)(b) do not apply.
- 1108 (11)(a) If the division suspends an individual's license for an alcohol related offense
1109 under Subsection (7)(a)(i)(B), the individual may petition the division and elect to
1110 become an ignition interlock restricted driver after the driver serves at least 90 days
1111 of the suspension if the individual:
- 1112 (i) was charged with a violation of Section 41-6a-502 that is a misdemeanor;
 - 1113 (ii) has a valid driving privilege, with the exception of the suspension under
1114 Subsection (7)(a)(i)(B);
 - 1115 (iii) installs an ignition interlock device in any vehicle owned or driven by the
1116 individual in accordance with Section 53-3-1007; and
 - 1117 (iv) pays the license reinstatement application fees described in Subsections

- 1118 53-3-105(26) and (27)[;] .
- 1119 (b)(i) The individual shall remain an ignition interlock restricted driver for a period of
1120 two years from the original effective date of the suspension under Subsection
1121 (7)(a)(i)(B).
- 1122 (ii) If the individual removes an ignition interlock device from a vehicle owned or
1123 driven by the individual [~~prior to~~] before the expiration of the two-year ignition
1124 interlock restriction period and does not install a new ignition interlock device
1125 from the same or a different provider within 24 hours:
- 1126 (A) the division shall suspend the individual's driver license [~~shall be suspended~~
1127 ~~under~~] as described in Subsection (7)(a)(i)(B) for the remainder of the two-year
1128 ignition interlock restriction period;
- 1129 (B) the individual [~~is required to~~] shall pay the license reinstatement application
1130 fee under Subsection 53-3-105(26); and
- 1131 (C) the individual may not elect to become an ignition interlock restricted driver
1132 under this section.
- 1133 (c) Notwithstanding Subsections (11)(a) and (b), if a court convicts the individual [~~is~~
1134 ~~subsequently convicted~~] of the violation of Section 41-6a-502 that [~~gave rise to~~]
1135 prompted the suspension under Subsection (7)(a)(i)(B), the division shall revoke the
1136 individual's license under Subsection 41-6a-509(1)(a)(ii), and the individual is no
1137 longer an ignition interlock restricted driver under this Subsection (11).
- 1138 (12)(a) Notwithstanding [~~the provisions in~~] Subsection (7)(a)(i)(B), the division shall
1139 reinstate an individual's license [~~prior to~~] before completion of the two-year
1140 suspension period imposed under Subsection (7)(a)(i)(B) immediately upon receiving
1141 written verification of the individual's dismissal of a charge for a violation of Section
1142 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written verification is received [~~prior to~~]
1143 before completion of the suspension period.
- 1144 (b) If the individual elected to become an ignition interlock restricted driver under
1145 Subsection (11), and the division receives written verification of the individual's
1146 dismissal of a charge for violation of Section 41-6a-502, the driver is no longer an
1147 ignition interlock restricted driver under Subsection (11)(b)(i), and the division shall
1148 reinstate the individual's license [~~prior to~~] before the completion of the two-year
1149 ignition interlock restriction period under Subsection (11)(b)(i).
- 1150 (13) A driver license reinstatement before completion of the suspension period authorized
1151 under this section does not apply to a CDL disqualification imposed under Section

1152 53-3-414.

1153 Section 11. Section **53-3-231** is amended to read:

1154 **53-3-231 . Person under 21 may not operate a vehicle or motorboat with**
 1155 **detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing**
 1156 **and decision -- Suspension of license or operating privilege -- Fees -- Judicial review --**
 1157 **Referral to local substance abuse authority or program.**

1158 (1)(a) As used in this section:

1159 (i) "Local substance abuse authority" [~~has the same meaning as provided~~] means the
 1160 same as that term is defined in Section 62A-15-102.

1161 (ii) "Substance abuse program" means [~~any~~] a substance abuse program licensed by
 1162 the Department of Human Services or the Department of Health and approved by
 1163 the local substance abuse authority.

1164 (b) Calculations of blood, breath, or urine alcohol concentration under this section shall
 1165 be made in accordance with [~~the procedures in~~] Subsection 41-6a-502(1).

1166 (2)(a) [~~A person~~] An individual younger than 21 [~~years of age~~] years old may not operate
 1167 or be in actual physical control of a vehicle or motorboat with any measurable blood,
 1168 breath, or urine alcohol concentration in the [~~person's~~] individual's body as shown by
 1169 a chemical test.

1170 (b) [~~A person~~] An individual who violates Subsection (2)(a), in addition to any other
 1171 applicable penalties arising out of the incident, shall have the [~~person's~~] individual's
 1172 operator license denied or suspended as provided in Subsection (7).

