

**Representative A. Cory Maloy** proposes the following substitute bill:

**DRIVER LICENSE SUSPENSION AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: A. Cory Maloy**

Senate Sponsor: Curtis S. Bramble

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions related to suspension of an individual's driver license.

**Highlighted Provisions:**

This bill:

- ▶ defines a term;
- ▶ prohibits the suspension of an individual's driver license by the Driver License

Division based solely on:

- the individual's failure to pay certain fines; or
  - the issuance of a bench warrant issued as a result of the individual's failure to appear or pay certain fines;
- ▶ prohibits a court from ordering a driver license suspension or revocation under certain circumstances; and
  - ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 AMENDS:

27 **41-6a-509**, as last amended by Laws of Utah 2017, Chapter 446

28 **41-6a-517**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1

29 **41-6a-1715**, as last amended by Laws of Utah 2014, Chapter 416

30 **53-3-102**, as last amended by Laws of Utah 2019, Chapters 426 and 459

31 **53-3-218**, as last amended by Laws of Utah 2018, Chapter 121

32 **53-3-221**, as last amended by Laws of Utah 2015, Chapter 52

33 

---

---

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

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

36 **41-6a-509. Driver license suspension or revocation for a driving under the**  
37 **influence violation.**

38 (1) The Driver License Division shall, if the person is 21 years of age or older at the  
39 time of arrest:

40 (a) suspend for a period of 120 days the operator's license of a person convicted for the  
41 first time under Section **41-6a-502** of an offense committed on or after July 1, 2009; or

42 (b) revoke for a period of two years the license of a person if:

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

44 (ii) the current driving under the influence violation under Section **41-6a-502** is  
45 committed:

46 (A) within a period of 10 years from the date of the prior violation; and

47 (B) on or after July 1, 2009.

48 (2) The Driver License Division shall, if the person is 19 years of age or older but  
49 under 21 years of age at the time of arrest:

50 (a) suspend the person's driver license until the person is 21 years of age or for a period  
51 of one year, whichever is longer, if the person is convicted for the first time of a driving under  
52 the influence violation under Section **41-6a-502** of an offense that was committed on or after  
53 July 1, 2011;

54 (b) deny the person's application for a license or learner's permit until the person is 21  
55 years of age or for a period of one year, whichever is longer, if the person:

56 (i) is convicted for the first time of a driving under the influence violation under

57 Section 41-6a-502 of an offense committed on or after July 1, 2011; and  
58 (ii) has not been issued an operator license;  
59 (c) revoke the person's driver license until the person is 21 years of age or for a period  
60 of two years, whichever is longer, if:  
61 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and  
62 (ii) the current driving under the influence violation under Section 41-6a-502 is  
63 committed on or after July 1, 2009, and within a period of 10 years from the date of the prior  
64 violation; or  
65 (d) deny the person's application for a license or learner's permit until the person is 21  
66 years of age or for a period of two years, whichever is longer, if:  
67 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);  
68 (ii) the current driving under the influence violation under Section 41-6a-502 is  
69 committed on or after July 1, 2009, and within a period of 10 years from the date of the prior  
70 violation; and  
71 (iii) the person has not been issued an operator license.  
72 (3) The Driver License Division shall, if the person is under 19 years of age at the time  
73 of arrest:  
74 (a) suspend the person's driver license until the person is 21 years of age if the person  
75 is convicted for the first time of a driving under the influence violation under Section  
76 41-6a-502 of an offense that was committed on or after July 1, 2009;  
77 (b) deny the person's application for a license or learner's permit until the person is 21  
78 years of age if the person:  
79 (i) is convicted for the first time of a driving under the influence violation under  
80 Section 41-6a-502 of an offense committed on or after July 1, 2009; and  
81 (ii) has not been issued an operator license;  
82 (c) revoke the person's driver license until the person is 21 years of age if:  
83 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and  
84 (ii) the current driving under the influence violation under Section 41-6a-502 is  
85 committed on or after July 1, 2009, and within a period of 10 years from the date of the prior  
86 violation; or  
87 (d) deny the person's application for a license or learner's permit until the person is 21

88 years of age if:

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

90 (ii) the current driving under the influence violation under Section 41-6a-502 is  
91 committed on or after July 1, 2009, and within a period of 10 years from the date of the prior  
92 violation; and

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

94 (4) The Driver License Division shall suspend or revoke the license of a person as  
95 ordered by the court under Subsection (10).

96 (5) The Driver License Division shall:

97 (a) deny, suspend, or revoke the operator's license of a person convicted under Section  
98 41-6a-502 of an offense that was committed prior to July 1, 2009, for the denial, suspension, or  
99 revocation periods in effect prior to July 1, 2009; or

100 (b) deny, suspend, or revoke the operator's license of a person for the denial,  
101 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

102 (i) the person was 20 years of age or older but under 21 years of age at the time of  
103 arrest; and

104 (ii) the conviction under Section 41-6a-502 is for an offense that was committed on or  
105 after July 1, 2009, and prior to July 1, 2011.

106 (6) The Driver License Division shall subtract from any suspension or revocation  
107 period the number of days for which a license was previously suspended under Section  
108 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon  
109 which the record of conviction is based.

110 (7) If a conviction recorded as impaired driving is amended to a driving under the  
111 influence conviction under Section 41-6a-502 in accordance with Subsection  
112 41-6a-502.5(3)(a)(ii), the Driver License Division:

113 (a) may not subtract from any suspension or revocation any time for which a license  
114 was previously suspended or revoked under Section 53-3-223 or 53-3-231; and

115 (b) shall start the suspension or revocation time under Subsection (1) on the date of the  
116 amended conviction.

