

Steve Eliason proposes the following substitute bill:

Hit and Run and DUI Offense Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor:

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- increases penalties for convictions of leaving the scene of an accident with property damage or injury if the operator has been previously convicted of:
 - the same offense; or
 - driving under the influence;
- creates a mitigation against an enhanced offense for an individual who obtains a negative chemical test;
- allows the Driver License Division to request a peace officer's presence for a driver license suspension hearing;
- adds that a Driver License Division hearing for a driving under the influence arrest cannot be dismissed solely due to a peace officer's failure to appear; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

29 **41-6a-401.3**, as last amended by Laws of Utah 2011, Chapter 241
30 **41-6a-401.7**, as last amended by Laws of Utah 2015, First Special Session, Chapter 1
31 **41-6a-507**, as last amended by Laws of Utah 2025, Chapter 214
32 **41-6a-521**, as last amended by Laws of Utah 2024, Chapter 153
33 **53-3-223**, as last amended by Laws of Utah 2025, Chapter 296
34 **53-3-231**, as last amended by Laws of Utah 2020, Chapter 177
35 **53-3-414**, as last amended by Laws of Utah 2025, Chapter 296
36 **53-3-418**, as last amended by Laws of Utah 2019, Chapter 77
37 **53-10-403**, as last amended by Laws of Utah 2025, Chapters 173, 208 and 291

38 ENACTS:

39 **41-6a-401.8**, Utah Code Annotated 1953
40 **41-6a-532**, Utah Code Annotated 1953

41 REPEALS:

42 **41-6a-401.5**, as last amended by Laws of Utah 2011, Chapter 241
43

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

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

46 **41-1a-1101 . Seizure -- Circumstances where permitted -- Impound lot standards.**

47 (1) As used in this section:

48 (a)(i) "Criminal offense" means a class B misdemeanor offense, a class A
49 misdemeanor offense, or a felony offense.

50 (ii) "Criminal offense" includes:

51 (A) a class B misdemeanor offense, a class A misdemeanor offense, or a felony
52 offense described in Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2,
53 Driver Licensing Act, Title 73, Chapter 18, State Boating Act, or Title 76, Utah
54 Criminal Code; and

55 (B) a local ordinance that is a class B misdemeanor and is substantially similar to
56 an offense listed in Subsection (1)(a)(ii)(A).

57 (b) "Operator" means the same as that term is defined in Section 41-6a-102.

58 (c) "Road rage event" means the commission of a criminal offense:

59 (i) by an operator of a vehicle;

60 (ii) in response to an incident that occurs or escalates upon a roadway; and

61 (iii) with the intent to endanger or intimidate an individual in another vehicle.

62 (d) "Roadway" means:

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

97 of the arrest, to take possession of the vehicle.

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

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

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

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

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

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

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

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

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

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

128 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
129 the commission shall make rules setting standards for public garages, impound lots,
130 and impound yards that may be used by peace officers and the division.

(b) The standards shall be equitable, reasonable, and unrestrictive as to the number of public garages, impound lots, or impound yards per geographical area.

(c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard unless the crusher, dismantler, or salvage dealer meets all of the requirements for a state impound yard set forth in this section and rules made in accordance with Subsection (7)(a).

(d)(i) Rules made by the commission shall include a requirement that a state impound yard have opaque fencing on any side of the state impound yard that has frontage with a highway.

(ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link fencing.

(8)(a) Except as provided under Subsection (8)(b), a person may not operate or allow to be operated a vehicle stored in a public garage, impound lot, or impound yard regulated under this part without prior written permission of the owner of the vehicle.

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

(2)(a) ~~[The]~~ An operator of a vehicle with knowledge that the operator was involved in,

or who has reason to believe that the operator may have been involved in, an accident resulting only in damage to another vehicle or other property:

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

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

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

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

(b) Moving a vehicle as required under Subsection (2)(a)(i) does not affect the determination of fault for an accident.

(c) If the operator has knowledge that the operator was involved in, or reason to believe that the operator may have been involved in, an accident resulting in damage to another vehicle or other property only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of this section.

(3) Except as provided under Subsection (6), if the vehicle or other property is operated, occupied, or attended by any person or if the owner of the vehicle or property is present, the operator of the vehicle involved in the accident shall:

(a) give to the persons involved:

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

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

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

(i) any investigating peace officer present;

(ii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and

(iii) the owner of property damaged in the accident, if present.

(4) The operator of a vehicle involved in an accident shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency if the accident resulted in property damage to an apparent extent of \$2,500 or more.

(5) Except as provided under Subsection (6), if the vehicle or other property damaged in the accident is unattended, the operator of the vehicle involved in the accident shall:

(a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in the accident of the operator's name, address, and the registration number of the vehicle causing the damage; or

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

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

(7) An operator of a vehicle that has knowledge or has reason to believe that the operator may have been involved in an accident and fails to comply with the provisions of this section is guilty~~[of a class B misdemeanor]~~ of an offense punishable as described in Subsection (8).

(8)(a) Except as provided in Subsection (8)(b) or (c), a violation of Subsection (7) is a class B misdemeanor.

(b) Except as provided in Subsection (8)(c), a violation of Subsection (7) is a class A misdemeanor if, within 10 years before the day on which the operator committed the current violation, the operator was convicted of:

(i) a violation of Subsection (7);

(ii) a misdemeanor offense relating to the duty to stop and remain at an accident involving injury or death described in Section 41-6a-401.3;

(iii) a misdemeanor offense of driving under the influence described in Section 41-6a-502; or

(iv) a misdemeanor offense described in Subsections 41-6a-501(2)(a)(i) through (x).

(c) A violation of Subsection (7) is a third degree felony if the operator, within 10 years before the day on which the operator committed the current violation:

(i) was convicted two or more times of:

(A) a violation of Subsection (7);

(B) a misdemeanor offense relating to the duty to stop and remain at an accident involving injury or death described in Section 41-6a-401.3;

(C) driving under the influence described in Subsection 41-6a-502(2)(a) or (b); or

(D) a misdemeanor offense described in Subsections 41-6a-501(2)(a)(i) through

- 233 (x); or
- 234 (ii) was convicted of:
- 235 (A) a felony offense relating to the duty to stop and remain at an accident
- 236 involving injury or death described in Section 41-6a-401.3;
- 237 (B) a class A misdemeanor under Subsection (8)(b), for which judgment of
- 238 conviction is subsequently reduced under Section 76-3-402;
- 239 (C) a felony offense of driving under the influence, described in Section 41-6a-502;
- 240 or
- 241 (D) a felony of an offense described in Subsections 41-6a-501(2)(a)(i) through (x).
- 242 (9) An operator is entitled to mitigation if, no later than six hours after the accident
- 243 occurred, the operator voluntarily reports the accident to a law enforcement agency
- 244 having jurisdiction over the location where the accident occurred.
- 245 (10)(a) Mitigation as described in Subsection (9) results in a reduction of a charge under
- 246 this section.
- 247 (b) An offense under this section that is mitigated as described in Subsection (9) is
- 248 reduced to an offense no higher than a class B misdemeanor.
- 249 (11) 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

requirements of Section 41-6a-401.7.

(b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 41-6a-401.7.