1173 (3)(a) When a peace officer has reasonable grounds to believe that [~~a person~~] an
 1174 individual may be violating or has violated Subsection (2), the peace officer may, [~~in~~
 1175 ~~connection with~~] when arresting the [~~person~~] individual for a violation of Section
 1176 32B-4-409, request that the [~~person~~] individual submit to a chemical test or tests to be
 1177 administered in compliance with [~~the standards under~~] Section 41-6a-520.

1178 (b) The peace officer shall advise [~~a person prior to the person's~~] an individual before the
 1179 individual's submission to a chemical test that a test result indicating a violation of
 1180 Subsection (2)(a) will result in denial or suspension of the [~~person's~~] individual's
 1181 license to operate a motor vehicle or a refusal to issue a license.

1182 (c) If the [~~person~~] individual submits to a chemical test and the test results [~~indicate~~]
 1183 show a blood, breath, or urine alcohol content in violation of Subsection (2)(a), or if a
 1184 peace officer [~~makes a determination~~] determines, based on reasonable grounds, that
 1185 the [~~person~~] individual is otherwise in violation of Subsection (2)(a), a peace officer

- 1186 shall, on behalf of the division and within 24 hours of the arrest, give notice of the
 1187 division's intention to deny or suspend the ~~[person's]~~ individual's license to operate a
 1188 vehicle or refusal to issue a license under this section.
- 1189 (4) When a peace officer gives notice on behalf of the division, the peace officer shall
 1190 supply to the operator, in a manner specified by the division, basic information
 1191 regarding how to obtain a prompt hearing before the division.
- 1192 (5) As a matter of procedure, a peace officer shall send to the division within 10 calendar
 1193 days after the day on which ~~[notice is provided]~~ the peace officer provides notice:
- 1194 (a) a copy of the citation issued for the offense;
- 1195 (b) a signed report in a manner specified by the ~~[Driver License Division indicating]~~
 1196 division showing the chemical test results, if any; and
- 1197 (c) any other basis for a peace officer's determination that the ~~[person]~~ individual has
 1198 violated Subsection (2).
- 1199 (6)(a)(i) Upon request by an individual, in a manner specified by the division, the [
 1200 ~~Driver License Division]~~ division shall grant to the [person] individual an
 1201 opportunity to be heard within [29] 45 days after the date of arrest under Section
 1202 32B-4-409.
- 1203 (ii) The ~~[request shall be made]~~ individual shall request a hearing described in
 1204 Subsection (6)(a)(i) within [10] 5 calendar days [of] after the day on which [notice
 1205 is provided] the peace officer provides notice.
- 1206 (b)(i) Except as provided in Subsection (6)(b)(ii), ~~[a hearing, if held, shall be before~~
 1207 ~~the division in]~~ if the division holds a hearing, the division shall hold the hearing in:
 1208 (A) the county in which the arrest occurred; or
 1209 (B) a county that is adjacent to the county in which the arrest occurred.
- 1210 (ii) The division may hold a hearing in ~~[some other]~~ another county if the division and
 1211 the ~~[person]~~ individual both agree.
- 1212 (c) The ~~[hearing shall be documented]~~ division shall document the hearing and shall
 1213 cover the issues of:
- 1214 (i) whether a peace officer had reasonable grounds to believe the ~~[person]~~ individual
 1215 was operating a motor vehicle or motorboat in violation of Subsection (2)(a);
 1216 (ii) whether the ~~[person]~~ individual refused to submit to ~~[the]~~ a test; and
 1217 (iii) the test results, if any.
- 1218 (d) In connection with a hearing, the division or ~~[its]~~ the division's authorized agent may:
 1219 (i) administer oaths and ~~[may]~~ issue subpoenas for the attendance of witnesses and

1220 the production of relevant [~~books and papers and records as defined in Section~~
1221 ~~46-4-102.~~] documents; and

1222 (ii) issue subpoenas for the attendance of necessary peace officers.

1223 (e) One or more members of the division may conduct the hearing.

1224 [~~(f) Any decision made after a hearing before any number of the members of the~~
1225 ~~division is as valid as if made after a hearing before the full membership of the~~
1226 ~~division.]~~

1227 (f) After a hearing, a determination made by an authorized agent is valid and binding as
1228 if made by the division.