117 (8) A court that reported a conviction of a violation of Section 41-6a-502 for a  
118 violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the

119 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) prior to  
120 completion of the suspension period if the person:

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

122 (b) completes a screening;

123 (c) completes an assessment, if it is found appropriate by a screening under Subsection  
124 (8)(b);

125 (d) completes substance abuse treatment if it is found appropriate by the assessment  
126 under Subsection (8)(c);

127 (e) completes an educational series if substance abuse treatment is not required by an  
128 assessment under Subsection (8)(c) or the court does not order substance abuse treatment;

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

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

134 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
135 person has not unlawfully consumed alcohol during the suspension period imposed under  
136 Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or

137 (ii) is under 18 years of age and has the person's parent or legal guardian provide an  
138 affidavit or sworn statement to the court certifying that to the parent or legal guardian's  
139 knowledge the person has not unlawfully consumed alcohol during the suspension period  
140 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

141 (9) If the court shortens a person's license suspension period in accordance with the  
142 requirements of Subsection (8), the court shall forward the order shortening the person's  
143 suspension period prior to the completion of the suspension period imposed under Subsection  
144 (2)(a) or (b) or Subsection (3)(a) or (b) to the Driver License Division.

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

149 (ii) The additional suspension or revocation period provided in this Subsection (10)

150 shall begin the date on which the individual would be eligible to reinstate the individual's  
151 driving privilege for a violation of Section 41-6a-502.

152 (b) If the court suspends or revokes the person's license under this Subsection (10), the  
153 court shall prepare and send to the Driver License Division an order to suspend or revoke that  
154 person's driving privileges for a specified period of time.

155 (11) (a) The court shall notify the Driver License Division if a person fails to:

156 (i) complete all court ordered:

157 (A) screening;

158 (B) assessment;

159 (C) educational series;

160 (D) substance abuse treatment; and

161 (E) hours of work in a compensatory-service work program; or

162 (ii) pay all fines and fees, including fees for restitution and treatment costs.

163 (b) ~~Upon~~ Subject to Subsection 53-3-218(3), upon receiving the notification

164 described in Subsection (11)(a), the division shall suspend the person's driving privilege in  
165 accordance ~~[with Subsections 53-3-221(2) and (3)]~~ Subsection 53-3-221(2).

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

170 (b) If the court shortens a person's license suspension period in accordance with the  
171 requirements of this Subsection (12), the court shall forward to the Driver License Division the  
172 order shortening the person's suspension period.

173 (c) The court shall notify the Driver License Division if a person fails to complete all  
174 requirements of a 24-7 sobriety program.

175 (d) ~~Upon~~ Subject to Subsection 53-3-218(3), upon receiving the notification  
176 described in Subsection (12)(c), the division shall suspend the person's driving privilege in  
177 accordance with ~~[Subsections 53-3-221(2) and (3)]~~ Subsection 53-3-221(2).

178 Section 2. Section 41-6a-517 is amended to read:

179 **41-6a-517. Definitions -- Driving with any measurable controlled substance in the**  
180 **body -- Penalties -- Arrest without warrant.**

- 181 (1) As used in this section:
- 182 (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 183 (b) "Practitioner" means the same as that term is defined in Section 58-37-2.
- 184 (c) "Prescribe" means the same as that term is defined in Section 58-37-2.
- 185 (d) "Prescription" means the same as that term is defined in Section 58-37-2.
- 186 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not
- 187 operate or be in actual physical control of a motor vehicle within this state if the person has any
- 188 measurable controlled substance or metabolite of a controlled substance in the person's body.
- 189 (3) It is an affirmative defense to prosecution under this section that the controlled
- 190 substance was:
- 191 (a) involuntarily ingested by the accused;
- 192 (b) prescribed by a practitioner for use by the accused;
- 193 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
- 194 form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical
- 195 Cannabis Act; or
- 196 (d) otherwise legally ingested.
- 197 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B
- 198 misdemeanor.
- 199 (b) A person who violates this section is subject to conviction and sentencing under
- 200 both this section and any applicable offense under Section 58-37-8.
- 201 (5) A peace officer may, without a warrant, arrest a person for a violation of this
- 202 section when the officer has probable cause to believe the violation has occurred, although not
- 203 in the officer's presence, and if the officer has probable cause to believe that the violation was
- 204 committed by the person.
- 205 (6) The Driver License Division shall, if the person is 21 years of age or older on the
- 206 date of arrest:
- 207 (a) suspend, for a period of 120 days, the driver license of a person convicted under
- 208 Subsection (2) of an offense committed on or after July 1, 2009; or
- 209 (b) revoke, for a period of two years, the driver license of a person if:
- 210 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
- 211 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,

212 and within a period of 10 years after the date of the prior violation.

213 (7) The Driver License Division shall, if the person is 19 years of age or older but  
214 under 21 years of age on the date of arrest:

215 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is  
216 longer, the driver license of a person convicted under Subsection (2) of an offense committed  
217 on or after July 1, 2011; or

218 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is  
219 longer, the driver license of a person if:

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

221 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
222 and within a period of 10 years after the date of the prior violation.

223 (8) The Driver License Division shall, if the person is under 19 years of age on the date  
224 of arrest:

225 (a) suspend, until the person is 21 years of age, the driver license of a person convicted  
226 under Subsection (2) of an offense committed on or after July 1, 2009; or

227 (b) revoke, until the person is 21 years of age, the driver license of a person if:

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

229 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
230 and within a period of 10 years after the date of the prior violation.

231 (9) The Driver License Division shall subtract from any suspension or revocation  
232 period the number of days for which a license was previously suspended under Section  
233 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon  
234 which the record of conviction is based.

