

Part 2 Driver Licensing Act

53-3-201 Short title.

This part is known as the "Driver Licensing Act."

Enacted by Chapter 234, 1993 General Session

53-3-202 Drivers must be licensed -- Taxicab endorsement -- Violation.

- (1) A person may not drive a motor vehicle or an autocycle on a highway in this state unless the person is:
 - (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the division under this chapter;
 - (b) driving an official United States Government class D motor vehicle with a valid United States Government driver permit or license for that type of vehicle;
 - (c)
 - (i) driving a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved, or propelled on the highways; and
 - (ii) driving the vehicle described in Subsection (1)(c)(i) in conjunction with a construction or agricultural activity;
 - (d) a nonresident who is at least 16 years of age and younger than 18 years of age who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country and is driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;
 - (e) a nonresident who is at least 18 years of age and who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country if driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;
 - (f) driving under a learner permit in accordance with Section 53-3-210.5;
 - (g) driving with a temporary license certificate issued in accordance with Section 53-3-207; or
 - (h) exempt under Title 41, Chapter 22, Off-Highway Vehicles.
- (2) A person may not drive or, while within the passenger compartment of a motor vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a motor vehicle upon a highway unless the person:
 - (a) holds a valid license issued under this chapter for the type or class of motor vehicle being towed; or
 - (b) is exempted under either Subsection (1)(b) or (1)(c).
- (3)
 - (a) A person may not drive a motor vehicle as a taxicab on a highway of this state unless the person has a taxicab endorsement issued by the division on the person's license certificate.
 - (b) A person may not drive a motor vehicle as a private passenger carrier on a highway of this state unless the person has:
 - (i) a taxicab endorsement issued by the division on the person's license certificate; or
 - (ii) a commercial driver license with:
 - (A) a taxicab endorsement;

- (B) a passenger endorsement; or
- (C) a school bus endorsement.
- (c) Nothing in Subsection (3)(b) is intended to exempt a person driving a motor vehicle as a private passenger carrier from regulation under other statutory and regulatory schemes, including:
 - (i) 49 C.F.R. Parts 350-399, Federal Motor Carrier Safety Regulations;
 - (ii) Title 34, Chapter 36, Transportation of Workers, and rules adopted by the Labor Commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (iii) Title 72, Chapter 9, Motor Carrier Safety Act, and rules adopted by the Motor Carrier Division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4)
 - (a) Except as provided in Subsections (4)(b), (c), (d), and (e) a person may not operate:
 - (i) a motorcycle unless the person has a valid class D driver license and a motorcycle endorsement issued under this chapter;
 - (ii) a street legal all-terrain vehicle unless the person has a valid class D driver license; or
 - (iii) a motor-driven cycle unless the person has a valid class D driver license and a motorcycle endorsement issued under this chapter.
 - (b) A person operating a moped, as defined in Section 41-6a-102, is not required to have a motorcycle endorsement issued under this chapter.
 - (c) A person operating an electric assisted bicycle, as defined in Section 41-6a-102, is not required to have a valid class D driver license or a motorcycle endorsement issued under this chapter.
 - (d) A person is not required to have a valid class D driver license if the person is:
 - (i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance with Section 41-6a-1115; or
 - (ii) operating an electric personal assistive mobility device, as defined in Section 41-6a-102, in accordance with Section 41-6a-1116.
 - (e) A person operating an auticycle is not required to have a motorcycle endorsement issued under this chapter.
- (5) A person who violates this section is guilty of an infraction.

Amended by Chapter 40, 2016 General Session

Amended by Chapter 173, 2016 General Session

Amended by Chapter 321, 2016 General Session

53-3-203 Authorizing or permitting driving in violation of chapter -- Renting of motor vehicles -- License requirements -- Employees must be licensed -- Violations.

- (1) A person may not authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by a person in violation of this chapter.
- (2)
 - (a) A person may not rent a motor vehicle to another person unless the person who will be the driver is licensed in this state, or in the case of a nonresident, licensed under the laws of the state or country of his residence.
 - (b) A person may not rent a motor vehicle to another person until he has inspected the license certificate of the person who will be the driver and verified the signature on the license certificate by comparison with the signature of the person who will be the driver written in his presence.
 - (c) A person renting a motor vehicle to another shall keep a record of the:

- (i) registration number of the rented motor vehicle;
 - (ii) name and address of the person to whom the motor vehicle is rented;
 - (iii) number of the license certificate of the renter; and
 - (iv) date and place the license certificate was issued.
- (d) The record is open to inspection by any peace officer or officer or employee of the division.
- (3) A person may not employ a person to drive a motor vehicle who is not licensed as required under this chapter.
- (4) A person who violates this section is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

53-3-204 Persons who may not be licensed.

- (1)
- (a) The division may not license a person who:
 - (i) is younger than 16 years of age;
 - (ii) if the person is 18 years of age or younger, has not completed a course in driver training approved by the commissioner;
 - (iii) if the person is 19 years of age or older has not completed:
 - (A) a course in driver training approved by the commissioner; or
 - (B) the requirements under Subsection 53-3-210.5(6)(c);
 - (iv) if the person is a minor as defined in Section 53-3-211, has not completed the driving requirement under Section 53-3-211;
 - (v) is not a resident of the state, unless the person:
 - (A) is issued a temporary CDL under Subsection 53-3-407(2)(b) prior to July 1, 2015; or
 - (B) qualifies for a non-domiciled CDL as defined in 49 C.F.R. Part 383;
 - (vi) if the person is 17 years of age or younger, has not held a learner permit issued under Section 53-3-210.5 or an equivalent by another state or branch of the United States Armed Forces for six months; or
 - (vii) is younger than 18 years of age and applying for a CDL under 49 C.F.R. Part 383.
 - (b) Subsections (1)(a)(i), (ii), (iii), (iv), and (vi) do not apply to a person:
 - (i) who has been licensed before July 1, 1967; or
 - (ii) who is 16 years of age or older making application for a license who has been licensed in another state or country.
- (2) The division may not issue a license certificate to a person:
- (a) whose license has been suspended, denied, cancelled, or disqualified during the period of suspension, denial, cancellation, or disqualification;
 - (b) whose privilege has been revoked, except as provided in Section 53-3-225;
 - (c) who has previously been adjudged mentally incompetent and who has not at the time of application been restored to competency as provided by law;
 - (d) who is required by this chapter to take an examination unless the person successfully passes the examination;
 - (e) whose driving privileges have been denied or suspended under:
 - (i) Section 78A-6-606 by an order of the juvenile court; or
 - (ii) Section 53-3-231; or
 - (f) beginning on or after July 1, 2012, who holds an unexpired Utah identification card issued under Part 8, Identification Card Act, unless:
 - (i) the Utah identification card is canceled; and

- (ii) if the Utah identification card is in the person's possession, the Utah identification card is surrendered to the division.
- (3)
- (a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle endorsement to a person who:
 - (i) has not been granted an original or provisional class D license, a CDL, or an out-of-state equivalent to an original or provisional class D license or a CDL; and
 - (ii) if the person is under 19 years of age, has not held a motorcycle learner permit for two months unless Subsection (3)(b) applies.
 - (b) The division may waive the two month motorcycle learner permit holding period requirement under Subsection (3)(a)(ii) if the person proves to the satisfaction of the division that the person has completed a motorcycle rider education program that meets the requirements under Section 53-3-903.
 - (c) The division may grant a motorcycle endorsement to a person under 19 years of age who has not held a motorcycle learner permit for two months if the person was issued a motorcycle endorsement prior to July 1, 2008.
- (4) The division may grant a class D license to a person whose commercial license is disqualified under Part 4, Uniform Commercial Driver License Act, if the person is not otherwise sanctioned under this chapter.

Amended by Chapter 422, 2015 General Session

53-3-205 Application for license or endorsement -- Fee required -- Tests -- Expiration dates of licenses and endorsements -- Information required -- Previous licenses surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required -- License agreement.

- (1) An application for any original license, provisional license, or endorsement shall be:
 - (a) made upon a form furnished by the division; and
 - (b) accompanied by a nonrefundable fee set under Section 53-3-105.
- (2) An application and fee for an original provisional class D license or an original class D license entitle the applicant to:
 - (a) not more than three attempts to pass both the knowledge and the skills tests for a class D license within six months of the date of the application;
 - (b) a learner permit if needed pending completion of the application and testing process; and
 - (c) an original class D license and license certificate after all tests are passed and requirements are completed.
- (3) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:
 - (a) not more than three attempts to pass both the knowledge and skills tests within six months of the date of the application;
 - (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
 - (c) a motorcycle or taxicab endorsement when all tests are passed.
- (4) An application and fees for a commercial class A, B, or C license entitle the applicant to:
 - (a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months of the date of the application;
 - (b) both a commercial driver instruction permit and a temporary license permit for the license class held before the applicant submits the application if needed after the knowledge test is passed; and

