

**LIMITED DRIVER LICENSE AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K. Thurston**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to a driver license suspension for driving under the influence.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of a "probation provider";
- ▶ allows a person with a suspended driver license due to a first offense of driving under the influence to elect to become an interlock restricted driver under certain circumstances; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 41-6a-518**, as last amended by Laws of Utah 2018, Chapter 41
- 41-6a-518.2**, as last amended by Laws of Utah 2018, Chapter 41
- 41-6a-520**, as last amended by Laws of Utah 2018, Chapter 35
- 53-3-223**, as last amended by Laws of Utah 2018, Chapter 417



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

30 Section 1. Section **41-6a-518** is amended to read:

31 **41-6a-518. Ignition interlock devices -- Use -- Probationer to pay cost --**

32 **Impecuniosity -- Fee.**

33 (1) As used in this section:

34 (a) "Commissioner" means the commissioner of the Department of Public Safety.

35 (b) "Employer verification" means written verification from the employer that:

36 (i) the employer is aware that the employee is an interlock restricted driver;

37 (ii) the vehicle the employee is operating for employment purposes is not made

38 available to the employee for personal use;

39 (iii) the business entity that employs the employee is not entirely or partly owned or

40 controlled by the employee;

41 (iv) the employer's auto insurance company is aware that the employee is an interlock

42 restricted driver; and

43 (v) the employee has been added to the employer's auto insurance policy as an operator

44 of the vehicle.

45 (c) "Ignition interlock system" or "system" means a constant monitoring device or any

46 similar device certified by the commissioner that prevents a motor vehicle from being started

47 or continuously operated without first determining the driver's breath alcohol concentration.

48 [~~(d) "Probation provider" means the supervisor and monitor of the ignition interlock~~

49 ~~system required as a condition of probation who contracts with the court in accordance with~~

50 ~~Subsections [41-6a-507\(2\)](#) and [\(3\)](#).]~~

51 (d) "Probation provider" means a person who contracts with the court in accordance

52 with Subsections [41-6a-507\(2\)](#) and [\(3\)](#) to supervise and monitor an ignition interlock system

53 that is:

54 (i) required as a condition of probation; or

55 (ii) installed in lieu of a suspension of the driver license under Subsection [53-3-223\(7\)](#).

56 (2) (a) In addition to any other penalties imposed under Sections [41-6a-503](#) and

57 [41-6a-505](#), and in addition to any requirements imposed as a condition of probation, the court

58 may require that any person who is convicted of violating Section [41-6a-502](#) and who is

59 granted probation may not operate a motor vehicle during the period of probation unless that  
60 motor vehicle is equipped with a functioning, certified ignition interlock system installed and  
61 calibrated so that the motor vehicle will not start or continuously operate if the operator's blood  
62 alcohol concentration exceeds a level ordered by the court.

63 (b) If a person convicted of violating Section 41-6a-502 was under the age of 21 when  
64 the violation occurred, the court shall order the installation of the ignition interlock system as a  
65 condition of probation.

66 (c) (i) If a person is convicted of a violation of Section 41-6a-502 within 10 years of a  
67 prior conviction as defined in Subsection 41-6a-501(2), the court shall order the installation of  
68 the interlock ignition system, at the person's expense, for all motor vehicles registered to that  
69 person and all motor vehicles operated by that person.

70 (ii) A person who operates a motor vehicle without an ignition interlock device as  
71 required under this Subsection (2)(c) is in violation of Section 41-6a-518.2.

72 (d) The division shall post the ignition interlock restriction on the electronic record  
73 available to law enforcement.

74 (e) This section does not apply to a person convicted of a violation of Section  
75 41-6a-502 whose violation does not involve alcohol.

76 (3) If the court imposes the use of an ignition interlock system as a condition of  
77 probation, the court shall:

78 (a) stipulate on the record the requirement for and the period of the use of an ignition  
79 interlock system;

80 (b) order that an ignition interlock system be installed on each motor vehicle owned or  
81 operated by the probationer, at the probationer's expense;

82 (c) immediately notify the Driver License Division and the person's probation provider  
83 of the order; and

84 (d) require the probationer to provide proof of compliance with the court's order to the  
85 probation provider within 30 days of the order.