235 (10) The Driver License Division shall:

236 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in  
237 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was  
238 committed prior to July 1, 2009; or

239 (b) deny, suspend, or revoke the operator's license of a person for the denial,  
240 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

241 (i) the person was 20 years of age or older but under 21 years of age at the time of  
242 arrest; and



243 (ii) the conviction under Subsection (2) is for an offense that was committed on or after  
244 July 1, 2009, and prior to July 1, 2011.

245 (11) A court that reported a conviction of a violation of this section for a violation that  
246 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension  
247 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period  
248 if the person:

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

250 (b) completes a screening;

251 (c) completes an assessment, if it is found appropriate by a screening under Subsection  
252 (11)(b);

253 (d) completes substance abuse treatment if it is found appropriate by the assessment  
254 under Subsection (11)(c);

255 (e) completes an educational series if substance abuse treatment is not required by the  
256 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

257 (f) has not been convicted of a violation of any motor vehicle law in which the person  
258 was involved as the operator of the vehicle during the suspension period imposed under  
259 Subsection (7)(a) or (8)(a);

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

262 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
263 person has not consumed a controlled substance not prescribed by a practitioner for use by the  
264 person or unlawfully consumed alcohol during the suspension period imposed under  
265 Subsection (7)(a) or (8)(a); or

266 (ii) is under 18 years of age and has the person's parent or legal guardian provide an  
267 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's  
268 knowledge the person has not consumed a controlled substance not prescribed by a practitioner  
269 for use by the person or unlawfully consumed alcohol during the suspension period imposed  
270 under Subsection (7)(a) or (8)(a).

271 (12) If the court shortens a person's license suspension period in accordance with the  
272 requirements of Subsection (11), the court shall forward the order shortening the person's  
273 license suspension period prior to the completion of the suspension period imposed under

274 Subsection (7)(a) or (8)(a) to the Driver License Division.

275 (13) (a) The court shall notify the Driver License Division if a person fails to:

276 (i) complete all court ordered screening and assessment, educational series, and  
277 substance abuse treatment; or

278 (ii) pay all fines and fees, including fees for restitution and treatment costs.

279 (b) ~~Upon~~ Subject to Subsection [53-3-218\(3\)](#), upon receiving the notification, the  
280 division shall suspend the person's driving privilege in accordance with ~~[Subsections~~  
281 [53-3-221\(2\)](#) and ~~(3)~~] [53-3-221\(2\)](#).

282 (14) The court:

283 (a) shall order supervised probation in accordance with Section [41-6a-507](#) for a person  
284 convicted under Subsection (2); and

285 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety  
286 program as defined in Section [41-6a-515.5](#) if the person is 21 years of age or older.

287 (15) (a) A court that reported a conviction of a violation of this section to the Driver  
288 License Division may shorten the suspension period imposed under Subsection (6) before  
289 completion of the suspension period if the person is participating in or has successfully  
290 completed a 24-7 sobriety program as defined in Section [41-6a-515.5](#).

291 (b) If the court shortens a person's license suspension period in accordance with the  
292 requirements of this Subsection (15), the court shall forward to the Driver License Division the  
293 order shortening the person's suspension period.

294 (c) The court shall notify the Driver License Division if a person fails to complete all  
295 requirements of a 24-7 sobriety program.

296 (d) ~~Upon~~ Subject to Subsection [53-3-218\(3\)](#), upon receiving the notification  
297 described in Subsection (15)(c), the division shall suspend the person's driving privilege in  
298 accordance with ~~[Subsections [53-3-221\(2\)](#) and ~~(3)~~] [53-3-221\(2\)](#).~~

299 Section 3. Section [41-6a-1715](#) is amended to read:

300 **[41-6a-1715. Careless driving defined and prohibited.](#)**

301 (1) A person operating a motor vehicle is guilty of careless driving if the person:

302 (a) commits two or more moving traffic violations under this chapter in a series of acts  
303 within a single continuous period of driving covering three miles or less in total distance; or

304 (b) commits a moving traffic violation under this chapter other than a moving traffic

305 violation under Part 6, Speed Restrictions, while being distracted by one or more activities  
306 taking place within the vehicle that are not related to the operation of a motor vehicle,  
307 including:

308 (i) searching for an item in the vehicle; or

309 (ii) attending to personal hygiene or grooming.

310 (2) A violation of this section is a class C misdemeanor.

311 (3) In addition to the penalty provided under this section or any other section, a judge  
312 may order the revocation of the convicted person's driver license if the violation causes or  
313 results in the death of another person in accordance with Subsection [53-3-218](#)~~(6)~~(7).

314 Section 4. Section **53-3-102** is amended to read:

315 **53-3-102. Definitions.**

316 As used in this chapter:

317 (1) "Autocycle" means a motor vehicle that:

318 (a) is designed to travel with three or fewer wheels in contact with the ground;

319 (b) is equipped with a steering wheel; and

320 (c) is equipped with seating that does not require the operator to straddle or sit astride  
321 the vehicle.

322 (2) "Cancellation" means the termination by the division of a license issued through  
323 error or fraud or for which consent under Section [53-3-211](#) has been withdrawn.

324 (3) "Class D license" means the class of license issued to drive motor vehicles not  
325 defined as commercial motor vehicles or motorcycles under this chapter.

326 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner  
327 permit:

328 (a) issued under Section [53-3-408](#); or

329 (b) issued by a state or other jurisdiction of domicile in compliance with the standards  
330 contained in 49 C.F.R. Part 383.

331 (5) "Commercial driver license" or "CDL" means a license:

332 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.