- (c) an original commercial class A, B, or C license and license certificate when all applicable tests are passed.
- (5) An application and fee for a CDL endorsement entitle the applicant to:
 - (a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months of the date of the application; and
 - (b) a CDL endorsement when all tests are passed.
- (6)
 - (a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement test within the number of attempts provided in Subsection (4) or (5), each test may be taken two additional times within the six months for the fee provided in Section 53-3-105.
 - (b)
 - (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test administered by the division if the out-of-state resident pays the fee provided in Subsection 53-3-105(20)(b).
 - (ii) The division shall:
 - (A) electronically transmit skills test results for an out-of-state resident to the licensing agency in the state or jurisdiction in which the person has obtained a valid CDIP; and
 - (B) provide the out-of-state resident with documentary evidence upon successful completion of the skills test.
- (7)
 - (a) Except as provided under Subsections (7)(f), (g), and (h), an original license expires on the birth date of the applicant in the fifth year following the year the license certificate was issued.
 - (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension to a license expires on the birth date of the licensee in the fifth year following the expiration date of the license certificate renewed or extended.
 - (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on the same date as the last license certificate issued.
 - (d) An endorsement to a license expires on the same date as the license certificate regardless of the date the endorsement was granted.
 - (e)
 - (i) A regular license certificate and any endorsement to the regular license certificate held by a person described in Subsection (7)(e)(ii), 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, the person has been discharged, or the person's assignment has been changed or terminated, unless:
 - (A) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or
 - (B) the licensee updates the information or photograph on the license certificate.
 - (ii) The provisions in Subsection (7)(e)(i) apply to a person:
 - (A) ordered to active duty and stationed outside of Utah in any of the armed forces of the United States;
 - (B) who is an immediate family member or dependent of a person described in Subsection (7)(e)(ii)(A) and is residing outside of Utah;
 - (C) who is a civilian employee of the United States State Department or United States Department of Defense and is stationed outside of the United States; or
 - (D) who is an immediate family member or dependent of a person described in Subsection (7)(e)(ii)(C) and is residing outside of the United States.
 - (f)

- (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a renewal to a limited-term license certificate expires:
 - (A) on the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided under this Subsection (7), whichever is sooner; or
 - (B) on the date of issuance in the first year following the year that the limited-term license certificate was issued if there is no definite end to the individual's period of authorized stay.
- (ii) A limited-term license certificate or a renewal to a limited-term license certificate issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth year following the year that the limited-term license certificate was issued.
- (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the birth date of the applicant in the first year following the year that the driving privilege card was issued or renewed.
- (h) An original license or a renewal to an original license expires on the birth date of the applicant in the first year following the year that the license was issued if the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.
- (8)
 - (a) In addition to the information required by Title 63G, Chapter 4, Administrative Procedures Act, for requests for agency action, each applicant shall:
 - (i) provide:
 - (A) the applicant's full legal name;
 - (B) the applicant's birth date;
 - (C) the applicant's gender;
 - (D)
 - (I) documentary evidence of the applicant's valid Social Security number;
 - (II) written proof that the applicant is ineligible to receive a Social Security number;
 - (III) the applicant's temporary identification number (ITIN) issued by the Internal Revenue Service for a person who:
 - (Aa) does not qualify for a Social Security number; and
 - (Bb) is applying for a driving privilege card; or
 - (IV) other documentary evidence approved by the division;
 - (E) the applicant's Utah residence address as documented by a form or forms acceptable under rules made by the division under Section 53-3-104, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b); and
 - (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person is applying for a driving privilege card;
 - (ii) provide evidence of the applicant's lawful presence in the United States by providing documentary evidence:
 - (A) that a person is:
 - (I) a United States citizen;
 - (II) a United States national; or
 - (III) a legal permanent resident alien; or
 - (B) of the applicant's:
 - (I) unexpired immigrant or nonimmigrant visa status for admission into the United States;
 - (II) pending or approved application for asylum in the United States;
 - (III) admission into the United States as a refugee;
 - (IV) pending or approved application for temporary protected status in the United States;

- (V) approved deferred action status;
 - (VI) pending application for adjustment of status to legal permanent resident or conditional resident; or
 - (VII) conditional permanent resident alien status;
 - (iii) provide a description of the applicant;
 - (iv) state whether the applicant has previously been licensed to drive a motor vehicle and, if so, when and by what state or country;
 - (v) state whether the applicant has ever had any license suspended, cancelled, revoked, disqualified, or denied in the last 10 years, or whether the applicant has ever had any license application refused, and if so, the date of and reason for the suspension, cancellation, revocation, disqualification, denial, or refusal;
 - (vi) state whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
 - (vii) state whether the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
 - (viii) state whether the applicant is a veteran of the United States military, provide verification that the applicant was granted an honorable or general discharge from the United States Armed Forces, and state whether the applicant does or does not authorize sharing the information with the state Department of Veterans' and Military Affairs;
 - (ix) provide all other information the division requires; and
 - (x) sign the application which signature may include an electronic signature as defined in Section 46-4-102.
- (b) Each applicant shall have a Utah residence address, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b).
- (c) Each applicant shall provide evidence of lawful presence in the United States in accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
- (d) The division shall maintain on its computerized records an applicant's:
- (i)
 - (A) Social Security number;
 - (B) temporary identification number (ITIN); or
 - (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
 - (ii) indication whether the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.
- (9) The division shall require proof of every applicant's name, birthdate, and birthplace by at least one of the following means:
- (a) current license certificate;
 - (b) birth certificate;
 - (c) Selective Service registration; or
 - (d) other proof, including church records, family Bible notations, school records, or other evidence considered acceptable by the division.
- (10)
- (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a higher class than what the applicant originally was issued:
 - (i) the license application shall be treated as an original application; and
 - (ii) license and endorsement fees shall be assessed under Section 53-3-105.
 - (b) An applicant that receives a downgraded license in a lower license class during an existing license cycle that has not expired:

- (i) may be issued a duplicate license with a lower license classification for the remainder of the existing license cycle; and
 - (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a duplicate license is issued under Subsection (10)(b)(i).
- (c) An applicant who has received a downgraded license in a lower license class under Subsection (10)(b):
 - (i) may, when eligible, receive a duplicate license in the highest class previously issued during a license cycle that has not expired for the remainder of the existing license cycle; and
 - (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a duplicate license is issued under Subsection (10)(c)(i).
- (11)
 - (a) When an application is received from a person previously licensed in another state to drive a motor vehicle, the division shall request a copy of the driver's record from the other state.
 - (b) When received, the driver's record becomes part of the driver's record in this state with the same effect as though entered originally on the driver's record in this state.
- (12) An application for reinstatement of a license after the suspension, cancellation, disqualification, denial, or revocation of a previous license shall be accompanied by the additional fee or fees specified in Section 53-3-105.
- (13) A person who has an appointment with the division for testing and fails to keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105.
- (14) A person who applies for an original license or renewal of a license agrees that the person's license is subject to any suspension or revocation authorized under this title or Title 41, Motor Vehicles.
- (15)
 - (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by the licensee in accordance with division rule.
 - (b)
 - (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-102, the names and addresses of all persons who under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.
 - (ii) An organ procurement organization may use released information only to:
 - (A) obtain additional information for an anatomical gift registry; and
 - (B) inform licensees of anatomical gift options, procedures, and benefits.
- (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans' and Military Affairs the names and addresses of all persons who indicate their status as a veteran under Subsection (8)(a)(viii).
- (17) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:
 - (a) loss;
 - (b) detriment; or
 - (c) injury.
- (18) A person who knowingly fails to provide the information required under Subsection (8)(a)(vii) is guilty of a class A misdemeanor.
- (19)
 - (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.

- (b) On or after December 1, 2014, a person born on or after December 1, 1964:
 - (i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and
 - (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.
- (c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (19), the division shall cancel the Utah identification card on December 1, 2014.

(20)

- (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.
- (b) On or after December 1, 2017, a person born prior to December 1, 1964:
 - (i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and
 - (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.
- (c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (20), the division shall cancel the Utah identification card on December 1, 2017.

(21)

- (a) A person who applies for an original motorcycle endorsement to a regular license certificate is exempt from the requirement to pass the knowledge and skills test to be eligible for the motorcycle endorsement if the person:
 - (i) is a resident of the state of Utah;
 - (ii)
 - (A) is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States; or
 - (B) is an immediate family member or dependent of a person described in Subsection (21)(a)(ii)(A) and is residing outside of Utah;
 - (iii) has a digitized driver license photo on file with the division;
 - (iv) provides proof to the division of the successful completion of a certified Motorcycle Safety Foundation rider training course; and
 - (v) provides the necessary information and documentary evidence required under Subsection (8).
- (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:
 - (i) establishing the procedures for a person to obtain a motorcycle endorsement under this Subsection (21); and
 - (ii) identifying the applicable restrictions for a motorcycle endorsement issued under this Subsection (21).

Amended by Chapter 175, 2016 General Session

53-3-205.5 Fingerprint and photograph submission required for driving privilege card applicants and cardholders.

(1)

- (a) Every applicant for an original driving privilege card shall submit:
 - (i) an application to the division; and
 - (ii) fingerprints and a photograph in a sealed envelope provided by the Bureau of Criminal Identification or a law enforcement agency.
- (b) If an applicant for a renewal of a driving privilege card has not previously submitted fingerprints and a photograph to the division, the applicant shall submit fingerprints and a photograph in a sealed envelope provided by the Bureau of Criminal Identification or a law enforcement agency.
- (c) The Bureau of Criminal Identification or a law enforcement agency that has the capability of handling fingerprint and photograph submissions shall take the applicant's fingerprints and photo for submission under Subsection (1).
- (2) The division shall submit fingerprints for each person described in Subsection (1) to the Bureau of Criminal Identification established in Section 53-10-201.
- (3) The Bureau of Criminal Identification shall:
 - (a) check the fingerprints submitted under Subsection (1) against the applicable state and regional criminal records databases;
 - (b) maintain a separate file of fingerprints submitted under Subsection (1) for search by future submissions to the local, state, and regional criminal records databases, including latent prints; and
 - (c) provide notice to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security of any new or existing criminal history record or new or existing warrant information contained in or entered in local, state, or regional databases.
- (4) In addition to any other fees authorized by this chapter, the division shall:
 - (a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification or other authorized agency provides under this section; and
 - (b) remit the fees collected under Subsection (4)(a) to the Bureau of Criminal Identification.