1229 (7) If, after a hearing, the division determines that a peace officer had reasonable grounds to
1230 believe that the [~~person~~] individual was driving a motor vehicle in violation of
1231 Subsection (2)(a), if the [~~person~~] individual fails to appear before the division as required
1232 in the notice, or if the [~~person~~] individual does not request a hearing under this section,
1233 the division shall for [~~a person~~] an individual under 21 years [~~of age~~] old on the date of
1234 arrest:

1235 (a) deny the [~~person's~~] individual's license until the [~~person~~] individual complies with
1236 Subsection (10)(b)(i) but for a period of not less than six months beginning on the [~~45th~~]
1237 60th day after the date of arrest for a first offense under Subsection (2)(a);

1238 (b) suspend the [~~person's~~] individual's license until the [~~person~~] individual complies with
1239 Subsection (10)(b)(i) and until the [~~person~~] individual is 21 years [~~of age~~] old or for a
1240 period of two years, whichever is longer, beginning on the [~~45th~~]60th day after the
1241 date of arrest for a second or subsequent offense under Subsection (2)(a) within 10
1242 years of a prior denial or suspension;

1243 (c) deny the [~~person's~~] individual's application for a license or learner's permit until the [~~person~~]
1244 individual complies with Subsection (10)(b)(i) but for a period of not less
1245 than six months beginning on the [~~45th~~]60th day after the date of the arrest, if:

1246 (i) the [~~person~~] individual has not been issued an operator license; and

1247 (ii) the suspension is for a first offense under Subsection (2)(a); and

1248 (d) deny the [~~person's~~] individual's application for a license or learner's permit until the [~~person~~]
1249 individual complies with Subsection (10)(b)(i) and until the [~~person~~] individual
1250 is 21 years [~~of age~~] old or for a period of two years, whichever is longer, beginning on
1251 the [~~45th~~]60th day after the date of the arrest, if:

1252 (i) the [~~person~~] individual has not been issued an operator license; and

1253 (ii) the suspension is for a second or subsequent offense under Subsection (2)(a)

1254 committed within 10 years of a prior denial or suspension.

1255 (8)(a)(i) Following denial or suspension the division shall assess against ~~[a person]~~ an
1256 individual, in addition to any fee imposed under Subsection 53-3-205(12), a fee
1257 under Section 53-3-105, which shall be paid before the person's driving privilege
1258 is reinstated, to cover administrative costs.

1259 (ii) ~~[This fee shall be canceled]~~ The division shall void the fee described in
1260 Subsection (8)(a)(i) if the [person] individual obtains an unappealed division
1261 hearing or court decision that the suspension was [not proper] improper.

1262 (b) ~~[A person]~~ An individual whose operator license has been denied, suspended, or
1263 postponed by the division under this section following an administrative hearing may
1264 file a petition for judicial review as described in Section 53-3-224 within 30 days
1265 after the day on which the division issues a suspension ~~[for a hearing on the matter~~
1266 ~~which, if held, is governed by Section 53-3-224.]~~ order.

1267 (9) After reinstatement of an operator license for a first offense under this section, a report
1268 authorized under Section 53-3-104 may not contain evidence of the denial or suspension
1269 of the ~~[person's]~~ individual's operator license under this section if the ~~[person]~~ individual
1270 has not been convicted of any other offense for which the denial or suspension may be
1271 extended.

1272 (10)(a) In addition to the penalties in Subsection (8), ~~[a person]~~ an individual who
1273 violates Subsection (2)(a) shall:

1274 (i) obtain an assessment and recommendation for appropriate action from a substance
1275 abuse program, but any associated costs shall be the ~~[person's]~~ individual's
1276 responsibility; or

1277 (ii) be referred by the division to the local substance abuse authority for an
1278 assessment and recommendation for appropriate action.

1279 (b)(i) Reinstatement of the ~~[person's]~~ individual's operator license or the right to
1280 obtain an operator license within five years of the effective date of the license
1281 sanction under Subsection (7) is contingent upon successful completion of the
1282 action recommended by the local substance abuse authority or the substance abuse
1283 program.

1284 (ii) The local substance abuse authority's or the substance abuse program's
1285 recommended action shall be determined by an assessment of the ~~[person's]~~
1286 individual's alcohol abuse and may include:

1287 (A) a targeted education and prevention program;

- 1288 (B) an early intervention program; or
 1289 (C) a substance abuse treatment program.
- 1290 (iii) Successful completion of the recommended action shall be determined by
 1291 standards established by the Division of Substance Abuse and Mental Health.
- 1292 (c) At the conclusion of the penalty period imposed under Subsection (2), the local
 1293 substance abuse authority or the substance abuse program shall notify the division of
 1294 the [person's] individual's status regarding completion of the recommended action.
- 1295 (d) The local substance abuse authorities and the substance abuse programs shall
 1296 cooperate with the division in:
 1297 (i) conducting the assessments;
 1298 (ii) making appropriate recommendations for action; and
 1299 (iii) notifying the division about the [person's] individual's status regarding
 1300 completion of the recommended action.
- 1301 (e)(i) The local substance abuse authority is responsible for the cost of the assessment
 1302 of the [person's] individual's alcohol abuse, if the assessment is conducted by the
 1303 local substance abuse authority.
- 1304 (ii) The local substance abuse authority or a substance abuse program selected by [a
 1305 person] an individual is responsible for:
 1306 (A) conducting an assessment of the [person's] individual's alcohol abuse; and
 1307 (B) for making a referral to an appropriate program on the basis of the findings of
 1308 the assessment.
- 1309 (iii)(A) The [person] individual who violated Subsection (2)(a) is responsible for
 1310 all costs and fees associated with the recommended program to which the [
 1311 person] individual selected or is referred.
- 1312 (B) The costs and fees under Subsection (10)(e)(iii)(A) shall be based on a sliding
 1313 scale consistent with the local substance abuse authority's policies and
 1314 practices regarding fees for services or determined by the substance abuse
 1315 program.

