



Can a DUI Be Expunged?

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Usually yes, but it depends. A DUI can usually be expunged. Each situation is different so you should call an expungement lawyer for more information. The State of Utah prohibits drinking and driving. If you drink and drive, you may be arrested, fined, and/or sentenced to jail time. The following is for general informational purposes only and you should consider hiring a lawyer to represent you in court.

In Utah, there are several types of drinking and driving offenses. Utah has some of the lowest tolerances for drinking and driving.

The first, and most severe offense, is called driving while under the influence (commonly called DUI). A person who has a blood alcohol concentration (BAC) of .05 or greater is assumed to be under the influence of alcohol. Utah law calls a BAC of .05 or above "under the influence per se."

The second is called driving while impaired (commonly called DWI but not in Utah). A person who has a blood alcohol concentration of .05 is assumed to be impaired by alcohol.

It is also crime to drive while impaired by drugs (even legal drugs), drugs and alcohol, or controlled dangerous substances like marijuana. Driving with any combination of drugs and/or alcohol that prevent you from driving safely is illegal.

A person under the age of 21 who drives with any alcohol in their system is breaking the law. If



that person is caught, they will be arrested and charged with a DUI.





Traffic Stop

When a police officer suspects that a person is driving, or attempting to drive, while impaired or under the influence of alcohol, the officer will ask to test the driver's blood alcohol concentration. If the driver takes the test and the result is a BAC of .08 or above (or if the driver refuses to take the test), the officer will confiscate the person's driver license, and the State of Utah will suspend the person's drive license. The suspension begins immediately.

License suspensions range from 180 days to 2 years, depending on the amount of alcohol and previous drunk driving offenses. There are increased penalties for drivers who are transporting children while impaired or under the influence of alcohol.

The Administrative Hearing for License Suspension

The driver has a right to ask the Utah Motor Vehicle Administration (MVA) for a hearing to review a license suspension.

A request for a hearing must be sent in within 10 days to the MVA. If you don't file it within 10 days, you can't appeal it.

If you want to make sure that your driving privilege is not suspended prior to your hearing, you must send a request for a hearing within 10 days of the traffic stop.

If the driver does not request a hearing, the suspension will automatically. If there is a hearing, it is usually soon after.

At the hearing, the only facts that the Motor Vehicle Administration will consider are:

Whether the police officer had reasonable grounds to believe the person was driving or attempting to drive while under the influence of or impaired by alcohol or drugs

Whether there was evidence the driver used alcohol or drugs

Whether the police officer requested a test after the officer warned the driver of the penalties for refusal or a failed test

Whether the person refused to take the test

Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.05 or more at the time of testing;



If the hearing involves disqualification of a commercial driver's license, whether the person was operating a commercial motor vehicle or held a commercial driver's license; and Whether the person was involved in a motor vehicle accident that resulted in the death of another person.

If, at the end of the hearing, the MVA's Administrative Law Judge believes the driver was properly pulled over, warned, and failed or refused to take the test, the judge will suspend the person's driver license.

Ignition Interlock Program

Under certain circumstances, a driver can request to participate in the Ignition Interlock System Program. The MVA monitors this program, where a driver can only operate a motor vehicle that is equipped with an ignition interlock device. The MVA has more information about this program on its website.

The system cannot record sound or take video, but will take a still photograph of the person taking the test or if the device is being tampered with.

Criminal Proceedings for DUI

If a person has been arrested for a DWI or DUI, he or she will be charged with a crime and must go to court. Drunk-driving offenses are misdemeanor crimes in Utah.

If a person is found guilty of a DWI or DUI, he or she faces a hefty fine and jail time. Penalties can range from a \$500 fine and two months in jail up to a \$5,000 fine and five years in jail. You really should hire a criminal defense lawyer to help you.

If the DWI or DUI occurs when transporting a minor, the length of jail terms are much longer. The punishments for DWI and DUI increase with each subsequent conviction.

Points

The Motor Vehicle Administration will put "points" on the record of any driver convicted of a DUI



or DWI. Points stay on the driver's record for two years.

A driver who is convicted of a DWI will get 8 points, making him/her eligible for a license suspension.

A driver who is convicted of a DUI will get 12 points, making him/her eligible for license revocation.

