

1 **DRIVING UNDER THE INFLUENCE AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Waldrip**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to ignition interlock restrictions and driving under
10 the influence.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ prohibits the Driver License Division from suspending a driver license unless the
14 person fails to complete the required number of days as an interlock restricted
15 driver;

16 ▶ for a person who elects to become an interlock restricted driver, provides for time
17 served as an interlock restricted driver to count toward the time of a driver license
18 suspension period;

19 ▶ prohibits a court from ordering an ignition interlock device or service from a
20 specific provider;

21 ▶ removes the requirement for a person to complete a risk assessment in connection
22 with ignition interlock requirements; and

23 ▶ makes technical changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **41-6a-509**, as last amended by Laws of Utah 2021, Chapters 83, 120 and last amended
31 by Coordination Clause, Laws of Utah 2021, Chapter 83

32 **41-6a-518**, as last amended by Laws of Utah 2021, Chapter 83

33 **53-3-223**, as last amended by Laws of Utah 2021, Chapter 83



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

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

37 **41-6a-509. Driver license suspension or revocation for a driving under the**
38 **influence violation.**

39 (1) (a) The Driver License Division shall, if the person is 21 years [~~of age~~] old or older
40 at the time of arrest:

41 [~~(a)~~] (i) suspend for a period of 120 days the operator's license of a person convicted
42 for the first time under Section **41-6a-502**; or

43 [~~(b)~~] (ii) revoke for a period of two years the license of a person if:

44 [~~(i)~~] (A) the person has a prior conviction as defined under Subsection **41-6a-501**(2);

45 and

46 [~~(ii)~~] (B) the current violation under Section **41-6a-502** is committed within a period of
47 10 years from the date of the prior violation.

48 (b) If a person elects to become an interlock restricted driver under Subsection
49 **53-3-223**(10)(a), the division may not suspend the operator's license as described in Subsection
50 (1)(a)(i) unless the person fails to complete 120 days of the interlock restriction.

51 (c) If the person fails to complete the full 120 days of interlock restriction, the division
52 shall reduce the 120-day suspension by one day for each day the person was an interlock
53 restricted driver under Subsection **53-3-223**(10)(a).

54 (2) The Driver License Division shall, if the person is 19 years [~~of age~~] old or older but
55 under 21 years [~~of age~~] old at the time of arrest:

56 (a) suspend the person's driver license until the person is 21 years [~~of age~~] old or for a
57 period of one year, whichever is longer, if the person is convicted for the first time of a
58 violation under Section **41-6a-502** of an offense that was committed on or after July 1, 2011;

59 (b) deny the person's application for a license or learner's permit until the person is 21
60 years [~~of age~~] old or for a period of one year, whichever is longer, if the person:

61 (i) is convicted for the first time of a violation under Section 41-6a-502 of an offense
62 committed on or after July 1, 2011; and

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

64 (c) revoke the person's driver license until the person is 21 years [~~of age~~] old or for a
65 period of two years, whichever is longer, if:

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

67 (ii) the current violation under Section 41-6a-502 is committed within a period of 10
68 years from the date of the prior violation; or

69 (d) deny the person's application for a license or learner's permit until the person is 21
70 years [~~of age~~] old or for a period of two years, whichever is longer, if:

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

72 (ii) the current violation under Section 41-6a-502 is committed within a period of 10
73 years from the date of the prior violation; and

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

75 (3) The Driver License Division shall, if the person is under 19 years [~~of age~~] old at the
76 time of arrest:

77 (a) suspend the person's driver license until the person is 21 years [~~of age~~] old if the
78 person is convicted for the first time of a violation under Section 41-6a-502;

79 (b) deny the person's application for a license or learner's permit until the person is 21
80 years [~~of age~~] old if the person:

81 (i) is convicted for the first time of a violation under Section 41-6a-502; and

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

83 (c) revoke the person's driver license until the person is 21 years [~~of age~~] old if:

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

85 (ii) the current violation under Section 41-6a-502 is committed within a period of 10
86 years from the date of the prior violation; or

87 (d) deny the person's application for a license or learner's permit until the person is 21
88 years [~~of age~~] old if:

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

90 (ii) the current violation under Section 41-6a-502 is committed within a period of 10
91 years from the date of the prior violation; and

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

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

95 (5) The Driver License Division shall subtract from any suspension or revocation
96 period the number of days for which a license was previously suspended under Section
97 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
98 which the record of conviction is based.

