

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: Todd Weiler

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

44

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)(a) Notwithstanding any other provision of this section, an enhancement under this
 244 section based on one or more prior convictions is not applicable if, no later than six
 245 hours after the accident occurred, the operator voluntarily reports the accident to a
 246 law enforcement agency having jurisdiction over the location where the accident
 247 occurred.
- 248 (b) Subsection (9)(a) does not affect the classification of the underlying offense.
- 249 (10) When sentencing an operator convicted under Subsection (8)(b) or (c), the court shall
 250 comply with Section 41-6a-401.8.
- 251 Section 3. Section **41-6a-401.3** is amended to read:
- 252 **41-6a-401.3 . Accident involving injury or death -- Stop at accident -- Penalty.**
- 253 (1) As used in this section:
- 254 (a) "Conviction" means the same as that term is defined in Section 77-38b-102.
- 255 (b) "Drug" means the same as that term is defined in Section 41-6a-501.
- 256 (c) "Reason to believe" means information from which a reasonable [person] individual
 257 would believe that the [person] individual may have been involved in an accident.
- 258 ~~(b)~~ (d) "Serious bodily injury" means bodily injury which involves a substantial risk of
 259 death, unconsciousness, extreme physical pain, protracted and obvious disfigurement,
 260 or protracted loss or impairment of the function of a bodily member, organ, or mental
 261 faculty.
- 262 (2)(a) ~~[The]~~ An operator of a vehicle who has reason to believe that the operator may
 263 have been involved in an accident resulting in injury to~~[a person]~~ an individual shall:
- 264 (i) immediately stop the vehicle at the scene of the accident or as close to it as
 265 possible without obstructing traffic more than is necessary; and
- 266 (ii) remain at the scene of the accident until the operator has fulfilled the

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

301 (ii) within 10 years before the day on which the operator committed the current
 302 violation, the operator was convicted of two or more previous violations of the
 303 offense of driving under the influence described in Section 41-6a-502; or
 304 (iii) the accident results in the death of an individual.

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

310 (b) Subsection (5)(a) does not affect:

311 (i) the classification of the underlying offense; or

312 (ii) any enhancement or penalty based on the existence of bodily injury, serious
 313 bodily injury, or death.

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

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

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

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

322 **41-6a-401.7 . Accident involving injury, death, or property damage -- Duties of**
 323 **operator, occupant, and owner -- Exchange of information -- Notification of law**
 324 **enforcement -- Penalties.**

325 (1) The operator of a vehicle involved in an accident under Section 41-6a-401.3 [~~or~~
 326 ~~41-6a-401.5~~] shall:

327 (a) give to the persons involved:

328 (i) the operator's name, address, and the registration number of the vehicle being
 329 operated; and

330 (ii) the name of the insurance provider covering the vehicle being operated including
 331 the phone number of the agent or provider;

332 (b) upon request and if available, exhibit the operator's license to:

333 (i) any investigating peace officer present;

334 (ii) the person struck;

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

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

365 Section 5. Section **41-6a-401.8** is enacted to read:

366 **41-6a-401.8 . Sentencing requirements for a violation of operator duties at the**
 367 **scene of an accident violations.**

368 (1) As used in this section:

- 369 (a) "24-7 sobriety program" means the same as that term is defined in Section
370 41-6a-515.5.
- 371 (b) "Assessment" means the same as that term is defined in Section 41-6a-501.
- 372 (c) "Screening" means the same as that term is defined in Section 41-6a-501.
- 373 (2) As part of a sentence for a conviction of a class A misdemeanor offense described in
374 Subsection 41-6a-401(8)(b) or 41-6a-401.3(4)(a):
- 375 (a) the court shall:
- 376 (i)(A) subject to Subsection (3), impose a jail sentence of not less than two days; or
377 (B) require the individual to work in a compensatory-service work program for
378 not less than 48 hours;
- 379 (ii) impose a fine of not less than \$700;
- 380 (iii)(A) order the individual to pay the administrative impound fee described in
381 Section 41-6a-1406; or
382 (B) if the administrative impound fee was paid by a party described in Subsection
383 41-6a-1406(6)(a), other than the individual sentenced, order the individual
384 sentenced to reimburse the party; and
- 385 (iv)(A) order the individual to pay the towing and storage fees described in
386 Section 72-9-603; or
387 (B) if the towing and storage fees were paid by a party described in Subsection
388 41-6a-1406(6)(a), other than the individual sentenced, order the individual
389 sentenced to reimburse the party; and
- 390 (b) the court may:
- 391 (i) order the individual to participate in a screening;
- 392 (ii) order the individual to participate in an assessment, if an assessment is found
393 appropriate by a screening under Subsection (2)(b)(i);
- 394 (iii) order the individual to obtain substance abuse treatment if the screening or
395 assessment described in Subsection (2)(b)(i) or (ii) determines that substance
396 abuse treatment is appropriate;
- 397 (iv) order the individual to participate in an educational series if the court does not
398 order substance abuse treatment under Subsection (2)(b)(iii);
- 399 (v) order probation for the individual in accordance with Section 41-6a-507; or
- 400 (vi) order the individual to participate in a 24-7 sobriety program if the individual is
401 21 years old or older.
- 402 (3)(a) If an individual described in Subsection (2) is participating in a 24-7 sobriety

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

- 437 21 years old or older.
- 438 (5)(a) If an individual described in Subsection (4) is participating in a 24-7 sobriety
439 program, the court may suspend the jail sentence imposed under Subsection (4)(a)
440 after the individual has served a minimum of:
- 441 (i) five days of the jail sentence for a second conviction; or
442 (ii) 10 days of the jail sentence for a third or subsequent conviction.
- 443 (b) If an individual described in Subsection (5)(a) fails to successfully complete all of
444 the requirements of the 24-7 sobriety program, the court shall impose the sentence
445 suspended under Subsection (5)(a).
- 446 (6) As part of a sentence for a conviction of a second degree felony offense described in
447 Subsection 41-6a-401.3(4)(c):
- 448 (a) the court shall:
- 449 (i) subject to Subsection (7):
- 450 (A) impose a jail sentence of not less than 20 days;
451 (B) impose a jail sentence of not less than 10 days in addition to home
452 confinement of not fewer than 60 consecutive days through the use of
453 electronic monitoring that includes a substance abuse testing instrument in
454 accordance with Section 41-6a-506; or
455 (C) impose a jail sentence of not less than 10 days in addition to ordering the
456 individual to obtain substance abuse treatment, if the court finds that substance
457 abuse treatment is more likely to reduce recidivism than imposing a jail
458 sentence and is in the interest of public safety;
- 459 (ii) order the individual to participate in an educational series if the court does not
460 order substance abuse treatment under Subsection (6)(b)(iii);
- 461 (iii) impose a fine of not less than \$800;
- 462 (iv) order probation for the individual in accordance with Section 41-6a-507;
- 463 (v)(A) order the individual to pay the administrative impound fee described in
464 Section 41-6a-1406; or
465 (B) if the administrative impound fee was paid by a party described in Subsection
466 41-6a-1406(6)(a), other than the individual sentenced, order the individual
467 sentenced to reimburse the party; and
- 468 (vi)(A) order the individual to pay the towing and storage fees described in
469 Section 72-9-603; or
470 (B) if the towing and storage fees were paid by a party described in Subsection

- 471 41-6a-1406(6)(a), other than the individual sentenced, order the individual
 472 sentenced to reimburse the party; and
 473 (b) the court may order the individual to:
 474 (i) participate in a screening;
 475 (ii) participate in an assessment, if an assessment is found appropriate by a screening
 476 under Subsection (6)(b)(i);
 477 (iii) obtain substance abuse treatment if the screening or assessment described in
 478 Subsection (6)(b)(i) or (ii) determines that substance abuse treatment is
 479 appropriate; or
 480 (iv) participate in a 24-7 sobriety program if the individual is 21 years old or older.

- 481 (7)(a) If an individual described in Subsection (6) is participating in a 24-7 sobriety
 482 program, the court may suspend the jail sentence imposed under Subsection (6)(a)
 483 after the individual has served a minimum of:
 484 (i) five days of the jail sentence for a second conviction; or
 485 (ii) 10 days of the jail sentence for a third or subsequent conviction.
 486 (b) If an individual described in Subsection (7)(a) fails to successfully complete all of
 487 the requirements of the 24-7 sobriety program, the court shall impose the sentence
 488 suspended under Subsection (7)(a).