~~[(3)(a) Except as provided in Subsection (3)(b), a person who violates the provisions of Subsection (2):]~~

~~[(i) is guilty of a class A misdemeanor if the accident resulted in injury to any person; and]~~

~~[(ii) shall be fined not less than \$750.]~~

~~[(b) A person who violates the provisions of Subsection (2):]~~

~~[(i) is guilty of a third degree felony if the accident resulted in serious bodily injury to a person; and]~~

~~[(ii) shall be fined not less than \$750.]~~

(3) An operator who violates Subsection (2) is guilty of an offense punishable as described in Subsection (4).

(4)(a) Except as provided in Subsection (4)(b) or (4)(c), a violation of Subsection (2) is a class A misdemeanor if the accident resulted in injury to an individual.

(b) Except as provided in Subsection (4)(c), a violation of Subsection (2) is a third degree felony if:

(i) within 10 years before the day on which the operator committed the current violation, the operator was convicted of two or more previous violations of the offense described in Subsection (2);

(ii) the operator has previously been convicted of:

(A) a felony offense relating to the duty to stop and remain at an accident involving injury or death, described in this section;

(B) a felony offense relating to the duty to stop and remain at an accident involving injury or death, described in this section for which judgment of conviction is subsequently reduced under Section 76-3-402;

(C) an offense of driving under the influence described in Section 41-6a-502; or

(D) an offense described in Subsections 41-6a-501(2)(a)(i) through (x); or

(iii) the accident results in serious bodily injury to an individual.

(c) A violation of Subsection (2) is a second degree felony if:

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

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

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

(5) Except as provided in Subsection (6)(c), an operator is entitled to mitigation if, no later than six hours after the accident occurred, the operator voluntarily reports the accident to a law enforcement agency having jurisdiction over the location where the accident occurred.

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

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

(c) A violation of Subsection (2) that results in serious bodily injury or death to an individual is not eligible for the mitigation described in Subsection (5).

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

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

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

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

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

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

(a) give to the persons involved:

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

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

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

(i) any investigating peace officer present;

- (ii) the person struck;
- (iii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and
- (iv) the owner of property damaged in the accident, if present; and
- (c) render to any person injured in the accident reasonable assistance, including transporting or making arrangements for transporting, of the injured person to a physician or hospital for medical treatment if:
- (i) it is apparent that treatment is necessary; or
- (ii) transportation is requested by the injured person.
- (2) The operator of a vehicle involved in an accident under Section 41-6a-401.3 [~~or 41-6a-401.5~~] shall immediately and by the quickest means of communication available give notice or cause to give notice of the accident to the nearest office of a law enforcement agency.
- (3) The occupant of a vehicle involved in an accident under Section 41-6a-401.3 [~~or 41-6a-401.5~~] who is not the operator of the vehicle shall give or cause to give the immediate notice required under Subsection (2) if:
- (a) the operator of a vehicle involved in an accident is physically incapable of giving the notice; and
- (b) the occupant is capable of giving an immediate notice.
- (4) Except as provided under Subsection (5), if a vehicle or other property damaged in the accident is unattended, the operator of the vehicle involved in the accident shall:
- (a) locate and notify the operator or owner of the vehicle or the owner of other property damaged in the accident of the operator's name, address, and the registration number of the vehicle causing the damage; or
- (b) attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address, and the registration number of the vehicle causing the damage.
- (5) The operator of a vehicle that provides the information required under this section to an investigating peace officer at the scene of the accident is exempt from providing the information to other persons required under this section.
- ~~[(6) A violation of Subsection (4) is a class C misdemeanor.]~~
- Section 5. Section ~~41-6a-401.8~~ is enacted to read:
- 41-6a-401.8 . Sentencing requirements for a violation of operator duties at the scene of an accident violations.**

- (1) As used in this section:
- (a) "24-7 sobriety program" means the same as that term is defined in Section 41-6a-515.5.
- (b) "Assessment" means the same as that term is defined in Section 41-6a-501.
- (c) "Screening" means the same as that term is defined in Section 41-6a-501.
- (2) As part of a sentence for a conviction of a class A misdemeanor offense described in Subsection 41-6a-401(8)(b) or 41-6a-401.3(4)(a):
- (a) the court shall:
- (i)(A) subject to Subsection (3), impose a jail sentence of not less than two days; or
- (B) require the individual to work in a compensatory-service work program for not less than 48 hours;
- (ii) impose a fine of not less than \$700;
- (iii)(A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
- (B) if the administrative impound fee was paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
- (iv)(A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
- (B) if the towing and storage fees were paid by a party described in Subsection 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
- (b) the court may:
- (i) order the individual to participate in a screening;
- (ii) order the individual to participate in an assessment, if an assessment is found appropriate by a screening under Subsection (2)(b)(i);
- (iii) order the individual to obtain substance abuse treatment if the screening or assessment described in Subsection (2)(b)(i) or (ii) determines that substance abuse treatment is appropriate;
- (iv) order the individual to participate in an educational series if the court does not order substance abuse treatment under Subsection (2)(b)(iii);
- (v) order probation for the individual in accordance with Section 41-6a-507; or
- (vi) order the individual to participate in a 24-7 sobriety program if the individual is 21 years old or older.

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

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

(5)(a) If an individual described in Subsection (4) is participating in a 24-7 sobriety program, the court may suspend the jail sentence imposed under Subsection (4)(a) after the individual has served a minimum of:

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

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

(b) If an individual described in Subsection (5)(a) fails to successfully complete all of the requirements of the 24-7 sobriety program, the court shall impose the sentence suspended under Subsection (5)(a).

(6) As part of a sentence for a conviction of a second degree felony offense described in Subsection 41-6a-401.3(4)(c):

(a) the court shall:

(i) subject to Subsection (7):

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

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

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

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

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

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

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

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

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

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

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

492 **41-6a-507 . Supervised probation for certain driving under the influence**
493 **violations.**

- 494 (1) If supervised probation is ordered under Section 41-6a-401.8, 41-6a-505, or 41-6a-517:
- 495 (a) the court shall specify the period of the probation;
496 (b) the person shall pay all of the costs of the probation; and
497 (c) the court may order any other conditions of the probation.
- 498 (2)(a) Subject to Subsection (2)(b), the court shall provide the probation described in this
499 section by contract with a probation monitoring agency or a private probation
500 provider.
- 501 (b) If a court determines that a person is subject to supervised probation provided by the
502 Division of Adult Probation and Parole created in Section 64-14-202 for an offense
503 other than the offense for which probation is ordered under Section 41-6a-505 or
504 41-6a-517, the court may order supervised probation to be provided by the Division
505 of Adult Probation and Parole.