333 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,

334 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of

335 commercial motor vehicle; and

336 (b) that was obtained by providing evidence of lawful presence in the United States  
337 with one of the document requirements described in Subsection 53-3-410(1)(i)(i).

338 (6) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a  
339 driving record that:

340 (i) applies to a person who holds or is required to hold a commercial driver instruction  
341 permit or a CDL license; and

342 (ii) contains the following:

343 (A) information contained in the driver history, including convictions, pleas held in  
344 abeyance, disqualifications, and other licensing actions for violations of any state or local law  
345 relating to motor vehicle traffic control, committed in any type of vehicle;

346 (B) driver self-certification status information under Section 53-3-410.1; and

347 (C) information from medical certification record keeping in accordance with 49  
348 C.F.R. Sec. 383.73(o).

349 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a  
350 motor vehicle record described in Subsection (30).

351 (7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor  
352 vehicles designed or used to transport passengers or property if the motor vehicle:

353 (i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as  
354 determined by federal regulation;

355 (ii) is designed to transport 16 or more passengers, including the driver; or

356 (iii) is transporting hazardous materials and is required to be placarded in accordance  
357 with 49 C.F.R. Part 172, Subpart F.

358 (b) The following vehicles are not considered a commercial motor vehicle for purposes  
359 of Part 4, Uniform Commercial Driver License Act:

360 (i) equipment owned and operated by the United States Department of Defense when  
361 driven by any active duty military personnel and members of the reserves and national guard on  
362 active duty including personnel on full-time national guard duty, personnel on part-time  
363 training, and national guard military technicians and civilians who are required to wear military  
364 uniforms and are subject to the code of military justice;

365 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm  
366 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation

367 as a motor carrier for hire;

368 (iii) firefighting and emergency vehicles;

369 (iv) recreational vehicles that are not used in commerce and are driven solely as family  
370 or personal conveyances for recreational purposes; and

371 (v) vehicles used to provide transportation network services, as defined in Section  
372 13-51-102.

373 (8) "Conviction" means any of the following:

374 (a) an unvacated adjudication of guilt or a determination that a person has violated or  
375 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

376 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's  
377 appearance in court;

378 (c) a plea of guilty or nolo contendere accepted by the court;

379 (d) the payment of a fine or court costs; or

380 (e) violation of a condition of release without bail, regardless of whether the penalty is  
381 rebated, suspended, or probated.

382 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to  
383 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,  
384 do not apply.

385 (10) "Director" means the division director appointed under Section 53-3-103.

386 (11) "Disqualification" means either:

387 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state  
388 of a person's privileges to drive a commercial motor vehicle;

389 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
390 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part  
391 391; or

392 (c) the loss of qualification that automatically follows conviction of an offense listed in  
393 49 C.F.R. Part 383.51.

394 (12) "Division" means the Driver License Division of the department created in  
395 Section 53-3-103.

396 (13) "Downgrade" means to obtain a lower license class than what was originally  
397 issued during an existing license cycle.

398 (14) "Drive" means:  
399 (a) to operate or be in physical control of a motor vehicle upon a highway; and  
400 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections  
401 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within  
402 the state.

403 (15) (a) "Driver" means an individual who drives, or is in actual physical control of a  
404 motor vehicle in any location open to the general public for purposes of vehicular traffic.

405 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person  
406 who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act, or  
407 federal law.

408 (16) "Driving privilege card" means the evidence of the privilege granted and issued  
409 under this chapter to drive a motor vehicle to a person whose privilege was obtained without  
410 providing evidence of lawful presence in the United States.

411 (17) "Electronic license certificate" means the evidence, in an electronic format as  
412 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor  
413 vehicle.

414 (18) "Extension" means a renewal completed in a manner specified by the division.

415 (19) "Farm tractor" means every motor vehicle designed and used primarily as a farm  
416 implement for drawing plows, mowing machines, and other implements of husbandry.

417 (20) "Highway" means the entire width between property lines of every way or place of  
418 any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

419 (21) "Human driver" means the same as that term is defined in Section 41-26-102.1.

420 (22) "Identification card" means a card issued under Part 8, Identification Card Act, to  
421 a person for identification purposes.

422 (23) "Indigent" means that a person's income falls below the federal poverty guideline  
423 issued annually by the U.S. Department of Health and Human Services in the Federal Register.

424 (24) "License" means the privilege to drive a motor vehicle.

425 (25) (a) "License certificate" means the evidence of the privilege issued under this  
426 chapter to drive a motor vehicle.

427 (b) "License certificate" evidence includes:

428 (i) a regular license certificate;

- 429 (ii) a limited-term license certificate;
  - 430 (iii) a driving privilege card;
  - 431 (iv) a CDL license certificate;
  - 432 (v) a limited-term CDL license certificate;
  - 433 (vi) a temporary regular license certificate;
  - 434 (vii) a temporary limited-term license certificate; and
  - 435 (viii) an electronic license certificate created in Section [53-3-235](#).
- 436 (26) "Limited-term commercial driver license" or "limited-term CDL" means a license:
- 437 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
  - 438 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
  - 439 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
  - 440 commercial motor vehicle; and
  - 441 (b) that was obtained by providing evidence of lawful presence in the United States
  - 442 with one of the document requirements described in Subsection [53-3-410\(1\)\(i\)\(ii\)](#).
- 443 (27) "Limited-term identification card" means an identification card issued under this
- 444 chapter to a person whose card was obtained by providing evidence of lawful presence in the
- 445 United States with one of the document requirements described in Subsection
- 446 [53-3-804\(2\)\(i\)\(ii\)](#).
- 447 (28) "Limited-term license certificate" means the evidence of the privilege granted and
- 448 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained
- 449 providing evidence of lawful presence in the United States with one of the document
- 450 requirements described in Subsection [53-3-205\(8\)\(a\)\(ii\)\(B\)](#).
- 451 (29) "Motor vehicle" means the same as that term is defined in Section [41-1a-102](#).
- 452 (30) "Motor vehicle record" or "MVR" means a driving record under Subsection
- 453 [53-3-109\(6\)\(a\)](#).
- 454 (31) "Motorboat" means the same as that term is defined in Section [73-18-2](#).
- 455 (32) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
- 456 saddle for the use of the rider and designed to travel with not more than three wheels in contact
- 457 with the ground.
- 458 (33) "Office of Recovery Services" means the Office of Recovery Services, created in
- 459 Section [62A-11-102](#).