Commercial License Drivers

The penalties and procedures for commercial license drivers may be different. Check out the information about commercial driver's licenses from the Utah Motor Vehicle Administration (MVA) for more information.

Traffic Citations

Traffic Stops

Police officers have a duty to provide information during a traffic stop or other stop. The officer should:

Display proper identification that includes:

- The officer's name
- Identification number
- The officer's law enforcement agency
- The reason for the stop

Additionally, a police officer may not prevent a person from recording the officer's actions. These requirements do not apply when exigent circumstances exist.

Receiving the Citation

When a police officer issues a driver a ticket for a traffic citation, whether the driver needs to go to court depends upon the offense. For payable offenses, the driver may admit guilt and pay the



full amount of the fine on the citation, request a hearing asking the court for a lower fine or no sanction, or request a trial date at the date and time established by the court.

When an officer issues a traffic citation, the driver has to sign an acknowledgment that he/she received the citation. This paper is only to show that the driver received notice of the citation. The driver does not admit guilt by signing the acknowledgement. The driver may be arrested if he/she refuses to sign.

Payable Offenses

For payable offenses, if the driver chooses to pay the fine and plead guilty, the guilty plea will be entered on the driver's record and the Motor Vehicle Administration (MVA) may assess points. Drivers can also ask for a hearing to have the fine reduced or for the Judge to decrease or eliminate any points for payable offenses. This hearing is not a trial. When asking for a hearing, drivers give up the right to have a trial and the officer who issued the citation will not be present. The hearing is just an opportunity for the driver to explain to the judge why he/she should receive a lower fine or probation before judgment (PBJ), but the driver doesn't dispute the truth of the facts. The MVA will not charge points for a PBJ because it is not a conviction. There is a chance that the judge will charge the driver with a higher fine, not to exceed \$500. Drivers charged with a payable offense (the offense is not punishable by incarceration) do not automatically get a trial date. Drivers requesting a trial must send in the form requesting a trial within 30 days of receiving the citation.

Requirement to Appear in Court

More serious violations such as driving while under the influence of a substance or driving a vehicle without an owner's consent require that the driver appear before a Judge and the citation will provide notification to the driver that he is summonsed to appear at Justice Court or District Court in the county where the alleged crime occurred. If the driver is charged with a violation that might include prison time, the driver is required to appear in court. Sometimes the driver does not have to appear in person and may be able to request that an attorney appear on his or her behalf. Any driver cited with an offense that may be punishable by prison time should



consult an attorney.

Areas We Serve in Nevada

We serve individuals and businesses in the following Nevada locations:

Alamo Nevada
Amargosa Valley Nevada
Austin Nevada
Baker Nevada
Battle Mountain Nevada
Beatty Nevada
Beaverdam Nevada
Bennett Springs Nevada
Blue Diamond Nevada
Boulder City Nevada
Bunkerville Nevada
Cal-Nev-Ari Nevada
Caliente Nevada
Carlin Nevada
Carson City Nevada
Carter Springs Nevada
Cold Springs Nevada
Crescent Valley Nevada
Crystal Bay Nevada
Dayton Nevada
Denio Nevada
Double Spring Nevada
Dry Valley Nevada
Dyer Nevada
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Elko City Nevada



Ely City Nevada
Empire Nevada
Enterprise Nevada
Eureka Nevada
Fallon Station Nevada
Fallon Nevada
Fernley Nevada
Fish Springs Nevada
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Gabbs Nevada
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Genoa Nevada
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Golconda Nevada
Golden Valley Nevada
Goldfield Nevada
Goodsprings Nevada
Grass Valley Nevada
Hawthorne Nevada
Henderson Nevada
Hiko Nevada
Humboldt River Ranch Nevada
Imlay Nevada
Incline Village Nevada
Indian Hills Nevada
Indian Springs Nevada
Jackpot Nevada
Johnson Lane Nevada
Kingsbury Nevada



Kingston Nevada
Lakeridge Nevada
Lamoille Nevada
Las Vegas Nevada
Laughlin Nevada
Lemmon Valley Nevada
Logan Creek Nevada
Lovelock Nevada
Lund Nevada
McDermitt Nevada
McGill Nevada
Mesquite Nevada
Mina Nevada
Minden Nevada
Moapa Town Nevada
Moapa Valley Nevada
Mogul Nevada
Montello Nevada
Mount Charleston Nevada
Mount Wilson Nevada
Mountain City Nevada
Nellis AFB Nevada
Nelson Nevada
Nixon Nevada
North Las Vegas Nevada
Oasis Nevada
Orovada Nevada
Osino Nevada
Owyhee Nevada
Pahrump Nevada
Panaca Nevada