86 (4) (a) The probationer shall provide timely proof of installation within 30 days of an  
87 order imposing the use of a system or show cause why the order was not complied with to the  
88 court or to the probationer's probation provider.

89 (b) The probation provider shall notify the court of failure to comply under Subsection

90 (4)(a).

91 (c) For failure to comply under Subsection (4)(a) or upon receiving the notification  
92 under Subsection (4)(b), the court shall order the Driver License Division to suspend the  
93 probationer's driving privileges for the remaining period during which the compliance was  
94 imposed.

95 (d) Cause for failure to comply means any reason the court finds sufficiently justifiable  
96 to excuse the probationer's failure to comply with the court's order.

97 (5) (a) Any probationer required to install an ignition interlock system shall have the  
98 system monitored by the manufacturer or dealer of the system for proper use and accuracy at  
99 least semiannually and more frequently as the court may order.

100 ~~[(b) (i) A report of the monitoring shall be issued by the manufacturer or dealer to the~~  
101 ~~court or the person's probation provider.]~~

102 ~~[(ii) The report shall be issued within 14 days following each monitoring.]~~

103 (b) The monitoring manufacturer or dealer shall provide each report to the court or the  
104 person's probation provider within 14 days following each monitoring.

105 (6) (a) ~~[If an ignition interlock system is ordered installed,]~~ Except as provided in  
106 Subsection (6)(b), if the court orders an ignition interlock system installed, the probationer  
107 shall pay the reasonable costs of leasing or buying and installing and maintaining the system.

108 (b) A probationer ~~[may not be excluded from this section for inability to]~~ need not pay  
109 the costs~~[, unless]~~ under Subsection (6)(a) if:

110 (i) the probationer files an affidavit of impecuniosity; and

111 (ii) the court enters a finding that the probationer is impecunious.

112 (c) In lieu of waiver of the entire amount of the cost, the court may direct the  
113 probationer to make partial or installment payments of costs when appropriate.

114 (d) The ignition interlock provider shall cover the costs of waivers by the court under  
115 this Subsection (6).

116 (7) (a) ~~[If]~~ Except as provided in Subsection (7)(b), if a probationer is required in the  
117 course and scope of employment to operate a motor vehicle owned by the probationer's  
118 employer, the probationer may operate that motor vehicle without installation of an ignition  
119 interlock system only if:

120 (i) the motor vehicle is used in the course and scope of employment;

121 (ii) the employer has been notified that the employee is restricted; and  
122 (iii) the employee has employer verification in the employee's possession while  
123 operating the employer's motor vehicle.

124 (b) (i) To the extent that an employer-owned motor vehicle is made available to a  
125 probationer subject to this section for personal use, [~~no exemption under this section shall~~  
126 ~~apply~~] the exemption does not apply.

127 (ii) A probationer intending to operate an employer-owned motor vehicle for personal  
128 use and who is restricted to the operation of a motor vehicle equipped with an ignition interlock  
129 system shall notify the employer and obtain consent in writing from the employer to install a  
130 system in the employer-owned motor vehicle.

131 (c) A motor vehicle owned by a business entity that is all or partly owned or controlled  
132 by a probationer subject to this section is not a motor vehicle owned by the employer and does  
133 not qualify for an exemption under this Subsection (7).

134 (8) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
135 the commissioner shall make rules setting standards for the certification of ignition interlock  
136 systems.

137 (b) The standards under Subsection (8)(a) shall require that the system:

138 (i) not impede the safe operation of the motor vehicle;

139 (ii) have features that make circumventing difficult and that do not interfere with the  
140 normal use of the motor vehicle;

141 (iii) require a deep lung breath sample as a measure of breath alcohol concentration;

142 (iv) prevent the motor vehicle from being started if the driver's breath alcohol  
143 concentration exceeds a specified level;

144 (v) work accurately and reliably in an unsupervised environment;

145 (vi) resist tampering and give evidence if tampering is attempted;

146 (vii) operate reliably over the range of motor vehicle environments; and

147 (viii) be manufactured by a party who will provide liability insurance.

148 (c) The commissioner may adopt in whole or in part, the guidelines, rules, studies, or  
149 independent laboratory tests relied upon in certification of ignition interlock systems by other  
150 states.