Amended by Chapter 29, 2016 General Session

53-3-205.6 Emergency contact database.

- (1)
 - (a) The division shall establish a database of the emergency contacts of a person who holds a license certificate, learner permit, identification card, or any other type of license or permit issued under this chapter.
 - (b) Information in the database created under this section may only be accessed by:
 - (i) employees of the division;
 - (ii) law enforcement officers employed by a law enforcement agency; and
 - (iii) employees or authorized agents of a law enforcement agency.
 - (c) A law enforcement officer may share information contained in the emergency contact database with other public safety workers on the scene of a motor vehicle accident or other emergency situation, as needed to conduct official law enforcement duties.
- (2) A person holding a license certificate, learner permit, identification card, or any other type of license or permit issued under this chapter may provide the division, in a manner specified by the division, the name, address, telephone number, and relationship to the holder of no more than two emergency contact persons whom the holder wishes to be contacted by a law enforcement officer if the holder:
 - (a) is involved in a motor vehicle accident or other emergency situation; and

- (b) is unable to communicate with the contact person or persons.
- (3) The information contained in the database created under this section:
 - (a) shall only be used for the purposes described in this section; and
 - (b) may not be used for criminal investigation purposes.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing the procedures to implement this section including:
 - (a) specifying the method for a license certificate, instruction permit, or identification card holder to provide the division with emergency contact information;
 - (b) specifying the method for a license certificate, learner permit, or identification card holder to change the emergency contact information; and
 - (c) other rules required for the implementation of the database or its operation that the division determines necessary to implement the provisions of this section.
- (5)
 - (a) If a person involved in a motor vehicle accident or other emergency situation is unable to communicate with the contact person or persons specified in the database, a law enforcement officer shall make a good faith effort to notify the contact person or persons of the situation.
 - (b) A law enforcement officer or a law enforcement agency that employs a law enforcement officer may not incur any liability if the law enforcement officer is not able to make contact with a designated emergency contact person.
 - (c) Except for willful or wanton misconduct, a law enforcement officer or a law enforcement agency that employs a law enforcement officer may not incur any liability relating to the reporting or use of the database during a motor vehicle accident or other emergency situation.
- (6) The division is not liable for any damages, costs, or expenses arising or resulting from any inaccurate or incomplete data or system unavailability.

Enacted by Chapter 252, 2012 General Session

53-3-206 Examination of applicant's physical and mental fitness to drive a motor vehicle.

- (1) The division shall examine every applicant for a license, including a test of the applicant's:
 - (a) eyesight either:
 - (i) by the division; or
 - (ii) by allowing the applicant to furnish to the division a statement from a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
 - (b) ability to read and understand highway signs regulating, warning, and directing traffic;
 - (c) ability to read and understand simple English used in highway traffic and directional signs;
 - (d) knowledge of the state traffic laws;
 - (e) other physical and mental abilities the division finds necessary to determine the applicant's fitness to drive a motor vehicle safely on the highways; and
 - (f) ability to exercise ordinary and responsible control driving a motor vehicle, as determined by actual demonstration or other indicator.
- (2)
 - (a) Notwithstanding the provisions of Subsection (1) or any other provision of law, the division shall allow a refugee or an approved asylee to take an examination of the person's knowledge of the state traffic laws in the person's native language the first time the person applies for a limited-term license certificate.

- (b) Upon renewal of a refugee's or approved asylee's limited-term license certificate for a refugee or approved asylee that has taken the knowledge exam in the person's native language under Subsection (2)(a), the division shall re-examine the person's knowledge of the state traffic laws in English.
- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing the procedures and requirements for a refugee or an approved asylee to take an examination of the person's knowledge of the state traffic laws in the person's native language.
- (3) The division shall determine whether any facts exist that would bar granting a license under Section 53-3-204.
- (4) The division shall examine each applicant according to the class of license applied for.
- (5) An applicant for a CDL shall meet all additional requirements of Part 4, Uniform Commercial Driver License Act, of this chapter.

Amended by Chapter 415, 2011 General Session

53-3-207 License certificates or driving privilege cards issued to drivers by class of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.

- (1) As used in this section:
 - (a) "Driving privilege" means the privilege granted under this chapter to drive a motor vehicle.
 - (b) "Governmental entity" means the state and its political subdivisions as defined in this Subsection (1).
 - (c) "Political subdivision" means any county, city, town, school district, public transit district, community reinvestment agency, special improvement or taxing district, local district, special service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public corporation.
 - (d) "State" means this state, and includes any office, department, agency, authority, commission, board, institution, hospital, college, university, children's justice center, or other instrumentality of the state.
- (2)
 - (a) The division shall issue to every person privileged to drive a motor vehicle, a regular license certificate, a limited-term license certificate, or a driving privilege card indicating the type or class of motor vehicle the person may drive.
 - (b) A person may not drive a class of motor vehicle unless granted the privilege in that class.
- (3)
 - (a) Every regular license certificate, limited-term license certificate, or driving privilege card shall bear:
 - (i) the distinguishing number assigned to the person by the division;
 - (ii) the name, birth date, and Utah residence address of the person;
 - (iii) a brief description of the person for the purpose of identification;
 - (iv) any restrictions imposed on the license under Section 53-3-208;
 - (v) a photograph of the person;
 - (vi) a photograph or other facsimile of the person's signature;
 - (vii) an indication whether the person intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended under Subsection 53-3-214(3); and

- (viii) except as provided in Subsection (3)(b), if the person states that the person is a veteran of the United States military on the application for a driver license in accordance with Section 53-3-205 and provides verification that the person was granted an honorable or general discharge from the United States Armed Forces, an indication that the person is a United States military veteran for a regular license certificate or limited-term license certificate issued on or after July 1, 2011.
- (b) A regular license certificate or limited-term license certificate issued to any person younger than 21 years on a portrait-style format as required in Subsection (5)(b)(i) is not required to include an indication that the person is a United States military veteran under Subsection (3)(a)(viii).
- (c) A new license certificate issued by the division may not bear the person's Social Security number.
- (d)
 - (i) The regular license certificate, limited-term license certificate, or driving privilege card shall be of an impervious material, resistant to wear, damage, and alteration.
 - (ii) Except as provided under Subsection (4)(b), the size, form, and color of the regular license certificate, limited-term license certificate, or driving privilege card shall be as prescribed by the commissioner.
 - (iii) The commissioner may also prescribe the issuance of a special type of limited regular license certificate, limited-term license certificate, or driving privilege card under Subsection 53-3-220(4).
- (4)
 - (a)
 - (i) The division, upon determining after an examination that an applicant is mentally and physically qualified to be granted a driving privilege, may issue to an applicant a receipt for the fee if the applicant is eligible for a regular license certificate or limited-term license certificate.
 - (ii)
 - (A) The division shall issue a temporary regular license certificate or temporary limited-term license certificate allowing the person to drive a motor vehicle while the division is completing its investigation to determine whether the person is entitled to be granted a driving privilege.
 - (B) A temporary regular license certificate or a temporary limited-term license certificate issued under this Subsection (4) shall be recognized and have the same rights and privileges as a regular license certificate or a limited-term license certificate.
 - (b) The temporary regular license certificate or temporary limited-term license certificate shall be in the person's immediate possession while driving a motor vehicle, and it is invalid when the person's regular license certificate or limited-term license certificate has been issued or when, for good cause, the privilege has been refused.
 - (c) The division shall indicate on the temporary regular license certificate or temporary limited-term license certificate a date after which it is not valid as a temporary license.
 - (d)
 - (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a temporary driving privilege card or other temporary permit to an applicant for a driving privilege card.
 - (ii) The division may issue a learner permit issued in accordance with Section 53-3-210.5 to an applicant for a driving privilege card.
- (5)

- (a) The division shall distinguish learner permits, temporary permits, regular license certificates, limited-term license certificates, and driving privilege cards issued to any person younger than 21 years of age by use of plainly printed information or the use of a color or other means not used for other regular license certificates, limited-term license certificates, or driving privilege cards.
- (b) The division shall distinguish a regular license certificate, limited-term license certificate, or driving privilege card issued to any person:
 - (i) younger than 21 years of age by use of a portrait-style format not used for other regular license certificates, limited-term license certificates, or driving privilege cards and by plainly printing the date the regular license certificate, limited-term license certificate, or driving privilege card holder is 21 years of age, which is the legal age for purchasing an alcoholic beverage or alcoholic product under Section 32B-4-403; and
 - (ii) younger than 19 years of age, by plainly printing the date the regular license certificate, limited-term license certificate, or driving privilege card holder is 19 years of age, which is the legal age for purchasing tobacco products under Section 76-10-104.
- (6) The division shall distinguish a limited-term license certificate by clearly indicating on the document:
 - (a) that it is temporary; and
 - (b) its expiration date.
- (7)
 - (a) The division shall only issue a driving privilege card to a person whose privilege was obtained without providing evidence of lawful presence in the United States as required under Subsection 53-3-205(8).
 - (b) The division shall distinguish a driving privilege card from a license certificate by:
 - (i) use of a format, color, font, or other means; and
 - (ii) clearly displaying on the front of the driving privilege card a phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".
- (8) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary permit, temporary regular license certificate, temporary limited-term license certificate, or any other temporary permit.
- (9) The division shall issue temporary license certificates of the same nature, except as to duration, as the license certificates that they temporarily replace, as are necessary to implement applicable provisions of this section and Section 53-3-223.
- (10)
 - (a) A governmental entity may not accept a driving privilege card as proof of personal identification.
 - (b) A driving privilege card may not be used as a document providing proof of a person's age for any government required purpose.
- (11) A person who violates Subsection (2)(b) is guilty of an infraction.
- (12) Unless otherwise provided, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a:
 - (a) driving privilege in the same way as a license or limited-term license issued under this chapter; and
 - (b) limited-term license certificate or driving privilege card in the same way as a regular license certificate issued under this chapter.