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

490 **41-6a-505 . Sentencing requirements for driving under the influence of alcohol,**
 491 **drugs, or a combination of both violations.**

- 492 (1) As part of any sentence for a first conviction of extreme DUI:
 493 (a) the court shall:
 494 (i)(A) impose a jail sentence of not less than five days; or
 495 (B) impose a jail sentence of not less than two days in addition to home
 496 confinement of not fewer than 30 consecutive days through the use of
 497 electronic monitoring that includes a substance abuse testing instrument in
 498 accordance with Section 41-6a-506;
 499 (ii) order the individual to participate in a screening;
 500 (iii) order the individual to participate in an assessment, if it is found appropriate by a
 501 screening under Subsection (1)(a)(ii);
 502 (iv) order the individual to participate in an educational series if the court does not
 503 order substance abuse treatment as described under Subsection (1)(b);
 504 (v) impose a fine of not less than \$700;

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

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

573 the requirements of the 24-7 sobriety program, the court shall impose the suspended
574 jail sentence described in Subsection (4)(a).

575 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
576 years of the current conviction under Section 41-6a-502 or the commission of the
577 offense upon which the current conviction amounts to extreme DUI:

578 (a) the court shall:

579 (i)(A) impose a jail sentence of not less than 20 days;

580 (B) impose a jail sentence of not less than 10 days in addition to home
581 confinement of not fewer than 60 consecutive days through the use of
582 electronic monitoring that includes a substance abuse testing instrument in
583 accordance with Section 41-6a-506; or

584 (C) impose a jail sentence of not less than 10 days in addition to ordering the
585 individual to obtain substance abuse treatment, if the court finds that substance
586 abuse treatment is more likely to reduce recidivism and is in the interests of
587 public safety;

588 (ii) order the individual to participate in a screening;

589 (iii) order the individual to participate in an assessment, if it is found appropriate by a
590 screening under Subsection (5)(a)(ii);

591 (iv) order the individual to participate in an educational series if the court does not
592 order substance abuse treatment as described under Subsection (5)(b);

593 (v) impose a fine of not less than \$800;

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

595 (vii) order the installation of an ignition interlock system as described in Section
596 41-6a-518;

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

599 (B) if the administrative impound fee was paid by a party described in Subsection
600 41-6a-1406(6)(a), other than the individual sentenced, order the individual
601 sentenced to reimburse the party;

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

604 (B) if the towing and storage fees were paid by a party described in Subsection
605 41-6a-1406(6)(a), other than the individual sentenced, order the individual
606 sentenced to reimburse the party; and

- 607 (x) designate the individual as an interdicted person for a period of time not to exceed
608 the probationary period, unless the court finds good cause to order a shorter or
609 longer time, and require the individual to surrender the individual's driver license
610 or identification card; and
- 611 (b) the court may:
- 612 (i) order the individual to obtain substance abuse treatment if the substance abuse
613 treatment program determines that substance abuse treatment is appropriate;
- 614 (ii) order the individual to participate in a 24-7 sobriety program as defined in
615 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 616 (iii) order a combination of Subsections (5)(b)(i) and (ii).
- 617 (6)(a) If an individual described in Subsection (5) is participating in a 24-7 sobriety
618 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
619 imposed under Subsection (5)(a) after the individual has served a minimum of:
- 620 (i) five days of the jail sentence for a second offense; or
621 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 622 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of
623 the requirements of the 24-7 sobriety program, the court shall impose the suspended
624 jail sentence described in Subsection (6)(a).
- 625 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
626 years of the current conviction under Section 41-6a-502 or the commission of the
627 offense upon which the current conviction is based and that does not qualify under
628 Subsection (5):
- 629 (a) the court shall:
- 630 (i)(A) impose a jail sentence of not less than 10 days; or
631 (B) impose a jail sentence of not less than 5 days in addition to home confinement
632 of not fewer than 30 consecutive days through the use of electronic monitoring
633 that includes a substance abuse testing instrument in accordance with Section
634 41-6a-506;
- 635 (ii) order the individual to participate in a screening;
- 636 (iii) order the individual to participate in an assessment, if it is found appropriate by a
637 screening under Subsection (7)(a)(ii);
- 638 (iv) order the individual to participate in an educational series if the court does not
639 order substance abuse treatment as described under Subsection (7)(b);
- 640 (v) impose a fine of not less than \$800;

- 641 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 642 (vii)(A) order the individual to pay the administrative impound fee described in
- 643 Section 41-6a-1406; or
- 644 (B) if the administrative impound fee was paid by a party described in Subsection
- 645 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 646 sentenced to reimburse the party; and
- 647 (viii)(A) order the individual to pay the towing and storage fees described in
- 648 Section 72-9-603; or
- 649 (B) if the towing and storage fees were paid by a party described in Subsection
- 650 41-6a-1406(6)(a), other than the individual sentenced, order the individual
- 651 sentenced to reimburse the party; and
- 652 (b) the court may:
- 653 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 654 treatment program determines that substance abuse treatment is appropriate;
- 655 (ii) order the individual to participate in a 24-7 sobriety program as defined in
- 656 Section 41-6a-515.5 if the individual is 21 years old or older;
- 657 (iii) order a combination of Subsections (7)(b)(i) and (ii); or
- 658 (iv) designate the individual as an interdicted person for a period of time not to
- 659 exceed the probationary period, unless the court finds good cause to order a
- 660 shorter or longer time, and require the individual to surrender the individual's
- 661 driver license or identification card.
- 662 (8)(a) If an individual described in Subsection (7) is participating in a 24-7 sobriety
- 663 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 664 imposed under Subsection (7)(a) after the individual has served a minimum of:
- 665 (i) five days of the jail sentence for a second offense; or
- 666 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 667 (b) If an individual described in Subsection (8)(a) fails to successfully complete all of
- 668 the requirements of the 24-7 sobriety program, the court shall impose the suspended
- 669 jail sentence described in Subsection (8)(a).
- 670 (9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
- 671 sentence and places the defendant on probation for a conviction of extreme DUI, the
- 672 court shall:
- 673 (a) impose a fine of not less than \$1,500;
- 674 (b) impose a jail sentence of not less than 120 days;

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

- 709 defendant can serve the statutorily required jail term and maintain employment.
- 710 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible
711 evidence that the individual had a blood or breath alcohol level of .16 or higher, the
712 court shall order the following, or describe on record why the order or orders are not
713 appropriate:
- 714 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and
715 (b) one or more of the following:
- 716 (i) the installation of an ignition interlock system as a condition of probation for the
717 individual in accordance with Section 41-6a-518;
- 718 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
719 device or remote alcohol monitor as a condition of probation for the individual; or
720 (iii) the imposition of home confinement through the use of electronic monitoring in
721 accordance with Section 41-6a-506.

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

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

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

728 **41-6a-507 . Supervised probation for certain driving under the influence**
729 **violations.**

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

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

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

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

742 (3) The probation provider described in Subsection (2) shall monitor the person's

743 compliance with all conditions of the person's sentence, conditions of probation, and
 744 court orders received under this part and shall notify the court of any failure to comply
 745 with or complete that sentence or those conditions or orders.