460 (34) "Operate" means the same as that term is defined in Section [41-1a-102](#).

461 (35) (a) "Owner" means a person other than a lien holder having an interest in the  
462 property or title to a vehicle.

463 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to  
464 a security interest in another person but excludes a lessee under a lease not intended as security.

465 (36) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,  
466 or other financial penalty imposed on an individual by a court or another governmental entity.

467 [~~36~~] (37) (a) "Private passenger carrier" means any motor vehicle for hire that is:

468 (i) designed to transport 15 or fewer passengers, including the driver; and

469 (ii) operated to transport an employee of the person that hires the motor vehicle.

470 (b) "Private passenger carrier" does not include:

471 (i) a taxicab;

472 (ii) a motor vehicle driven by a transportation network driver as defined in Section  
473 [13-51-102](#);

474 (iii) a motor vehicle driven for transportation network services as defined in Section  
475 [13-51-102](#); and

476 (iv) a motor vehicle driven for a transportation network company as defined in Section  
477 [13-51-102](#) and registered with the Division of Consumer Protection as described in Section  
478 [13-51-104](#).

479 [~~37~~] (38) "Regular identification card" means an identification card issued under this  
480 chapter to a person whose card was obtained by providing evidence of lawful presence in the  
481 United States with one of the document requirements described in Subsection [53-3-804\(2\)\(i\)\(i\)](#).

482 [~~38~~] (39) "Regular license certificate" means the evidence of the privilege issued  
483 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence  
484 of lawful presence in the United States with one of the document requirements described in  
485 Subsection [53-3-205\(8\)\(a\)\(ii\)\(A\)](#).

486 [~~39~~] (40) "Renewal" means to validate a license certificate so that it expires at a later  
487 date.

488 [~~40~~] (41) "Reportable violation" means an offense required to be reported to the  
489 division as determined by the division and includes those offenses against which points are  
490 assessed under Section [53-3-221](#).



491 [~~(41)~~] (42) (a) "Resident" means an individual who:

492 (i) has established a domicile in this state, as defined in Section 41-1a-202, or  
493 regardless of domicile, remains in this state for an aggregate period of six months or more  
494 during any calendar year;

495 (ii) engages in a trade, profession, or occupation in this state, or who accepts  
496 employment in other than seasonal work in this state, and who does not commute into the state;

497 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver  
498 license certificate or motor vehicle registration; or

499 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended  
500 to nonresidents, including going to school, or placing children in school without paying  
501 nonresident tuition or fees.

502 (b) "Resident" does not include any of the following:

503 (i) a member of the military, temporarily stationed in this state;

504 (ii) an out-of-state student, as classified by an institution of higher education,  
505 regardless of whether the student engages in any type of employment in this state;

506 (iii) a person domiciled in another state or country, who is temporarily assigned in this  
507 state, assigned by or representing an employer, religious or private organization, or a  
508 governmental entity; or

509 (iv) an immediate family member who resides with or a household member of a person  
510 listed in Subsections [~~(41)~~] (42)(b)(i) through (iii).

511 [~~(42)~~] (43) "Revocation" means the termination by action of the division of a licensee's  
512 privilege to drive a motor vehicle.

513 [~~(43)~~] (44) (a) "School bus" means a commercial motor vehicle used to transport  
514 pre-primary, primary, or secondary school students to and from home and school, or to and  
515 from school sponsored events.

516 (b) "School bus" does not include a bus used as a common carrier as defined in Section  
517 59-12-102.

518 [~~(44)~~] (45) "Suspension" means the temporary withdrawal by action of the division of a  
519 licensee's privilege to drive a motor vehicle.

520 [~~(45)~~] (46) "Taxicab" means any class D motor vehicle transporting any number of  
521 passengers for hire and that is subject to state or federal regulation as a taxi.

522 Section 5. Section 53-3-218 is amended to read:

523 **53-3-218. Court to report convictions and may recommend suspension of license**

524 **-- Severity of speeding violation defined.**

525 (1) As used in this section, "conviction" means conviction by the court of first  
526 impression or final administrative determination in an administrative traffic proceeding.

527 (2) (a) Except as provided in Subsection (2)(c), a court having jurisdiction over  
528 offenses committed under this chapter or any other law of this state, or under any municipal  
529 ordinance regulating driving motor vehicles on highways or driving motorboats on the water,  
530 shall forward to the division within five days, an abstract of the court record of the conviction  
531 or plea held in abeyance of any person in the court for a reportable traffic or motorboating  
532 violation of any laws or ordinances, and may recommend the suspension of the license of the  
533 person convicted.

534 (b) When the division receives a court record of a conviction or plea in abeyance for a  
535 motorboat violation, the division may only take action against a person's driver license if the  
536 motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the  
537 Influence and Reckless Driving.