Amended by Chapter 350, 2016 General Session

53-3-208 Restrictions.

- (1)
 - (a) When granting a license, the division may for good cause impose restrictions, suitable to the licensee's driving ability, for the type of motor vehicle or special mechanical control devices required on a motor vehicle that the licensee may drive.
 - (b) The division may impose other restrictions on the licensee as it determines appropriate to assure safe driving of a motor vehicle by the licensee.
- (2) The division may either grant a special restricted license or may set forth restrictions upon the regular license certificate.
- (3)
 - (a) The division may suspend or revoke any license upon receiving satisfactory evidence of any violation of the restrictions imposed on the license.
 - (b) Each licensee is entitled to a hearing for a suspension or revocation under this chapter.
- (4) It is an infraction for a person to drive a motor vehicle in violation of the restrictions imposed on his license under this section.

Amended by Chapter 412, 2015 General Session

53-3-209 Provisional licenses only for persons under 21 -- Separate point system -- Denial and suspension procedures.

- (1) The division may only grant a provisional license to a person younger than 21 years of age.
- (2)
 - (a) The division shall make rules for the establishment and administration of a separate point system for persons granted provisional licenses to facilitate counseling, penalization, or both earlier than for persons 21 years of age or older.
 - (b) The rules shall establish point thresholds at which each of the following actions are taken:
 - (i) a warning letter;
 - (ii) a request to appear for a hearing;
 - (iii) a denial of the driving privilege for first or second actions where the point total established under Section 53-3-221 does not exceed the point threshold under which a person 21 years or older may be suspended; and
 - (iv) a suspension of the driving privilege.
 - (c) The rules shall require:
 - (i) an extension of the denial or suspension period for further violations within the three-year period; and
 - (ii) denial or suspension of the driving privilege for failure to appear for a hearing required under this section.

Renumbered and Amended by Chapter 234, 1993 General Session

53-3-210.5 Learner permit.

- (1) Beginning on August 1, 2006, the division, upon receiving an application for a learner permit, may issue a learner permit effective for one year to an applicant who is at least 15 years of age.
- (2)
 - (a) The learner permit entitles an applicant that is 18 years of age or older to operate a class D motor vehicle only if:
 - (i) a person 21 years of age or older who is a licensed driver is occupying a seat beside the applicant; and

- (ii) the applicant has the learner permit in the applicant's immediate possession while operating the motor vehicle.
- (b) The learner permit entitles an applicant that is younger than 18 years of age to operate a class D motor vehicle only if:
 - (i)
 - (A) an approved driving instructor is occupying a seat beside the applicant;
 - (B) the applicant's parent or legal guardian, who must be a licensed driver, is occupying a seat beside the applicant; or
 - (C) a responsible adult who has signed for the applicant under Section 53-3-211 and who must be a licensed driver, is occupying a seat beside the applicant; and
 - (ii) the applicant has the learner permit in the applicant's immediate possession while operating the motor vehicle.
- (3) The division shall issue a learner permit to an applicant who:
 - (a) is at least 15 years of age;
 - (b) has passed the knowledge test required by the division;
 - (c) has passed the physical and mental fitness tests; and
 - (d) has submitted a nonrefundable fee for a learner permit under Section 53-3-105.
- (4)
 - (a) The division shall supply the learner permit form.
 - (b) The form under Subsection (4)(a) shall include:
 - (i) the applicant's full name, date of birth, sex, Utah residence address, height, weight, and eye color;
 - (ii) the date of issuance and expiration of the permit; and
 - (iii) the conditions and restrictions contained in this section for operating a class D motor vehicle.
- (5) An application and fee for a learner permit entitle the applicant to:
 - (a) not more than three attempts to pass the knowledge test for a class D license within one year; and
 - (b) a learner permit after the knowledge test is passed.
- (6)
 - (a) If an applicant has been issued a learner permit under this section or an equivalent by another state or branch of the United States Armed Forces, the applicant may be issued an original or provisional class D license from the division upon:
 - (i) completing a driver education course in a:
 - (A) commercial driver training school licensed under Part 5, Commercial Driver Training Schools Act; or
 - (B) driver education program approved by the State Board of Education or the division;
 - (ii) passing a knowledge test approved by the division that complies with the requirement of Subsection (6)(d);
 - (iii) passing the skills test approved by the division;
 - (iv) reaching 16 years of age; and
 - (v) paying the nonrefundable fee for an original or provisional class D license application under Section 53-3-105.
 - (b) In addition to the requirements under Subsection (6)(a), an applicant who is 17 years of age or younger is required to hold a learner permit for six months before applying for a provisional class D license.
 - (c) An applicant is exempt from the requirement under Subsection (6)(a)(i) if the applicant:
 - (i) is 19 years of age or older;

- (ii) holds a learner permit for three months before applying for an original class D license; and
- (iii) certifies that the applicant, under the authority of a permit issued under this chapter, has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours were completed during night hours after sunset.
- (d) Fifty percent of the test questions included in the knowledge test required under Subsection (6)(a)(ii) shall cover the topic of major causes of traffic related deaths as identified in statistics published by the Highway Safety Office.

Amended by Chapter 207, 2015 General Session

53-3-210.6 Motorcycle learner permit.

- (1) The division, upon receiving an application for a motorcycle learner permit, may issue a motorcycle learner permit effective for six months to an applicant who:
 - (a) holds an original or provisional class D license, a CDL, or an out-of-state equivalent of an original or provisional class D license or a CDL; and
 - (b) has passed the motorcycle knowledge test.
- (2) A motorcycle learner permit entitles an applicant to operate a motorcycle on a highway subject to the restrictions in Subsection (3).
- (3)
 - (a) For the first two months from the date a motorcycle learner permit is issued, the operator of a motorcycle holding the motorcycle learner permit may not operate a motorcycle:
 - (i) on a highway with a posted speed limit of more than 60 miles per hour;
 - (ii) with any passengers; or
 - (iii) during the nighttime hours after 10 p.m. and before 6 a.m.
 - (b) For the third through sixth months from the date a motorcycle learner permit is issued, the operator of a motorcycle holding the motorcycle learner permit may operate a motorcycle without any restrictions imposed under this Subsection (3).
 - (c) It is an affirmative defense to a charge that a person who has been issued a motorcycle learner permit is operating a motorcycle in violation of the restrictions under Subsection (3)(a) if the person is operating the motorcycle:
 - (i) for the operator's employment, including the trip to and from the operator's residence and the operator's employment;
 - (ii) on assignment of a rancher or farmer and the operator is engaged in an agricultural operation; or
 - (iii) in an emergency.
 - (d) A violation of Subsection (3)(a) is an infraction.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules governing the issuance of a motorcycle learner permit and establishing the proof requirements for an applicant to demonstrate that the applicant has completed a motorcycle rider education program.

Amended by Chapter 412, 2015 General Session

53-3-211 Application of minors -- Liability of person signing application -- Cancellation of cosigning adult's liability -- Behind-the-wheel driving certification.

- (1) As used in this section, "minor" means any person younger than 18 years of age who is not married or has not been emancipated by adjudication.
- (2)

- (a) The application of a minor for a learner permit or provisional license shall be signed by the parent or guardian of the applicant.
 - (b) If the minor applicant does not have a parent or guardian or is in the legal custody of the Division of Child and Family Services, then a parent or responsible adult who is willing to assume the obligation imposed under this chapter may sign the application.
- (3)
- (a) Except as provided in Subsection (4), the liability of a minor for civil compensatory damages caused when operating a motor vehicle upon a highway is imputed to the person who has signed the application of the minor under Subsection (2).
 - (b) The person who has signed the application under Subsection (2) is jointly and severally liable with the minor as provided in Subsections (3)(a) and (c).
 - (c) The liability imposed under Subsections (3)(a) and (b) is limited to the policy minimum limits established in Section 31A-22-304.
 - (d) The liability provisions in this Subsection (3) are in addition to the liability provisions in Section 53-3-212.
- (4)
- (a) If owner's or operator's security covering the minor's operation of the motor vehicle is in effect in amounts as required under Section 31A-22-304, the person who signed the minor's application under Subsection (2) is not subject to the liability imposed under Subsection (3).
 - (b) Notwithstanding the requirement under Subsection (3), if a foster parent signs an application under Subsection (2) for a minor who is in the legal custody of the Division of Child and Family Services and who resides with the foster parent, the foster parent's liability may not exceed the greater of:
 - (i) minimum liability insurance policy limits established under Section 31A-22-304; or
 - (ii) the policy limits of the foster parent's liability insurance policy issued in accordance with Section 31A-22-302 that were in effect at the time damages were caused by the minor's operation of a motor vehicle.
- (5)
- (a) A person who has signed the application of a minor under Subsection (2) may file with the division a verified written request that the permit or license of the minor be canceled.
 - (b) The division shall then cancel the permit or license of the minor, and the person who signed the application of the minor under Subsection (2) is relieved from the liability imposed under Subsection (3) or the minor operating a motor vehicle subsequent to the cancellation.
- (6)
- (a) The division upon receipt of satisfactory evidence of the death of the person who signed the application of a minor under Subsection (2) shall cancel the permit or license and may not issue a new permit or license until a new application, signed and verified, is made under this chapter.
 - (b) This Subsection (6) does not apply to an application of a person who is no longer a minor.
- (7)
- (a) In addition to the liability assumed under this section, the person who signs the application of a minor for a provisional license must certify that the minor applicant, under the authority of a permit issued under this chapter, has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours shall be during night hours after sunset.
 - (b) The hours of driving a motor vehicle required under Subsection (7)(a) may include:
 - (i) hours completed in a driver education course as required under Subsection 53-3-505.5(1);
 - and

- (ii) up to five hours completed by driving simulation practice on a fully interactive driving simulation device at the substitution rate provided under Subsection 53-3-505.5(2)(b).