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

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

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

Section 7. Section **41-6a-521** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

- (IV) conviction for an offense under Section 76-5-207; or
- (ii) for ~~[a person]~~ an individual under 21 years old on the date of arrest:
- (A) except as provided in Subsection (1)(d)(ii)(B), until the ~~[person]~~ individual is 21 years old or for a period of two years, whichever is longer; or
- (B) until the ~~[person]~~ individual is 21 years old or for a period of 36 months, whichever is longer, if the ~~[person]~~ individual previously committed an offense that occurred within the preceding 10 years from the date of the arrest that resulted in a:
- (I) license sanction under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, or 53-3-231; ~~[or]~~
- (II) conviction for an offense under Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502;
- (III) conviction for an offense under Section 76-5-102.1; or
- (IV) conviction for an offense under Section 76-5-207.
- (2)(a) Except as provided in Subsection (2)(b), ~~[if a hearing is requested by the person]~~ if an individual requests a hearing, the ~~[hearing shall be conducted by the]~~ Driver License Division shall hold the hearing in:
- (i) the county in which the offense occurred; or
- (ii) a county which is adjacent to the county in which the offense occurred.
- (b) The Driver License Division may hold a hearing in ~~[some other]~~ another county if the Driver License Division and the ~~[person]~~ individual both agree.
- (3) ~~The [hearing shall be documented]~~ Driver License Division shall document the hearing and shall cover the issues of:
- (a) whether a peace officer had reasonable grounds to believe that ~~[a person]~~ an individual was operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 41-6a-530, or 53-3-231; and
- (b) whether the ~~[person]~~ individual refused to submit to ~~[the] a test [or tests under]~~ as described in Section 41-6a-520.
- (4)(a) In connection with the hearing, the ~~[division]~~ Driver License Division or ~~[its]~~ the Driver License Division's authorized agent:
- (i) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant ~~[books and papers]~~ documents; and
- (ii) shall issue subpoenas for the attendance of necessary peace officers.
- (b) The Driver License Division shall pay witness fees and mileage from the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The Driver License Division shall also assess against the person, in addition to any

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

(c) The ~~[fee shall be cancelled]~~ Driver License Division shall void the fee described in Subsection (5)(b) if the ~~[person]~~ individual obtains an unappealed court decision following a proceeding allowed under Subsection (2) that the revocation was improper.

(6)(a) ~~[Any person]~~ An individual whose license has been revoked by the Driver License Division under this section following an administrative hearing may ~~[seek judicial review]~~ file a petition for judicial review as described in Section 53-3-224 within 30 days after the Driver License Division issues a suspension order.

(b) Judicial review of an informal adjudicative proceeding is a trial.

(c) Venue is in the district court in the county in which the offense occurred.

(7) If the Driver License Division revokes ~~[a person's]~~ an individual's driving privilege under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A), the ~~[person]~~ individual may petition the division and elect to become an ignition interlock restricted driver after the driver serves at least 90 days of the revocation if the ~~[person]~~ individual:

(a) has a valid driving privilege, with the exception of the revocation under Subsection (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A);

(b) installs an ignition interlock device in any vehicle owned or driven by the ~~[person]~~ individual in accordance with Section 53-3-1007;

(c) pays the license reinstatement application fees described in Subsections 53-3-105(26) and (27);

(d) pays the appropriate original license fees under Section 53-3-105; and

(e) completes the license application process including successful completion of required testing.

(8)(a) ~~[A person]~~ An individual who elects to become an ignition interlock restricted driver under Subsection (7) shall remain an ignition interlock restricted driver for a period of three years.

(b) If the ~~[person]~~ individual described under Subsection (8)(a) removes an ignition interlock device from a vehicle owned or driven by the ~~[person]~~ individual prior to the expiration of the three-year ignition interlock restriction period and does not install a new ignition interlock device from the same or a different ignition interlock provider within 24 hours:

- 642 (i) the ~~[person's]~~ individual's driving privilege shall be revoked under Subsection
643 (1)(d)(i)(A), (1)(d)(ii)(A), (5)(a)(i)(A), or (5)(a)(ii)(A) for a period of 18 months
644 from the date the ignition interlock device was removed from the vehicle;
- 645 (ii) no days may be subtracted from the 18-month revocation period under Subsection
646 (8)(b)(i) for any days the ~~[person]~~ individual was in compliance with the interlock
647 restriction under Subsection (7);
- 648 (iii) the ~~[person]~~ individual is required to pay the license reinstatement application fee
649 under Subsection 53-3-105(26); and
- 650 (iv) the ~~[person]~~ individual may not elect to become an ignition interlock restricted
651 driver under this section.
- 652 (9)(a) Notwithstanding the provisions in Subsection (1)(d)(i)(A) or (5)(a)(i)(A), the
653 division shall reinstate ~~[a person's]~~ an individual's driving privilege before completion
654 of the revocation period imposed under Subsection (1)(d)(i)(A) or (5)(a)(i)(A) if:
- 655 (i) the reporting court notifies the Driver License Division that the ~~[person]~~ individual
656 is participating in or has successfully completed a 24-7 sobriety program as
657 defined in Section 41-6a-515.5;
- 658 (ii) the ~~[person]~~ individual has served at least 90 days of the revocation under
659 Subsection (1)(d)(i)(A) or (5)(a)(i)(A); and
- 660 (iii) the ~~[person]~~ individual has a valid driving privilege, with the exception of the
661 revocation under Subsection (1)(d)(i)(A) or (5)(a)(i)(A).
- 662 (b) If ~~[a person's]~~ an individual's driving privilege is reinstated under Subsection (9)(a),
663 the ~~[person]~~ individual is required to:
- 664 (i) install an ignition interlock device in any vehicle owned or driven by the ~~[person]~~
665 individual in accordance with Section 53-3-1007;
- 666 (ii) pay the license reinstatement application fees described in Subsections 53-3-105
667 (26) and (27);
- 668 (iii) pay the appropriate original license fees under Section 53-3-105; and
- 669 (iv) complete the license application process including successful completion of
670 required testing.
- 671 (c) If the reporting court notifies the Driver License Division that ~~[a person]~~ an individual
672 has failed to complete all requirements of the 24-7 sobriety program, the division:
- 673 (i) shall revoke the ~~[person's]~~ individual's driving privilege under Subsection
674 (1)(d)(i)(A) or (5)(a)(i)(A) for a period of 18 months from the date of the notice;
675 and

(ii) may not subtract any days from the 18-month revocation period for:

(A) days during which the [person's] individual's driving privilege previously was revoked; or

(B) days during which the [person] individual was compliant with the 24-7 sobriety program.

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

Section 8. Section **41-6a-532** is enacted to read:

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

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

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

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

Section 9. Section **53-3-223** is amended to read:

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

(1)(a) If a peace officer has reasonable grounds to believe that an individual may be violating or has violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, the peace officer may, ~~[in connection with]~~ when arresting the individual, request that the individual submit to a chemical test or tests to be administered in compliance with ~~[the standards under]~~ Section 41-6a-520.

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

(2) The peace officer shall advise an individual ~~[prior to]~~ before the individual's submission to a chemical test that a test result ~~[indicating]~~ showing:

(a) a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207 shall[;] result in suspension or revocation of the individual's driver license; and

(b) the existence of a blood alcohol content sufficient to render the individual incapable of safely driving a motor vehicle may[;] result in suspension or revocation of the

individual's ~~[license to drive a motor vehicle]~~ driver license.

(3) If the individual submits to a chemical test and the test results ~~[indicate-]~~ show a blood or breath alcohol content in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, or if a peace officer ~~[makes a determination]~~ determines, based on reasonable grounds, that the individual is otherwise in violation of Section 41-6a-502, 76-5-102.1, or 76-5-207, a peace officer shall, on behalf of the division and within 24 hours of arrest, give notice of the division's intention to suspend the individual's license to drive a motor vehicle.

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

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

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

(b) a signed report in a manner specified by the division ~~[indicating-]~~ showing the chemical test results, if any; and

(c) any other basis for the peace officer's determination that the individual has violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207.

(6)(a)(i) Upon request by an individual, in a manner specified by the division, the division shall grant to the individual an opportunity to be heard within ~~[29]~~ 45 days after the date of arrest.

(ii) The individual shall submit a request to be heard ~~[shall be made-]~~ within ~~[40]~~ 5 calendar days ~~[of-]~~ after the day on which ~~[notice is provided-]~~ the peace officer provides notice under Subsection (5).