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

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

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

751 **41-6a-521 . Revocation hearing for refusal -- Appeal.**

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

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

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

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

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

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

768 (B) 36 months if the [~~person~~] individual previously committed an offense that

769 occurred within the preceding 10 years from the date of the arrest that resulted
 770 in a:

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

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

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

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

- 777 (ii) for ~~[a person]~~ an individual under 21 years old on the date of arrest:
- 778 (A) except as provided in Subsection (1)(d)(ii)(B), until the ~~[person]~~ individual is
- 779 21 years old or for a period of two years, whichever is longer; or
- 780 (B) until the ~~[person]~~ individual is 21 years old or for a period of 36 months,
- 781 whichever is longer, if the ~~[person]~~ individual previously committed an offense
- 782 that occurred within the preceding 10 years from the date of the arrest that
- 783 resulted in a:
- 784 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223,
- 785 or 53-3-231;~~[-or]~~
- 786 (II) conviction for an offense under Section 41-6a-502 or a statute previously
- 787 in effect in this state that would constitute a violation of Section 41-6a-502;
- 788 (III) conviction for an offense under Section 76-5-102.1; or
- 789 (IV) conviction for an offense under Section 76-5-207.
- 790 (2)(a) Except as provided in Subsection (2)(b), ~~[if a hearing is requested by the person]~~ if
- 791 an individual requests a hearing, the ~~[hearing shall be conducted by the]~~ Driver
- 792 License Division shall hold the hearing in:
- 793 (i) the county in which the offense occurred; or
- 794 (ii) a county which is adjacent to the county in which the offense occurred.
- 795 (b) The Driver License Division may hold a hearing in ~~[some other]~~ another county if the
- 796 Driver License Division and the ~~[person]~~ individual both agree.
- 797 (3) The ~~[hearing shall be documented]~~ Driver License Division shall document the hearing
- 798 and shall cover the issues of:
- 799 (a) whether a peace officer had reasonable grounds to believe that ~~[a person]~~ an individual
- 800 was operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517,
- 801 41-6a-530, or 53-3-231; and
- 802 (b) whether the ~~[person]~~ individual refused to submit to ~~[the]~~ a test ~~[or tests under]~~ as
- 803 described in Section 41-6a-520.
- 804 (4)(a) In connection with the hearing, the ~~[division]~~ Driver License Division or ~~[its]~~ the
- 805 Driver License Division's authorized agent:
- 806 (i) may administer oaths and may issue subpoenas for the attendance of witnesses and
- 807 the production of relevant ~~[books and papers]~~ documents; and
- 808 (ii) shall issue subpoenas for the attendance of necessary peace officers.
- 809 (b) The Driver License Division shall pay witness fees and mileage from the
- 810 Transportation Fund in accordance with the rates established in Section 78B-1-119.

- 811 (5)(a) If after a hearing, the Driver License Division determines that the [~~person~~]
812 individual was requested to submit to a chemical test or tests and refused to submit to
813 the test or tests, or if the [~~person~~] individual fails to appear before the Driver License
814 Division as required in the notice, the Driver License Division shall revoke the [
815 ~~person's~~] individual's license or permit to operate a motor vehicle in Utah beginning
816 on the date the hearing is held:
- 817 (i) for [~~a person~~] an individual 21 years old or older on the date of arrest, for a period
818 of:
- 819 (A) except as provided in Subsection (5)(a)(i)(B) or (9), 18 months; or
820 (B) 36 months if the [~~person~~] individual previously committed an offense that
821 occurred within the preceding 10 years from the date of the arrest that resulted
822 in a:
- 823 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223,
824 or 53-3-231;
- 825 (II) conviction under Section 41-6a-502 or a statute previously in effect in this
826 state that would constitute a violation of Section 41-6a-502;
- 827 (III) conviction for an offense under Section 76-5-102.1; or
828 (IV) conviction for an offense under Section 76-5-207; or
- 829 (ii) for [~~a person under~~] an individual younger than 21 years [~~of age~~] old on the date of
830 arrest:
- 831 (A) except as provided in Subsection (5)(a)(ii)(B), until the [~~person~~] individual is
832 21 years old or for a period of two years, whichever is longer; or
833 (B) until the [~~person~~] individual is 21 years old or for a period of 36 months,
834 whichever is longer, if the [~~person~~] individual previously committed an offense
835 that occurred within the preceding 10 years from the date of the arrest that
836 resulted in a:
- 837 (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223,
838 or 53-3-231;
- 839 (II) conviction under Section 41-6a-502 or a statute previously in effect in this
840 state that would constitute a violation of Section 41-6a-502;
- 841 (III) conviction for an offense under Section 76-5-102.1; or
842 (IV) conviction for an offense under Section 76-5-207.
- 843 (b) The Driver License Division shall also assess against the person, in addition to any
844 fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which

- 845 shall be paid before the person's driving privilege is reinstated, to cover
846 administrative costs.
- 847 (c) The ~~[fee shall be cancelled]~~ Driver License Division shall void the fee described in
848 Subsection (5)(b) if the [person] individual obtains an unappealed court decision
849 following a proceeding allowed under Subsection (2) that the revocation was
850 improper.
- 851 (6)(a) ~~[Any person]~~ An individual whose license has been revoked by the Driver License
852 Division under this section following an administrative hearing may ~~[seek judicial~~
853 ~~review]~~ file a petition for judicial review as described in Section 53-3-224 within 30
854 days after the Driver License Division issues a suspension order.
- 855 (b) Judicial review of an informal adjudicative proceeding is a trial.
- 856 (c) Venue is in the district court in the county in which the offense occurred.
- 857 (7) If the Driver License Division revokes ~~[a person's]~~ an individual's driving privilege
858 under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A), the ~~[person]~~
859 individual may petition the division and elect to become an ignition interlock restricted
860 driver after the driver serves at least 90 days of the revocation if the ~~[person]~~ individual:
- 861 (a) has a valid driving privilege, with the exception of the revocation under Subsection
862 (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A);
- 863 (b) installs an ignition interlock device in any vehicle owned or driven by the ~~[person]~~
864 individual in accordance with Section 53-3-1007;
- 865 (c) pays the license reinstatement application fees described in Subsections 53-3-105(26)
866 and (27);
- 867 (d) pays the appropriate original license fees under Section 53-3-105; and
- 868 (e) completes the license application process including successful completion of
869 required testing.
- 870 (8)(a) ~~[A person]~~ An individual who elects to become an ignition interlock restricted
871 driver under Subsection (7) shall remain an ignition interlock restricted driver for a
872 period of ~~[three]~~ two years.
- 873 (b) If the ~~[person]~~ individual described under Subsection (8)(a) removes an ignition
874 interlock device from a vehicle owned or driven by the ~~[person]~~ individual prior to the
875 expiration of the ~~[three-year]~~ two-year ignition interlock restriction period and does
876 not install a new ignition interlock device from the same or a different ignition
877 interlock provider within 24 hours:
- 878 (i) the ~~[person's]~~ individual's driving privilege shall be revoked under Subsection

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

- 913 (A) days during which the [person's] individual's driving privilege previously was
 914 revoked; or
 915 (B) days during which the [person] individual was compliant with the 24-7
 916 sobriety program.

917 (10) A driver license reinstatement before completion of the revocation period authorized
 918 under this section does not apply to a CDL disqualification imposed under Section
 919 53-3-414.

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

921 **41-6a-532 . DUI reporting system requirements.**

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

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

931 **53-3-223 . Chemical test for driving under the influence -- Temporary license --**
 932 **Hearing and decision -- Suspension and fee -- Judicial review.**

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

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

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

1015 the arrest for a first suspension, if the individual has not been issued an
1016 operator license; or

1017 (II) until the individual is 21 years old or for a period of two years, whichever
1018 is longer, beginning on the ~~[45th]~~ 60th day after the date of arrest for a
1019 second or subsequent suspension for an offense that occurred within the
1020 previous 10 years.

1021 (b)(i) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i)(A), the division shall
1022 reinstate an individual's license ~~[prior to]~~ before completion of the 120 day
1023 suspension period imposed under Subsection (7)(a)(i)(A):

1024 (A) immediately upon receiving written verification of the individual's dismissal
1025 of a charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or
1026 76-5-207, if the written verification is received ~~[prior to]~~ before completion of
1027 the suspension period; or

1028 (B) no sooner than 60 days beginning on the ~~[45th]~~ 60th day after the date of arrest
1029 upon receiving written verification of the individual's reduction of a charge for
1030 a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the
1031 written verification is received ~~[prior to]~~ before completion of the suspension
1032 period.

1033 (ii) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i)(A), the division shall
1034 reinstate an individual's license ~~[prior to]~~ before completion of the 120-day
1035 suspension period imposed under Subsection (7)(a)(i)(A) immediately upon
1036 receiving written verification of the individual's conviction of impaired driving
1037 under Section 41-6a-502.5 if:

1038 (A) the written verification is received ~~[prior to]~~ before completion of the
1039 suspension period; and

1040 (B) the reporting court notifies the ~~[Driver License Division]~~ division that the
1041 defendant is participating in or has successfully completed the program of a
1042 driving under the influence court as defined in Section 41-6a-501.