Amended by Chapter 314, 2008 General Session

53-3-212 Owner giving permission and minor liable for damages caused by minor driving a motor vehicle.

- (1)
 - (a) The owner of a motor vehicle causing or knowingly permitting a person younger than 18 years of age to drive the motor vehicle on a highway, or a person who gives or furnishes a motor vehicle to the minor, are each jointly and severally liable with the minor for any damages caused by the negligence of the minor in driving the motor vehicle.
 - (b) If owner's or operator's security covering the minor's operation of the motor vehicle is in effect in amounts as required under Section 31A-22-304, the owner of the motor vehicle or the person who gave or furnished the motor vehicle to the minor under Subsection (1) is not subject to the liability imposed under Subsection (1).
- (2) Nothing under Subsection (1) prohibits a cause of action for any direct negligence on the part of the person furnishing the motor vehicle to the minor.
- (3) This liability provision is in addition to the liability provisions in Section 53-3-211.

Amended by Chapter 86, 2010 General Session

53-3-213 Age and experience requirements to drive school bus or certain other carriers -- Misdemeanor to drive unauthorized class of motor vehicle -- Waiver of driving examination by third party certification.

- (1)
 - (a) A person must be at least 21 years of age:
 - (i) to drive any school bus;
 - (ii) to drive any commercial motor vehicle outside this state; or
 - (iii) while transporting passengers for hire or hazardous materials.
 - (b) Subject to the requirements of Subsection (1)(a), the division may grant a commercial driver license to any applicant who is at least 18 years of age and has had at least one year of previous driving experience.
 - (c) It is an infraction for any person to drive a class of motor vehicle for which he is not licensed.
- (2)
 - (a) At the discretion of the commissioner and under standards established by the division, persons employed as commercial drivers may submit a third party certification as provided in Part 4, Uniform Commercial Driver License Act, in lieu of the driving segment of the examination.
 - (b) The division shall maintain necessary records and set standards to certify companies desiring to qualify under Subsection (2)(a).

Amended by Chapter 412, 2015 General Session

53-3-214 Renewal -- Fees required -- Extension without examination.

- (1)
 - (a) The holder of a valid license may renew the holder's license and any endorsement to the license by applying:

- (i) at any time within six months before the license expires; or
 - (ii) more than six months prior to the expiration date if the applicant furnishes proof that the applicant will be absent from the state during the six-month period prior to the expiration of the license.
 - (b) The application for a renewal of, extension of, or any endorsement to a license shall be accompanied by a fee under Section 53-3-105.
- (2)
- (a) Except as provided under Subsections (2)(b) and (3), upon application for renewal of a regular license certificate, provisional license, and any endorsement to a regular license certificate, the division shall reexamine each applicant as if for an original license and endorsement to the license, if applicable.
 - (b) Except as provided under Subsection (2)(c), upon application for renewal of a limited-term license certificate, limited-term provisional license certificate, and any endorsement to a limited-term license certificate, the division shall:
 - (i) reexamine each applicant as if for an original limited-term license certificate and endorsement to the limited-term license certificate, if applicable; and
 - (ii) verify through valid documentary evidence that the status by which the individual originally qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.
 - (c) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.
- (3)
- (a) Except as provided under Subsections (3)(b) and (c), the division may extend a regular license certificate, any endorsement to the regular license certificate, a provisional license, and any endorsement to a provisional license for five years without examination for licensees whose driving records for the five years immediately preceding the determination of eligibility for extension show:
 - (i) no suspensions;
 - (ii) no revocations;
 - (iii) no conviction for reckless driving under Section 41-6a-528; and
 - (iv) no more than four reportable violations in the preceding five years.
 - (b) Except as provided in Subsection (3)(g), after the expiration of a regular license certificate, a new regular license certificate and any endorsement to a regular license certificate may not be issued until the person has again passed the tests under Section 53-3-206 and paid the required fee.
 - (c) After the expiration of a limited-term license certificate, a new limited-term license certificate and any endorsement to a limited-term license certificate may not be issued until the person has:
 - (i) again passed the tests under Section 53-3-206 and paid the required fee; and
 - (ii) presented documentary evidence that the status by which the individual originally qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.
 - (d) A person 65 years of age or older shall take and pass the eye examination specified in Section 53-3-206.
 - (e) An extension may not be granted to any person:

- (i) who is identified by the division as having a medical impairment that may represent a hazard to public safety;
 - (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial Driver License Act;
 - (iii) who is holding a limited-term license certificate; or
 - (iv) who is holding a driving privilege card issued in accordance with Section 53-3-207.
- (f) The division shall allow extensions:
- (i) by mail, electronic means, or other means as determined by the division at the appropriate extension fee rate under Section 53-3-105;
 - (ii) only if the applicant qualifies under this section; and
 - (iii) for only one extension.
- (g) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

Amended by Chapter 335, 2012 General Session

53-3-214.5 License or identification card checkoff for vision screening.

- (1) A person who applies for a license or identification card or a renewal of a license or identification card may designate a voluntary contribution for vision screening of \$2.
- (2) This contribution shall be:
 - (a) collected by the division;
 - (b) treated as a voluntary contribution to Friends For Sight to provide blindness prevention education, screening, and treatment and not as a license fee; and
 - (c) transferred to Friends For Sight at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Amended by Chapter 30, 2003 General Session

Amended by Chapter 126, 2003 General Session

53-3-214.7 License or identification card checkoff for promoting and supporting organ donation.

- (1) A person who applies for a license or identification card or a renewal of a license or identification card may designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ donation.
- (2) This contribution shall be:
 - (a) collected by the division;
 - (b) treated as a voluntary contribution to the Organ Donation Contribution Fund created in Section 26-18b-101 and not as a license fee; and
 - (c) transferred to the Organ Donation Contribution Fund created in Section 26-18b-101 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Amended by Chapter 30, 2003 General Session

53-3-214.8 License or identification card checkoff for public transportation for seniors or people with disabilities.

- (1) A person who applies for a license or identification card or a renewal of a license or identification card may designate a voluntary contribution of \$1 for public transportation assistance for seniors or people with disabilities.
- (2) This contribution shall be:
 - (a) collected by the division;
 - (b) treated as a voluntary contribution to the "Out and About" Homebound Transportation Assistance Fund created in Section 62A-3-110 to provide public transportation assistance for seniors or people with disabilities and not as a license fee; and
 - (c) transferred to the "Out and About" Homebound Transportation Assistance Fund created in Section 62A-3-110 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Amended by Chapter 30, 2003 General Session

53-3-215 Duplicate license certificate -- Fee.

- (1)
 - (a) If a license certificate issued under this chapter is lost, stolen, or destroyed, the person to whom the license certificate was issued may obtain a duplicate upon furnishing proof satisfactory to the division that the license certificate has been lost, stolen, or destroyed and upon payment of a duplicate fee under Section 53-3-105.
 - (b) A person may not be issued a duplicate license certificate under this section unless the person complies with Subsection 53-3-204(2)(f).
- (2) When the division is advised that a license certificate has been lost, stolen, or destroyed, the license certificate is then void.

Amended by Chapter 335, 2012 General Session

53-3-216 Change of address -- Duty of licensee to notify division within 10 days -- Change of name -- Proof necessary -- Method of giving notice by division.

- (1) If a person, after applying for or receiving a license, moves from the address named in the application or in the license certificate issued to him, the person shall within 10 days of moving, notify the division in a manner specified by the division of his new address and the number of any license certificate held by him.
- (2) If a person requests to change the surname on the applicant's license, the division shall issue a substitute license with the new name upon receiving an application and fee for a duplicate license and any of the following proofs of the applicant's full legal name:
 - (a) an original or certified copy of the applicant's marriage certificate;
 - (b) a certified copy of a court order under Title 42, Chapter 1, Change of Name, showing the name change;
 - (c) an original or certified copy of a birth certificate issued by a government agency;
 - (d) a certified copy of a divorce decree or annulment granted the applicant that specifies the name change requested; or
 - (e) a certified copy of a divorce decree that does not specify the name change requested together with:
 - (i) an original or certified copy of the applicant's birth certificate;
 - (ii) the applicant's marriage license;
 - (iii) a driver license record showing use of a maiden name; or
 - (iv) other documentation the division finds acceptable.

