

DUI Penalties in Utah

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Utah Imposes Strict DUI Penalties



The State of Utah takes an expansive view of drunk driving and levies harsh penalties for those who break them. ***The laws in Utah are so tough that you don't have to even be behind the wheel to get arrested and charged with a DUI.*** The state simply considers whether you have control over a motor vehicle and are under the influence. For instance, you could be asleep in the back seat. But if you have the keys and ability to start it up, that can be enough for a police officer to make a DUI arrest and get a conviction. The key element to remember about Utah's DUI statutes is whether or not you have "physical control" of a vehicle and are under the influence. Other important things to know are that:

- The [legal blood alcohol content \(BAC\) limit](#) in Utah is 0.08 percent for anyone 21 years of age or older.
- The state has a strict, zero-tolerance rule for people under 21. For those under the legal drinking age, Utah takes a "not a drop" position, meaning any measurable BAC may result in a DUI charge.
- For professional drivers, Utah enforces a 0.04 percent BAC limit while operating a commercial vehicle.

If you are convicted of [DUI in Utah](#), the state applies what is known as a "lookback period" as a type of sentencing guideline. The court will review any DUIs that have occurred in the last 10 years as relevant to the severity of a new sentence.

Chemical Test Refusal in Utah

Utah has adopted an "implied consent" philosophy with regards to DUI. That means that you have, basically, already agreed to allow law enforcement to screen you by enjoying the privilege of operating a motor vehicle on the state's roadways. You do not have the right to legal counsel prior to taking a DUI test. ***Refusal to take a chemical test to determine your BAC would result in penalties automatically being imposed.***

- These may include:
- Immediate license seizure by police

- Temporary license issued
- Possible suspension of your driver's license
- Possible ignition interlock device being installed on your vehicle
- Long-term restrictions placed on your license

Should you refuse to take a chemical test, you will need to request a hearing in writing within 10 days of the arrest. At your hearing, you must convince a judge that the officer did not have reasonable authority to ask you to submit to a DUI screening or that you did in fact, comply with the officer's request. If you do not show up or fail to convince the court of your position, following penalties could be imposed.

First Refusal

- 18-month driver's license suspension
- Three-year ignition interlock restrictions
- Zero tolerance alcohol restriction for up to five years

Second Refusal

- 36-month license suspension
- Three-year ignition interlock restrictions and costs
- Zero tolerance alcohol restriction for up to 10 years
- SR-22 auto insurance certificate of financial responsibility

Penalties for DUI Convictions

If you are convicted of a DUI charge in Utah, a court may impose minimum penalties that include:

- Jail time
- License suspension
- Ignition interlock unit installation, plus fees
- Fines
- Court costs
- Drug and alcohol treatment
- Vehicle impound

DUI Impound Process: At the time of your arrest, your vehicle will be subject to impound. In Utah, you will be subject to a \$350 fee and must remedy this situation within 30 days. To have your vehicle released you will need:

- Proof of ID
- Proof of registration
- Present Vehicle Impound Report
- Pay \$350 impound fee

Failure to remedy the impound status within the 30-day window could result in the vehicle being sold.

DUI Conviction Penalties

The court also has the ability to impose additional or lesser penalties depending on the circumstances of your arrest and criminal history.

First DUI Offense

- Minimum of 48 hours in jail
- Minimum of 48 hours at a work service program
- Home confinement
- Fine of up to \$700 plus fees
- License revoked for up to 120 days
- Alcohol restricted

Second DUI Offense

- Minimum of 10 days in jail
- 240 hours at a work service program
- Home confinement
- Fine of up to \$800 plus fees
- License revoked for up to two years

Other or alternate sanctions may include:

- Probation
- Alcohol and drug screening program
- Alcohol and drug treatment program
- Alcohol and drug abuse education

Third DUI Offense (Felony DUI**)**

- Up to five years in prison
- \$1,500 fine plus fees
- Drug and alcohol screening and assessment
- Drug and alcohol treatment
- Supervised probation
- Loss of license up to two years

Additionally, felons and those convicted of Class A misdemeanors will have a DNA sample recorded in law enforcement databases. The increased national awareness created by organizations such as MADD has attached a significant public stigma to drunk driving. You could also be subjected to higher insurance rates, being placed in a risk pool and the conviction may jeopardize your job or deter future employers from hiring you.

Pleading to a Lesser Charge than DUI

At the discretion of the prosecution and state, [it is possible to plea down to a DWI charge](#). This generally becomes an option when the BAC is close to the legal limit, no injury or accident occurred and the defendant doesn't have a criminal record. However, the lower plea may be viewed as a DUI for sentencing purposes if there is a repeat

offense.

Getting DUI Help

If you have been charged with refusal to take a chemical test or DUI, it's imperative that you have an experienced attorney on your side. The State of Utah has tough drunk driving laws and penalties. ***Wasatch Defense Lawyers are equipped with detailed knowledge about the law and Utah's process can help you navigate the legal system and work toward reducing or avoiding harsh DUI penalties.*** [Contact us](#) online or call 801-980-9965 for a free 30-minute case review today!