(b)(i) Except as provided in Subsection (6)(b)(ii), ~~[a hearing, if held, shall be before the division]~~ if the division holds a hearing, the division shall hold the hearing in:

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

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

(ii) The division may hold a hearing in ~~[some other-]~~ another county if the division and the individual both agree.

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

(i) whether a peace officer had reasonable grounds to believe the individual was

driving a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1,

- 744 or 76-5-207;
- 745 (ii) whether the individual refused to submit to ~~[the]~~ a test; and
- 746 (iii) the test results, if any.
- 747 (d)(i) In connection with a hearing, the division or ~~[its]~~ the division's authorized agent:
- 748 (A) may administer oaths and may issue subpoenas for the attendance of witnesses
- 749 and the production of relevant ~~[books and papers]~~ documents; ~~[or]~~ and
- 750 (B) may issue subpoenas for the attendance of necessary peace officers.
- 751 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
- 752 accordance with the rates established in Section 78B-1-119.
- 753 (e) The division may designate one or more employees to conduct the hearing.
- 754 (f) ~~[Any decision made after a hearing before any designated employee]~~ After a hearing,
- 755 a determination made by an authorized agent is ~~[as]~~ valid and binding as if made by
- 756 the division.
- 757 (7)(a) If, after a hearing, the division determines that a peace officer had reasonable
- 758 grounds to believe that the individual was driving a motor vehicle in violation of
- 759 Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the individual failed to
- 760 appear before the division as required in the notice, or if a hearing is not requested
- 761 under this section, the division shall:
- 762 (i) if the individual is 21 years old or older at the time of arrest, suspend the
- 763 individual's license or permit to operate a motor vehicle for a period of:
- 764 (A) 120 days beginning on the ~~[45th]~~ 60th day after the date of arrest for a first
- 765 suspension; or
- 766 (B) two years beginning on the ~~[45th]~~ 60th day after the date of arrest for a second
- 767 or subsequent suspension for an offense that occurred within the previous 10
- 768 years; or
- 769 (ii) if the individual is under 21 years old at the time of arrest:
- 770 (A) suspend the individual's license or permit to operate a motor vehicle:
- 771 (I) for a period of six months, beginning on the ~~[45th]~~ 60th day after the date of
- 772 arrest for a first suspension; or
- 773 (II) until the individual is 21 years old or for a period of two years, whichever
- 774 is longer, beginning on the ~~[45th]~~ 60th day after the date of arrest for a
- 775 second or subsequent suspension for an offense that occurred within the
- 776 previous 10 years; or
- 777 (B) deny the individual's application for a license or learner's permit:

- 778 (I) for a period of six months beginning on the ~~[45th]~~ 60th day after the date of
779 the arrest for a first suspension, if the individual has not been issued an
780 operator license; or
- 781 (II) until the individual is 21 years old or for a period of two years, whichever
782 is longer, beginning on the ~~[45th]~~ 60th day after the date of arrest for a
783 second or subsequent suspension for an offense that occurred within the
784 previous 10 years.
- 785 (b)(i) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i)(A), the division shall
786 reinstate an individual's license ~~[prior to]~~ before completion of the 120 day
787 suspension period imposed under Subsection (7)(a)(i)(A):
- 788 (A) immediately upon receiving written verification of the individual's dismissal
789 of a charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or
790 76-5-207, if the written verification is received ~~[prior to]~~ before completion of
791 the suspension period; or
- 792 (B) no sooner than 60 days beginning on the ~~[45th]~~ 60th day after the date of arrest
793 upon receiving written verification of the individual's reduction of a charge for
794 a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the
795 written verification is received ~~[prior to]~~ before completion of the suspension
796 period.
- 797 (ii) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i)(A), the division shall
798 reinstate an individual's license ~~[prior to]~~ before completion of the 120-day
799 suspension period imposed under Subsection (7)(a)(i)(A) immediately upon
800 receiving written verification of the individual's conviction of impaired driving
801 under Section 41-6a-502.5 if:
- 802 (A) the written verification is received ~~[prior to]~~ before completion of the
803 suspension period; and
- 804 (B) the reporting court notifies the ~~[Driver License Division]~~ division that the
805 defendant is participating in or has successfully completed the program of a
806 driving under the influence court as defined in Section 41-6a-501.
- 807 (iii) ~~[If an individual's license is reinstated under]~~ If the division reinstates the
808 individual's license as described in this Subsection (7)(b), the individual [is
809 required to] shall pay the license reinstatement application fees under Subsections
810 53-3-105(26) and (27).
- 811 (iv) The driver license reinstatements authorized under this Subsection (7)(b) only

- 812 apply to a 120-day suspension period imposed under Subsection (7)(a)(i)(A).
813 ~~[(v) A driver license reinstatement authorized under this Subsection (7)(b) does not~~
814 ~~apply to a CDL disqualification imposed under Section 53-3-414.]~~
- 815 (8)(a)(i) The division shall assess against an individual, in addition to ~~[any]~~ a fee
816 imposed under Subsection 53-3-205(12) for driving under the influence, a fee
817 under Section 53-3-105 to cover administrative costs, which shall be paid before
818 the individual's driving privilege is reinstated.
- 819 (ii) ~~[This fee shall be cancelled]~~ The division shall void the fee described in
820 Subsection (8)(a)(i) if the individual obtains an unappealed division hearing or
821 court decision that the suspension was [not proper] improper.
- 822 (b) An individual whose license has been suspended by the division under this section
823 following an administrative hearing may file a petition for judicial review as
824 described in Subsection 53-3-224 within 30 days after the division issues an order of
825 suspension.~~[for a hearing on the matter which, if held, is governed by Section~~
826 ~~53-3-224.]~~
- 827 (9)(a) Notwithstanding ~~[the provisions in]~~ Subsection (7)(a)(i), the division shall
828 reinstate an individual's license before completion of the suspension period imposed
829 under Subsection (7)(a)(i) if:
- 830 (i)(A) the reporting court notifies the ~~[Driver License Division]~~ division that the
831 individual is participating in or has successfully completed a 24-7 sobriety
832 program as defined in Section 41-6a-515.5; or
- 833 (B) the reporting court notifies the ~~[Driver License Division]~~ division that the
834 individual is participating in or has successfully completed a problem solving
835 court program approved by the Judicial Council, including a driving under the
836 influence court program or a drug court program, and has elected to become an
837 interlock restricted driver as a condition of probation during the remainder of
838 the individual's suspension period in accordance with Section 41-6a-518; and
- 839 (ii) the individual has a valid driving privilege, ~~[with the exception of]~~ except for the
840 suspension under Subsection (7)(a)(i).
- 841 (b) If ~~[an]~~ the division reinstates an individual's license ~~[is reinstated under]~~ as described
842 in Subsection (9)(a), the individual [is required to] shall pay the license reinstatement
843 application fees under Subsections 53-3-105(26) and (27).
- 844 (10)(a) If the division suspends an individual's license for an alcohol related offense
845 under Subsection (7)(a)(i)(A), the individual may petition the division and elect to

become an ignition interlock restricted driver if the individual:

- (i) has a valid driving privilege, with the exception of the suspension under Subsection (7)(a)(i)(A);
- (ii) installs an ignition interlock device in any vehicle owned or driven by the individual in accordance with Section 53-3-1007; and
- (iii) pays the license reinstatement application fees described in Subsections 53-3-105(26) and (27).

(b)(i) The individual shall remain an ignition interlock restricted driver for a period of 120 days from the original effective date of the suspension under Subsection (7)(a)(i)(A).