- (3)
 - (a) Except as provided in Subsection (3)(c), if a person has applied for and received a license certificate and is currently required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry:
 - (i) the person's original license or renewal to an original license expires on the next birth date of the licensee beginning on July 1, 2006;
 - (ii) the person shall surrender the person's license to the division on or before the licensee's next birth date beginning on July 1, 2006; and
 - (iii) the person may apply for a license certificate with an expiration date identified in Subsection 53-3-205(7)(h) by:
 - (A) furnishing proper documentation to the division as provided in Section 53-3-205; and
 - (B) paying the fee for a license required under Section 53-3-105.
 - (b) Except as provided in Subsection (3)(c), if a person has applied for and received a license certificate and is subsequently convicted of any offense listed in Subsection 77-41-102(17), the person shall surrender the license certificate to the division on the person's next birth date following the conviction and may apply for a license certificate with an expiration date identified in Subsection 53-3-205(7)(h) by:
 - (i) furnishing proper documentation to the division as provided in Section 53-3-205; and
 - (ii) paying the fee for a license required under Section 53-3-105.
 - (c) A person who is unable to comply with the provisions of Subsection (3)(a) or (3)(b) because the person is in the custody of the Department of Corrections or the Division of Juvenile Justice Services, confined in a correctional facility not operated by or under contract with the Department of Corrections, or committed to a state mental facility, shall comply with the provisions of Subsection (3)(a) or (b) within 10 days of being released from confinement.
- (4)
 - (a) If the division is authorized or required to give any notice under this chapter or other law regulating the operation of vehicles, the notice shall, unless otherwise prescribed, be given by:
 - (i) personal delivery to the person to be notified; or
 - (ii) deposit in the United States mail with postage prepaid, addressed to the person at his address as shown by the records of the division.
 - (b) The giving of notice by mail is complete upon the expiration of four days after the deposit of the notice.
 - (c) Proof of the giving of notice in either manner may be made by the certificate of any officer or employee of the division or affidavit of any person older than 18 years of age, naming the person to whom the notice was given and specifying the time, place, and manner of giving the notice.
- (5) The division may use state mailing or United States Postal Service information to:
 - (a) verify an address on an application or on records of the division; and
 - (b) correct mailing addresses in the division's records.
- (6)
 - (a) A violation of the provisions of Subsection (1) is an infraction.
 - (b) A person who knowingly fails to surrender a license certificate under Subsection (3) is guilty of a class A misdemeanor.

Amended by Chapter 210, 2015 General Session

53-3-217 License to be carried when driving motor vehicle -- Production in court -- Violation.

- (1)
 - (a) The licensee shall have his license certificate in his immediate possession at all times when driving a motor vehicle.
 - (b) A licensee shall display his license certificate upon demand of a justice of peace, a peace officer, or a field deputy or inspector of the division.
- (2) It is a defense to a charge under this section that the person charged produces in court a license certificate issued to him and valid at the time of his citation or arrest.
- (3) A person who violates Subsection (1)(a) or (1)(b) is guilty of an infraction.

Amended by Chapter 412, 2015 General Session

53-3-218 Court to report convictions and may recommend suspension of license -- Severity of speeding violation defined.

- (1) As used in this section, "conviction" means conviction by the court of first impression or final administrative determination in an administrative traffic proceeding.
- (2)
 - (a) Except as provided in Subsection (2)(c), a court having jurisdiction over offenses committed under this chapter or any other law of this state, or under any municipal ordinance regulating driving motor vehicles on highways or driving motorboats on the water, shall forward to the division within five days, an abstract of the court record of the conviction or plea held in abeyance of any person in the court for a reportable traffic or motorboating violation of any laws or ordinances, and may recommend the suspension of the license of the person convicted.
 - (b) When the division receives a court record of a conviction or plea in abeyance for a motorboat violation, the division may only take action against a person's driver license if the motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.
 - (c)
 - (i) A court may not forward to the division an abstract of the court record of the conviction for a violation described in Subsection 53-3-220(1)(c) and the Driver License Division may not suspend a person's license for a violation described in Subsection 53-3-220(1)(c) if the person:
 - (A) convicted of a violation described in Subsection 53-3-220(1)(c) was not an operator of a motor vehicle at the time of the violation; and
 - (B)
 - (I) is participating in or has successfully completed substance abuse treatment at a licensed substance abuse treatment program that is approved by the Division of Substance Abuse and Mental Health in accordance with Section 62A-15-105; or
 - (II) is participating in or has successfully completed probation through the Department of Corrections Adult Probation and Parole in accordance with Section 77-18-1.
 - (ii) If the person convicted of a violation described in Subsection 53-3-220(1)(c) fails to comply with the terms of a substance abuse treatment program under Subsection (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II):
 - (A) the substance abuse treatment program licensed by the Division of Substance Abuse and Mental Health or the Department of Corrections Adult Probation and Parole shall immediately provide an affidavit or other sworn information to the court notifying the court that the person has failed to comply with the terms of a substance abuse treatment

- program under Subsection (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II);
 - (B) upon receipt of an affidavit or sworn statement under Subsection (2)(c)(ii)(A), the court shall immediately forward an abstract of the court record of the conviction for a violation described in Subsection 53-3-220(1)(c) to the division; and
 - (C) the division shall immediately suspend the person's license in accordance with Subsection 53-3-220(1)(c).
- (3) The abstract shall be made in the form prescribed by the division and shall include:
- (a) the name, date of birth, and address of the party charged;
 - (b) the license certificate number of the party charged, if any;
 - (c) the registration number of the motor vehicle or motorboat involved;
 - (d) whether the motor vehicle was a commercial motor vehicle;
 - (e) whether the motor vehicle carried hazardous materials;
 - (f) whether the motor vehicle carried 16 or more occupants;
 - (g) whether the driver presented a commercial driver license;
 - (h) the nature of the offense;
 - (i) whether the offense involved an accident;
 - (j) the driver's blood alcohol content, if applicable;
 - (k) if the offense involved a speeding violation:
 - (i) the posted speed limit;
 - (ii) the actual speed; and
 - (iii) whether the speeding violation occurred on a highway that is part of the interstate system as defined in Section 72-1-102;
 - (l) the date of the hearing;
 - (m) the plea;
 - (n) the judgment or whether bail was forfeited; and
 - (o) the severity of the violation, which shall be graded by the court as "minimum," "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).
- (4) When a convicted person secures a judgment of acquittal or reversal in any appellate court after conviction in the court of first impression, the division shall reinstate the convicted person's license immediately upon receipt of a certified copy of the judgment of acquittal or reversal.
- (5) Upon a conviction for a violation of the prohibition on using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle under Section 41-6a-1716, a judge may order a suspension of the convicted person's license for a period of three months.
- (6) Upon a conviction for a violation of careless driving under Section 41-6a-1715 that causes or results in the death of another person, a judge may order a revocation of the convicted person's license for a period of one year.

Amended by Chapter 346, 2015 General Session

Amended by Chapter 412, 2015 General Session

53-3-219 Suspension of minor's driving privileges.

- (1) The division shall immediately suspend all driving privileges of any person upon receipt of an order suspending driving privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-701(1), or Section 78A-6-606.
- (2)
 - (a)

- (i) Upon receipt of the first order suspending a person's driving privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-701(1), or Section 78A-6-606, the division shall:
 - (A) impose a suspension for a period of one year;
 - (B) if the person has not been issued an operator license, deny the person's application for a license or learner's permit for a period of one year; or
 - (C) if the person is under the age of eligibility for a driver license, deny the person's application for a license or learner's permit beginning on the date of conviction and continuing for one year beginning on the date of eligibility for a driver license.
 - (ii) Upon receipt of the first order suspending a person's driving privileges under this section, the division shall reduce the suspension period under Subsection (2)(a)(i)(A), (B), or (C) if ordered by the court in accordance with Subsection 32B-4-409(5)(b), 32B-4-410(4)(b), 76-9-701(4)(b), or 78A-6-606(3)(b).
- (b)
- (i) Upon receipt of a second or subsequent order suspending a person's driving privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-701(1), or Section 78A-6-606, the division shall:
 - (A) impose a suspension for a period of two years;
 - (B) if the person has not been issued an operator license or is under the age of eligibility for a driver license, deny the person's application for a license or learner's permit for a period of two years; or
 - (C) if the person is under the age of eligibility for a driver license, deny the person's application for a license or learner's permit beginning on the date of conviction and continuing for two years beginning on the date of eligibility for a driver license.
 - (ii) Upon receipt of the second or subsequent order suspending a person's driving privileges under Section 32B-4-409, Section 32B-4-410, Subsection 76-9-701(1), or Section 78A-6-606, the division shall reduce the suspension period if ordered by the court in accordance with Subsection 32B-4-409(5)(c), 32B-4-410(4)(c), 76-9-701(4)(c), or 78A-6-606(3)(c).
- (3) The Driver License Division shall subtract from any suspension or revocation period for a conviction of a violation of Section 32B-4-409 the number of days for which a license was previously suspended under Section 53-3-231, if the previous sanction was based on the same occurrence upon which the record of conviction is based.
- (4) After reinstatement of the license described in Subsection (1), a report authorized under Section 53-3-104 may not contain evidence of the suspension of a minor's license under this section if the minor has not been convicted of any other offense for which the suspension under Subsection (1) may be extended.

Amended by Chapter 314, 2014 General Session

53-3-220 Offenses requiring mandatory revocation, denial, suspension, or disqualification of license -- Offense requiring an extension of period -- Hearing -- Limited driving privileges.

- (1)
- (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or disqualification, the division shall deny, suspend, or disqualify the license of a person upon receiving a record of the person's conviction for:

- (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or automobile homicide under Section 76-5-207 or 76-5-207.5;
- (ii) driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or combination of them to a degree that renders the person incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- (iii) driving or being in actual physical control of a motor vehicle while having a blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- (iv) perjury or the making of a false affidavit to the division under this chapter, Title 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or regulating driving on highways;
- (v) any felony under the motor vehicle laws of this state;
- (vi) any other felony in which a motor vehicle is used to facilitate the offense;
- (vii) failure to stop and render aid as required under the laws of this state if a motor vehicle accident results in the death or personal injury of another;
- (viii) two charges of reckless driving, impaired driving, or any combination of reckless driving and impaired driving committed within a period of 12 months; but if upon a first conviction of reckless driving or impaired driving the judge or justice recommends suspension of the convicted person's license, the division may after a hearing suspend the license for a period of three months;
- (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as required in Section 41-6a-210;
- (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that requires disqualification;
- (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or allowing the discharge of a firearm from a vehicle;
- (xii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);
- (xiii) operating or being in actual physical control of a motor vehicle while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517;
- (xiv) until July 30, 2015, operating or being in actual physical control of a motor vehicle while having any alcohol in the person's body in violation of Section 53-3-232;
- (xv) operating or being in actual physical control of a motor vehicle while having any measurable or detectable amount of alcohol in the person's body in violation of Section 41-6a-530;
- (xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in violation of Section 41-6a-606;
- (xvii) operating or being in actual physical control of a motor vehicle in this state without an ignition interlock system in violation of Section 41-6a-518.2; or
- (xviii) custodial interference, under:
 - (A) Subsection 76-5-303(3), which suspension shall be for a period of 30 days, unless the court provides the division with an order of suspension for a shorter period of time;
 - (B) Subsection 76-5-303(4), which suspension shall be for a period of 90 days, unless the court provides the division with an order of suspension for a shorter period of time; or
 - (C) Subsection 76-5-303(5), which suspension shall be for a period of 180 days, unless the court provides the division with an order of suspension for a shorter period of time.