1043 (iii) ~~[If an individual's license is reinstated under]~~ If the division reinstates the
1044 individual's license as described in this Subsection (7)(b), the individual [is
1045 required to] shall pay the license reinstatement application fees under Subsections
1046 53-3-105(26) and (27).

1047 (iv) The driver license reinstatements authorized under this Subsection (7)(b) only
1048 apply to a 120-day suspension period imposed under Subsection (7)(a)(i)(A).

1049 ~~[(v) A driver license reinstatement authorized under this Subsection (7)(b) does not~~
1050 ~~apply to a CDL disqualification imposed under Section 53-3-414.]~~

1051 (8)(a)(i) The division shall assess against an individual, in addition to ~~[any]~~ a fee
1052 imposed under Subsection 53-3-205(12) for driving under the influence, a fee
1053 under Section 53-3-105 to cover administrative costs, which shall be paid before
1054 the individual's driving privilege is reinstated.

1055 (ii) ~~[This fee shall be cancelled.]~~ The division shall void the fee described in
1056 Subsection (8)(a)(i) if the individual obtains an unappealed division hearing or
1057 court decision that the suspension was ~~[not proper]~~ improper.

1058 (b) An individual whose license has been suspended by the division under this section
1059 following an administrative hearing may file a petition for judicial review as
1060 described in Subsection 53-3-224 within 30 days after the division issues an order of
1061 suspension~~[for a hearing on the matter which, if held, is governed by Section~~
1062 ~~53-3-224].~~

1063 (9)(a) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i), the division shall
1064 reinstate an individual's license before completion of the suspension period imposed
1065 under Subsection (7)(a)(i) if:

1066 (i)(A) the reporting court notifies the ~~[Driver License Division]~~ division that the
1067 individual is participating in or has successfully completed a 24-7 sobriety
1068 program as defined in Section 41-6a-515.5; or

1069 (B) the reporting court notifies the ~~[Driver License Division]~~ division that the
1070 individual is participating in or has successfully completed a problem solving
1071 court program approved by the Judicial Council, including a driving under the
1072 influence court program or a drug court program, and has elected to become an
1073 interlock restricted driver as a condition of probation during the remainder of
1074 the individual's suspension period in accordance with Section 41-6a-518; and

1075 (ii) the individual has a valid driving privilege, ~~[with the exception of]~~ except for the
1076 suspension under Subsection (7)(a)(i).

1077 (b) If ~~[an]~~ the division reinstates an individual's license ~~[is reinstated under]~~ as described
1078 in Subsection (9)(a), the individual ~~[is required to]~~ shall pay the license reinstatement
1079 application fees under Subsections 53-3-105(26) and (27).

1080 (10)(a) If the division suspends an individual's license for an alcohol related offense
1081 under Subsection (7)(a)(i)(A), the individual may petition the division and elect to
1082 become an ignition interlock restricted driver if the individual:

- 1083 (i) has a valid driving privilege, with the exception of the suspension under
 1084 Subsection (7)(a)(i)(A);
- 1085 (ii) installs an ignition interlock device in any vehicle owned or driven by the
 1086 individual in accordance with Section 53-3-1007; and
- 1087 (iii) pays the license reinstatement application fees described in Subsections
 1088 53-3-105(26) and (27).
- 1089 (b)(i) The individual shall remain an ignition interlock restricted driver for a period of
 1090 120 days from the original effective date of the suspension under Subsection
 1091 (7)(a)(i)(A).
- 1092 (ii) If the individual removes an ignition interlock device from a vehicle owned or
 1093 driven by the individual [~~prior to~~] before the expiration of the 120-day ignition
 1094 interlock restriction period and does not install a new ignition interlock device
 1095 from the same or a different provider within 24 hours:
- 1096 (A) the division shall suspend the individual's driver license [~~shall be suspended~~
 1097 ~~under~~] as described in Subsection (7)(a)(i)(A) for the remainder of the 120-day
 1098 ignition interlock restriction period;
- 1099 (B) the individual [~~is required to~~] shall pay the license reinstatement application
 1100 fee under Subsection 53-3-105(26); and
- 1101 (C) the individual may not elect to become an ignition interlock restricted driver
 1102 under this section.
- 1103 (c) If an individual elects to become an ignition interlock restricted driver under
 1104 Subsection (10)(a), the provisions under Subsection (7)(b) do not apply.
- 1105 (11)(a) If the division suspends an individual's license for an alcohol related offense
 1106 under Subsection (7)(a)(i)(B), the individual may petition the division and elect to
 1107 become an ignition interlock restricted driver after the driver serves at least 90 days
 1108 of the suspension if the individual:
- 1109 (i) was charged with a violation of Section 41-6a-502 that is a misdemeanor;
- 1110 (ii) has a valid driving privilege, with the exception of the suspension under
 1111 Subsection (7)(a)(i)(B);
- 1112 (iii) installs an ignition interlock device in any vehicle owned or driven by the
 1113 individual in accordance with Section 53-3-1007; and
- 1114 (iv) pays the license reinstatement application fees described in Subsections
 1115 53-3-105(26) and (27)[;] .
- 1116 (b)(i) The individual shall remain an ignition interlock restricted driver for a period of

- 1117 two years from the original effective date of the suspension under Subsection
1118 (7)(a)(i)(B).
- 1119 (ii) If the individual removes an ignition interlock device from a vehicle owned or
1120 driven by the individual [~~prior to~~] before the expiration of the two-year ignition
1121 interlock restriction period and does not install a new ignition interlock device
1122 from the same or a different provider within 24 hours:
- 1123 (A) the division shall suspend the individual's driver license [~~shall be suspended~~
1124 ~~under~~] as described in Subsection (7)(a)(i)(B) for the remainder of the two-year
1125 ignition interlock restriction period;
- 1126 (B) the individual [~~is required to~~] shall pay the license reinstatement application
1127 fee under Subsection 53-3-105(26); and
- 1128 (C) the individual may not elect to become an ignition interlock restricted driver
1129 under this section.
- 1130 (c) Notwithstanding Subsections (11)(a) and (b), if a court convicts the individual [~~is~~
1131 ~~subsequently convicted~~] of the violation of Section 41-6a-502 that [~~gave rise to~~]
1132 prompted the suspension under Subsection (7)(a)(i)(B), the division shall revoke the
1133 individual's license under Subsection 41-6a-509(1)(a)(ii), and the individual is no
1134 longer an ignition interlock restricted driver under this Subsection (11).
- 1135 (12)(a) Notwithstanding [~~the provisions in~~] Subsection (7)(a)(i)(B), the division shall
1136 reinstate an individual's license [~~prior to~~] before completion of the two-year
1137 suspension period imposed under Subsection (7)(a)(i)(B) immediately upon receiving
1138 written verification of the individual's dismissal of a charge for a violation of Section
1139 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written verification is received [~~]~~
1140 [~~prior to~~] before completion of the suspension period.
- 1141 (b) If the individual elected to become an ignition interlock restricted driver under
1142 Subsection (11), and the division receives written verification of the individual's
1143 dismissal of a charge for violation of Section 41-6a-502, the driver is no longer an
1144 ignition interlock restricted driver under Subsection (11)(b)(i), and the division shall
1145 reinstate the individual's license [~~prior to~~] before the completion of the two-year
1146 ignition interlock restriction period under Subsection (11)(b)(i).
- 1147 (13) A driver license reinstatement before completion of the suspension period authorized
1148 under this section does not apply to a CDL disqualification imposed under Section
1149 53-3-414.
- 1150 Section 11. Section **53-3-231** is amended to read:

1151 **53-3-231 . Person under 21 may not operate a vehicle or motorboat with**
1152 **detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing**
1153 **and decision -- Suspension of license or operating privilege -- Fees -- Judicial review --**
1154 **Referral to local substance abuse authority or program.**

1155 (1)(a) As used in this section:

1156 (i) "Local substance abuse authority" ~~[has the same meaning as provided]~~ means the
1157 same as that term is defined in Section 62A-15-102.

1158 (ii) "Substance abuse program" means ~~[any]~~ a substance abuse program licensed by
1159 the Department of Human Services or the Department of Health and approved by
1160 the local substance abuse authority.

1161 (b) Calculations of blood, breath, or urine alcohol concentration under this section shall
1162 be made in accordance with ~~[the procedures in]~~ Subsection 41-6a-502(1).