- (ii) If the individual removes an ignition interlock device from a vehicle owned or driven by the individual [~~prior to~~] before the expiration of the 120-day ignition interlock restriction period and does not install a new ignition interlock device from the same or a different provider within 24 hours:

(A) the division shall suspend the individual's driver license [~~shall be suspended under~~] as described in Subsection (7)(a)(i)(A) for the remainder of the 120-day ignition interlock restriction period;

(B) the individual [~~is required to~~] shall pay the license reinstatement application fee under Subsection 53-3-105(26); and

(C) the individual may not elect to become an ignition interlock restricted driver under this section.

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

(11)(a) If the division suspends an individual's license for an alcohol related offense under Subsection (7)(a)(i)(B), the individual may petition the division and elect to become an ignition interlock restricted driver after the driver serves at least 90 days of the suspension if the individual:

- (i) was charged with a violation of Section 41-6a-502 that is a misdemeanor;
- (ii) has a valid driving privilege, with the exception of the suspension under Subsection (7)(a)(i)(B);
- (iii) installs an ignition interlock device in any vehicle owned or driven by the individual in accordance with Section 53-3-1007; and
- (iv) pays the license reinstatement application fees described in Subsections 53-3-105(26) and (27)[;] .

(b)(i) The individual shall remain an ignition interlock restricted driver for a period of two years from the original effective date of the suspension under Subsection (7)(a)(i)(B).

(ii) If the individual removes an ignition interlock device from a vehicle owned or driven by the individual ~~[prior to]~~ before the expiration of the two-year ignition interlock restriction period and does not install a new ignition interlock device from the same or a different provider within 24 hours:

(A) the division shall suspend the individual's driver license ~~[shall be suspended under]~~ as described in Subsection (7)(a)(i)(B) for the remainder of the two-year ignition interlock restriction period;

(B) the individual ~~[is required to]~~ shall pay the license reinstatement application fee under Subsection 53-3-105(26); and

(C) the individual may not elect to become an ignition interlock restricted driver under this section.

(c) Notwithstanding Subsections (11)(a) and (b), if a court convicts the individual ~~[is subsequently convicted]~~ of the violation of Section 41-6a-502 that ~~[gave rise to]~~ prompted the suspension under Subsection (7)(a)(i)(B), the division shall revoke the individual's license under Subsection 41-6a-509(1)(a)(ii), and the individual is no longer an ignition interlock restricted driver under this Subsection (11).

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

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

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

Section 10. Section **53-3-231** is amended to read:

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

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

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

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

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

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

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

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

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

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

division's intention to deny or suspend the ~~[person's]~~ individual's license to operate a vehicle or refusal to issue a license under this section.

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

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

- (a) a copy of the citation issued for the offense;
- (b) a signed report in a manner specified by the ~~[Driver License Division indicating]~~ division showing the chemical test results, if any; and
- (c) any other basis for a peace officer's determination that the ~~[person]~~ individual has violated Subsection (2).

(6)(a)(i) Upon request by an individual, in a manner specified by the division, the ~~[~~ Driver License Division] division shall grant to the ~~[person]~~ individual an opportunity to be heard within ~~[29]~~ 45 days after the date of arrest under Section 32B-4-409.

(ii) The ~~[request shall be made]~~ individual shall request a hearing described in Subsection (6)(a)(i) within [10] 5 calendar days [of] after the day on which [notice is provided] the peace officer provides notice.

(b)(i) Except as provided in Subsection (6)(b)(ii), ~~[a hearing, if held, shall be before the division in]~~ if the division holds a hearing, the division shall hold the hearing in:

- (A) the county in which the arrest occurred; or
- (B) a county that is adjacent to the county in which the arrest occurred.

(ii) The division may hold a hearing in ~~[some other]~~ another county if the division and the ~~[person]~~ individual both agree.

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

- (i) whether a peace officer had reasonable grounds to believe the ~~[person]~~ individual was operating a motor vehicle or motorboat in violation of Subsection (2)(a);
- (ii) whether the ~~[person]~~ individual refused to submit to ~~[the]~~ a test; and
- (iii) the test results, if any.

(d) In connection with a hearing, the division or ~~[its]~~ the division's authorized agent may:

- (i) administer oaths and [may-]issue subpoenas for the attendance of witnesses and the production of relevant [books and papers and records as defined in Section

- 982 ~~46-4-102.] documents; and~~
- 983 (ii) issue subpoenas for the attendance of necessary peace officers.
- 984 (e) One or more members of the division may conduct the hearing.
- 985 ~~[(f) Any decision made after a hearing before any number of the members of the~~
- 986 ~~division is as valid as if made after a hearing before the full membership of the~~
- 987 ~~division.]~~
- 988 (f) After a hearing, a determination made by an authorized agent is valid and binding as
- 989 if made by the division.
- 990 (7) If, after a hearing, the division determines that a peace officer had reasonable grounds to
- 991 believe that the ~~[person]~~ individual was driving a motor vehicle in violation of
- 992 Subsection (2)(a), if the ~~[person]~~ individual fails to appear before the division as required
- 993 in the notice, or if the ~~[person]~~ individual does not request a hearing under this section,
- 994 the division shall for ~~[a person]~~ an individual under 21 years ~~[of age]~~ old on the date of
- 995 arrest:
- 996 (a) deny the ~~[person's]~~ individual's license until the ~~[person]~~ individual complies with
- 997 Subsection (10)(b)(i) but for a period of not less than six months beginning on the [
- 998 ~~45th]~~ 60th day after the date of arrest for a first offense under Subsection (2)(a);
- 999 (b) suspend the ~~[person's]~~ individual's license until the ~~[person]~~ individual complies with
- 1000 Subsection (10)(b)(i) and until the ~~[person]~~ individual is 21 years ~~[of age]~~ old or for a
- 1001 period of two years, whichever is longer, beginning on the ~~[45th]~~ 60th day after the
- 1002 date of arrest for a second or subsequent offense under Subsection (2)(a) within 10
- 1003 years of a prior denial or suspension;
- 1004 (c) deny the ~~[person's]~~ individual's application for a license or learner's permit until the [
- 1005 ~~person]~~ individual complies with Subsection (10)(b)(i) but for a period of not less
- 1006 than six months beginning on the ~~[45th]~~ 60th day after the date of the arrest, if:
- 1007 (i) the ~~[person]~~ individual has not been issued an operator license; and
- 1008 (ii) the suspension is for a first offense under Subsection (2)(a); and
- 1009 (d) deny the ~~[person's]~~ individual's application for a license or learner's permit until the [
- 1010 ~~person]~~ individual complies with Subsection (10)(b)(i) and until the ~~[person]~~ individual
- 1011 is 21 years ~~[of age]~~ old or for a period of two years, whichever is longer, beginning on
- 1012 the ~~[45th]~~ 60th day after the date of the arrest, if:
- 1013 (i) the ~~[person]~~ individual has not been issued an operator license; and
- 1014 (ii) the suspension is for a second or subsequent offense under Subsection (2)(a)
- 1015 committed within 10 years of a prior denial or suspension.