- (b) The division shall immediately revoke the license of a person upon receiving a record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for:
 - (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or allowing the discharge of a firearm from a vehicle; or
 - (ii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).
- (c) Except when action is taken under Section 53-3-219 for the same offense, the division shall immediately suspend for six months the license of a person upon receiving a record of conviction for:
 - (i) any violation of:
 - (A) Title 58, Chapter 37, Utah Controlled Substances Act;
 - (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
 - (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;
 - (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
 - (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or
 - (ii) any criminal offense that prohibits:
 - (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance that is prohibited under the acts described in Subsection (1)(c)(i); or
 - (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).
- (d)
 - (i) The division shall immediately suspend a person's driver license for conviction of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:
 - (A) an order from the sentencing court requiring that the person's driver license be suspended; and
 - (B) a record of the conviction.
 - (ii) An order of suspension under this section is at the discretion of the sentencing court, and may not be for more than 90 days for each offense.
- (e)
 - (i) The division shall immediately suspend for one year the license of a person upon receiving a record of:
 - (A) conviction for the first time for a violation under Section 32B-4-411; or
 - (B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under Section 32B-4-411.
 - (ii) The division shall immediately suspend for a period of two years the license of a person upon receiving a record of:
 - (A)
 - (I) conviction for a second or subsequent violation under Section 32B-4-411; and
 - (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior conviction for a violation under Section 32B-4-411; or
 - (B)
 - (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under Section 32B-4-411; and
 - (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under Section 32B-4-411.
 - (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:
 - (A) for a conviction or adjudication described in Subsection (1)(e)(i):

- (I) impose a suspension for one year beginning on the date of conviction; or
- (II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for one year beginning on the date of eligibility for a driver license; or
- (B) for a conviction or adjudication described in Subsection (1)(e)(ii):
 - (I) impose a suspension for a period of two years; or
 - (II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for two years beginning on the date of eligibility for a driver license.
- (iv) Upon receipt of the first order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(i) if ordered by the court in accordance with Subsection 32B-4-411(3)(a).
- (v) Upon receipt of the second or subsequent order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection 32B-4-411(3)(b).
- (2) The division shall extend the period of the first denial, suspension, revocation, or disqualification for an additional like period, to a maximum of one year for each subsequent occurrence, upon receiving:
 - (a) a record of the conviction of any person on a charge of driving a motor vehicle while the person's license is denied, suspended, revoked, or disqualified;
 - (b) a record of a conviction of the person for any violation of the motor vehicle law in which the person was involved as a driver;
 - (c) a report of an arrest of the person for any violation of the motor vehicle law in which the person was involved as a driver; or
 - (d) a report of an accident in which the person was involved as a driver.
- (3) When the division receives a report under Subsection (2)(c) or (d) that a person is driving while the person's license is denied, suspended, disqualified, or revoked, the person is entitled to a hearing regarding the extension of the time of denial, suspension, disqualification, or revocation originally imposed under Section 53-3-221.
- (4)
 - (a) The division may extend to a person the limited privilege of driving a motor vehicle to and from the person's place of employment or within other specified limits on recommendation of the judge in any case where a person is convicted of any of the offenses referred to in Subsections (1) and (2) except:
 - (i) automobile homicide under Subsection (1)(a)(i);
 - (ii) those offenses referred to in Subsections (1)(a)(ii), (iii), (xi), (xii), (xiii), (1)(b), and (1)(c); and
 - (iii) those offenses referred to in Subsection (2) when the original denial, suspension, revocation, or disqualification was imposed because of a violation of Section 41-6a-502, 41-6a-517, a local ordinance which complies with the requirements of Subsection 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of these sections or ordinances, unless:
 - (A) the person has had the period of the first denial, suspension, revocation, or disqualification extended for a period of at least three years;
 - (B) the division receives written verification from the person's primary care physician that:
 - (I) to the physician's knowledge the person has not used any narcotic drug or other controlled substance except as prescribed by a licensed medical practitioner within the last three years; and

- (II) the physician is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely; and
- (C) for a period of one year prior to the date of the request for a limited driving privilege:
 - (I) the person has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle;
 - (II) the division has not received a report of an arrest for a violation of any motor vehicle law in which the person was involved as the operator of the vehicle; and
 - (III) the division has not received a report of an accident in which the person was involved as an operator of a vehicle.
- (b)
 - (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege authorized in this Subsection (4):
 - (A) is limited to when undue hardship would result from a failure to grant the privilege; and
 - (B) may be granted only once to any person during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.
 - (ii) The discretionary privilege authorized in Subsection (4)(a)(iii):
 - (A) is limited to when the limited privilege is necessary for the person to commute to school or work; and
 - (B) may be granted only once to any person during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.
- (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or denied under this chapter.

Amended by Chapter 165, 2015 General Session

53-3-221 Offenses that may result in denial, suspension, disqualification, or revocation of license -- Additional grounds for suspension -- Point system for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.

- (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may deny, suspend, disqualify, or revoke the license or permit of any person without receiving a record of the person's conviction of crime when the division has been notified or has reason to believe the person:
 - (a) has committed any offenses for which mandatory suspension or revocation of a license is required upon conviction under Section 53-3-220;
 - (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person, or serious property damage;
 - (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or physical disability rendering it unsafe for the person to drive a motor vehicle or mobility vehicle upon the highways;
 - (d) has committed a serious violation of the motor vehicle laws of this state;
 - (e) has knowingly committed a violation of Section 53-3-229; or
 - (f) has been convicted of serious offenses against traffic laws governing the movement of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard for the safety of other persons on the highways.
- (2)

- (a) The division may suspend the license of a person under Subsection (1) when the person has failed to comply with the terms stated on a traffic citation issued in this state, except this Subsection (2) does not apply to highway weight limit violations or violations of law governing the transportation of hazardous materials.
- (b) This Subsection (2) applies to parking and standing violations only if a court has issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy the terms of the citation.
- (c)
 - (i) This Subsection (2) may not be exercised unless notice of the pending suspension of the driving privilege has been sent at least 10 days previously to the person at the address provided to the division.
 - (ii) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of a suspension that occurred as a result of failure to comply with the terms stated on a traffic citation.
- (3)
 - (a) The division may suspend the license of a person under Subsection (1) when the division has been notified by a court that the person has an outstanding unpaid fine, an outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a court.
 - (b) The suspension remains in effect until the division is notified by the court that the order has been satisfied.
 - (c) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of the suspension.
 - (d) The provisions of Subsection (3)(c) do not apply to:
 - (i) a CDIP or CDL license holder; or
 - (ii) a violation that occurred in a commercial motor vehicle.
- (4)
 - (a) The division shall make rules establishing a point system as provided for in this Subsection (4).
 - (b)
 - (i) The division shall assign a number of points to each type of moving traffic violation as a measure of its seriousness.
 - (ii) The points shall be based upon actual relationships between types of traffic violations and motor vehicle traffic accidents.
 - (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points against a person's driving record for a conviction of a traffic violation:
 - (A) that occurred in another state; and
 - (B) that was committed on or after July 1, 2011.
 - (iv) The provisions of Subsection (4)(b)(iii) do not apply to:
 - (A) a reckless or impaired driving violation or a speeding violation for exceeding the posted speed limit by 21 or more miles per hour; or
 - (B) an offense committed in another state which, if committed within Utah, would result in the mandatory suspension or revocation of a license upon conviction under Section 53-3-220.
 - (c) Every person convicted of a traffic violation shall have assessed against the person's driving record the number of points that the division has assigned to the type of violation of which the person has been convicted, except that the number of points assessed shall be decreased by 10% if on the abstract of the court record of the conviction the court has graded the severity of violation as minimum, and shall be increased by 10% if on the abstract the court has graded the severity of violation as maximum.

- (d)
 - (i) A separate procedure for assessing points for speeding offenses shall be established by the division based upon the severity of the offense.
 - (ii) The severity of a speeding violation shall be graded as:
 - (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;
 - (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per hour; and
 - (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.
 - (iii) Consideration shall be made for assessment of no points on minimum speeding violations, except for speeding violations in school zones.
- (e)
 - (i) Points assessed against a person's driving record shall be deleted for violations occurring before a time limit set by the division.
 - (ii) The time limit may not exceed three years.
 - (iii) The division may also delete points to reward violation-free driving for periods of time set by the division.
- (f)
 - (i) By publication in two newspapers having general circulation throughout the state, the division shall give notice of the number of points it has assigned to each type of traffic violation, the time limit set by the division for the deletion of points, and the point level at which the division will generally take action to deny or suspend under this section.
 - (ii) The division may not change any of the information provided above regarding points without first giving new notice in the same manner.
- (5)
 - (a)
 - (i) If the division finds that the license of a person should be denied, suspended, disqualified, or revoked under this section, the division shall immediately notify the licensee in a manner specified by the division and afford the person an opportunity for a hearing in the county where the licensee resides.
 - (ii) The hearing shall be documented, and the division or its authorized agent may administer oaths, may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee.
 - (iii) One or more members of the division may conduct the hearing, and any decision made after a hearing before any number of the members of the division is as valid as if made after a hearing before the full membership of the division.
 - (iv) After the hearing the division shall either rescind or affirm its decision to deny, suspend, disqualify, or revoke the license.
 - (b) The denial, suspension, disqualification, or revocation of the license remains in effect pending qualifications determined by the division regarding a person:
 - (i) whose license has been denied or suspended following reexamination;
 - (ii) who is incompetent to drive a motor vehicle;
 - (iii) who is afflicted with mental or physical infirmities that might make him dangerous on the highways; or
 - (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.
- (6)
 - (a) Subject to Subsection (6)(d), the division shall suspend a person's license when the division receives notice from the Office of Recovery Services that the Office of Recovery Services has ordered the suspension of the person's license.