1316 Section 12. Section **53-3-414** is amended to read:

1317 **53-3-414 . CDL disqualification or suspension -- Grounds and duration --**

1318 **Procedure.**

- 1319 (1)(a) An individual who holds or is required to hold a CDL is disqualified from driving
 1320 a commercial motor vehicle for a period of not less than one year effective seven
 1321 days from the date of notice to the driver if convicted of a first offense of:

- 1322 (i) driving a motor vehicle while impaired or under the influence of alcohol, drugs, a
1323 controlled substance, or more than one of these;
- 1324 (ii) driving a commercial motor vehicle while the concentration of alcohol in the
1325 individual's blood, breath, or urine is .04 grams or more;
- 1326 (iii) leaving the scene of an accident involving a motor vehicle the individual was
1327 driving;
- 1328 (iv) failing to provide reasonable assistance or identification when involved in an
1329 accident resulting in~~[:]~~ personal injury or death in accordance with Section
1330 41-6a-401.3;
1331 [~~(A) personal injury in accordance with Section 41-6a-401.3; or]~~
1332 [~~(B) death in accordance with Section 41-6a-401.5;~~]
- 1333 (v) using a motor vehicle in the commission of a felony;
- 1334 (vi) refusal to submit to a test to determine the concentration of alcohol in the
1335 individual's blood, breath, or urine;
- 1336 (vii) driving a commercial motor vehicle while the individual's commercial driver
1337 license is disqualified in accordance with the provisions of this section for
1338 violating an offense described in this section; or
- 1339 (viii) operating a commercial motor vehicle in a negligent manner causing the death
1340 of another including the offenses of manslaughter under Section 76-5-205,
1341 negligent homicide under Section 76-5-206, or automobile homicide under
1342 Section 76-5-207.
- 1343 (b) The division shall subtract from any disqualification period under Subsection (1)(a)(i)
1344 the number of days for which a license was previously disqualified under Subsection
1345 (1)(a)(ii) or (14) if the previous disqualification was based on the same occurrence
1346 upon which the record of conviction is based.
- 1347 (2) If any of the violations under Subsection (1) occur while the driver is transporting a
1348 hazardous material required to be placarded, the driver is disqualified for not less than
1349 three years.
- 1350 (3)(a) Except as provided under Subsection (4), a driver of a motor vehicle who holds or
1351 is required to hold a CDL is disqualified for life from driving a commercial motor
1352 vehicle if convicted of or administrative action is taken for two or more of any of the
1353 offenses under Subsection (1) or (14) arising from two or more separate incidents.
- 1354 (b) An individual who is convicted of or administrative action is taken for an offense
1355 under Subsection (5):

- 1356 (i) is disqualified for life from driving a commercial motor vehicle; and
1357 (ii) may not be reinstated under Subsection (4).
- 1358 (c) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.
- 1359 (4)(a) Any driver disqualified for life from driving a commercial motor vehicle under
1360 this section may apply to the division for reinstatement of the driver's CDL if the
1361 driver:
- 1362 (i) has both voluntarily enrolled in and successfully completed an appropriate
1363 rehabilitation program that:
- 1364 (A) meets the standards of the division; and
1365 (B) complies with 49 C.F.R. Sec. 383.51;
- 1366 (ii) has served a minimum disqualification period of 10 years; and
1367 (iii) has fully met the standards for reinstatement of commercial motor vehicle
1368 driving privileges established by rule of the division.
- 1369 (b) If a reinstated driver is subsequently convicted of another disqualifying offense
1370 under this section, the driver is permanently disqualified for life and is ineligible to
1371 again apply for a reduction of the lifetime disqualification.
- 1372 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified for
1373 life from driving a commercial motor vehicle if the driver uses a motor vehicle in the
1374 commission of any felony involving:
- 1375 (a) the manufacturing, distributing, or dispensing of a controlled substance; or
1376 (b) an act or practice of severe forms of trafficking in persons as defined and described
1377 in 22 U.S.C. Sec. 7102(11).
- 1378 (6)(a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds or
1379 is required to hold a CDL is disqualified for not less than:
- 1380 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
1381 serious traffic violations; and
1382 (ii) 120 days if the driver is convicted of three or more serious traffic violations.
- 1383 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic
1384 violations:
- 1385 (i) occur within three years of each other;
1386 (ii) arise from separate incidents; and
1387 (iii) involve the use or operation of a commercial motor vehicle.
- 1388 (c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is
1389 disqualified from driving a commercial motor vehicle and the division receives notice

1390 of a subsequent conviction for a serious traffic violation that results in an additional
1391 disqualification period under this Subsection (6), the subsequent disqualification
1392 period is effective beginning on the ending date of the current serious traffic violation
1393 disqualification period.

