

1 **DUI MODIFICATIONS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jerry W. Stevenson**

5 House Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the requirement of an ignition interlock device  
10 for a person convicted of driving under the influence or similar offense.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires a court to order the installation of an ignition interlock system in certain  
14 circumstances, or state on the record that an ignition interlock system is not  
15 necessary;
- 16 ▶ allows a person convicted of a first offense of driving under the influence to elect to  
17 become an ignition interlock restricted driver in lieu of a driver license suspension;  
18 and
- 19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **41-6a-505**, as last amended by Laws of Utah 2019, Chapter 136

27 **41-6a-518**, as last amended by Laws of Utah 2018, Chapter 41



28 [53-3-223](#), as last amended by Laws of Utah 2019, Chapter 77



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

31 Section 1. Section **41-6a-505** is amended to read:

32 **41-6a-505. Sentencing requirements for driving under the influence of alcohol,**  
33 **drugs, or a combination of both violations.**

34 (1) As part of any sentence for a first conviction of Section [41-6a-502](#):

35 (a) the court shall:

36 (i) (A) impose a jail sentence of not less than 48 consecutive hours; or

37 (B) require the individual to work in a compensatory-service work program for not less  
38 than 48 hours;

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

40 (iii) order the individual to participate in an assessment, if it is found appropriate by a  
41 screening under Subsection (1)(a)(ii);

42 (iv) order the individual to participate in an educational series if the court does not  
43 order substance abuse treatment as described under Subsection (1)(b);

44 (v) impose a fine of not less than \$700;

45 (vi) order probation for the individual in accordance with Section [41-6a-507](#), if there is  
46 admissible evidence that the individual had a blood alcohol level of .16 or higher;

47 (vii) (A) order the individual to pay the administrative impound fee described in  
48 Section [41-6a-1406](#); or

49 (B) if the administrative impound fee was paid by a party described in Subsection  
50 [41-6a-1406\(5\)\(a\)](#), other than the individual sentenced, order the individual sentenced to  
51 reimburse the party; [~~or~~]

52 (viii) (A) order the individual to pay the towing and storage fees described in Section  
53 [72-9-603](#); or

54 (B) if the towing and storage fees were paid by a party described in Subsection  
55 [41-6a-1406\(5\)\(a\)](#), other than the individual sentenced, order the individual sentenced to  
56 reimburse the party; [~~and~~] or

57 (ix) unless the court determines and states on the record that an ignition interlock  
58 system is not necessary for the safety of the community and in the best interest of justice, order

59 the installation of an ignition interlock system as described in Section 41-6a-518; and

60 (b) the court may:

61 (i) order the individual to obtain substance abuse treatment if the substance abuse  
62 treatment program determines that substance abuse treatment is appropriate;

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

64 (iii) order the individual to participate in a 24-7 sobriety program as defined in Section  
65 41-6a-515.5 if the individual is 21 years of age or older; or

66 (iv) order a combination of Subsections (1)(b)(i) through (iii).

67 (2) If an individual has a prior conviction as defined in Subsection 41-6a-501(2) that is  
68 within 10 years of the current conviction under Section 41-6a-502 or the commission of the  
69 offense upon which the current conviction is based:

70 (a) the court shall:

71 (i) (A) impose a jail sentence of not less than 240 hours; or

72 (B) impose a jail sentence of not less than 120 hours in addition to home confinement  
73 of not fewer than 720 consecutive hours through the use of electronic monitoring that includes  
74 a substance abuse testing instrument in accordance with Section 41-6a-506;

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

76 (iii) order the individual to participate in an assessment, if it is found appropriate by a  
77 screening under Subsection (2)(a)(ii);

78 (iv) order the individual to participate in an educational series if the court does not  
79 order substance abuse treatment as described under Subsection (2)(b);

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

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

82 (vii) ~~Ŝ→ [unless the court determines and states on the record that an ignition interlock~~

83 ~~system is not necessary for the safety of the community and in the best interest of justice,] ←Ŝ~~ order  
84 the installation of an ignition interlock system as described in Section 41-6a-518;