99 (6) (a) If a conviction recorded as impaired driving is amended to a driving under the
100 influence conviction under Section 41-6a-502 in accordance with Subsection
101 41-6a-502.5(3)(a)(ii), the Driver License Division:

102 [~~(a)~~] (i) may not subtract from any suspension or revocation any time for which a
103 license was previously suspended or revoked under Section 53-3-223 or 53-3-231; and

104 [~~(b)~~] (ii) shall start the suspension or revocation time under Subsection (1) on the date
105 of the amended conviction.

106 (b) Notwithstanding Subsections (6)(a)(i) and (ii), if a person elects to become an
107 interlock restricted driver under Subsection 53-3-233(10)(a), the Driver License Division shall
108 reduce the 120-day suspension period by one day for each day the person was an interlock
109 restricted driver under Subsection 53-3-233(10).

110 (7) A court that reported a conviction of a violation of Section 41-6a-502 for a
111 violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the
112 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) prior to
113 completion of the suspension period if the person:

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

115 (b) completes a screening;

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

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

120 (e) completes an educational series if substance abuse treatment is not required by an

121 assessment under Subsection (7)(c) or the court does not order substance abuse treatment;

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

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

127 (h) (i) is 18 years [~~of age~~] old or older and provides a sworn statement to the court that
128 the person has not unlawfully consumed alcohol during the suspension period imposed under
129 Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or

130 (ii) is under 18 years [~~of age~~] old and has the person's parent or legal guardian provide
131 an affidavit or sworn statement to the court certifying that to the parent or legal guardian's
132 knowledge the person has not unlawfully consumed alcohol during the suspension period
133 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

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

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

143 (ii) The additional suspension or revocation period provided in this Subsection (9) shall
144 begin the date on which the individual would be eligible to reinstate the individual's driving
145 privilege for a violation of Section 41-6a-502.

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

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

151 (i) screenings;

- 152 (ii) assessments;
- 153 (iii) educational series;
- 154 (iv) substance abuse treatment; and
- 155 (v) hours of work in a compensatory-service work program.

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

159 (11) (a) A court that reported a conviction of a violation of Section 41-6a-502 to the
160 Driver License Division may shorten the suspension period imposed under Subsection (1)
161 before completion of the suspension period if the person is participating in or has successfully
162 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

163 (b) If the court shortens a person's license suspension period in accordance with the
164 requirements of this Subsection (11), the court shall forward the order shortening the person's
165 suspension period to the Driver License Division in a manner specified by the division.

166 (c) The court shall notify the Driver License Division, in a manner specified by the
167 Driver License Division, if a person fails to complete all requirements of a 24-7 sobriety
168 program.

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

172 (B) For a suspension described under Subsection (11)(d)(i)(A), no days shall be
173 subtracted from the 120-day suspension period for which a driving privilege was previously
174 suspended under this section or Section 53-3-223, if the previous suspension was based on the
175 same occurrence upon which the conviction under Section 41-6a-502 is based.

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

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

183 Section 2. Section **41-6a-518** is amended to read:

184 **41-6a-518. Ignition interlock devices -- Use -- Probationer to pay cost --**

185 **Impecuniosity -- Fee.**

186 (1) As used in this section:

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

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

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

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

191 available to the employee for personal use;

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

193 controlled by the employee;

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

195 restricted driver; and

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

197 of the vehicle.

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

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

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

201 (d) "Probation provider" means the supervisor and monitor of the ignition interlock

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

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

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

205 [41-6a-505](#), and in addition to any requirements imposed as a condition of probation, unless the

206 court determines and states on the record that an ignition interlock system is not necessary for

207 the safety of the community and in the best interest of justice, the court shall require that any

208 person who is convicted of violating Section [41-6a-502](#) and who is granted probation may not

209 operate a motor vehicle during the period of probation unless that motor vehicle is equipped

210 with a functioning, certified ignition interlock system installed and calibrated so that the motor

211 vehicle will not start or continuously operate if the operator's blood alcohol concentration

212 exceeds .02 grams or greater.