151 (d) [~~A~~] The commissioner shall publish a list of certified systems [~~shall be published~~

152 ~~by the commissioner]~~ and charge the cost of certification [~~shall be borne by]~~ to the  
153 manufacturers or dealers of ignition interlock systems seeking to sell, offer for sale, or lease the  
154 systems.

155 (e) (i) In accordance with Section 63J-1-504, the commissioner may establish an  
156 annual dollar assessment against the manufacturers of ignition interlock systems distributed in  
157 the state for the costs incurred in certifying.

158 (ii) The commissioner shall ensure that the assessment under Subsection (8)(e)(i) [~~shall~~  
159 ~~be]~~ is apportioned among the manufacturers on a fair and reasonable basis.

160 (f) The commissioner shall require a provider of an ignition interlock system certified  
161 in accordance with this section to comply with the requirements of Title 53, Chapter 3, Part 10,  
162 Ignition Interlock System Program Act.

163 (9) A violation of this section is a class C misdemeanor.

164 (10) There shall be no liability on the part of, and no cause of action of any nature shall  
165 arise against, the state or its employees in connection with the installation, use, operation,  
166 maintenance, or supervision of an interlock ignition system as required under this section.

167 Section 2. Section 41-6a-518.2 is amended to read:

168 **41-6a-518.2. Interlock restricted driver -- Penalties for operation without ignition**  
169 **interlock system.**

170 (1) As used in this section:

171 (a) "Ignition interlock system" means a constant monitoring device or any similar  
172 device that:

173 (i) is in working order at the time of operation or actual physical control; and

174 (ii) is certified by the Commissioner of Public Safety in accordance with Subsection  
175 41-6a-518(8).

176 (b) (i) "Interlock restricted driver" means a person who:

177 (A) has been ordered by a court or the Board of Pardons and Parole as a condition of  
178 probation or parole not to operate a motor vehicle without an ignition interlock system;

179 (B) within the last 18 months has been convicted of a driving under the influence  
180 violation under Section 41-6a-502 that was committed on or after July 1, 2009;

181 (C) (I) within the last three years has been convicted of an offense that occurred after  
182 May 1, 2006 which would be a conviction as defined under Section 41-6a-501; and

183 (II) the offense described under Subsection (1)(b)(i)(C)(I) is committed within 10 years  
184 from the date that one or more prior offenses was committed if the prior offense resulted in a  
185 conviction as defined in Subsection 41-6a-501(2);

186 (D) within the last three years has been convicted of a violation of this section;

187 (E) within the last three years has had the person's driving privilege revoked for refusal  
188 to submit to a chemical test under Section 41-6a-520, which refusal occurred after May 1,  
189 2006;

190 (F) within the last three years has been convicted of a violation of Section 41-6a-502  
191 and was under the age of 21 at the time the offense was committed;

192 (G) within the last six years has been convicted of a felony violation of Section  
193 41-6a-502 for an offense that occurred after May 1, 2006; [~~or~~]

194 (H) within the last 10 years has been convicted of automobile homicide under Section  
195 76-5-207 for an offense that occurred after May 1, 2006[.]; or

196 (I) has elected to become an interlock restricted driver in accordance with Subsection  
197 53-3-223(7) in lieu of a driver license suspension.

198 (ii) "Interlock restricted driver" does not include a person:

199 (A) whose conviction described in Subsection (1)(b)(i)(C)(I) is a conviction under  
200 Section 41-6a-517 and whose prior convictions described in Subsection (1)(b)(i)(C)(II) are all  
201 convictions under Section 41-6a-517; or

202 (B) whose conviction described in Subsection (1)(b)(i)(B) or (F) does not involve  
203 alcohol and the convicting court notifies the Driver License Division at the time of sentencing  
204 that the conviction does not involve alcohol.

205 (2) The division shall post the ignition interlock restriction on a person's electronic  
206 record that is available to law enforcement.

207 (3) For purposes of this section, a plea of guilty or no contest to a violation of Section  
208 41-6a-502 which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,  
209 prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently  
210 reduced or dismissed in accordance with the plea in abeyance agreement.