- (8)(a)(i) Following denial or suspension the division shall assess against ~~[a person]~~ an individual, in addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs.
- (ii) ~~[This fee shall be canceled.]~~ The division shall void the fee described in Subsection (8)(a)(i) if the [person] individual obtains an unappealed division hearing or court decision that the suspension was [not proper] improper.
- (b) ~~[A person]~~ An individual whose operator license has been denied, suspended, or postponed by the division under this section following an administrative hearing may file a petition for judicial review as described in Section 53-3-224 within 30 days after the day on which the division issues a suspension ~~[for a hearing on the matter which, if held, is governed by Section 53-3-224.]~~ order.
- (9) After reinstatement of an operator license for a first offense under this section, a report authorized under Section 53-3-104 may not contain evidence of the denial or suspension of the ~~[person's]~~ individual's operator license under this section if the ~~[person]~~ individual has not been convicted of any other offense for which the denial or suspension may be extended.
- (10)(a) In addition to the penalties in Subsection (8), ~~[a person]~~ an individual who violates Subsection (2)(a) shall:
- (i) obtain an assessment and recommendation for appropriate action from a substance abuse program, but any associated costs shall be the ~~[person's]~~ individual's responsibility; or
- (ii) be referred by the division to the local substance abuse authority for an assessment and recommendation for appropriate action.
- (b)(i) Reinstatement of the ~~[person's]~~ individual's operator license or the right to obtain an operator license within five years of the effective date of the license sanction under Subsection (7) is contingent upon successful completion of the action recommended by the local substance abuse authority or the substance abuse program.
- (ii) The local substance abuse authority's or the substance abuse program's recommended action shall be determined by an assessment of the ~~[person's]~~ individual's alcohol abuse and may include:
- (A) a targeted education and prevention program;
- (B) an early intervention program; or

- 1050 (C) a substance abuse treatment program.
- 1051 (iii) Successful completion of the recommended action shall be determined by
- 1052 standards established by the Division of Substance Abuse and Mental Health.
- 1053 (c) At the conclusion of the penalty period imposed under Subsection (2), the local
- 1054 substance abuse authority or the substance abuse program shall notify the division of
- 1055 the [person's] individual's status regarding completion of the recommended action.
- 1056 (d) The local substance abuse authorities and the substance abuse programs shall
- 1057 cooperate with the division in:
- 1058 (i) conducting the assessments;
- 1059 (ii) making appropriate recommendations for action; and
- 1060 (iii) notifying the division about the [person's] individual's status regarding
- 1061 completion of the recommended action.
- 1062 (e)(i) The local substance abuse authority is responsible for the cost of the assessment
- 1063 of the [person's] individual's alcohol abuse, if the assessment is conducted by the
- 1064 local substance abuse authority.
- 1065 (ii) The local substance abuse authority or a substance abuse program selected by [a
- 1066 person] an individual is responsible for:
- 1067 (A) conducting an assessment of the [person's] individual's alcohol abuse; and
- 1068 (B) for making a referral to an appropriate program on the basis of the findings of
- 1069 the assessment.
- 1070 (iii)(A) The [person] individual who violated Subsection (2)(a) is responsible for
- 1071 all costs and fees associated with the recommended program to which the [
- 1072 person] individual selected or is referred.
- 1073 (B) The costs and fees under Subsection (10)(e)(iii)(A) shall be based on a sliding
- 1074 scale consistent with the local substance abuse authority's policies and
- 1075 practices regarding fees for services or determined by the substance abuse
- 1076 program.

1077 Section 11. Section **53-3-414** is amended to read:

1078 **53-3-414 . CDL disqualification or suspension -- Grounds and duration --**

1079 **Procedure.**

- 1080 (1)(a) An individual who holds or is required to hold a CDL is disqualified from driving
- 1081 a commercial motor vehicle for a period of not less than one year effective seven
- 1082 days from the date of notice to the driver if convicted of a first offense of:
- 1083 (i) driving a motor vehicle while impaired or under the influence of alcohol, drugs, a

controlled substance, or more than one of these;

(ii) driving a commercial motor vehicle while the concentration of alcohol in the individual's blood, breath, or urine is .04 grams or more;

(iii) leaving the scene of an accident involving a motor vehicle the individual was driving;

(iv) failing to provide reasonable assistance or identification when involved in an accident resulting in ~~in~~ personal injury or death in accordance with Section 41-6a-401.3;

~~[(A) personal injury in accordance with Section 41-6a-401.3; or]~~

~~[(B) death in accordance with Section 41-6a-401.5;]~~

(v) using a motor vehicle in the commission of a felony;

(vi) refusal to submit to a test to determine the concentration of alcohol in the individual's blood, breath, or urine;

(vii) driving a commercial motor vehicle while the individual's commercial driver license is disqualified in accordance with the provisions of this section for violating an offense described in this section; or

(viii) operating a commercial motor vehicle in a negligent manner causing the death of another including the offenses of manslaughter under Section 76-5-205, negligent homicide under Section 76-5-206, or automobile homicide under Section 76-5-207.

(b) The division shall subtract from any disqualification period under Subsection (1)(a)(i) the number of days for which a license was previously disqualified under Subsection (1)(a)(ii) or (14) if the previous disqualification was based on the same occurrence upon which the record of conviction is based.

(2) If any of the violations under Subsection (1) occur while the driver is transporting a hazardous material required to be placarded, the driver is disqualified for not less than three years.

(3)(a) Except as provided under Subsection (4), a driver of a motor vehicle who holds or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if convicted of or administrative action is taken for two or more of any of the offenses under Subsection (1) or (14) arising from two or more separate incidents.

(b) An individual who is convicted of or administrative action is taken for an offense under Subsection (5):

(i) is disqualified for life from driving a commercial motor vehicle; and

- 1118 (ii) may not be reinstated under Subsection (4).
- 1119 (c) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.
- 1120 (4)(a) Any driver disqualified for life from driving a commercial motor vehicle under
1121 this section may apply to the division for reinstatement of the driver's CDL if the
1122 driver:
- 1123 (i) has both voluntarily enrolled in and successfully completed an appropriate
1124 rehabilitation program that:
- 1125 (A) meets the standards of the division; and
1126 (B) complies with 49 C.F.R. Sec. 383.51;
- 1127 (ii) has served a minimum disqualification period of 10 years; and
1128 (iii) has fully met the standards for reinstatement of commercial motor vehicle
1129 driving privileges established by rule of the division.
- 1130 (b) If a reinstated driver is subsequently convicted of another disqualifying offense
1131 under this section, the driver is permanently disqualified for life and is ineligible to
1132 again apply for a reduction of the lifetime disqualification.
- 1133 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified for
1134 life from driving a commercial motor vehicle if the driver uses a motor vehicle in the
1135 commission of any felony involving:
- 1136 (a) the manufacturing, distributing, or dispensing of a controlled substance; or
1137 (b) an act or practice of severe forms of trafficking in persons as defined and described
1138 in 22 U.S.C. Sec. 7102(11).
- 1139 (6)(a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds or
1140 is required to hold a CDL is disqualified for not less than:
- 1141 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
1142 serious traffic violations; and
1143 (ii) 120 days if the driver is convicted of three or more serious traffic violations.
- 1144 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic
1145 violations:
- 1146 (i) occur within three years of each other;
1147 (ii) arise from separate incidents; and
1148 (iii) involve the use or operation of a commercial motor vehicle.
- 1149 (c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is
1150 disqualified from driving a commercial motor vehicle and the division receives notice
1151 of a subsequent conviction for a serious traffic violation that results in an additional

disqualification period under this Subsection (6), the subsequent disqualification period is effective beginning on the ending date of the current serious traffic violation disqualification period.