85 [(vii)] (viii) (A) order the individual to pay the administrative impound fee described in  
86 Section 41-6a-1406; or

87 (B) if the administrative impound fee was paid by a party described in Subsection  
88 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to  
89 reimburse the party; or

90 [~~viii~~] (ix) (A) order the individual to pay the towing and storage fees described in  
91 Section 72-9-603; or

92 (B) if the towing and storage fees were paid by a party described in Subsection  
93 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to  
94 reimburse the party; and

95 (b) the court may:

96 (i) order the individual to obtain substance abuse treatment if the substance abuse  
97 treatment program determines that substance abuse treatment is appropriate;

98 (ii) order the individual to participate in a 24-7 sobriety program as defined in Section  
99 41-6a-515.5 if the individual is 21 years of age or older; or

100 (iii) order a combination of Subsections (2)(b)(i) and (ii).

101 (3) Under Subsection 41-6a-503(2), if the court suspends the execution of a prison  
102 sentence and places the defendant on probation, the court shall impose:

103 (a) a fine of not less than \$1,500;

104 (b) a jail sentence of not less than 1,500 hours; and

105 (c) supervised probation.

106 (4) For Subsection (3) or Subsection 41-6a-503(2)(b), the court:

107 (a) shall impose an order requiring the individual to obtain a screening and assessment  
108 for alcohol and substance abuse, and treatment as appropriate; and

109 (b) may impose an order requiring the individual to participate in a 24-7 sobriety  
110 program as defined in Section 41-6a-515.5 if the individual is 21 years of age or older.

111 (5) The requirements of Subsections (1)(a), (2)(a), (3), and (4) may not be suspended.

112 (6) If an individual is convicted of a violation of Section 41-6a-502 and there is  
113 admissible evidence that the individual had a blood alcohol level of .16 or higher, the court  
114 shall order the following, or describe on record why the order or orders are not appropriate:

115 (a) treatment as described under Subsection (1)(b), (2)(b), or (4); and

116 (b) one or more of the following:

117 (i) the installation of an ignition interlock system as a condition of probation for the  
118 individual in accordance with Section 41-6a-518;

119 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring  
120 device as a condition of probation for the individual; or

121 (iii) the imposition of home confinement through the use of electronic monitoring in  
122 accordance with Section 41-6a-506.

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

124 **41-6a-518. Ignition interlock devices -- Use -- Probationer to pay cost --**  
125 **Impecuniosity -- Fee.**

126 (1) As used in this section:

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

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

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

130 (ii) the vehicle the employee is operating for employment purposes is not made  
131 available to the employee for personal use;

132 (iii) the business entity that employs the employee is not entirely or partly owned or  
133 controlled by the employee;

134 (iv) the employer's auto insurance company is aware that the employee is an interlock  
135 restricted driver; and

136 (v) the employee has been added to the employer's auto insurance policy as an operator  
137 of the vehicle.

138 (c) "Ignition interlock system" or "system" means a constant monitoring device or any  
139 similar device certified by the commissioner that prevents a motor vehicle from being started  
140 or continuously operated without first determining the driver's breath alcohol concentration.

141 (d) "Probation provider" means the supervisor and monitor of the ignition interlock  
142 system required as a condition of probation who contracts with the court in accordance with  
143 Subsections 41-6a-507(2) and (3).

144 (2) (a) In addition to any other penalties imposed under Sections 41-6a-503 and  
145 41-6a-505, and in addition to any requirements imposed as a condition of probation, unless the  
146 court determines and states on the record that an ignition interlock system is not necessary for  
147 the safety of the community and in the best interest of justice, the court [~~may~~] shall require that  
148 any person who is convicted of violating Section 41-6a-502 and who is granted probation may  
149 not operate a motor vehicle during the period of probation unless that motor vehicle is  
150 equipped with a functioning, certified ignition interlock system installed and calibrated so that  
151 the motor vehicle will not start or continuously operate if the operator's blood alcohol

152 concentration exceeds a level ordered by the court.