1394 (7)(a) A driver of a commercial motor vehicle who is convicted of violating an
1395 out-of-service order while driving a commercial motor vehicle is disqualified from
1396 driving a commercial motor vehicle for a period not less than:

- 1397 (i) 180 days if the driver is convicted of a first violation;
- 1398 (ii) two years if, during any 10 year period, the driver is convicted of two violations
1399 of out-of-service orders in separate incidents;
- 1400 (iii) three years but not more than five years if, during any 10 year period, the driver
1401 is convicted of three or more violations of out-of-service orders in separate
1402 incidents;
- 1403 (iv) 180 days but not more than two years if the driver is convicted of a first violation
1404 of an out-of-service order while transporting hazardous materials required to be
1405 placarded or while operating a motor vehicle designed to transport 16 or more
1406 passengers, including the driver; or
- 1407 (v) three years but not more than five years if, during any 10 year period, the driver is
1408 convicted of two or more violations, in separate incidents, of an out-of-service
1409 order while transporting hazardous materials required to be placarded or while
1410 operating a motor vehicle designed to transport 16 or more passengers, including
1411 the driver.

1412 (b) A driver of a commercial motor vehicle who is convicted of a first violation of an
1413 out-of-service order is subject to a civil penalty of not less than \$2,500.

1414 (c) A driver of a commercial motor vehicle who is convicted of a second or subsequent
1415 violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.

1416 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is
1417 disqualified for not less than 60 days if the division determines, in its check of the
1418 driver's driver license status, application, and record prior to issuing a CDL or at any
1419 time after the CDL is issued, that the driver has falsified information required to apply
1420 for a CDL in this state.

1421 (9) A driver of a commercial motor vehicle who is convicted of violating a
1422 railroad-highway grade crossing provision under Section 41-6a-1205, while driving a
1423 commercial motor vehicle is disqualified from driving a commercial motor vehicle for a

- 1424 period not less than:
- 1425 (a) 60 days if the driver is convicted of a first violation;
- 1426 (b) 120 days if, during any three-year period, the driver is convicted of a second
- 1427 violation in separate incidents; or
- 1428 (c) one year if, during any three-year period, the driver is convicted of three or more
- 1429 violations in separate incidents.
- 1430 (10)(a) The division shall update its records and notify the CDLIS within 10 days of
- 1431 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the
- 1432 action taken.
- 1433 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL, the
- 1434 division shall notify the licensing authority of the issuing state or other jurisdiction
- 1435 and the CDLIS within 10 days after the action is taken.
- 1436 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this
- 1437 state, the division shall notify the CDLIS within 10 days after the action is taken.
- 1438 (11)(a) The division may immediately suspend or disqualify the CDL of a driver without
- 1439 a hearing or receiving a record of the driver's conviction when the division has reason
- 1440 to believe that the:
- 1441 (i) CDL was issued by the division through error or fraud;
- 1442 (ii) applicant provided incorrect or incomplete information to the division;
- 1443 (iii) applicant cheated on any part of a CDL examination;
- 1444 (iv) driver no longer meets the fitness standards required to obtain a CDL; or
- 1445 (v) driver poses an imminent hazard.
- 1446 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with Section
- 1447 53-3-221.
- 1448 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the
- 1449 suspension order or cancel the CDL.
- 1450 (12)(a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is
- 1451 required to hold a CDL is disqualified for not less than:
- 1452 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
- 1453 serious traffic violations; and
- 1454 (ii) 120 days if the driver is convicted of three or more serious traffic violations.
- 1455 (b) The disqualifications under Subsection (12)(a) are effective only if the serious traffic
- 1456 violations:
- 1457 (i) occur within three years of each other;