213 (b) If a person convicted of violating Section [41-6a-502](#) was under the age of 21 years

214 old when the violation occurred, the court shall order the installation of the ignition interlock
215 system as a condition of probation.

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

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

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

224 (e) This section does not apply to a person convicted of a violation of Section
225 41-6a-502 whose violation does not involve alcohol.

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

228 [~~(a)~~] (i) stipulate on the record the requirement for and the period of the use of an
229 ignition interlock system;

230 [~~(b)~~] (ii) order that an ignition interlock system be installed on each motor vehicle
231 owned or operated by the probationer, at the probationer's expense;

232 [~~(c)~~] (iii) immediately notify the Driver License Division and the person's probation
233 provider of the order; [~~and~~]

234 [~~(d)~~] (iv) require the probationer to provide proof of compliance with the court's order
235 to the probation provider within 30 days of the order[-]; and

236 (v) order the probationer to have the ignition interlock device installed and monitored
237 by any ignition interlock system provider licensed under Sections 53-3-1001 through
238 53-3-1008.

239 (b) A court may not order a probationer to use a specific interlock system provider.

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

243 (b) The probation provider shall notify the court of failure to comply under Subsection
244 (4)(a).

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

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

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

254 (b) (i) A report of the monitoring shall be issued by the manufacturer or dealer to the
255 court or the person's probation provider.

256 (ii) The report shall be issued within 14 days following each monitoring.

257 (6) (a) If an ignition interlock system is ordered installed, the probationer shall pay the
258 reasonable costs of leasing or buying and installing and maintaining the system.

259 (b) A probationer may not be excluded from this section for inability to pay the costs,
260 unless:

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

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

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

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

267 (7) (a) If a probationer is required in the course and scope of employment to operate a
268 motor vehicle owned by the probationer's employer, the probationer may operate that motor
269 vehicle without installation of an ignition interlock system only if:

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

271 (ii) the employer has been notified that the employee is restricted; and

272 (iii) the employee has employer verification in the employee's possession while
273 operating the employer's motor vehicle.

274 (b) (i) To the extent that an employer-owned motor vehicle is made available to a
275 probationer subject to this section for personal use, no exemption under this section shall apply.

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

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

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

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

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

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

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

291 (iv) prevent the motor vehicle from being started if the driver's breath alcohol
292 concentration exceeds .02 grams or greater;

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

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

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

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

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

300 (d) A list of certified systems shall be published by the commissioner and the cost of
301 certification shall be borne by the manufacturers or dealers of ignition interlock systems
302 seeking to sell, offer for sale, or lease the systems.

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

306 (ii) The assessment under Subsection (8)(e)(i) shall be apportioned among the

307 manufacturers on a fair and reasonable basis.

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

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

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

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

316 **53-3-223. Chemical test for driving under the influence -- Temporary license --**
317 **Hearing and decision -- Suspension and fee -- Judicial review.**

318 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
319 violating or has violated Section [41-6a-502](#), prohibiting the operation of a vehicle with a
320 certain blood or breath alcohol concentration and driving under the influence of any drug,
321 alcohol, or combination of a drug and alcohol or while having any measurable controlled
322 substance or metabolite of a controlled substance in the person's body in violation of Section
323 [41-6a-517](#), the peace officer may, in connection with arresting the person, request that the
324 person submit to a chemical test or tests to be administered in compliance with the standards
325 under Section [41-6a-520](#).

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

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

333 (3) If the person submits to a chemical test and the test results indicate a blood or
334 breath alcohol content in violation of Section [41-6a-502](#) or [41-6a-517](#), or if a peace officer
335 makes a determination, based on reasonable grounds, that the person is otherwise in violation
336 of Section [41-6a-502](#), a peace officer shall, on behalf of the division and within 24 hours of
337 arrest, give notice of the division's intention to suspend the person's license to drive a motor

338 vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

363 (iii) the test results, if any.

