

**DRIVER LICENSE AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Howard A. Stephenson**

House Sponsor: Gregory H. Hughes

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**LONG TITLE**

**General Description:**

This bill modifies the Uniform Driver License Act by amending provisions relating to the expiration of certain driver licenses.

**Highlighted Provisions:**

This bill:

- ▶ provides that a regular license certificate or any endorsement to a regular license certificate issued to an immediate family member or dependent of an individual who is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States who is residing outside of Utah, which expires during the time period the person is stationed outside of the state, is valid until 90 days after the person's orders have been terminated or the person has been discharged.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-3-205**, as last amended by Laws of Utah 2009, Chapters 315 and 356

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

Section 1. Section **53-3-205** is amended to read:

**53-3-205. Application for license or endorsement -- Fee required -- Tests --**

30 **Expiration dates of licenses and endorsements -- Information required -- Previous**  
31 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**  
32 **Fee required -- License agreement.**

33 (1) An application for any original license, provisional license, or endorsement shall  
34 be:

- 35 (a) made upon a form furnished by the division; and
- 36 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

37 (2) An application and fee for an original provisional class D license or an original  
38 class D license entitle the applicant to:

39 (a) not more than three attempts to pass both the knowledge and the skills tests for a  
40 class D license within six months of the date of the application;

41 (b) a learner permit if needed pending completion of the application and testing  
42 process; and

43 (c) an original class D license and license certificate after all tests are passed.

44 (3) An application and fee for a motorcycle or taxicab endorsement entitle the  
45 applicant to:

46 (a) not more than three attempts to pass both the knowledge and skills tests within six  
47 months of the date of the application;

48 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

49 (c) a motorcycle or taxicab endorsement when all tests are passed.

50 (4) An application and fees for a commercial class A, B, or C license entitle the  
51 applicant to:

52 (a) not more than two attempts to pass a knowledge test and not more than two  
53 attempts to pass a skills test within six months of the date of the application;

54 (b) a commercial driver instruction permit if needed after the knowledge test is passed;  
55 and

56 (c) an original commercial class A, B, or C license and license certificate when all  
57 applicable tests are passed.

- 58 (5) An application and fee for a CDL endorsement entitle the applicant to:
- 59 (a) not more than two attempts to pass a knowledge test and not more than two
- 60 attempts to pass a skills test within six months of the date of the application; and
- 61 (b) a CDL endorsement when all tests are passed.
- 62 (6) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
- 63 test within the number of attempts provided in Subsection (4) or (5), each test may be taken
- 64 two additional times within the six months for the fee provided in Section 53-3-105.
- 65 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
- 66 expires on the birth date of the applicant in the fifth year following the year the license
- 67 certificate was issued.
- 68 (b) Except as provided under Subsections (7)(f), (g), and (h)~~[, and (i)]~~, a renewal or an
- 69 extension to a license expires on the birth date of the licensee in the fifth year following the
- 70 expiration date of the license certificate renewed or extended.
- 71 (c) Except as provided under Subsections (7)(f)~~[,]~~ and (g)~~[, and (i)]~~, a duplicate
- 72 license expires on the same date as the last license certificate issued.
- 73 (d) An endorsement to a license expires on the same date as the license certificate
- 74 regardless of the date the endorsement was granted.
- 75 (e) A regular license certificate and any endorsement to the regular license certificate
- 76 held by a person ordered to active duty and stationed outside Utah in any of the armed forces
- 77 of the United States or by an immediate family member or dependent who is residing outside
- 78 of the state, which expires during the time period the person is stationed outside of the state, is
- 79 valid until 90 days after the person's orders have been terminated or the person has been
- 80 discharged ~~[or has left the service]~~, unless:
- 81 (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by
- 82 the division; or
- 83 (ii) the licensee updates the information or photograph on the license certificate.
- 84 (f) A limited-term license certificate or a renewal to a limited-term license certificate
- 85 expires:

86 (i) on the expiration date of the period of time of the individual's authorized stay in the  
87 United States or on the date provided under this Subsection (7), whichever is sooner; or

88 (ii) on the birth date of the applicant in the first year following the year that the  
89 limited-term license certificate was issued if there is no definite end to the individual's period  
90 of authorized stay.

91 (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the  
92 birth date of the applicant in the first year following the year that the driving privilege card  
93 was issued or renewed.

94 (h) An original license or a renewal to an original license expires on the birth date of  
95 the applicant in the first year following the year that the license was issued if the applicant is  
96 required to register as a sex offender under Section 77-27-21.5.