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

156 (c) (i) If a person is convicted of a violation of Section 41-6a-502 within 10 years of a  
157 prior conviction as defined in Subsection 41-6a-501(2), ~~§~~ **→ [unless the court determines and states**  
158 **on the record that an ignition interlock system is not necessary for the safety of the community**  
159 **and in the best interest of justice.] ←** ~~§~~ the court shall order the installation of the interlock ignition  
160 system, at the person's expense, for all motor vehicles registered to that person and all motor  
161 vehicles operated by that person.

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

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

166 (e) This section does not apply to a person convicted of a violation of Section  
167 41-6a-502 whose violation does not involve alcohol.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



245 manufacturers on a fair and reasonable basis.

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

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

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

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

254 **53-3-223. Chemical test for driving under the influence -- Temporary license --**  
255 **Hearing and decision -- Suspension and fee -- Judicial review.**

256 (1) (a) If a peace officer has reasonable grounds to believe that a person may be  
257 violating or has violated Section [41-6a-502](#), prohibiting the operation of a vehicle with a  
258 certain blood or breath alcohol concentration and driving under the influence of any drug,  
259 alcohol, or combination of a drug and alcohol or while having any measurable controlled  
260 substance or metabolite of a controlled substance in the person's body in violation of Section  
261 [41-6a-517](#), the peace officer may, in connection with arresting the person, request that the  
262 person submit to a chemical test or tests to be administered in compliance with the standards  
263 under Section [41-6a-520](#).

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

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

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

276 vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

301 (iii) the test results, if any.

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

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

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

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

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

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

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

311 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable  
312 grounds to believe that the person was driving a motor vehicle in violation of Section  
313 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the  
314 notice, or if a hearing is not requested under this section, the division shall:

315 (i) if the person is 21 years of age or older at the time of arrest and the arrest was made  
316 on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a  
317 period of:

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

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

321 (ii) if the person is under 21 years of age at the time of arrest and the arrest was made  
322 on or after May 14, 2013:

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

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

326 (II) until the person is 21 years of age or for a period of two years, whichever is longer,  
327 beginning on the 45th day after the date of arrest for a second or subsequent suspension for an  
328 offense that occurred within the previous 10 years; or

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

330 (I) for a period of six months for a first suspension, if the person has not been issued an  
331 operator license; or

332 (II) until the person is 21 years of age or for a period of two years, whichever is longer,  
333 beginning on the 45th day after the date of arrest for a second or subsequent suspension for an  
334 offense that occurred within the previous 10 years.

335 (b) The division shall deny or suspend a person's license for the denial and suspension  
336 periods in effect:

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

338 (ii) from July 1, 2009, through June 30, 2011, if:  
339 (A) the person was 20 years 6 months of age or older but under 21 years of age at the  
340 time of arrest; and  
341 (B) the conviction under Subsection (2) is for an offense that was committed on or  
342 after July 1, 2009, and prior to July 1, 2011; or  
343 (iii) prior to May 14, 2013, for an offense that was committed prior to May 14, 2013.  
344 (c) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall  
345 reinstate a person's license prior to completion of the 120 day suspension period imposed under  
346 Subsection (7)(a)(i)(A):  
347 (A) immediately upon receiving written verification of the person's dismissal of a  
348 charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received  
349 prior to completion of the suspension period; or  
350 (B) no sooner than 60 days beginning on the 45th day after the date of arrest upon  
351 receiving written verification of the person's reduction of a charge for a violation of Section  
352 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the  
353 suspension period.  
354 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) or (7)(b), the division  
355 shall reinstate a person's license prior to completion of the 120-day suspension period imposed  
356 under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the person's  
357 conviction of impaired driving under Section 41-6a-502.5 if:  
358 (A) the written verification is received prior to completion of the suspension period;  
359 and  
360 (B) the reporting court notifies the Driver License Division that the defendant is  
361 participating in or has successfully completed the program of a driving under the influence  
362 court as defined in Section 41-6a-501.  
363 (iii) If a person's license is reinstated under this Subsection (7)(c), the person is  
364 required to pay the license reinstatement fees under Subsections [~~53-3-105(24) and (25)~~]  
365 53-3-105(26) and (27).  
366 (iv) The driver license reinstatements authorized under this Subsection (7)(c) only  
367 apply to a 120 day suspension period imposed under Subsection (7)(a)(i)(A).  
368 (8) (a) Notwithstanding the provisions in Subsection (7)(b)(iii), the division shall