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

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

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

368 (ii) The division shall pay witness fees and mileage from the Transportation Fund in

369 accordance with the rates established in Section 78B-1-119.

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

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

373 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
374 grounds to believe that the person was driving a motor vehicle in violation of Section
375 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the
376 notice, or if a hearing is not requested under this section, the division shall:

377 (i) if the person is 21 years [~~of age~~] old or older at the time of arrest, suspend the
378 person's license or permit to operate a motor vehicle for a period of:

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

380 (B) two years beginning on the 45th day after the date of arrest for a second or
381 subsequent suspension for an offense that occurred within the previous 10 years; or

382 (ii) if the person is under 21 years [~~of age~~] old at the time of arrest:

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

384 (I) for a period of six months, beginning on the 45th day after the date of arrest for a
385 first suspension; or

386 (II) until the person is 21 years [~~of age~~] old or for a period of two years, whichever is
387 longer, beginning on the 45th day after the date of arrest for a second or subsequent suspension
388 for an offense that occurred within the previous 10 years; or

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

390 (I) for a period of six months beginning on the 45th day after the date of the arrest for a
391 first suspension, if the person has not been issued an operator license; or

392 (II) until the person is 21 years [~~of age~~] old or for a period of two years, whichever is
393 longer, beginning on the 45th day after the date of arrest for a second or subsequent suspension
394 for an offense that occurred within the previous 10 years.

395 (b) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall
396 reinstate a person's license prior to completion of the 120 day suspension period imposed under
397 Subsection (7)(a)(i)(A):

398 (A) immediately upon receiving written verification of the person's dismissal of a
399 charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received

400 prior to completion of the suspension period; or

401 (B) no sooner than 60 days beginning on the 45th day after the date of arrest upon
402 receiving written verification of the person's reduction of a charge for a violation of Section
403 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the
404 suspension period.

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

409 (A) the written verification is received prior to completion of the suspension period;
410 and

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

414 (iii) If a person's license is reinstated under this Subsection (7)(b), the person is
415 required to pay the license reinstatement application fees under Subsections 53-3-105(26) and
416 (27).

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

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

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

427 (9) (a) Notwithstanding the provisions in Subsection (7)(a)(i) or (ii), the division shall
428 reinstate a person's license before completion of the suspension period imposed under
429 Subsection (7)(a)(i) or (ii) if the reporting court notifies the Driver License Division that the
430 defendant is participating in or has successfully completed a 24-7 sobriety program as defined

431 in Section [41-6a-515.5](#).

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

434 (10) (a) If the division suspends a person's license for an alcohol related offense under
435 Subsection (7)(a)(i)(A), or revokes a person's license for a first-time refusal under Subsection
436 [41-6a-521](#)(1)(d)(i)(A) or (1)(d)(ii)(A), or Subsection [41-6a-521](#)(5)(a)(i)(A) or (5)(a)(ii)(A), the
437 person may petition the division and elect to become an ignition interlock restricted driver if
438 the person:

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

441 [~~(ii) completes a risk assessment approved by the division that:~~]

442 [~~(A) is completed after the date of the arrest for which the person is suspended under~~
443 ~~Subsection (7)(a)(i)(A); and]~~

444 [~~(B) identifies the person as a low risk offender;~~]

445 [~~(iii) (ii) installs an ignition interlock device in any vehicle owned or driven by the~~
446 ~~person in accordance with Section [53-3-1007](#); and~~

447 [~~(iv) (iii) pays the license reinstatement application fees described in Subsections~~
448 ~~[53-3-105](#)(26) and (27).~~

449 (b) The person shall remain an ignition interlock restricted driver for a period of 120
450 days from the original effective date of the suspension under Subsection (7)(a)(i)(A). If the
451 person removes an ignition interlock device from a vehicle owned or driven by the person prior
452 to the expiration of the 120 day ignition interlock restriction period:

453 (i) the person's driver license shall be suspended under Subsection (7)(a)(i)(A) for the
454 remainder of the 120 day ignition interlock restriction period;

455 (ii) the person is required to pay the license reinstatement application fee under
456 Subsection [53-3-105](#)(26); and

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

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