

**DRIVER LICENSE MOTORCYCLE ENDORSEMENT****AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

---

---

**LONG TITLE****General Description:**

This bill modifies the Uniform Driver License Act by amending provisions relating to motorcycle endorsements.

**Highlighted Provisions:**

This bill:

- ▶ provides that a person is exempt from the requirement to pass the knowledge and skills test to be eligible for a motorcycle endorsement to a regular license certificate if the person:
  - is a resident of the state of Utah;
  - is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States or is an immediate family member or dependent of a person stationed outside of Utah in any of the armed forces of the United States;
  - has a digitized driver license photo on file with the division;
  - provides proof to the division of the successful completion of a certified Motorcycle Safety Foundation rider training course; and
  - provides the necessary information and documentary evidence;
- ▶ grants the Driver License Division rulemaking authority to:
  - establish the procedures for certain military personnel and their families to obtain a motorcycle endorsement; and
  - identify the applicable restrictions for the motorcycle endorsement issued; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53-3-205**, as last amended by Laws of Utah 2012, Chapters 145, 176, 177, and 335

35

36 *Be it enacted by the Legislature of the state of Utah:*37 Section 1. Section **53-3-205** is amended to read:38 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**39 **Expiration dates of licenses and endorsements -- Information required -- Previous**40 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**41 **Fee required -- License agreement.**42 (1) An application for any original license, provisional license, or endorsement shall  
43 be:

44 (a) made upon a form furnished by the division; and

45 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

46 (2) An application and fee for an original provisional class D license or an original  
47 class D license entitle the applicant to:48 (a) not more than three attempts to pass both the knowledge and the skills tests for a  
49 class D license within six months of the date of the application;50 (b) a learner permit if needed pending completion of the application and testing  
51 process; and52 (c) an original class D license and license certificate after all tests are passed and  
53 requirements are completed.54 (3) An application and fee for a motorcycle or taxicab endorsement entitle the  
55 applicant to:56 (a) not more than three attempts to pass both the knowledge and skills tests within six  
57 months of the date of the application;

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

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

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

62 (a) not more than two attempts to pass a knowledge test and not more than two

63 attempts to pass a skills test within six months of the date of the application;

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

65 and

66 (c) an original commercial class A, B, or C license and license certificate when all

67 applicable tests are passed.

68 (5) An application and fee for a CDL endorsement entitle the applicant to:

69 (a) not more than two attempts to pass a knowledge test and not more than two

70 attempts to pass a skills test within six months of the date of the application; and

71 (b) a CDL endorsement when all tests are passed.

72 (6) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement

73 test within the number of attempts provided in Subsection (4) or (5), each test may be taken

74 two additional times within the six months for the fee provided in Section 53-3-105.

75 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license

76 expires on the birth date of the applicant in the fifth year following the year the license

77 certificate was issued.

78 (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension

79 to a license expires on the birth date of the licensee in the fifth year following the expiration

80 date of the license certificate renewed or extended.

81 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on

82 the same date as the last license certificate issued.

83 (d) An endorsement to a license expires on the same date as the license certificate

84 regardless of the date the endorsement was granted.

85 (e) (i) A regular license certificate and any endorsement to the regular license

86 certificate held by a person described in Subsection (7)(e)(ii), which expires during the time

87 period the person is stationed outside of the state, is valid until 90 days after the person's orders

88 have been terminated, the person has been discharged, or the person's assignment has been

89 changed or terminated, unless:

90 (A) the license is suspended, disqualified, denied, or has been cancelled or revoked by

91 the division; or

92 (B) the licensee updates the information or photograph on the license certificate.

93 (ii) The provisions in Subsection (7)(e)(i) apply to a person:

94 (A) ordered to active duty and stationed outside of Utah in any of the armed forces of  
95 the United States;

96 (B) who is an immediate family member or dependent of a person described in  
97 Subsection (7)(e)(ii)(A) and is residing outside of Utah;

98 (C) who is a civilian employee of the United States State Department or United States  
99 Department of Defense and is stationed outside of the United States; or

100 (D) who is an immediate family member or dependent of a person described in  
101 Subsection (7)(e)(ii)(C) and is residing outside of the United States.

102 (f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a  
103 renewal to a limited-term license certificate expires:

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

106 (B) on the date of issuance in the first year following the year that the limited-term  
107 license certificate was issued if there is no definite end to the individual's period of authorized  
108 stay.

109 (ii) A limited-term license certificate or a renewal to a limited-term license certificate  
110 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth  
111 year following the year that the limited-term license certificate was issued.

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

115 (h) An original license or a renewal to an original license expires on the birth date of  
116 the applicant in the first year following the year that the license was issued if the applicant is  
117 required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap  
118 Offender Registry.