- (7)(a) A driver of a commercial motor vehicle who is convicted of violating an out-of-service order while driving a commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period not less than:
- (i) 180 days if the driver is convicted of a first violation;
 - (ii) two years if, during any 10 year period, the driver is convicted of two violations of out-of-service orders in separate incidents;
 - (iii) three years but not more than five years if, during any 10 year period, the driver is convicted of three or more violations of out-of-service orders in separate incidents;
 - (iv) 180 days but not more than two years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded or while operating a motor vehicle designed to transport 16 or more passengers, including the driver; or
 - (v) three years but not more than five years if, during any 10 year period, the driver is convicted of two or more violations, in separate incidents, of an out-of-service order while transporting hazardous materials required to be placarded or while operating a motor vehicle designed to transport 16 or more passengers, including the driver.
- (b) A driver of a commercial motor vehicle who is convicted of a first violation of an out-of-service order is subject to a civil penalty of not less than \$2,500.
- (c) A driver of a commercial motor vehicle who is convicted of a second or subsequent violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.
- (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for not less than 60 days if the division determines, in its check of the driver's driver license status, application, and record prior to issuing a CDL or at any time after the CDL is issued, that the driver has falsified information required to apply for a CDL in this state.
- (9) A driver of a commercial motor vehicle who is convicted of violating a railroad-highway grade crossing provision under Section 41-6a-1205, while driving a commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period not less than:

- 1186 (a) 60 days if the driver is convicted of a first violation;
1187 (b) 120 days if, during any three-year period, the driver is convicted of a second
1188 violation in separate incidents; or
1189 (c) one year if, during any three-year period, the driver is convicted of three or more
1190 violations in separate incidents.
- 1191 (10)(a) The division shall update its records and notify the CDLIS within 10 days of
1192 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the
1193 action taken.
- 1194 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL, the
1195 division shall notify the licensing authority of the issuing state or other jurisdiction
1196 and the CDLIS within 10 days after the action is taken.
- 1197 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this
1198 state, the division shall notify the CDLIS within 10 days after the action is taken.
- 1199 (11)(a) The division may immediately suspend or disqualify the CDL of a driver without
1200 a hearing or receiving a record of the driver's conviction when the division has reason
1201 to believe that the:
- 1202 (i) CDL was issued by the division through error or fraud;
1203 (ii) applicant provided incorrect or incomplete information to the division;
1204 (iii) applicant cheated on any part of a CDL examination;
1205 (iv) driver no longer meets the fitness standards required to obtain a CDL; or
1206 (v) driver poses an imminent hazard.
- 1207 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with Section
1208 53-3-221.
- 1209 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the
1210 suspension order or cancel the CDL.
- 1211 (12)(a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is
1212 required to hold a CDL is disqualified for not less than:
- 1213 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
1214 serious traffic violations; and
1215 (ii) 120 days if the driver is convicted of three or more serious traffic violations.
- 1216 (b) The disqualifications under Subsection (12)(a) are effective only if the serious traffic
1217 violations:
- 1218 (i) occur within three years of each other;
1219 (ii) arise from separate incidents; and

- 1220 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving
1221 privilege from at least one of the violations.
- 1222 (c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified
1223 from driving a commercial motor vehicle and the division receives notice of a
1224 subsequent conviction for a serious traffic violation that results in an additional
1225 disqualification period under this Subsection (12), the subsequent disqualification
1226 period is effective beginning on the ending date of the current serious traffic violation
1227 disqualification period.
- 1228 (13)(a) Upon receiving a notice that an individual has entered into a plea of guilty or no
1229 contest to a violation of a disqualifying offense described in this section which plea is
1230 held in abeyance pursuant to a plea in abeyance agreement, the division shall
1231 disqualify, suspend, cancel, or revoke the individual's CDL for the period required
1232 under this section for a conviction of that disqualifying offense, even if the charge
1233 has been subsequently reduced or dismissed in accordance with the plea in abeyance
1234 agreement.
- 1235 (b) The division shall report the plea in abeyance to the CDLIS within 10 days of taking
1236 the action under Subsection (13)(a).
- 1237 (c) A plea which is held in abeyance may not be removed from an individual's driving
1238 record for 10 years from the date of the plea in abeyance agreement, even if the
1239 charge is:
- 1240 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or
1241 (ii) expunged under Title 77, Chapter 40a, Expungement of Criminal Records.
- 1242 (14) The division shall disqualify the CDL of a driver for an arrest of a violation of Section
1243 41-6a-502 when administrative action is taken against the operator's driving privilege
1244 pursuant to Section 53-3-223 for a period of:
- 1245 (a) one year; or
1246 (b) three years if the violation occurred while transporting hazardous materials.
- 1247 (15) The division may concurrently impose any disqualification periods that arise under this
1248 section while a driver is disqualified by the Secretary of the United States Department of
1249 Transportation under 49 C.F.R. Sec. 383.52 for posing an imminent hazard.
- 1250 Section 12. Section **53-3-418** is amended to read:
- 1251 **53-3-418 . Prohibited alcohol level for drivers -- Procedures, including hearing.**
- 1252 (1) ~~[A person]~~ An individual who holds or is required to hold a CDL may not drive a
1253 commercial motor vehicle in this state if the ~~[person]~~ individual:

- 1254 (a) has sufficient alcohol in the ~~[person's]~~ individual's body that a subsequent chemical
1255 test shows that the ~~[person]~~ individual has a blood or breath alcohol concentration of
1256 .04 grams or greater at the time of the test after the alleged driving of the commercial
1257 motor vehicle;
- 1258 (b) is under the influence of alcohol, any drug, or the combined influence of alcohol and
1259 any drug to degree that renders the ~~[person]~~ individual incapable of safely driving a
1260 commercial motor vehicle; or
- 1261 (c) has a blood or breath alcohol concentration of .04 grams or greater at the time of
1262 driving the commercial motor vehicle.
- 1263 (2) ~~[A person]~~ An individual who holds or is required to hold a CDL and who drives a
1264 commercial motor vehicle in this state is considered to have given the ~~[person's]~~
1265 individual's consent to a test or tests of the ~~[person's]~~ individual's blood, breath, or urine
1266 to determine the concentration of alcohol or the presence of other drugs in the ~~[person's]~~
1267 individual's physical system.
- 1268 (3) If a peace officer or port-of-entry agent has reasonable cause to believe that ~~[a person]~~ an
1269 individual may be violating this section, the peace officer or port-of-entry agent may
1270 request the ~~[person]~~ individual to submit to a chemical test to be administered in
1271 compliance with Section 41-6a-515.
- 1272 (4) When a peace officer or port-of-entry agent requests ~~[a person]~~ an individual to submit
1273 to a test under this section, the peace officer or port-of-entry agent shall advise the [
1274 ~~person]~~ individual that test results ~~[indicating]~~ showing a violation of Subsection (1) or
1275 refusal to submit to ~~[any]~~ a test requested will result in the ~~[person's]~~ individual's
1276 disqualification under Section 53-3-414 from driving a commercial motor vehicle.
- 1277 (5) If test results under this section ~~[indicate]~~ show a violation of Subsection (1) or the [
1278 ~~person]~~ individual refuses to submit to ~~[any]~~ a test requested under this section, a peace
1279 officer or port-of-entry agent shall, on behalf of the division and within 24 hours of the
1280 arrest, give the ~~[person]~~ individual notice of the division's intention to disqualify the [
1281 ~~person's]~~ individual's privilege to drive a commercial motor vehicle.
- 1282 (6) When a peace officer or port-of-entry agent gives notice under Subsection (5), the peace
1283 officer or port-of-entry agent shall:
- 1284 (a) provide the driver, in a manner specified by the division, basic information regarding
1285 how to obtain a prompt hearing before the division; and
- 1286 (b) issue a 24-hour out-of-service order.
- 1287 (7) As a matter of procedure, a peace officer or port-of-entry agent shall, within 10 calendar

days after the day on which notice is provided, send to the division a copy of the notice, and a report signed by the peace officer or port-of-entry agent that ~~[indicates]~~ shows the results of any chemical test administered or that the person refused a test.