369 shorten a person's two-year license suspension period that is currently in effect to a six-month  
370 suspension period if:

- 371 (i) the driver was under the age of 19 at the time of arrest;  
372 (ii) the offense was a first offense that was committed prior to May 14, 2013; and  
373 (iii) the suspension under Subsection (7)(b)(iii) was based on the same occurrence  
374 upon which the following written verifications are based:

375 (A) a court order shortening the driver license suspension for a violation of Section  
376 [41-6a-502](#) pursuant to Subsection [41-6a-509](#)(8);

377 (B) a court order shortening the driver license suspension for a violation of Section  
378 [41-6a-517](#) pursuant to Subsection [41-6a-517](#)(11);

379 (C) a court order shortening the driver license suspension for a violation of Section  
380 [32B-4-409](#);

381 (D) a dismissal for a violation of Section [32B-4-409](#), Section [41-6a-502](#), or Section  
382 [41-6a-517](#)~~[, or Section [32B-4-409](#)]~~;

383 (E) a notice of declination to prosecute for a charge under Section [32B-4-409](#), Section  
384 [41-6a-502](#), or Section [41-6a-517](#)~~[, or Section [32B-4-409](#)]~~;

385 (F) a reduction of a charge under Section [32B-4-409](#), Section [41-6a-502](#), or Section  
386 [41-6a-517](#)~~[, or Section [32B-4-409](#)]~~; or

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

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

391 (c) If a person's license sanction is shortened under this Subsection (8), the person is  
392 required to pay the license reinstatement fees under Subsections [~~[53-3-105](#)(24) and (25)]~~  
393 [53-3-105](#)(26) and (27).

394 (9) (a) The division shall assess against a person, in addition to any fee imposed under  
395 Subsection [53-3-205](#)(12) for driving under the influence, a fee under Section [53-3-105](#) to cover  
396 administrative costs, which shall be paid before the person's driving privilege is reinstated.  
397 This fee shall be cancelled if the person obtains an unappealed division hearing or court  
398 decision that the suspension was not proper.

399 (b) A person whose license has been suspended by the division under this section

400 following an administrative hearing may file a petition within 30 days after the suspension for a  
401 hearing on the matter which, if held, is governed by Section [53-3-224](#).

402 (10) (a) Notwithstanding the provisions in Subsection (7)(a)(i) or (ii), the division shall  
403 reinstate a person's license before completion of the suspension period imposed under  
404 Subsection (7)(a)(i) or (ii) if the reporting court notifies the Driver License Division that the  
405 defendant is participating in or has successfully completed a 24-7 sobriety program as defined  
406 in Section [41-6a-515.5](#).

407 (b) If a person's license is reinstated under Subsection (10)(a), the person is required to  
408 pay the license reinstatement fees under Subsections [~~53-3-105(24) and (25)~~] [53-3-105\(26\)](#) and  
409 [\(27\)](#).

410 (11) (a) If the division suspends a person's license for an alcohol related offense, and if  
411 the offense is the person's first offense, the person may elect to become an interlock restricted  
412 driver and install an ignition interlock device in each vehicle driven by the person in lieu of  
413 receiving the license suspension.

414 (b) To qualify as an interlock restricted driver in lieu of suspension, the person shall:

415 (i) install an ignition interlock device in any vehicle driven by the person and keep the  
416 ignition interlock device installed in any vehicle driven by the person for the same time period  
417 as the prescribed license suspension;

418 (ii) provide proof of installation to the division;

419 (iii) pay the costs of leasing or buying and installing and maintaining the ignition  
420 interlock device; and

421 (iv) pay the license reinstatement application fees described in Subsections  
422 [53-3-105\(26\)](#) and [\(27\)](#).