538 (c) A court may not forward to the division an abstract of a court record of a conviction  
539 for a violation described in Subsection 53-3-220(1)(c)(i) or (ii), unless the court found that the  
540 person convicted of the violation was an operator of a motor vehicle at the time of the  
541 violation.

542 (3) (a) A court may not order the division to suspend a person's driver's license based  
543 solely on the person's failure to pay a penalty accounts receivable.

544 (b) ~~Œ~~ ~~[(A)]~~ ~~←Œ~~ The court may notify the division, and the division may, prior to  
545 sentencing,

546 suspend the driver license of a person who fails to appear if the person is charged with:

547 ~~Œ~~ ~~[(A)] a class C misdemeanor or higher related to the operation of a motor vehicle;~~

548a ~~(i) an offense of any level that is a moving traffic violation;~~ ←Œ

549 ~~Œ~~ ~~[(B)] (ii) ←Œ an offense described in Title 41, Chapter 12a, Part 3, Owner's or~~  
550 Operator's

551 Security Requirement; or

552 ~~Œ~~ ~~[(C)] (iii) ←Œ an offense described in Subsection 53-3-220(1)(a) or (b).~~

553 ~~Œ~~ ~~[(ii)] For a person charged with an offense related to the operation of a motor vehicle~~  
554 that is an infraction or a class C misdemeanor not related to the operation of a motor vehicle,  
555 and the person fails to appear, the division may not suspend the person's driver license prior to

**03-02-20 9:32 AM**

**3rd Sub. (Cherry) H.B. 146**

553 ~~☛~~ sentencing:] ←§

554 [~~(3)~~] (4) The abstract shall be made in the form prescribed by the division and shall  
555 include:

- 556 (a) the name, date of birth, and address of the party charged;  
557 (b) the license certificate number of the party charged, if any;  
558 (c) the registration number of the motor vehicle or motorboat involved;  
559 (d) whether the motor vehicle was a commercial motor vehicle;  
560 (e) whether the motor vehicle carried hazardous materials;  
561 (f) whether the motor vehicle carried 16 or more occupants;  
562 (g) whether the driver presented a commercial driver license;  
563 (h) the nature of the offense;  
564 (i) whether the offense involved an accident;  
565 (j) the driver's blood alcohol content, if applicable;  
566 (k) if the offense involved a speeding violation:  
567 (i) the posted speed limit;  
568 (ii) the actual speed; and  
569 (iii) whether the speeding violation occurred on a highway that is part of the interstate  
570 system as defined in Section [72-1-102](#);
- 571 (l) the date of the hearing;  
572 (m) the plea;  
573 (n) the judgment or whether bail was forfeited; and  
574 (o) the severity of the violation, which shall be graded by the court as "minimum,"  
575 "intermediate," or "maximum" as established in accordance with Subsection [53-3-221](#)(4).

576 [~~(4)~~] (5) When a convicted person secures a judgment of acquittal or reversal in any  
577 appellate court after conviction in the court of first impression, the division shall reinstate the  
578 convicted person's license immediately upon receipt of a certified copy of the judgment of  
579 acquittal or reversal.

580 [~~(5)~~] (6) Upon a conviction for a violation of the prohibition on using a handheld  
581 wireless communication device for text messaging or electronic mail communication while  
582 operating a moving motor vehicle under Section [41-6a-1716](#), a judge may order a suspension  
583 of the convicted person's license for a period of three months.

584           ~~[(6)]~~ (7) Upon a conviction for a violation of careless driving under Section  
585 [41-6a-1715](#) that causes or results in the death of another person, a judge may order a revocation  
586 of the convicted person's license for a period of one year.

587           Section 6. Section **53-3-221** is amended to read:

588           **53-3-221. Offenses that may result in denial, suspension, disqualification, or**  
589 **revocation of license -- Additional grounds for suspension -- Point system for traffic**  
590 **violations -- Notice and hearing -- Reporting of traffic violation procedures.**

591           (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures  
592 Act, the division may deny, suspend, disqualify, or revoke the license or permit of any person  
593 without receiving a record of the person's conviction of crime when the division has been  
594 notified or has reason to believe the person:

595           (a) has committed any offenses for which mandatory suspension or revocation of a  
596 license is required upon conviction under Section [53-3-220](#);

597           (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an  
598 accident resulting in death or injury to any other person, or serious property damage;

599           (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or  
600 physical disability rendering it unsafe for the person to drive a motor vehicle or mobility  
601 vehicle upon the highways;

602           (d) has committed a serious violation of the motor vehicle laws of this state;

603           (e) has knowingly committed a violation of Section [53-3-229](#); or

604           (f) has been convicted of serious offenses against traffic laws governing the movement  
605 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard  
606 for the safety of other persons on the highways.

607           ~~[(2)(a) The division may suspend the license of a person under Subsection (1) when~~  
608 ~~the person has failed to comply with the terms stated on a traffic citation issued in this state;~~  
609 ~~except this Subsection (2) does not apply to highway weight limit violations or violations of~~  
610 ~~law governing the transportation of hazardous materials.]~~

611           ~~[(b) This Subsection (2) applies to parking and standing violations only if a court has~~  
612 ~~issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy~~  
613 ~~the terms of the citation.]~~

614           (2) (a) (i) Except as provided in Subsection [53-3-218\(3\)](#), and subject to Subsection

615 (2)(a)(ii), the division may suspend a license of a person under Subsection (1) when the person  
616 has failed to:

617 (A) comply with the terms stated on a traffic citation issued in this state; or

618 (B) successfully complete a 24-7 sobriety program as defined in Section [41-6a-515.5](#).