- 1458 (ii) arise from separate incidents; and
1459 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving
1460 privilege from at least one of the violations.
- 1461 (c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified
1462 from driving a commercial motor vehicle and the division receives notice of a
1463 subsequent conviction for a serious traffic violation that results in an additional
1464 disqualification period under this Subsection (12), the subsequent disqualification
1465 period is effective beginning on the ending date of the current serious traffic violation
1466 disqualification period.
- 1467 (13)(a) Upon receiving a notice that an individual has entered into a plea of guilty or no
1468 contest to a violation of a disqualifying offense described in this section which plea is
1469 held in abeyance pursuant to a plea in abeyance agreement, the division shall
1470 disqualify, suspend, cancel, or revoke the individual's CDL for the period required
1471 under this section for a conviction of that disqualifying offense, even if the charge
1472 has been subsequently reduced or dismissed in accordance with the plea in abeyance
1473 agreement.
- 1474 (b) The division shall report the plea in abeyance to the CDLIS within 10 days of taking
1475 the action under Subsection (13)(a).
- 1476 (c) A plea which is held in abeyance may not be removed from an individual's driving
1477 record for 10 years from the date of the plea in abeyance agreement, even if the
1478 charge is:
- 1479 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or
1480 (ii) expunged under Title 77, Chapter 40a, Expungement of Criminal Records.
- 1481 (14) The division shall disqualify the CDL of a driver for an arrest of a violation of Section
1482 41-6a-502 when administrative action is taken against the operator's driving privilege
1483 pursuant to Section 53-3-223 for a period of:
- 1484 (a) one year; or
1485 (b) three years if the violation occurred while transporting hazardous materials.
- 1486 (15) The division may concurrently impose any disqualification periods that arise under this
1487 section while a driver is disqualified by the Secretary of the United States Department of
1488 Transportation under 49 C.F.R. Sec. 383.52 for posing an imminent hazard.
- 1489 Section 13. Section **53-3-418** is amended to read:
1490 **53-3-418 . Prohibited alcohol level for drivers -- Procedures, including hearing.**
1491 (1) [~~A person~~] An individual who holds or is required to hold a CDL may not drive a

- 1492 commercial motor vehicle in this state if the ~~[person]~~ individual:
- 1493 (a) has sufficient alcohol in the ~~[person's]~~ individual's body that a subsequent chemical
- 1494 test shows that the ~~[person]~~ individual has a blood or breath alcohol concentration of
- 1495 .04 grams or greater at the time of the test after the alleged driving of the commercial
- 1496 motor vehicle;
- 1497 (b) is under the influence of alcohol, any drug, or the combined influence of alcohol and
- 1498 any drug to degree that renders the ~~[person]~~ individual incapable of safely driving a
- 1499 commercial motor vehicle; or
- 1500 (c) has a blood or breath alcohol concentration of .04 grams or greater at the time of
- 1501 driving the commercial motor vehicle.
- 1502 (2) ~~[A person]~~ An individual who holds or is required to hold a CDL and who drives a
- 1503 commercial motor vehicle in this state is considered to have given the ~~[person's]~~
- 1504 individual's consent to a test or tests of the ~~[person's]~~ individual's blood, breath, or urine
- 1505 to determine the concentration of alcohol or the presence of other drugs in the ~~[person's]~~
- 1506 individual's physical system.
- 1507 (3) If a peace officer or port-of-entry agent has reasonable cause to believe that ~~[a person]~~ an
- 1508 individual may be violating this section, the peace officer or port-of-entry agent may
- 1509 request the ~~[person]~~ individual to submit to a chemical test to be administered in
- 1510 compliance with Section 41-6a-515.
- 1511 (4) When a peace officer or port-of-entry agent requests ~~[a person]~~ an individual to submit
- 1512 to a test under this section, the peace officer or port-of-entry agent shall advise the [
- 1513 ~~person]~~ individual that test results ~~[indicating]~~ showing a violation of Subsection (1) or
- 1514 refusal to submit to ~~[any]~~ a test requested will result in the ~~[person's]~~ individual's
- 1515 disqualification under Section 53-3-414 from driving a commercial motor vehicle.
- 1516 (5) If test results under this section ~~[indicate]~~ show a violation of Subsection (1) or the [
- 1517 ~~person]~~ individual refuses to submit to ~~[any]~~ a test requested under this section, a peace
- 1518 officer or port-of-entry agent shall, on behalf of the division and within 24 hours of the
- 1519 arrest, give the ~~[person]~~ individual notice of the division's intention to disqualify the [
- 1520 ~~person's]~~ individual's privilege to drive a commercial motor vehicle.
- 1521 (6) When a peace officer or port-of-entry agent gives notice under Subsection (5), the peace
- 1522 officer or port-of-entry agent shall:
- 1523 (a) provide the driver, in a manner specified by the division, basic information regarding
- 1524 how to obtain a prompt hearing before the division; and
- 1525 (b) issue a 24-hour out-of-service order.