(8)(a) ~~[A person]~~ An individual disqualified under this section has the right to a hearing regarding the disqualification.

(b) The request for the hearing shall be submitted to the division in a manner specified by the division and shall be made within ~~[10]~~ 5 calendar days of the date the notice was issued.

(c) If requested, the hearing shall be conducted within ~~[29]~~ 45 days after the date of arrest.

(9)(a)(i) Except as provided in Subsection (9)(a)(ii), a hearing held under this section shall be held before the division and in:

(A) the county where the notice was issued; or

(B) a county that is adjacent to the county where the notice was issued.

(ii) The division may hold a hearing in ~~[some other]~~ another county if the division and the ~~[person]~~ individual both agree.

(b) ~~[The hearing shall be documented.]~~ The division shall document the hearing and shall determine:

(i) whether the peace officer or port-of-entry agent had reasonable grounds to believe the ~~[person]~~ individual had been driving a commercial motor vehicle in violation of this section;

(ii) whether the ~~[person]~~ individual refused to submit to ~~[any]~~ a requested test; and

(iii) ~~[any]~~ each test ~~[results]~~ result obtained.

(c) In connection with a hearing, the division or ~~[its]~~ the division's authorized agent may:

(i) administer oaths and ~~[may]~~ issue subpoenas for the attendance of witnesses and the production of relevant ~~[books and]~~ documents ~~[:] ; and~~

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

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

~~[(e) A decision made after a hearing before any number of members of the division is as valid as if the hearing were held before the full membership of the division.]~~

(e) After a hearing, a determination made by an authorized agent is valid and binding as if made by the division;

(f) After a hearing under this section the division shall indicate by order if the ~~[person's]~~ individual's CDL is disqualified.

(g) If the ~~[person]~~ individual for whom the hearing is held fails to appear before the

- 1322 division as required in the notice, the division shall indicate by order if the [person's]
1323 individual's CDL is disqualified.
- 1324 (10)[(a)] If the division disqualifies [a-person] an individual's commercial driving
1325 privilege under this section following an administrative hearing, the [person]
1326 individual may petition for [a-hearing-under] judicial review as described in Section
1327 53-3-224 within 30 days after the day on which the division issues a disqualification
1328 order.
- 1329 [(b)] ~~The petition shall be filed within 30 days after the division issues the~~
1330 ~~disqualification.]~~
- 1331 (11)(a) [~~A person~~] An individual who violates this section shall be punished in
1332 accordance with Section 53-3-414.
- 1333 (b)(i) In accordance with Section 53-3-414, the first disqualification under this
1334 section shall be for one year, and a second disqualification shall be for life.
- 1335 (ii) A disqualification under Section 53-3-414 begins on the [45th] 60th day after the
1336 date of arrest.
- 1337 (12)(a) In addition to the fees imposed under Section 53-3-205 for reinstatement of a
1338 CDL, a fee under Section 53-3-105 to cover administrative costs shall be paid before
1339 the driving privilege is reinstated.
- 1340 (b) [~~The fees under Sections 53-3-105 and 53-3-205 shall be canceled~~] The division
1341 shall void the fees described in Subsection (12)(a) if an unappealed hearing at the
1342 division or court level determines the disqualification was [not proper] improper.
- 1343 (13) Notwithstanding the provisions of this section, a blood test taken under this section is
1344 subject to Section 77-23-213.
- 1345 Section 13. Section **53-10-403** is amended to read:
- 1346 **53-10-403 . DNA specimen analysis -- Application to offenders, including minors.**
- 1347 (1) Sections 53-10-403.6, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to:
- 1348 (a) a person who has pled guilty to or has been convicted of any of the offenses under
1349 Subsection (2)(a) or (b) on or after July 1, 2002;
- 1350 (b) a person who has pled guilty to or has been convicted by any other state or by the
1351 United States government of an offense which if committed in this state would be
1352 punishable as one or more of the offenses listed in Subsection (2)(a) or (b) on or after
1353 July 1, 2003;
- 1354 (c) a person who has been booked on or after January 1, 2011, through December 31,
1355 2014, for any offense under Subsection (2)(c);

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

- 1390 (viii) automobile homicide, Subsection 76-5-207(2)(b);
- 1391 (ix) aggravated human trafficking, Section 76-5-310, and aggravated human
- 1392 smuggling, Section 76-5-310.1;
- 1393 (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
- 1394 (xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;
- 1395 (xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;
- 1396 (xiii) sale of a child, Section 76-7-203;
- 1397 (xiv) aggravated escape, Section 76-8-309.3;
- 1398 (xv) a felony violation of threatened or attempted assault on an elected official,
- 1399 Section 76-8-313;
- 1400 (xvi) threat with intent to impede, intimidate, interfere, or retaliate against a judge or
- 1401 a member of the Board of Pardons and Parole or acting against a family member
- 1402 of a judge or a member of the Board of Pardons and Parole, Section 76-8-316;
- 1403 (xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge
- 1404 or a member of the Board of Pardons and Parole or acting against a family
- 1405 member of a judge or a member of the Board of Pardons and Parole, Section
- 1406 76-8-316.2;
- 1407 (xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate
- 1408 against a judge or a member of the Board of Pardons and Parole or acting against
- 1409 a family member of a judge or a member of the Board of Pardons and Parole,
- 1410 Section 76-8-316.4;
- 1411 (xix) attempted murder with intent to impede, intimidate, interfere, or retaliate
- 1412 against a judge or a member of the Board of Pardons and Parole or acting against
- 1413 a family member of a judge or a member of the Board of Pardons and Parole,
- 1414 Section 76-8-316.6;
- 1415 (xx) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 1416 (xxi) assembling for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 1417 (xxii) a felony violation of sexual battery, Section 76-5-418;
- 1418 (xxiii) a felony violation of lewdness involving a child, Section 76-5-420;
- 1419 (xxiv) a felony violation of abuse or desecration of a dead human body, Section
- 1420 76-5-802;
- 1421 (xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section
- 1422 76-15-302;
- 1423 (xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction,

1424 Section 76-15-303;
1425 (xxvii) possession of a concealed firearm in the commission of a violent felony,
1426 Subsection 76-11-202(3)(c);
1427 (xxviii) assault with the intent to commit bus hijacking with a dangerous weapon as
1428 described in Subsection 76-9-1503(3)(b);
1429 (xxix) aggravated commercial obstruction, Section 76-9-114;
1430 (xxx) a felony violation of failure to register as a sex or kidnap offender, Section
1431 53-29-305;
1432 (xxxi) repeat violation of a protective order, Subsection 77-36-1.1(4); or
1433 (xxxii) violation of condition for release after arrest under Section 78B-7-802.
1434 Section 14. **Repealer.**
1435 This bill repeals:
1436 Section **41-6a-401.5, Accident involving death -- Stop at accident -- Penalty.**
1437 Section 15. **Effective Date.**
1438 This bill takes effect on July 1, 2026.