1163 (2)(a) ~~[A person]~~ An individual younger than 21 ~~[years of age]~~ years old may not operate
1164 or be in actual physical control of a vehicle or motorboat with any measurable blood,
1165 breath, or urine alcohol concentration in the ~~[person's]~~ individual's body as shown by
1166 a chemical test.

1167 (b) ~~[A person]~~ An individual who violates Subsection (2)(a), in addition to any other
1168 applicable penalties arising out of the incident, shall have the ~~[person's]~~ individual's
1169 operator license denied or suspended as provided in Subsection (7).

1170 (3)(a) When a peace officer has reasonable grounds to believe that ~~[a person]~~ an
1171 individual may be violating or has violated Subsection (2), the peace officer may, ~~[in~~
1172 ~~connection with]~~ when arresting the ~~[person]~~ individual for a violation of Section
1173 32B-4-409, request that the ~~[person]~~ individual submit to a chemical test or tests to be
1174 administered in compliance with ~~[the standards under]~~ Section 41-6a-520.

1175 (b) The peace officer shall advise ~~[a person prior to the person's]~~ an individual before the
1176 individual's submission to a chemical test that a test result indicating a violation of
1177 Subsection (2)(a) will result in denial or suspension of the ~~[person's]~~ individual's
1178 license to operate a motor vehicle or a refusal to issue a license.

1179 (c) If the ~~[person]~~ individual submits to a chemical test and the test results ~~[indicate]~~
1180 show a blood, breath, or urine alcohol content in violation of Subsection (2)(a), or if a
1181 peace officer ~~[makes a determination]~~ determines, based on reasonable grounds, that
1182 the ~~[person]~~ individual is otherwise in violation of Subsection (2)(a), a peace officer
1183 shall, on behalf of the division and within 24 hours of the arrest, give notice of the
1184 division's intention to deny or suspend the ~~[person's]~~ individual's license to operate a

- 1185 vehicle or refusal to issue a license under this section.
- 1186 (4) When a peace officer gives notice on behalf of the division, the peace officer shall
1187 supply to the operator, in a manner specified by the division, basic information
1188 regarding how to obtain a prompt hearing before the division.
- 1189 (5) As a matter of procedure, a peace officer shall send to the division within 10 calendar
1190 days after the day on which ~~notice is provided~~ the peace officer provides notice:
- 1191 (a) a copy of the citation issued for the offense;
- 1192 (b) a signed report in a manner specified by the ~~Driver License Division indicating~~
1193 division showing the chemical test results, if any; and
- 1194 (c) any other basis for a peace officer's determination that the ~~person~~ individual has
1195 violated Subsection (2).
- 1196 (6)(a)(i) Upon request by an individual, in a manner specified by the division, the [
1197 ~~Driver License Division~~] division shall grant to the ~~person~~ individual an
1198 opportunity to be heard within ~~[29]~~ 45 days after the date of arrest under Section
1199 32B-4-409.
- 1200 (ii) The ~~request shall be made~~ individual shall request a hearing described in
1201 Subsection (6)(a)(i) within 10 calendar days ~~[of]~~ after the day on which ~~notice is~~
1202 provided the peace officer provides notice.
- 1203 (b)(i) Except as provided in Subsection (6)(b)(ii), ~~[a hearing, if held, shall be before~~
1204 the division in] if the division holds a hearing, the division shall hold the hearing in:
- 1205 (A) the county in which the arrest occurred; or
- 1206 (B) a county that is adjacent to the county in which the arrest occurred.
- 1207 (ii) The division may hold a hearing in ~~[some other]~~ another county if the division and
1208 the ~~person~~ individual both agree.
- 1209 (c) The ~~hearing shall be documented~~ division shall document the hearing and shall
1210 cover the issues of:
- 1211 (i) whether a peace officer had reasonable grounds to believe the ~~person~~ individual
1212 was operating a motor vehicle or motorboat in violation of Subsection (2)(a);
- 1213 (ii) whether the ~~person~~ individual refused to submit to ~~[the]~~ a test; and
- 1214 (iii) the test results, if any.
- 1215 (d) In connection with a hearing, the division or ~~[its]~~ the division's authorized agent may:
- 1216 (i) administer oaths and ~~[may]~~ issue subpoenas for the attendance of witnesses and
1217 the production of relevant ~~[books and papers and records as defined in Section~~
1218 46-4-102.] documents; and

- 1219 (ii) issue subpoenas for the attendance of necessary peace officers.
- 1220 (e) One or more members of the division may conduct the hearing.
- 1221 ~~[(f) Any decision made after a hearing before any number of the members of the~~
- 1222 ~~division is as valid as if made after a hearing before the full membership of the~~
- 1223 ~~division.]~~
- 1224 (f) After a hearing, a determination made by an authorized agent is valid and binding as
- 1225 if made by the division.
- 1226 (7) If, after a hearing, the division determines that a peace officer had reasonable grounds to
- 1227 believe that the [person] individual was driving a motor vehicle in violation of
- 1228 Subsection (2)(a), if the [person] individual fails to appear before the division as required
- 1229 in the notice, or if the [person] individual does not request a hearing under this section,
- 1230 the division shall for [a person] an individual under 21 years [of age] old on the date of
- 1231 arrest:
- 1232 (a) deny the [person's] individual's license until the [person] individual complies with
- 1233 Subsection (10)(b)(i) but for a period of not less than six months beginning on the [
- 1234 ~~45th~~] 60th day after the date of arrest for a first offense under Subsection (2)(a);
- 1235 (b) suspend the [person's] individual's license until the [person] individual complies with
- 1236 Subsection (10)(b)(i) and until the [person] individual is 21 years [of age] old or for a
- 1237 period of two years, whichever is longer, beginning on the [~~45th~~] 60th day after the
- 1238 date of arrest for a second or subsequent offense under Subsection (2)(a) within 10
- 1239 years of a prior denial or suspension;
- 1240 (c) deny the [person's] individual's application for a license or learner's permit until the [
- 1241 person] individual complies with Subsection (10)(b)(i) but for a period of not less
- 1242 than six months beginning on the [~~45th~~] 60th day after the date of the arrest, if:
- 1243 (i) the [person] individual has not been issued an operator license; and
- 1244 (ii) the suspension is for a first offense under Subsection (2)(a); and
- 1245 (d) deny the [person's] individual's application for a license or learner's permit until the [
- 1246 person] individual complies with Subsection (10)(b)(i) and until the [person] individual
- 1247 is 21 years [of age] old or for a period of two years, whichever is longer, beginning on
- 1248 the [~~45th~~] 60th day after the date of the arrest, if:
- 1249 (i) the [person] individual has not been issued an operator license; and
- 1250 (ii) the suspension is for a second or subsequent offense under Subsection (2)(a)
- 1251 committed within 10 years of a prior denial or suspension.
- 1252 (8)(a)(i) Following denial or suspension the division shall assess against [a person] an

1253 individual, in addition to any fee imposed under Subsection 53-3-205(12), a fee
1254 under Section 53-3-105, which shall be paid before the person's driving privilege
1255 is reinstated, to cover administrative costs.

1256 (ii) ~~[This fee shall be canceled.]~~ The division shall void the fee described in
1257 Subsection (8)(a)(i) if the [person] individual obtains an unappealed division
1258 hearing or court decision that the suspension was [not proper] improper.

1259 (b) ~~[A person-]~~ An individual whose operator license has been denied, suspended, or
1260 postponed by the division under this section following an administrative hearing may
1261 file a petition for judicial review as described in Section 53-3-224 within 30 days
1262 after the day on which the division issues a suspension ~~[for a hearing on the matter~~
1263 ~~which, if held, is governed by Section 53-3-224.]~~ order.

1264 (9) After reinstatement of an operator license for a first offense under this section, a report
1265 authorized under Section 53-3-104 may not contain evidence of the denial or suspension
1266 of the ~~[person's]~~ individual's operator license under this section if the ~~[person]~~ individual
1267 has not been convicted of any other offense for which the denial or suspension may be
1268 extended.

1269 (10)(a) In addition to the penalties in Subsection (8), ~~[a person]~~ an individual who
1270 violates Subsection (2)(a) shall:

1271 (i) obtain an assessment and recommendation for appropriate action from a substance
1272 abuse program, but any associated costs shall be the ~~[person's]~~ individual's
1273 responsibility; or

1274 (ii) be referred by the division to the local substance abuse authority for an
1275 assessment and recommendation for appropriate action.