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

121 (i) provide:

122 (A) the applicant's full legal name;

123 (B) the applicant's birth date;

124 (C) the applicant's gender;

- 125 (D) (I) documentary evidence of the applicant's valid Social Security number;
- 126 (II) written proof that the applicant is ineligible to receive a Social Security number;
- 127 (III) the applicant's temporary identification number (ITIN) issued by the Internal
- 128 Revenue Service for a person who:
- 129 (Aa) does not qualify for a Social Security number; and
- 130 (Bb) is applying for a driving privilege card; or
- 131 (IV) other documentary evidence approved by the division;
- 132 (E) the applicant's Utah residence address as documented by a form or forms
- 133 acceptable under rules made by the division under Section 53-3-104, unless the application is
- 134 for a temporary CDL issued under Subsection 53-3-407(2)(b); and
- 135 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person is
- 136 applying for a driving privilege card;
- 137 (ii) provide evidence of the applicant's lawful presence in the United States by
- 138 providing documentary evidence:
- 139 (A) that a person is:
- 140 (I) a United States citizen;
- 141 (II) a United States national; or
- 142 (III) a legal permanent resident alien; or
- 143 (B) of the applicant's:
- 144 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
- 145 States;
- 146 (II) pending or approved application for asylum in the United States;
- 147 (III) admission into the United States as a refugee;
- 148 (IV) pending or approved application for temporary protected status in the United
- 149 States;
- 150 (V) approved deferred action status;
- 151 (VI) pending application for adjustment of status to legal permanent resident or
- 152 conditional resident; or
- 153 (VII) conditional permanent resident alien status;
- 154 (iii) provide a description of the applicant;
- 155 (iv) state whether the applicant has previously been licensed to drive a motor vehicle

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

157 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,  
158 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license  
159 application refused, and if so, the date of and reason for the suspension, cancellation,  
160 revocation, disqualification, denial, or refusal;

161 (vi) state whether the applicant intends to make an anatomical gift under Title 26,  
162 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

163 (vii) state whether the applicant is required to register as a sex offender in accordance  
164 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

165 (viii) state whether the applicant is a veteran of the United States military, provide  
166 verification that the applicant was honorably discharged from the United States military, and  
167 state whether the applicant does or does not authorize sharing the information with the state  
168 Department of Veterans' Affairs;

169 (ix) provide all other information the division requires; and

170 (x) sign the application which signature may include an electronic signature as defined  
171 in Section 46-4-102.

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

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

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

177 (i) (A) Social Security number;

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

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

180 (ii) indication whether the applicant is required to register as a sex offender in  
181 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

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

184 (a) current license certificate;

185 (b) birth certificate;

186 (c) Selective Service registration; or

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

189 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a  
190 higher class than what the applicant originally was issued:

191 (i) the license application shall be treated as an original application; and

192 (ii) license and endorsement fees shall be assessed under Section 53-3-105.

193 (b) An applicant that receives a downgraded license in a lower license class during an  
194 existing license cycle that has not expired:

195 (i) may be issued a duplicate license with a lower license classification for the  
196 remainder of the existing license cycle; and

197 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a  
198 duplicate license is issued under Subsection (10)(b)(i).

199 (c) An applicant who has received a downgraded license in a lower license class under  
200 Subsection (10)(b):

201 (i) may, when eligible, receive a duplicate license in the highest class previously issued  
202 during a license cycle that has not expired for the remainder of the existing license cycle; and

203 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a  
204 duplicate license is issued under Subsection (10)(c)(i).

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

208 (b) When received, the driver's record becomes part of the driver's record in this state  
209 with the same effect as though entered originally on the driver's record in this state.

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

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

216 (14) A person who applies for an original license or renewal of a license agrees that the  
217 person's license is subject to any suspension or revocation authorized under this title or Title

218 41, Motor Vehicles.

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

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

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

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

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

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

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

233 (a) loss;

234 (b) detriment; or

235 (c) injury.

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

238 (19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may  
239 hold both an unexpired Utah license certificate and an unexpired Utah identification card.

240 (b) On or after December 1, 2014, a person born on or after December 1, 1964:

241 (i) may not hold both an unexpired Utah license certificate and an unexpired  
242 identification card; and

243 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah  
244 identification card in the person's possession, shall be required to surrender either the unexpired  
245 Utah license certificate or the unexpired Utah identification card.

246 (c) If a person has not surrendered either the Utah license certificate or the Utah  
247 identification card as required under this Subsection (19), the division shall cancel the Utah  
248 identification card on December 1, 2014.

249 (20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold  
250 both an unexpired Utah license certificate and an unexpired Utah identification card.

251 (b) On or after December 1, 2017, a person born prior to December 1, 1964:

252 (i) may not hold both an unexpired Utah license certificate and an unexpired  
253 identification card; and

254 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah  
255 identification card in the person's possession, shall be required to surrender either the unexpired  
256 Utah license certificate or the unexpired Utah identification card.

257 (c) If a person has not surrendered either the Utah license certificate or the Utah  
258 identification card as required under this Subsection (20), the division shall cancel the Utah  
259 identification card on December 1, 2017.

260 (21) (a) A person who applies for an original motorcycle endorsement to a regular  
261 license certificate is exempt from the requirement to pass the knowledge and skills test to be  
262 eligible for the motorcycle endorsement if the person:

263 (i) is a resident of the state of Utah;

264 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed  
265 forces of the United States; or

266 (B) is an immediate family member or dependent of a person described in Subsection  
267 (21)(a)(ii)(A) and is residing outside of Utah;

268 (iii) has a digitized driver license photo on file with the division;

269 (iv) provides proof to the division of the successful completion of a certified  
270 Motorcycle Safety Foundation rider training course; and

271 (v) provides the necessary information and documentary evidence required under  
272 Subsection (8).

273 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
274 division shall make rules:

275 (i) establishing the procedures for a person to obtain a motorcycle endorsement under  
276 this Subsection (21); and

277 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under  
278 this Subsection (21).