Paradise Nevada
Paradise Valley Nevada
Pioche Nevada
Preston Nevada
Rachel Nevada
Reno Nevada
Round Hill Village Nevada
Ruhensroth Nevada
Ruth Nevada
Sandy Valley Nevada
Schurz Nevada
Searchlight Nevada
Silver City Nevada
Silver Peak Nevada
Silver Springs Nevada
Skyland Nevada
Smith Valley Nevada
Spanish Springs Nevada
Sparks Nevada
Spring Creek Nevada
Spring Valley Nevada
Stagecoach Nevada
Stateline Nevada
Summerlin South Nevada
Sun Valley Nevada
Sunrise Manor Nevada
Sutcliffe Nevada
Tonopah Nevada
Topaz Lake Nevada
Topaz Ranch Estates Nevada
Unionville Nevada



Ursine Nevada
Valmy Nevada
Verdi Nevada
Virginia City Nevada
Wadsworth Nevada
Walker Lake Nevada
Washoe Valley Nevada
Wells Nevada
West Wendover Nevada
Whitney Nevada
Winchester Nevada
Winnemucca Nevada
Yerington Nevada
Zephyr Cove Nevada

Areas We Serve in Utah

We serve individuals and businesses in the following Utah locations:

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West Valley City Utah
Provo Utah
West Jordan Utah
Orem Utah
Sandy Utah
Ogden Utah
St. George Utah
Layton Utah
South Jordan Utah
Lehi Utah
Millcreek Utah
Taylorsville Utah



Logan Utah
Murray Utah
Draper Utah
Bountiful Utah
Riverton Utah
Herriman Utah
Spanish Fork Utah
Roy Utah
Pleasant Grove Utah
Kearns Utah
Tooele Utah
Cottonwood Heights Utah
Midvale Utah
Springville Utah
Eagle Mountain Utah
Cedar City Utah
Kaysville Utah
Clearfield Utah
Holladay Utah
American Fork Utah
Syracuse Utah
Saratoga Springs Utah
Magna Utah
Washington Utah
South Salt Lake Utah
Farmington Utah
Clinton Utah
North Salt Lake Utah
Payson Utah
North Ogden Utah
Brigham City Utah



Highland Utah
Centerville Utah
Hurricane Utah
South Ogden Utah
Heber Utah
West Haven Utah
Bluffdale Utah
Santaquin Utah
Smithfield Utah
Woods Cross Utah
Grantsville Utah
Lindon Utah
North Logan Utah
West Point Utah
Vernal Utah
Alpine Utah
Cedar Hills Utah
Pleasant View Utah
Mapleton Utah
Stansbury Par Utah
Washington Terrace Utah
Riverdale Utah
Hooper Utah
Tremonton Utah
Ivins Utah
Park City Utah
Price Utah
Hyrum Utah
Summit Park Utah
Salem Utah
Richfield Utah



Santa Clara Utah
Providence Utah
South Weber Utah
Vineyard Utah
Ephraim Utah
Roosevelt Utah
Farr West Utah
Plain City Utah
Nibley Utah
Enoch Utah
Harrisville Utah
Snyderville Utah
Fruit Heights Utah
Nephi Utah
White City Utah
West Bountiful Utah
Sunset Utah
Moab Utah
Midway Utah
Perry Utah
Kanab Utah
Hyde Park Utah
Silver Summit Utah
La Verkin Utah
Morgan Utah

Expungement Attorney Consultation

When you need help from a expungement lawyer, call Jeremy D. Eveland, MBA, JD (801) 613-1472 for a consultation.
Jeremy Eveland



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RELEVANT KEYWORDS

The list of keywords we used to create this document :

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Videos worth watching

Watch the following videos for additional info :

<https://www.youtube.com/watch?v=KTXdHja58qI>



RECOMMENDED RESOURCES

The list of resources and links we recommend you visit :

[Can a DUI Be Expunged?](#)
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CONTACT US

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Website

Visit our Website here :

<https://jeremyeland.com/can-a-dui-be-expunged/>



Images/Photos