619 (ii) This Subsection (2) does not apply to highway weight limit violations or violations  
620 of law governing the transportation of hazardous materials.

621 ~~[(e)]~~ (b) (i) This Subsection (2) may not be exercised unless notice of the pending  
622 suspension of the driving privilege has been sent at least ~~[10]~~ 30 days previously to the person  
623 at the address provided to the division.

624 (ii) The division may not send the notice of pending suspension described in  
625 Subsection (2)(b)(i) until at least 30 days after receiving notice from the court of the person's  
626 failure to comply with the terms stated on the traffic citation.

627 ~~[(ii)]~~ (iii) After clearance by the division, a report authorized by Section [53-3-104](#) may  
628 not contain any evidence of a suspension that occurred as a result of failure to comply with the  
629 terms stated on a traffic citation.

630 ~~[(3)(a) The division may suspend the license of a person under Subsection (1) when~~  
631 ~~the division has been notified by a court that the person has an outstanding unpaid fine, an~~  
632 ~~outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a~~  
633 ~~court.]~~

634 ~~[(b) The suspension remains in effect until the division is notified by the court that the~~  
635 ~~order has been satisfied.]~~

636 ~~[(c) After clearance by the division, a report authorized by Section [53-3-104](#) may not~~  
637 ~~contain any evidence of the suspension.]~~

638 ~~[(d) The provisions of Subsection (3)(c) do not apply to:]~~

639 ~~[(i) a CDIP or CDL license holder; or]~~

640 ~~[(ii) a violation that occurred in a commercial motor vehicle.]~~

641 (3) Except as provided in Subsection [53-3-218\(3\)](#), the division may not revoke, deny,  
642 suspend, or disqualify an individual's driver license based solely on:

643 (a) the individual's failure to appear;

644 (b) the individual's failure to pay an outstanding penalty accounts receivable; or

645 (c) the issuance of a bench warrant as a result of an event described in Subsection

646 (3)(a) or (b).

647 (4) (a) The division shall make rules establishing a point system as provided for in this  
648 Subsection (4).

649 (b) (i) The division shall assign a number of points to each type of moving traffic  
650 violation as a measure of its seriousness.

651 (ii) The points shall be based upon actual relationships between types of traffic  
652 violations and motor vehicle traffic accidents.

653 (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points  
654 against a person's driving record for a conviction of a traffic violation:

655 (A) that occurred in another state; and

656 (B) that was committed on or after July 1, 2011.

657 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:

658 (A) a reckless or impaired driving violation or a speeding violation for exceeding the  
659 posted speed limit by 21 or more miles per hour; or

660 (B) an offense committed in another state which, if committed within Utah, would  
661 result in the mandatory suspension or revocation of a license upon conviction under Section  
662 [53-3-220](#).

663 (c) Every person convicted of a traffic violation shall have assessed against the person's  
664 driving record the number of points that the division has assigned to the type of violation of  
665 which the person has been convicted, except that the number of points assessed shall be  
666 decreased by 10% if on the abstract of the court record of the conviction the court has graded  
667 the severity of violation as minimum, and shall be increased by 10% if on the abstract the court  
668 has graded the severity of violation as maximum.

669 (d) (i) A separate procedure for assessing points for speeding offenses shall be  
670 established by the division based upon the severity of the offense.

671 (ii) The severity of a speeding violation shall be graded as:

672 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;

673 (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per  
674 hour; and

675 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

676 (iii) Consideration shall be made for assessment of no points on minimum speeding

677 violations, except for speeding violations in school zones.

678 (e) (i) Points assessed against a person's driving record shall be deleted for violations  
679 occurring before a time limit set by the division.

680 (ii) The time limit may not exceed three years.

681 (iii) The division may also delete points to reward violation-free driving for periods of  
682 time set by the division.

683 (f) (i) By publication in two newspapers having general circulation throughout the  
684 state, the division shall give notice of the number of points it has assigned to each type of  
685 traffic violation, the time limit set by the division for the deletion of points, and the point level  
686 at which the division will generally take action to deny or suspend under this section.

687 (ii) The division may not change any of the information provided above regarding  
688 points without first giving new notice in the same manner.

689 (5) (a) (i) If the division finds that the license of a person should be denied, suspended,  
690 disqualified, or revoked under this section, the division shall immediately notify the licensee in  
691 a manner specified by the division and afford the person an opportunity for a hearing in the  
692 county where the licensee resides.

693 (ii) The hearing shall be documented, and the division or its authorized agent may  
694 administer oaths, may issue subpoenas for the attendance of witnesses and the production of  
695 relevant books and papers, and may require a reexamination of the licensee.

696 (iii) One or more members of the division may conduct the hearing, and any decision  
697 made after a hearing before any number of the members of the division is as valid as if made  
698 after a hearing before the full membership of the division.

699 (iv) After the hearing the division shall either rescind or affirm its decision to deny,  
700 suspend, disqualify, or revoke the license.

701 (b) The denial, suspension, disqualification, or revocation of the license remains in  
702 effect pending qualifications determined by the division regarding a person:

703 (i) whose license has been denied or suspended following reexamination;

704 (ii) who is incompetent to drive a motor vehicle;

705 (iii) who is afflicted with mental or physical infirmities that might make him dangerous  
706 on the highways; or

707 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.



708 (6) (a) Subject to Subsection (6)(d), the division shall suspend a person's license when  
709 the division receives notice from the Office of Recovery Services that the Office of Recovery  
710 Services has ordered the suspension of the person's license.

711 (b) A suspension under Subsection (6)(a) shall remain in effect until the division  
712 receives notice from the Office of Recovery Services that the Office of Recovery Services has  
713 rescinded the order of suspension.