211 (4) An interlock restricted driver who operates or is in actual physical control of a  
212 vehicle in the state without an ignition interlock system is guilty of a class B misdemeanor.

213 (5) It is an affirmative defense to a charge of a violation of Subsection (4) if:

214 (a) the interlock restricted driver operated or was in actual physical control of a vehicle  
215 owned by the interlock restricted driver's employer;

216 (b) the interlock restricted driver had given written notice to the employer of the  
217 interlock restricted driver's interlock restricted status prior to the operation or actual physical  
218 control under Subsection (5)(a);

219 (c) the interlock restricted driver had on the interlock restricted driver's person, or in  
220 the vehicle, at the time of operation or physical control employer verification, as defined in  
221 Subsection 41-6a-518(1); and

222 (d) the operation or actual physical control described in Subsection (5)(a) was in the  
223 scope of the interlock restricted driver's employment.

224 (6) The affirmative defense described in Subsection (5) does not apply to:

225 (a) an employer-owned motor vehicle that is made available to an interlock restricted  
226 driver for personal use; or

227 (b) a motor vehicle owned by a business entity that is entirely or partly owned or  
228 controlled by the interlock restricted driver.

229 Section 3. Section 41-6a-520 is amended to read:

230 **41-6a-520. Implied consent to chemical tests for alcohol or drug -- Number of**  
231 **tests -- Refusal -- Warning, report.**

232 (1) (a) A person operating a motor vehicle in this state is considered to have given the  
233 person's consent to a chemical test or tests of the person's breath, blood, urine, or oral fluids for  
234 the purpose of determining whether the person was operating or in actual physical control of a  
235 motor vehicle while:

236 (i) having a blood or breath alcohol content statutorily prohibited under Section  
237 41-6a-502, 41-6a-530, or 53-3-231;

238 (ii) under the influence of alcohol, any drug, or combination of alcohol and any drug  
239 under Section 41-6a-502; or

240 (iii) having any measurable controlled substance or metabolite of a controlled  
241 substance in the person's body in violation of Section 41-6a-517.

242 (b) A test or tests authorized under this Subsection (1) must be administered at the  
243 direction of a peace officer having grounds to believe that person to have been operating or in  
244 actual physical control of a motor vehicle while in violation of any provision under



245 [~~Subsections (1)(a)(i) through (iii)~~] Subsection (1)(a).

246 (c) (i) The peace officer determines which of the tests are administered and how many  
247 of them are administered.

248 (ii) If a peace officer requests more than one test, refusal by a person to take one or  
249 more requested tests, even though the person does submit to any other requested test or tests, is  
250 a refusal under this section.

251 (d) (i) A person who has been requested under this section to submit to a chemical test  
252 or tests of the person's breath, blood, or urine, or oral fluids may not select the test or tests to be  
253 administered.

254 (ii) The failure or inability of a peace officer to arrange for any specific chemical test is  
255 not a defense to taking a test requested by a peace officer, and it is not a defense in any  
256 criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the  
257 requested test or tests.

258 (2) (a) A peace officer requesting a test or tests shall warn a person that refusal to  
259 submit to the test or tests may result in revocation of the person's license to operate a motor  
260 vehicle, a five or 10 year prohibition of driving with any measurable or detectable amount of  
261 alcohol in the person's body depending on the person's prior driving history, and a three-year  
262 prohibition of driving without an ignition interlock device if the person:

263 (i) has been placed under arrest;

264 (ii) has then been requested by a peace officer to submit to any one or more of the  
265 chemical tests under Subsection (1); and

266 (iii) refuses to submit to any chemical test requested.

267 (b) (i) Following the warning under Subsection (2)(a), if the person does not  
268 immediately request that the chemical test or tests as offered by a peace officer be  
269 administered, a peace officer shall, on behalf of the Driver License Division and within 24  
270 hours of the arrest, give notice of the Driver License Division's intention to revoke the person's  
271 privilege or license to operate a motor vehicle.

272 (ii) When a peace officer gives the notice on behalf of the Driver License Division, the  
273 peace officer shall:

274 (A) take the Utah license certificate or permit, if any, of the operator;

275 (B) issue a temporary license certificate effective for only 29 days from the date of

276 arrest; and

277 (C) supply to the operator, in a manner specified by the Driver License Division, basic  
278 information regarding how to obtain a hearing before the Driver License Division.