- 1526 (7) As a matter of procedure, a peace officer or port-of-entry agent shall, within 10 calendar
1527 days after the day on which notice is provided, send to the division a copy of the notice,
1528 and a report signed by the peace officer or port-of-entry agent that [~~indicates~~] shows the
1529 results of any chemical test administered or that the person refused a test.
- 1530 (8)(a) [~~A person~~] An individual disqualified under this section has the right to a hearing
1531 regarding the disqualification.
- 1532 (b) The request for the hearing shall be submitted to the division in a manner specified
1533 by the division and shall be made within [~~10~~] 5 calendar days of the date the notice
1534 was issued.
- 1535 (c) If requested, the hearing shall be conducted within [~~29~~] 45 days after the date of arrest.
- 1536 (9)(a)(i) Except as provided in Subsection (9)(a)(ii), a hearing held under this section
1537 shall be held before the division and in:
- 1538 (A) the county where the notice was issued; or
1539 (B) a county that is adjacent to the county where the notice was issued.
- 1540 (ii) The division may hold a hearing in [~~some other~~] another county if the division and
1541 the [~~person~~] individual both agree.
- 1542 (b) [~~The hearing shall be documented~~] The division shall document the hearing and shall
1543 determine:
- 1544 (i) whether the peace officer or port-of-entry agent had reasonable grounds to believe
1545 the [~~person~~] individual had been driving a commercial motor vehicle in violation
1546 of this section;
- 1547 (ii) whether the [~~person~~] individual refused to submit to [~~any~~] a requested test; and
1548 (iii) [~~any~~] each test [~~results~~] result obtained.
- 1549 (c) In connection with a hearing, the division or [~~its~~] the division's authorized agent may:
1550 (i) administer oaths and [~~may~~] issue subpoenas for the attendance of witnesses and
1551 the production of relevant [~~books and~~] documents[-] ; and
1552 (ii) may issue subpoenas for the attendance of necessary peace officers.
- 1553 (d) One or more members of the division may conduct the hearing.
- 1554 [~~(e) A decision made after a hearing before any number of members of the division is as~~
1555 ~~valid as if the hearing were held before the full membership of the division.]~~
- 1556 (e) After a hearing, a determination made by an authorized agent is valid and binding as
1557 if made by the division;
- 1558 (f) After a hearing under this section the division shall indicate by order if the [~~person's~~]
1559 individual's CDL is disqualified.

- 1560 (g) If the ~~[person]~~ individual for whom the hearing is held fails to appear before the
1561 division as required in the notice, the division shall indicate by order if the ~~[person's]~~
1562 individual's CDL is disqualified.
- 1563 (10)~~[(a)]~~ If the division disqualifies ~~[a person]~~ an individual's commercial driving
1564 privilege under this section following an administrative hearing, the ~~[person]~~
1565 individual may petition for ~~[a hearing under]~~ judicial review as described in Section
1566 53-3-224 within 30 days after the day on which the division issues a disqualification
1567 order.
- 1568 ~~[(b) The petition shall be filed within 30 days after the division issues the~~
1569 ~~disqualification.]~~
- 1570 (11)(a) ~~[A person]~~ An individual who violates this section shall be punished in
1571 accordance with Section 53-3-414.
- 1572 (b)(i) In accordance with Section 53-3-414, the first disqualification under this
1573 section shall be for one year, and a second disqualification shall be for life.
- 1574 (ii) A disqualification under Section 53-3-414 begins on the ~~[45th]~~ 60th day after the
1575 date of arrest.
- 1576 (12)(a) In addition to the fees imposed under Section 53-3-205 for reinstatement of a
1577 CDL, a fee under Section 53-3-105 to cover administrative costs shall be paid before
1578 the driving privilege is reinstated.
- 1579 (b) ~~[The fees under Sections 53-3-105 and 53-3-205 shall be canceled.]~~ The division
1580 shall void the fees described in Subsection (12)(a) if an unappealed hearing at the
1581 division or court level determines the disqualification was ~~[not proper]~~ improper.
- 1582 (13) Notwithstanding the provisions of this section, a blood test taken under this section is
1583 subject to Section 77-23-213.
- 1584 Section 14. Section **53-10-403** is amended to read:
- 1585 **53-10-403 . DNA specimen analysis -- Application to offenders, including minors.**
- 1586 (1) Sections 53-10-403.6, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to:
- 1587 (a) a person who has pled guilty to or has been convicted of any of the offenses under
1588 Subsection (2)(a) or (b) on or after July 1, 2002;
- 1589 (b) a person who has pled guilty to or has been convicted by any other state or by the
1590 United States government of an offense which if committed in this state would be
1591 punishable as one or more of the offenses listed in Subsection (2)(a) or (b) on or after
1592 July 1, 2003;
- 1593 (c) a person who has been booked on or after January 1, 2011, through December 31,