714 (c) After an order of suspension is rescinded under Subsection (6)(b), a report  
715 authorized by Section 53-3-104 may not contain any evidence of the suspension.

716 (d) (i) If the division suspends a person's license under this Subsection (6), the division  
717 shall, upon application, issue a temporary limited driver license to the person if that person  
718 needs a driver license for employment, education, or child visitation.

719 (ii) The temporary limited driver license described in this section:

720 (A) shall provide that the person may operate a motor vehicle only for the purpose of  
721 driving to or from the person's place of employment, education, or child visitation;

722 (B) shall prohibit the person from driving a motor vehicle for any purpose other than a  
723 purpose described in Subsection (6)(d)(ii)(A); and

724 (C) shall expire 90 days after the day on which the temporary limited driver license is  
725 issued.

726 (iii) (A) During the period beginning on the day on which a temporary limited driver  
727 license is issued under this Subsection (6), and ending on the day that the temporary limited  
728 driver license expires, the suspension described in this Subsection (6) only applies if the person  
729 who is suspended operates a motor vehicle for a purpose other than employment, education, or  
730 child visitation.

731 (B) Upon expiration of a temporary limited driver license described in this Subsection  
732 (6)(d):

733 (I) a suspension described in Subsection (6)(a) shall be in full effect until the division  
734 receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

735 (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any  
736 reason.

737 (iv) The division is not required to issue a limited driver license to a person under this  
738 Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver

739 license.

740 (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
741 Administrative Rulemaking Act, to implement the provisions of this part.

742 (7) (a) The division may suspend or revoke the license of any resident of this state  
743 upon receiving notice of the conviction of that person in another state of an offense committed  
744 there that, if committed in this state, would be grounds for the suspension or revocation of a  
745 license.

746 (b) The division may, upon receiving a record of the conviction in this state of a  
747 nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws  
748 of this state, forward a certified copy of the record to the motor vehicle administrator in the  
749 state where the person convicted is a resident.

750 (8) (a) The division may suspend or revoke the license of any nonresident to drive a  
751 motor vehicle in this state for any cause for which the license of a resident driver may be  
752 suspended or revoked.

753 (b) Any nonresident who drives a motor vehicle upon a highway when the person's  
754 license has been suspended or revoked by the division is guilty of a class C misdemeanor.

755 (9) (a) The division may not deny or suspend the license of any person for a period of  
756 more than one year except:

757 (i) for failure to comply with the terms of a traffic citation under Subsection (2);

758 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges  
759 under Section 53-3-219;

760 (iii) when extending a denial or suspension upon receiving certain records or reports  
761 under Subsection 53-3-220(2);

762 (iv) for failure to give and maintain owner's or operator's security under Section  
763 41-12a-411;

764 (v) when the division suspends the license under Subsection (6); or

765 (vi) when the division denies the license under Subsection (14).

766 (b) The division may suspend the license of a person under Subsection (2) until the  
767 person shows satisfactory evidence of compliance with the terms of the traffic citation.

768 (10) (a) By following the procedures in Title 63G, Chapter 4, Administrative  
769 Procedures Act, the division may suspend the license of any person without receiving a record

770 of the person's conviction for a crime when the division has reason to believe that the person's  
771 license was granted by the division through error or fraud or that the necessary consent for the  
772 license has been withdrawn or is terminated.

773 (b) The procedure upon suspension is the same as under Subsection (5), except that  
774 after the hearing the division shall either rescind its order of suspension or cancel the license.

775 (11) (a) The division, having good cause to believe that a licensed driver is  
776 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified  
777 by the division of at least five days to the licensee require him to submit to an examination.

778 (b) Upon the conclusion of the examination the division may suspend or revoke the  
779 person's license, permit him to retain the license, or grant a license subject to a restriction  
780 imposed in accordance with Section 53-3-208.

781 (c) Refusal or neglect of the licensee to submit to an examination is grounds for  
782 suspension or revocation of the licensee's license.

783 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section  
784 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in  
785 this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed  
786 limit and did not result in an accident, unless authorized in a manner specified by the division  
787 by the individual whose report is being requested.

788 (b) The provisions of Subsection (12)(a) do not apply for:

789 (i) a CDIP or CDL license holder; or

790 (ii) a violation that occurred in a commercial motor vehicle.

791 (13) (a) By following the procedures in Title 63G, Chapter 4, Administrative  
792 Procedures Act, the division may suspend the license of a person if it has reason to believe that  
793 the person is the owner of a motor vehicle for which security is required under Title 41,  
794 Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has  
795 driven the motor vehicle or permitted it to be driven within this state without the security being  
796 in effect.

797 (b) The division may suspend a driving privilege card holder's driving privilege card if  
798 the division receives notification from the Motor Vehicle Division that:

799 (i) the driving privilege card holder is the registered owner of a vehicle; and

800 (ii) the driving privilege card holder's vehicle registration has been revoked under

801 Subsection [41-1a-110\(2\)\(a\)\(ii\)\(A\)](#).

802 (c) Section [41-12a-411](#) regarding the requirement of proof of owner's or operator's  
803 security applies to persons whose driving privileges are suspended under this Subsection (13).

804 (14) The division may deny an individual's license if the person fails to comply with  
805 the requirement to downgrade the person's CDL to a class D license under Section [53-3-410.1](#).

806 (15) The division may deny a person's class A, B, C, or D license if the person fails to  
807 comply with the requirement to have a K restriction removed from the person's license.

808 (16) Any suspension or revocation of a person's license under this section also  
809 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License  
810 Act.