279 (c) A citation issued by a peace officer may, if provided in a manner specified by the  
280 Driver License Division, also serve as the temporary license certificate.

281 (d) As a matter of procedure, the peace officer shall submit a signed report, within 10  
282 calendar days after the day on which notice is provided under Subsection (2)(b), that:

283 (i) the peace officer had grounds to believe the arrested person was in violation of any  
284 provision under [~~Subsections (1)(a)(i) through (iii)~~] Subsection (1)(a); and

285 (ii) the person had refused to submit to a chemical test or tests under Subsection (1).

286 (3) Upon the request of the person who was tested, the results of the test or tests shall  
287 be made available to the person.

288 (4) (a) The person to be tested may, at the person's own expense, have a physician of  
289 the person's own choice administer a chemical test in addition to the test or tests administered  
290 at the direction of a peace officer.

291 (b) The failure or inability to obtain the additional test does not affect admissibility of  
292 the results of the test or tests taken at the direction of a peace officer, or preclude or delay the  
293 test or tests to be taken at the direction of a peace officer.

294 (c) The additional test shall be subsequent to the test or tests administered at the  
295 direction of a peace officer.

296 (5) For the purpose of determining whether to submit to a chemical test or tests, the  
297 person to be tested does not have the right to consult an attorney or have an attorney, physician,  
298 or other person present as a condition for the taking of any test.

299 (6) Notwithstanding the provisions in this section, a blood test taken under this section  
300 is subject to Section [77-23-213](#).

301 Section 4. Section **53-3-223** is amended to read:

302 **53-3-223. Chemical test for driving under the influence -- Temporary license --**  
303 **Hearing and decision -- Suspension and fee -- Judicial review.**

304 (1) (a) If a peace officer has reasonable grounds to believe that a person may be  
305 violating or has violated Section [41-6a-502](#), prohibiting the operation of a vehicle with a  
306 certain blood or breath alcohol concentration and driving under the influence of any drug,

307 alcohol, or combination of a drug and alcohol or while having any measurable controlled  
308 substance or metabolite of a controlled substance in the person's body in violation of Section  
309 41-6a-517, the peace officer may, in connection with arresting the person, request that the  
310 person submit to a chemical test or tests to be administered in compliance with the standards  
311 under Section 41-6a-520.

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

314 (2) ~~[The peace officer shall advise a person prior to the]~~ Before a person's submission  
315 to a chemical test, the peace officer shall advise the person that a test result indicating a  
316 violation of Section 41-6a-502 or 41-6a-517 shall, and the existence of a blood alcohol content  
317 sufficient to render the person incapable of safely driving a motor vehicle may, result in  
318 suspension or revocation of the person's license to drive a motor vehicle.

319 (3) If the person submits to a chemical test and the test results indicate a blood or  
320 breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer  
321 makes a determination, based on reasonable grounds, that the person is otherwise in violation  
322 of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of  
323 arrest, give notice of the division's intention to suspend the person's license to drive a motor  
324 vehicle.

325 (4) (a) When a peace officer gives notice on behalf of the division, the peace officer  
326 shall:

327 (i) take the Utah license certificate or permit, if any, of the driver;

328 (ii) issue a temporary license certificate effective for only 29 days from the date of  
329 arrest; and

330 (iii) supply to the driver, in a manner specified by the division, basic information  
331 regarding how to obtain a prompt hearing before the division.

332 (b) A citation issued by a peace officer may, if provided in a manner specified by the  
333 division, also serve as the temporary license certificate.

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

336 (a) the person's license certificate;

337 (b) a copy of the citation issued for the offense;

338 (c) a signed report in a manner specified by the division indicating the chemical test  
339 results, if any; and

340 (d) any other basis for the peace officer's determination that the person has violated  
341 Section 41-6a-502 or 41-6a-517.

342 ~~[(6) (a) Upon request in a manner specified by the division, the division shall grant to~~  
343 ~~the person an opportunity to be heard within 29 days after the date of arrest. The request to be~~  
344 ~~heard shall be made within 10 calendar days of the day on which notice is provided under~~  
345 ~~Subsection (5).]~~

346 (6) (a) (i) A person may file a request to be heard with the division within 10 calendar  
347 days of the day on which the notice is provided under Subsection (5) in the manner specified by  
348 the division.