1276 (b)(i) Reinstatement of the ~~[person's]~~ individual's operator license or the right to
1277 obtain an operator license within five years of the effective date of the license
1278 sanction under Subsection (7) is contingent upon successful completion of the
1279 action recommended by the local substance abuse authority or the substance abuse
1280 program.

1281 (ii) The local substance abuse authority's or the substance abuse program's
1282 recommended action shall be determined by an assessment of the ~~[person's]~~
1283 individual's alcohol abuse and may include:

1284 (A) a targeted education and prevention program;

1285 (B) an early intervention program; or

1286 (C) a substance abuse treatment program.

- 1287 (iii) Successful completion of the recommended action shall be determined by
 1288 standards established by the Division of Substance Abuse and Mental Health.
- 1289 (c) At the conclusion of the penalty period imposed under Subsection (2), the local
 1290 substance abuse authority or the substance abuse program shall notify the division of
 1291 the [person's] individual's status regarding completion of the recommended action.
- 1292 (d) The local substance abuse authorities and the substance abuse programs shall
 1293 cooperate with the division in:
- 1294 (i) conducting the assessments;
- 1295 (ii) making appropriate recommendations for action; and
- 1296 (iii) notifying the division about the [person's] individual's status regarding
 1297 completion of the recommended action.
- 1298 (e)(i) The local substance abuse authority is responsible for the cost of the assessment
 1299 of the [person's] individual's alcohol abuse, if the assessment is conducted by the
 1300 local substance abuse authority.
- 1301 (ii) The local substance abuse authority or a substance abuse program selected by [a
 1302 person] an individual is responsible for:
- 1303 (A) conducting an assessment of the [person's] individual's alcohol abuse; and
- 1304 (B) for making a referral to an appropriate program on the basis of the findings of
 1305 the assessment.
- 1306 (iii)(A) The [person] individual who violated Subsection (2)(a) is responsible for
 1307 all costs and fees associated with the recommended program to which the [
 1308 person] individual selected or is referred.
- 1309 (B) The costs and fees under Subsection (10)(e)(iii)(A) shall be based on a sliding
 1310 scale consistent with the local substance abuse authority's policies and
 1311 practices regarding fees for services or determined by the substance abuse
 1312 program.

1313 Section 12. Section **53-3-414** is amended to read:

1314 **53-3-414 . CDL disqualification or suspension -- Grounds and duration --**

1315 **Procedure.**

- 1316 (1)(a) An individual who holds or is required to hold a CDL is disqualified from driving
 1317 a commercial motor vehicle for a period of not less than one year effective seven
 1318 days from the date of notice to the driver if convicted of a first offense of:
- 1319 (i) driving a motor vehicle while impaired or under the influence of alcohol, drugs, a
 1320 controlled substance, or more than one of these;

- 1321 (ii) driving a commercial motor vehicle while the concentration of alcohol in the
1322 individual's blood, breath, or urine is .04 grams or more;
- 1323 (iii) leaving the scene of an accident involving a motor vehicle the individual was
1324 driving;
- 1325 (iv) failing to provide reasonable assistance or identification when involved in an
1326 accident resulting in~~[:]~~ personal injury or death in accordance with Section
1327 41-6a-401.3;
1328 [~~(A) personal injury in accordance with Section 41-6a-401.3; or]~~
1329 [~~(B) death in accordance with Section 41-6a-401.5;~~]
- 1330 (v) using a motor vehicle in the commission of a felony;
- 1331 (vi) refusal to submit to a test to determine the concentration of alcohol in the
1332 individual's blood, breath, or urine;
- 1333 (vii) driving a commercial motor vehicle while the individual's commercial driver
1334 license is disqualified in accordance with the provisions of this section for
1335 violating an offense described in this section; or
- 1336 (viii) operating a commercial motor vehicle in a negligent manner causing the death
1337 of another including the offenses of manslaughter under Section 76-5-205,
1338 negligent homicide under Section 76-5-206, or automobile homicide under
1339 Section 76-5-207.
- 1340 (b) The division shall subtract from any disqualification period under Subsection (1)(a)(i)
1341 the number of days for which a license was previously disqualified under Subsection
1342 (1)(a)(ii) or (14) if the previous disqualification was based on the same occurrence
1343 upon which the record of conviction is based.
- 1344 (2) If any of the violations under Subsection (1) occur while the driver is transporting a
1345 hazardous material required to be placarded, the driver is disqualified for not less than
1346 three years.
- 1347 (3)(a) Except as provided under Subsection (4), a driver of a motor vehicle who holds or
1348 is required to hold a CDL is disqualified for life from driving a commercial motor
1349 vehicle if convicted of or administrative action is taken for two or more of any of the
1350 offenses under Subsection (1) or (14) arising from two or more separate incidents.
- 1351 (b) An individual who is convicted of or administrative action is taken for an offense
1352 under Subsection (5):
- 1353 (i) is disqualified for life from driving a commercial motor vehicle; and
1354 (ii) may not be reinstated under Subsection (4).

- 1355 (c) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.
- 1356 (4)(a) Any driver disqualified for life from driving a commercial motor vehicle under
1357 this section may apply to the division for reinstatement of the driver's CDL if the
1358 driver:
- 1359 (i) has both voluntarily enrolled in and successfully completed an appropriate
1360 rehabilitation program that:
 - 1361 (A) meets the standards of the division; and
 - 1362 (B) complies with 49 C.F.R. Sec. 383.51;
 - 1363 (ii) has served a minimum disqualification period of 10 years; and
 - 1364 (iii) has fully met the standards for reinstatement of commercial motor vehicle
1365 driving privileges established by rule of the division.
- 1366 (b) If a reinstated driver is subsequently convicted of another disqualifying offense
1367 under this section, the driver is permanently disqualified for life and is ineligible to
1368 again apply for a reduction of the lifetime disqualification.
- 1369 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified for
1370 life from driving a commercial motor vehicle if the driver uses a motor vehicle in the
1371 commission of any felony involving:
- 1372 (a) the manufacturing, distributing, or dispensing of a controlled substance; or
 - 1373 (b) an act or practice of severe forms of trafficking in persons as defined and described
1374 in 22 U.S.C. Sec. 7102(11).
- 1375 (6)(a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds or
1376 is required to hold a CDL is disqualified for not less than:
- 1377 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
1378 serious traffic violations; and
 - 1379 (ii) 120 days if the driver is convicted of three or more serious traffic violations.
- 1380 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic
1381 violations:
- 1382 (i) occur within three years of each other;
 - 1383 (ii) arise from separate incidents; and
 - 1384 (iii) involve the use or operation of a commercial motor vehicle.
- 1385 (c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is
1386 disqualified from driving a commercial motor vehicle and the division receives notice
1387 of a subsequent conviction for a serious traffic violation that results in an additional
1388 disqualification period under this Subsection (6), the subsequent disqualification

1389 period is effective beginning on the ending date of the current serious traffic violation
1390 disqualification period.

1391 (7)(a) A driver of a commercial motor vehicle who is convicted of violating an
1392 out-of-service order while driving a commercial motor vehicle is disqualified from
1393 driving a commercial motor vehicle for a period not less than:

- 1394 (i) 180 days if the driver is convicted of a first violation;
- 1395 (ii) two years if, during any 10 year period, the driver is convicted of two violations
1396 of out-of-service orders in separate incidents;
- 1397 (iii) three years but not more than five years if, during any 10 year period, the driver
1398 is convicted of three or more violations of out-of-service orders in separate
1399 incidents;
- 1400 (iv) 180 days but not more than two years if the driver is convicted of a first violation
1401 of an out-of-service order while transporting hazardous materials required to be
1402 placarded or while operating a motor vehicle designed to transport 16 or more
1403 passengers, including the driver; or
- 1404 (v) three years but not more than five years if, during any 10 year period, the driver is
1405 convicted of two or more violations, in separate incidents, of an out-of-service
1406 order while transporting hazardous materials required to be placarded or while
1407 operating a motor vehicle designed to transport 16 or more passengers, including
1408 the driver.

1409 (b) A driver of a commercial motor vehicle who is convicted of a first violation of an
1410 out-of-service order is subject to a civil penalty of not less than \$2,500.