- 1594 2014, for any offense under Subsection (2)(c);
- 1595 (d) a person who has been booked:
- 1596 (i) by a law enforcement agency that is obtaining a DNA specimen on or after May
- 1597 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any
- 1598 felony offense; or
- 1599 (ii) on or after January 1, 2015, for any felony offense; or
- 1600 (e) a minor:
- 1601 (i)(A) who is adjudicated by the juvenile court for an offense described in
- 1602 Subsection (2) that is within the jurisdiction of the juvenile court on or after
- 1603 July 1, 2002; or
- 1604 (B) who is adjudicated by the juvenile court for an offense described in
- 1605 Subsection (2) and is in the legal custody of the Division of Juvenile Justice
- 1606 and Youth Services for the offense on or after July 1, 2002; and
- 1607 (ii) who is 14 years old or older at the time of the commission of the offense
- 1608 described in Subsection (2).
- 1609 (2) Offenses referred to in Subsection (1) are:
- 1610 (a) any felony or class A misdemeanor under the Utah Code;
- 1611 (b) any offense under Subsection (2)(a):
- 1612 (i) for which the court enters a judgment for conviction to a lower degree of offense
- 1613 under Section 76-3-402; or
- 1614 (ii) regarding which the court allows the defendant to enter a plea in abeyance as
- 1615 defined in Section 77-2a-1; or
- 1616 (c)(i) any violent felony as defined in Section 53-10-403.5;
- 1617 (ii) sale or use of body parts, Section 26B-8-315;
- 1618 (iii) failure to stop at an accident that resulted in death, Section ~~[41-6a-401.5]~~
- 1619 41-6a-401.3;
- 1620 (iv) operating a motor vehicle with any amount of a controlled substance in an
- 1621 individual's body and causing serious bodily injury or death, as codified before
- 1622 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
- 1623 58-37-8(2)(g);
- 1624 (v) a felony violation of enticing a minor, Section 76-5-417;
- 1625 (vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);
- 1626 (vii) a felony violation of propelling a substance or object at a correctional officer, a
- 1627 peace officer, or an employee or a volunteer, including health care providers,

- 1628 Section 76-5-102.6;
- 1629 (viii) automobile homicide, Subsection 76-5-207(2)(b);
- 1630 (ix) aggravated human trafficking, Section 76-5-310, and aggravated human
- 1631 smuggling, Section 76-5-310.1;
- 1632 (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
- 1633 (xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;
- 1634 (xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;
- 1635 (xiii) sale of a child, Section 76-7-203;
- 1636 (xiv) aggravated escape, Section 76-8-309.3;
- 1637 (xv) a felony violation of threatened or attempted assault on an elected official,
- 1638 Section 76-8-313;
- 1639 (xvi) threat with intent to impede, intimidate, interfere, or retaliate against a judge or
- 1640 a member of the Board of Pardons and Parole or acting against a family member
- 1641 of a judge or a member of the Board of Pardons and Parole, Section 76-8-316;
- 1642 (xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge
- 1643 or a member of the Board of Pardons and Parole or acting against a family
- 1644 member of a judge or a member of the Board of Pardons and Parole, Section
- 1645 76-8-316.2;
- 1646 (xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate
- 1647 against a judge or a member of the Board of Pardons and Parole or acting against
- 1648 a family member of a judge or a member of the Board of Pardons and Parole,
- 1649 Section 76-8-316.4;
- 1650 (xix) attempted murder with intent to impede, intimidate, interfere, or retaliate
- 1651 against a judge or a member of the Board of Pardons and Parole or acting against
- 1652 a family member of a judge or a member of the Board of Pardons and Parole,
- 1653 Section 76-8-316.6;
- 1654 (xx) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 1655 (xxi) assembling for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 1656 (xxii) a felony violation of sexual battery, Section 76-5-418;
- 1657 (xxiii) a felony violation of lewdness involving a child, Section 76-5-420;
- 1658 (xxiv) a felony violation of abuse or desecration of a dead human body, Section
- 1659 76-5-802;
- 1660 (xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section
- 1661 76-15-302;

- 1662 (xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction,
- 1663 Section 76-15-303;
- 1664 (xxvii) possession of a concealed firearm in the commission of a violent felony,
- 1665 Subsection 76-11-202(3)(c);
- 1666 (xxviii) assault with the intent to commit bus hijacking with a dangerous weapon as
- 1667 described in Subsection 76-9-1503(3)(b);
- 1668 (xxix) aggravated commercial obstruction, Section 76-9-114;
- 1669 (xxx) a felony violation of failure to register as a sex or kidnap offender, Section
- 1670 53-29-305;
- 1671 (xxxi) repeat violation of a protective order, Subsection 77-36-1.1(4); or
- 1672 (xxxii) violation of condition for release after arrest under Section 78B-7-802.

1673 **Section 15. Repealer.**

1674 This bill repeals:

1675 Section **41-6a-401.5, Accident involving death -- Stop at accident -- Penalty.**

1676 Section 16. **Effective Date.**

1677 This bill takes effect on July 1, 2026.