349 (ii) If a person makes a request as described in Subsection (6)(a)(i), the division shall  
350 grant the person an opportunity to be heard within 29 days after the date of the arrest.

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

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

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

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

357 ~~[(c) The hearing shall be documented and shall cover the issues of:]~~

358 (c) The division shall:

359 (i) document the hearing; and

360 (ii) determine:

361 ~~[(i)]~~ (A) whether a peace officer had reasonable grounds to believe the person was  
362 driving a motor vehicle in violation of Section 41-6a-502 or 41-6a-517;

363 ~~[(ii)]~~ (B) whether the person refused to submit to the test; and

364 ~~[(iii) the test results, if any.]~~

365 (C) the result of any chemical test.

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

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

- 369 (B) may issue subpoenas for the attendance of necessary peace officers.
- 370 (ii) The division shall pay witness fees and mileage from the Transportation Fund in  
371 accordance with the rates established in Section 78B-1-119.
- 372 (e) The division may designate one or more employees to conduct the hearing.
- 373 (f) Any decision made after a hearing before any designated employee is as valid as if  
374 made by the division.
- 375 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable  
376 grounds to believe that the person was driving a motor vehicle in violation of Section  
377 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the  
378 notice, or if a hearing is not requested under this section, the division shall:
- 379 (i) if the person is 21 years of age or older at the time of arrest and the arrest was made  
380 on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a  
381 period of:
- 382 (A) 120 days beginning on the 30th day after the date of arrest for a first suspension; or  
383 (B) two years beginning on the 30th day after the date of arrest for a second or  
384 subsequent suspension for an offense that occurred within the previous 10 years; or
- 385 (ii) if the person is under 21 years of age at the time of arrest and the arrest was made  
386 on or after May 14, 2013:
- 387 (A) suspend the person's license or permit to operate a motor vehicle:
- 388 (I) for a period of six months, beginning on the 30th day after the date of arrest for a  
389 first suspension; or
- 390 (II) until the person is 21 years of age or for a period of two years, whichever is longer,  
391 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an  
392 offense that occurred within the previous 10 years; or
- 393 (B) deny the person's application for a license or learner's permit:
- 394 (I) for a period of six months for a first suspension, if the person has not been issued an  
395 operator license; or
- 396 (II) until the person is 21 years of age or for a period of two years, whichever is longer,  
397 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an  
398 offense that occurred within the previous 10 years.
- 399 (b) The division shall deny or suspend a person's license for the denial and suspension

400 periods in effect:

401 (i) prior to July 1, 2009, for an offense that was committed prior to July 1, 2009;

402 (ii) from July 1, 2009, through June 30, 2011, if:

403 (A) the person was 20 years 6 months of age or older but under 21 years of age at the  
404 time of arrest; and

405 (B) the conviction under Subsection (2) is for an offense that was committed on or  
406 after July 1, 2009, and prior to July 1, 2011; or

407 (iii) prior to May 14, 2013, for an offense that was committed prior to May 14, 2013.

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

411 (A) immediately upon receiving written verification of the person's dismissal of a  
412 charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received  
413 [~~prior to~~ before completion of the suspension period; or

414 (B) no sooner than 60 days beginning on the 30th day after the date of arrest upon  
415 receiving written verification of the person's reduction of a charge for a violation of Section  
416 41-6a-502 or 41-6a-517, if the written verification is received [~~prior to~~ before completion of  
417 the suspension period.

418 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) or (7)(b), the division  
419 shall reinstate a person's license prior to completion of the 120-day suspension period imposed  
420 under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the person's  
421 conviction of impaired driving under Section 41-6a-502.5 if:

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

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

427 (iii) If a person's license is reinstated under this Subsection (7)(c), the person is  
428 required to pay the license reinstatement fees under Subsections 53-3-105(24) and (25).