1411 (c) A driver of a commercial motor vehicle who is convicted of a second or subsequent
1412 violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.

1413 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is
1414 disqualified for not less than 60 days if the division determines, in its check of the
1415 driver's driver license status, application, and record prior to issuing a CDL or at any
1416 time after the CDL is issued, that the driver has falsified information required to apply
1417 for a CDL in this state.

1418 (9) A driver of a commercial motor vehicle who is convicted of violating a
1419 railroad-highway grade crossing provision under Section 41-6a-1205, while driving a
1420 commercial motor vehicle is disqualified from driving a commercial motor vehicle for a
1421 period not less than:

1422 (a) 60 days if the driver is convicted of a first violation;

- 1423 (b) 120 days if, during any three-year period, the driver is convicted of a second
1424 violation in separate incidents; or
- 1425 (c) one year if, during any three-year period, the driver is convicted of three or more
1426 violations in separate incidents.
- 1427 (10)(a) The division shall update its records and notify the CDLIS within 10 days of
1428 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the
1429 action taken.
- 1430 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL, the
1431 division shall notify the licensing authority of the issuing state or other jurisdiction
1432 and the CDLIS within 10 days after the action is taken.
- 1433 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this
1434 state, the division shall notify the CDLIS within 10 days after the action is taken.
- 1435 (11)(a) The division may immediately suspend or disqualify the CDL of a driver without
1436 a hearing or receiving a record of the driver's conviction when the division has reason
1437 to believe that the:
- 1438 (i) CDL was issued by the division through error or fraud;
1439 (ii) applicant provided incorrect or incomplete information to the division;
1440 (iii) applicant cheated on any part of a CDL examination;
1441 (iv) driver no longer meets the fitness standards required to obtain a CDL; or
1442 (v) driver poses an imminent hazard.
- 1443 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with Section
1444 53-3-221.
- 1445 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the
1446 suspension order or cancel the CDL.
- 1447 (12)(a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is
1448 required to hold a CDL is disqualified for not less than:
- 1449 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
1450 serious traffic violations; and
1451 (ii) 120 days if the driver is convicted of three or more serious traffic violations.
- 1452 (b) The disqualifications under Subsection (12)(a) are effective only if the serious traffic
1453 violations:
- 1454 (i) occur within three years of each other;
1455 (ii) arise from separate incidents; and
1456 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving

- 1457 privilege from at least one of the violations.
- 1458 (c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified
1459 from driving a commercial motor vehicle and the division receives notice of a
1460 subsequent conviction for a serious traffic violation that results in an additional
1461 disqualification period under this Subsection (12), the subsequent disqualification
1462 period is effective beginning on the ending date of the current serious traffic violation
1463 disqualification period.
- 1464 (13)(a) Upon receiving a notice that an individual has entered into a plea of guilty or no
1465 contest to a violation of a disqualifying offense described in this section which plea is
1466 held in abeyance pursuant to a plea in abeyance agreement, the division shall
1467 disqualify, suspend, cancel, or revoke the individual's CDL for the period required
1468 under this section for a conviction of that disqualifying offense, even if the charge
1469 has been subsequently reduced or dismissed in accordance with the plea in abeyance
1470 agreement.
- 1471 (b) The division shall report the plea in abeyance to the CDLIS within 10 days of taking
1472 the action under Subsection (13)(a).
- 1473 (c) A plea which is held in abeyance may not be removed from an individual's driving
1474 record for 10 years from the date of the plea in abeyance agreement, even if the
1475 charge is:
- 1476 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or
1477 (ii) expunged under Title 77, Chapter 40a, Expungement of Criminal Records.
- 1478 (14) The division shall disqualify the CDL of a driver for an arrest of a violation of Section
1479 41-6a-502 when administrative action is taken against the operator's driving privilege
1480 pursuant to Section 53-3-223 for a period of:
- 1481 (a) one year; or
1482 (b) three years if the violation occurred while transporting hazardous materials.
- 1483 (15) The division may concurrently impose any disqualification periods that arise under this
1484 section while a driver is disqualified by the Secretary of the United States Department of
1485 Transportation under 49 C.F.R. Sec. 383.52 for posing an imminent hazard.
- 1486 Section 13. Section **53-3-418** is amended to read:
- 1487 **53-3-418 . Prohibited alcohol level for drivers -- Procedures, including hearing.**
- 1488 (1) [~~A person~~] An individual who holds or is required to hold a CDL may not drive a
1489 commercial motor vehicle in this state if the [~~person~~] individual:
- 1490 (a) has sufficient alcohol in the [~~person's~~] individual's body that a subsequent chemical

- 1491 test shows that the ~~[person]~~ individual has a blood or breath alcohol concentration of
1492 .04 grams or greater at the time of the test after the alleged driving of the commercial
1493 motor vehicle;
- 1494 (b) is under the influence of alcohol, any drug, or the combined influence of alcohol and
1495 any drug to degree that renders the ~~[person]~~ individual incapable of safely driving a
1496 commercial motor vehicle; or
- 1497 (c) has a blood or breath alcohol concentration of .04 grams or greater at the time of
1498 driving the commercial motor vehicle.
- 1499 (2) ~~[A person]~~ An individual who holds or is required to hold a CDL and who drives a
1500 commercial motor vehicle in this state is considered to have given the ~~[person's]~~
1501 individual's consent to a test or tests of the ~~[person's]~~ individual's blood, breath, or urine
1502 to determine the concentration of alcohol or the presence of other drugs in the ~~[person's]~~
1503 individual's physical system.
- 1504 (3) If a peace officer or port-of-entry agent has reasonable cause to believe that ~~[a person]~~ an
1505 individual may be violating this section, the peace officer or port-of-entry agent may
1506 request the ~~[person]~~ individual to submit to a chemical test to be administered in
1507 compliance with Section 41-6a-515.
- 1508 (4) When a peace officer or port-of-entry agent requests ~~[a person]~~ an individual to submit
1509 to a test under this section, the peace officer or port-of-entry agent shall advise the [
1510 ~~person]~~ individual that test results [~~indicating]~~ showing a violation of Subsection (1) or
1511 refusal to submit to [~~any]~~ a test requested will result in the ~~[person's]~~ individual's
1512 disqualification under Section 53-3-414 from driving a commercial motor vehicle.
- 1513 (5) If test results under this section [~~indicate]~~ show a violation of Subsection (1) or the [
1514 ~~person]~~ individual refuses to submit to [~~any]~~ a test requested under this section, a peace
1515 officer or port-of-entry agent shall, on behalf of the division and within 24 hours of the
1516 arrest, give the ~~[person]~~ individual notice of the division's intention to disqualify the [
1517 ~~person's]~~ individual's privilege to drive a commercial motor vehicle.
- 1518 (6) When a peace officer or port-of-entry agent gives notice under Subsection (5), the peace
1519 officer or port-of-entry agent shall:
- 1520 (a) provide the driver, in a manner specified by the division, basic information regarding
1521 how to obtain a prompt hearing before the division; and
- 1522 (b) issue a 24-hour out-of-service order.
- 1523 (7) As a matter of procedure, a peace officer or port-of-entry agent shall, within 10 calendar
1524 days after the day on which notice is provided, send to the division a copy of the notice,