97 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative  
98 Procedures Act, for requests for agency action, each applicant shall:

99 (i) provide the applicant's:

100 (A) full legal name;

101 (B) birth date;

102 (C) gender;

103 (D) (I) documentary evidence of the applicant's valid Social Security number;

104 (II) written proof that the applicant is ineligible to receive a Social Security number;

105 (III) temporary identification number (ITIN) issued by the Internal Revenue Service

106 for a person who:

107 (Aa) does not qualify for a Social Security number; and

108 (Bb) is applying for a driving privilege card; or

109 (IV) other documentary evidence approved by the division; and

110 (E) Utah residence address as documented by a form or forms acceptable under rules  
111 made by the division under Section 53-3-104, unless the application is for a temporary CDL  
112 issued under Subsection 53-3-407(2)(b);

113 (ii) provide evidence of the applicant's lawful presence in the United States by

114 providing documentary evidence:

115       (A) that a person is:

116       (I) a United States citizen;

117       (II) a national; or

118       (III) a legal permanent resident alien; or

119       (B) of the applicant's:

120       (I) unexpired immigrant or nonimmigrant visa status for admission into the United

121 States;

122       (II) pending or approved application for asylum in the United States;

123       (III) admission into the United States as a refugee;

124       (IV) pending or approved application for temporary protected status in the United

125 States;

126       (V) approved deferred action status; or

127       (VI) pending application for adjustment of status to legal permanent resident or

128 conditional resident;

129       (iii) provide a description of the applicant;

130       (iv) state whether the applicant has previously been licensed to drive a motor vehicle

131 and, if so, when and by what state or country;

132       (v) state whether the applicant has ever had any license suspended, cancelled, revoked,

133 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license

134 application refused, and if so, the date of and reason for the suspension, cancellation,

135 revocation, disqualification, denial, or refusal;

136       (vi) state whether the applicant intends to make an anatomical gift under Title 26,

137 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

138       (vii) state whether the applicant is required to register as a sex offender under Section

139 77-27-21.5;

140       (viii) state whether the applicant is a military veteran and does or does not authorize

141 sharing the information with the state Department of Veterans' Affairs;

142 (ix) provide all other information the division requires; and  
143 (x) sign the application which signature may include an electronic signature as defined  
144 in Section 46-4-102.

145 (b) Each applicant shall have a Utah residence address, unless the application is for a  
146 temporary CDL issued under Subsection 53-3-407(2)(b).

147 (c) Each applicant shall provide evidence of lawful presence in the United States in  
148 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

149 (d) The division shall maintain on its computerized records an applicant's:

150 (i) (A) Social Security number;

151 (B) temporary identification number (ITIN); or

152 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

153 (ii) indication whether the applicant is required to register as a sex offender under  
154 Section 77-27-21.5.

155 (9) The division shall require proof of every applicant's name, birthdate, and  
156 birthplace by at least one of the following means:

157 (a) current license certificate;

158 (b) birth certificate;

159 (c) Selective Service registration; or

160 (d) other proof, including church records, family Bible notations, school records, or  
161 other evidence considered acceptable by the division.

162 (10) (a) Except as provided in Subsection (10)(b), when an applicant receives a license  
163 in another class, all previous license certificates shall be surrendered and canceled.

164 (b) A disqualified commercial license may not be canceled unless it expires before the  
165 new license certificate is issued.

166 (11) (a) When an application is received from a person previously licensed in another  
167 state to drive a motor vehicle, the division shall request a copy of the driver's record from the  
168 other state.

169 (b) When received, the driver's record becomes part of the driver's record in this state

170 with the same effect as though entered originally on the driver's record in this state.

171 (12) An application for reinstatement of a license after the suspension, cancellation,  
172 disqualification, denial, or revocation of a previous license shall be accompanied by the  
173 additional fee or fees specified in Section 53-3-105.

174 (13) A person who has an appointment with the division for testing and fails to keep  
175 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee  
176 under Section 53-3-105.

177 (14) A person who applies for an original license or renewal of a license agrees that  
178 the person's license is subject to any suspension or revocation authorized under this title or  
179 Title 41, Motor Vehicles.

180 (15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by  
181 the licensee in accordance with division rule.

182 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
183 Management Act, the division may, upon request, release to an organ procurement  
184 organization, as defined in Section 26-28-102, the names and addresses of all persons who  
185 under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.

186 (ii) An organ procurement organization may use released information only to:

187 (A) obtain additional information for an anatomical gift registry; and

188 (B) inform licensees of anatomical gift options, procedures, and benefits.

189 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
190 Management Act, the division may release to the Department of Veterans' Affairs the names  
191 and addresses of all persons who indicate their status as a veteran under Subsection  
192 (8)(a)(viii).

193 (17) The division and its employees are not liable, as a result of false or inaccurate  
194 information provided under Subsection (8)(a)(vi) or(viii), for direct or indirect:

195 (a) loss;

196 (b) detriment; or

197 (c) injury.

198           (18) A person who knowingly fails to provide the information required under  
199 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.