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

431 (d) (i) Notwithstanding the provisions in Subsections (7)(a) through (c), if the division  
432 suspends a person's license for an alcohol related offense in accordance with this section, and if  
433 the offense is the person's first offense, the person may elect to become an interlock restricted  
434 driver and install an ignition interlock device in any vehicle driven by the person in lieu of  
435 receiving the license suspension.

436 (ii) If the person elects to become an interlock restricted driver in lieu of suspension,  
437 the person shall:

438 (A) install an ignition interlock device in any vehicle driven by the person and keep the  
439 ignition interlock device installed in any vehicle driven by the person for the same time period  
440 as the prescribed license suspension;

441 (B) provide proof of installation to the division through a probation provider;

442 (C) pay the costs of leasing or buying and installing and maintaining the ignition  
443 interlock device; and

444 (D) pay the license reinstatement application fees described in Subsections  
445 [53-3-105](#)(24) and (25).

446 (iii) The division shall reinstate the person's driver license and the person shall become  
447 an interlock restricted driver once the driver provides to the division:

448 (A) proof of installation of an ignition interlock device from a probation provider; and

449 (B) payment of the license reinstatement application fees described in Subsections  
450 [53-3-105](#)(24) and (25).

451 (iv) The probation provider shall immediately notify the division of any tampering or  
452 removal of the installed ignition interlock devices associated with the interlock restricted  
453 driver.

454 (v) If the division receives notice that an ignition interlock device required by this  
455 section has been tampered with or removed, the division shall reinstate the license suspension  
456 and restart the time period of the suspension.

457 (8) (a) Notwithstanding the provisions in Subsection (7)(b)(iii), the division shall  
458 shorten a person's two-year license suspension period that is currently in effect to a six-month  
459 suspension period if:

460 (i) the driver was under the age of 19 at the time of arrest;

461 (ii) the offense was a first offense that was committed prior to May 14, 2013; and

462 (iii) the suspension under Subsection (7)(b)(iii) was based on the same occurrence  
463 upon which the following written verifications are based:

464 (A) a court order shortening the driver license suspension for a violation of Section  
465 41-6a-502 pursuant to Subsection 41-6a-509(8);

466 (B) a court order shortening the driver license suspension for a violation of Section  
467 41-6a-517 pursuant to Subsection 41-6a-517(11);

468 (C) a court order shortening the driver license suspension for a violation of Section  
469 32B-4-409;

470 (D) a dismissal for a violation of Section 32B-4-409, Section 41-6a-502, or Section  
471 41-6a-517~~[, or Section 32B-4-409]~~;

472 (E) a notice of declination to prosecute for a charge under Section 32B-4-409, Section  
473 41-6a-502, or Section 41-6a-517~~[, or Section 32B-4-409]~~;

474 (F) a reduction of a charge under Section 32B-4-409, Section 41-6a-502, or Section  
475 41-6a-517~~[, or Section 32B-4-409]~~; or

476 (G) other written documentation acceptable to the division.

477 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
478 division may make rules establishing requirements for acceptable written documentation to  
479 shorten a person's driver license suspension period under Subsection (8)(a)(iii)(G).

480 (c) If a person's license sanction is shortened under this Subsection (8), the person is  
481 required to pay the license reinstatement fees under Subsections 53-3-105(24) and (25).

482 (9) (a) ~~[The division shall assess against a person, in]~~ In addition to any fee imposed  
483 under Subsection 53-3-205(12) for driving under the influence, the division shall:

484 (i) assess from a person a fee under Section 53-3-105 to cover administrative costs,  
485 which shall be paid before the person's driving privilege is reinstated~~[-]; and~~

486 (ii) [This fee shall be cancelled] cancel the fee if the person obtains an unappealed  
487 division hearing or court decision that the suspension was not proper.

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

491 (10) (a) Notwithstanding the provisions in Subsection (7)(a)(i) or (ii), the division shall  
492 reinstate a person's license before completion of the suspension period imposed under



493 Subsection (7)(a)(i) or (ii) if the reporting court notifies the Driver License Division that the  
494 defendant is participating in or has successfully completed a 24-7 sobriety program as defined  
495 in Section [41-6a-515.5](#).

496 (b) If a person's license is reinstated under Subsection (10)(a), the person is required to  
497 pay the license reinstatement fees under Subsections [53-3-105](#)(24) and (25).