- 1525 and a report signed by the peace officer or port-of-entry agent that [~~indicates~~] shows the
1526 results of any chemical test administered or that the person refused a test.
- 1527 (8)(a) [~~A person~~] An individual disqualified under this section has the right to a hearing
1528 regarding the disqualification.
- 1529 (b) The request for the hearing shall be submitted to the division in a manner specified
1530 by the division and shall be made within 10 calendar days of the date the notice was
1531 issued.
- 1532 (c) If requested, the hearing shall be conducted within [~~29~~] 45 days after the date of arrest.
- 1533 (9)(a)(i) Except as provided in Subsection (9)(a)(ii), a hearing held under this section
1534 shall be held before the division and in:
- 1535 (A) the county where the notice was issued; or
1536 (B) a county that is adjacent to the county where the notice was issued.
- 1537 (ii) The division may hold a hearing in [~~some other~~] another county if the division and
1538 the [~~person~~] individual both agree.
- 1539 (b) [~~The hearing shall be documented~~] The division shall document the hearing and shall
1540 determine:
- 1541 (i) whether the peace officer or port-of-entry agent had reasonable grounds to believe
1542 the [~~person~~] individual had been driving a commercial motor vehicle in violation
1543 of this section;
- 1544 (ii) whether the [~~person~~] individual refused to submit to [~~any~~] a requested test; and
1545 (iii) [~~any~~] each test [~~results~~] result obtained.
- 1546 (c) In connection with a hearing, the division or [~~its~~] the division's authorized agent may:
- 1547 (i) administer oaths and [~~may~~] issue subpoenas for the attendance of witnesses and
1548 the production of relevant [~~books and~~] documents[-] ; and
1549 (ii) may issue subpoenas for the attendance of necessary peace officers.
- 1550 (d) One or more members of the division may conduct the hearing.
- 1551 [~~(e) A decision made after a hearing before any number of members of the division is as~~
1552 ~~valid as if the hearing were held before the full membership of the division.]~~
- 1553 (e) After a hearing, a determination made by an authorized agent is valid and binding as
1554 if made by the division;
- 1555 (f) After a hearing under this section the division shall indicate by order if the [~~person's~~]
1556 individual's CDL is disqualified.
- 1557 (g) If the [~~person~~] individual for whom the hearing is held fails to appear before the
1558 division as required in the notice, the division shall indicate by order if the [~~person's~~]

1559 individual's CDL is disqualified.

1560 (10)~~[(a)]~~ If the division disqualifies ~~[a person]~~ an individual's commercial driving
1561 privilege under this section following an administrative hearing, the ~~[person]~~
1562 individual may petition for ~~[a hearing under]~~ judicial review as described in Section
1563 53-3-224 within 30 days after the day on which the division issues a disqualification
1564 order.

1565 ~~[(b) The petition shall be filed within 30 days after the division issues the~~
1566 ~~disqualification.]~~

1567 (11)(a) ~~[A person-]~~ An individual who violates this section shall be punished in
1568 accordance with Section 53-3-414.

1569 (b)(i) In accordance with Section 53-3-414, the first disqualification under this
1570 section shall be for one year, and a second disqualification shall be for life.

1571 (ii) A disqualification under Section 53-3-414 begins on the ~~[45th]~~ 60th day after the
1572 date of arrest.

1573 (12)(a) In addition to the fees imposed under Section 53-3-205 for reinstatement of a
1574 CDL, a fee under Section 53-3-105 to cover administrative costs shall be paid before
1575 the driving privilege is reinstated.

1576 (b) ~~[The fees under Sections 53-3-105 and 53-3-205 shall be canceled-]~~ The division
1577 shall void the fees described in Subsection (12)(a) if an unappealed hearing at the
1578 division or court level determines the disqualification was [not proper] improper.

1579 (13) Notwithstanding the provisions of this section, a blood test taken under this section is
1580 subject to Section 77-23-213.

1581 Section 14. Section **53-10-403** is amended to read:

1582 **53-10-403 . DNA specimen analysis -- Application to offenders, including minors.**

1583 (1) Sections 53-10-403.6, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to:

1584 (a) a person who has pled guilty to or has been convicted of any of the offenses under
1585 Subsection (2)(a) or (b) on or after July 1, 2002;

1586 (b) a person who has pled guilty to or has been convicted by any other state or by the
1587 United States government of an offense which if committed in this state would be
1588 punishable as one or more of the offenses listed in Subsection (2)(a) or (b) on or after
1589 July 1, 2003;

1590 (c) a person who has been booked on or after January 1, 2011, through December 31,
1591 2014, for any offense under Subsection (2)(c);

1592 (d) a person who has been booked:

- 1593 (i) by a law enforcement agency that is obtaining a DNA specimen on or after May
1594 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any
1595 felony offense; or
- 1596 (ii) on or after January 1, 2015, for any felony offense; or
- 1597 (e) a minor:
- 1598 (i)(A) who is adjudicated by the juvenile court for an offense described in
1599 Subsection (2) that is within the jurisdiction of the juvenile court on or after
1600 July 1, 2002; or
- 1601 (B) who is adjudicated by the juvenile court for an offense described in
1602 Subsection (2) and is in the legal custody of the Division of Juvenile Justice
1603 and Youth Services for the offense on or after July 1, 2002; and
- 1604 (ii) who is 14 years old or older at the time of the commission of the offense
1605 described in Subsection (2).
- 1606 (2) Offenses referred to in Subsection (1) are:
- 1607 (a) any felony or class A misdemeanor under the Utah Code;
- 1608 (b) any offense under Subsection (2)(a):
- 1609 (i) for which the court enters a judgment for conviction to a lower degree of offense
1610 under Section 76-3-402; or
- 1611 (ii) regarding which the court allows the defendant to enter a plea in abeyance as
1612 defined in Section 77-2a-1; or
- 1613 (c)(i) any violent felony as defined in Section 53-10-403.5;
- 1614 (ii) sale or use of body parts, Section 26B-8-315;
- 1615 (iii) failure to stop at an accident that resulted in death, Section [~~41-6a-401.5~~]
1616 41-6a-401.3;
- 1617 (iv) operating a motor vehicle with any amount of a controlled substance in an
1618 individual's body and causing serious bodily injury or death, as codified before
1619 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
1620 58-37-8(2)(g);
- 1621 (v) a felony violation of enticing a minor, Section 76-5-417;
- 1622 (vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);
- 1623 (vii) a felony violation of propelling a substance or object at a correctional officer, a
1624 peace officer, or an employee or a volunteer, including health care providers,
1625 Section 76-5-102.6;
- 1626 (viii) automobile homicide, Subsection 76-5-207(2)(b);

- 1627 (ix) aggravated human trafficking, Section 76-5-310, and aggravated human
1628 smuggling, Section 76-5-310.1;
- 1629 (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
- 1630 (xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;
- 1631 (xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;
- 1632 (xiii) sale of a child, Section 76-7-203;
- 1633 (xiv) aggravated escape, Section 76-8-309.3;
- 1634 (xv) a felony violation of threatened or attempted assault on an elected official,
1635 Section 76-8-313;
- 1636 (xvi) threat with intent to impede, intimidate, interfere, or retaliate against a judge or
1637 a member of the Board of Pardons and Parole or acting against a family member
1638 of a judge or a member of the Board of Pardons and Parole, Section 76-8-316;
- 1639 (xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge
1640 or a member of the Board of Pardons and Parole or acting against a family
1641 member of a judge or a member of the Board of Pardons and Parole, Section
1642 76-8-316.2;
- 1643 (xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate
1644 against a judge or a member of the Board of Pardons and Parole or acting against
1645 a family member of a judge or a member of the Board of Pardons and Parole,
1646 Section 76-8-316.4;
- 1647 (xix) attempted murder with intent to impede, intimidate, interfere, or retaliate
1648 against a judge or a member of the Board of Pardons and Parole or acting against
1649 a family member of a judge or a member of the Board of Pardons and Parole,
1650 Section 76-8-316.6;
- 1651 (xx) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 1652 (xxi) assembling for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 1653 (xxii) a felony violation of sexual battery, Section 76-5-418;
- 1654 (xxiii) a felony violation of lewdness involving a child, Section 76-5-420;
- 1655 (xxiv) a felony violation of abuse or desecration of a dead human body, Section
1656 76-5-802;
- 1657 (xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section
1658 76-15-302;
- 1659 (xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction,
1660 Section 76-15-303;

- 1661 (xxvii) possession of a concealed firearm in the commission of a violent felony,
- 1662 Subsection 76-11-202(3)(c);
- 1663 (xxviii) assault with the intent to commit bus hijacking with a dangerous weapon as
- 1664 described in Subsection 76-9-1503(3)(b);
- 1665 (xxix) aggravated commercial obstruction, Section 76-9-114;
- 1666 (xxx) a felony violation of failure to register as a sex or kidnap offender, Section
- 1667 53-29-305;
- 1668 (xxxii) repeat violation of a protective order, Subsection 77-36-1.1(4); or
- 1669 (xxxii) violation of condition for release after arrest under Section 78B-7-802.

1670 Section 15. **Repealer.**

1671 This bill repeals:

1672 Section **41-6a-401.5, Accident involving death -- Stop at accident -- Penalty.**

1673 Section 16. **Effective Date.**

1674 This bill takes effect on July 1, 2026.