- (b) A suspension under Subsection (6)(a) shall remain in effect until the division receives notice from the Office of Recovery Services that the Office of Recovery Services has rescinded the order of suspension.
- (c) After an order of suspension is rescinded under Subsection (6)(b), a report authorized by Section 53-3-104 may not contain any evidence of the suspension.
- (d)
 - (i) If the division suspends a person's license under this Subsection (6), the division shall, upon application, issue a temporary limited driver license to the person if that person needs a driver license for employment, education, or child visitation.
 - (ii) The temporary limited driver license described in this section:
 - (A) shall provide that the person may operate a motor vehicle only for the purpose of driving to or from the person's place of employment, education, or child visitation;
 - (B) shall prohibit the person from driving a motor vehicle for any purpose other than a purpose described in Subsection (6)(d)(ii)(A); and
 - (C) shall expire 90 days after the day on which the temporary limited driver license is issued.
 - (iii)
 - (A) During the period beginning on the day on which a temporary limited driver license is issued under this Subsection (6), and ending on the day that the temporary limited driver license expires, the suspension described in this Subsection (6) only applies if the person who is suspended operates a motor vehicle for a purpose other than employment, education, or child visitation.
 - (B) Upon expiration of a temporary limited driver license described in this Subsection (6)(d):
 - (I) a suspension described in Subsection (6)(a) shall be in full effect until the division receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and
 - (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any reason.
 - (iv) The division is not required to issue a limited driver license to a person under this Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver license.
 - (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this part.
- (7)
 - (a) The division may suspend or revoke the license of any resident of this state upon receiving notice of the conviction of that person in another state of an offense committed there that, if committed in this state, would be grounds for the suspension or revocation of a license.
 - (b) The division may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws of this state, forward a certified copy of the record to the motor vehicle administrator in the state where the person convicted is a resident.
- (8)
 - (a) The division may suspend or revoke the license of any nonresident to drive a motor vehicle in this state for any cause for which the license of a resident driver may be suspended or revoked.
 - (b) Any nonresident who drives a motor vehicle upon a highway when the person's license has been suspended or revoked by the division is guilty of a class C misdemeanor.
- (9)
 - (a) The division may not deny or suspend the license of any person for a period of more than one year except:

- (i) for failure to comply with the terms of a traffic citation under Subsection (2);
 - (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges under Section 53-3-219;
 - (iii) when extending a denial or suspension upon receiving certain records or reports under Subsection 53-3-220(2);
 - (iv) for failure to give and maintain owner's or operator's security under Section 41-12a-411;
 - (v) when the division suspends the license under Subsection (6); or
 - (vi) when the division denies the license under Subsection (14).
- (b) The division may suspend the license of a person under Subsection (2) until the person shows satisfactory evidence of compliance with the terms of the traffic citation.
- (10)
- (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of any person without receiving a record of the person's conviction for a crime when the division has reason to believe that the person's license was granted by the division through error or fraud or that the necessary consent for the license has been withdrawn or is terminated.
- (b) The procedure upon suspension is the same as under Subsection (5), except that after the hearing the division shall either rescind its order of suspension or cancel the license.
- (11)
- (a) The division, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified by the division of at least five days to the licensee require him to submit to an examination.
- (b) Upon the conclusion of the examination the division may suspend or revoke the person's license, permit him to retain the license, or grant a license subject to a restriction imposed in accordance with Section 53-3-208.
- (c) Refusal or neglect of the licensee to submit to an examination is grounds for suspension or revocation of the licensee's license.
- (12)
- (a) Except as provided in Subsection (12)(b), a report authorized by Section 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed limit and did not result in an accident, unless authorized in a manner specified by the division by the individual whose report is being requested.
- (b) The provisions of Subsection (12)(a) do not apply for:
- (i) a CDIP or CDL license holder; or
 - (ii) a violation that occurred in a commercial motor vehicle.
- (13)
- (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of a person if it has reason to believe that the person is the owner of a motor vehicle for which security is required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has driven the motor vehicle or permitted it to be driven within this state without the security being in effect.
- (b) The division may suspend a driving privilege card holder's driving privilege card if the division receives notification from the Motor Vehicle Division that:
- (i) the driving privilege card holder is the registered owner of a vehicle; and
 - (ii) the driving privilege card holder's vehicle registration has been revoked under Subsection 41-1a-110(2)(a)(ii)(A).

- (c) Section 41-12a-411 regarding the requirement of proof of owner's or operator's security applies to persons whose driving privileges are suspended under this Subsection (13).
- (14) The division may deny an individual's license if the person fails to comply with the requirement to downgrade the person's CDL to a class D license under Section 53-3-410.1.
- (15) The division may deny a person's class A, B, C, or D license if the person fails to comply with the requirement to have a K restriction removed from the person's license.
- (16) Any suspension or revocation of a person's license under this section also disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License Act.

Amended by Chapter 52, 2015 General Session

53-3-221.5 Disclosure of license information to the Office of Recovery Services.

- (1) The division shall disclose to the Office of Recovery Services the name, address, and other identifying information of each person:
 - (a) to whom a license has been issued; or
 - (b) whose driving privileges have been suspended, revoked, or reinstated.
- (2) All information received by the Office of Recovery Services under this section is subject to Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 382, 2008 General Session

53-3-221.7 Disclosure of license information for the Utah White Collar Crime Offender Registry.

- (1) The division shall disclose to the attorney general, if requested, the following information for use in connection with the Utah White Collar Crime Offender Registry established by Title 77, Chapter 42, Utah White Collar Crime Offender Registry:
 - (a) all names and aliases under which an offender has obtained a driver license, but not including any online or Internet identifiers;
 - (b) a physical description of an offender, including the offender's:
 - (i) date of birth;
 - (ii) height;
 - (iii) weight;
 - (iv) eye color; and
 - (v) hair color;
 - (c) the most current driver license photograph of an offender, as allowed in Subsection (2)(a)(ii); and
 - (d) the last known address of an offender.
- (2)
 - (a) The information in Subsections (1)(a) and (c) may be publicly posted on the Utah White Collar Crime Offender Registry, pursuant to Subsection 77-42-104(4), in order to assist the public in the accurate identification of offenders.
 - (b) The driver license photograph under Subsection (1)(c) may be publicly posted on the registry only if:
 - (i) the offender has not registered as required under Section 77-42-106;
 - (ii) the attorney general has attempted to contact the offender at the last known address listed in the division's records regarding the failure to register; and
 - (iii) 30 or more days have passed since the most recent attempt to contact the offender.

- (c) The information in Subsection (1)(d) may only be used by the attorney general to assist in locating and communicating with an offender, and may not be publicly posted on the Utah White Collar Crime Offender Registry.

Enacted by Chapter 319, 2016 General Session

53-3-222 Purpose of revocation or suspension for driving under the influence.

The Legislature finds that the purpose of this title relating to suspension or revocation of a person's license or privilege to drive a motor vehicle for driving with a blood alcohol content above a certain level or while under the influence of alcohol, any drug, or a combination of alcohol and any drug, or for refusing to take a chemical test as provided in Section 41-6a-520, is protecting persons on highways by quickly removing from the highways those persons who have shown they are safety hazards.

Amended by Chapter 2, 2005 General Session

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

- (1)
 - (a) If a peace officer has reasonable grounds to believe that a person may be violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a certain blood or breath alcohol concentration and driving under the influence of any drug, alcohol, or combination of a drug and alcohol or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517, the peace officer may, in connection with arresting the person, request that the person submit to a chemical test or tests to be administered in compliance with the standards under Section 41-6a-520.
 - (b) In this section, a reference to Section 41-6a-502 includes any similar local ordinance adopted in compliance with Subsection 41-6a-510(1).
- (2) The peace officer shall advise a person prior to the person's submission to a chemical test that a test result indicating a violation of Section 41-6a-502 or 41-6a-517 shall, and the existence of a blood alcohol content sufficient to render the person incapable of safely driving a motor vehicle may, result in suspension or revocation of the person's license to drive a motor vehicle.
- (3) If the person submits to a chemical test and the test results indicate a blood or breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer makes a determination, based on reasonable grounds, that the person is otherwise in violation of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of arrest, give notice of the division's intention to suspend the person's license to drive a motor vehicle.
- (4)
 - (a) When a peace officer gives notice on behalf of the division, the peace officer shall:
 - (i) take the Utah license certificate or permit, if any, of the driver;
 - (ii) issue a temporary license certificate effective for only 29 days from the date of arrest; and
 - (iii) supply to the driver, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division.
 - (b) A citation issued by a peace officer may, if provided in a manner specified by the division, also serve as the temporary license certificate.
- (5) As a matter of procedure, a peace officer shall send to the division within 10 calendar days after the day on which notice is provided:

- (a) the person's license certificate;
 - (b) a copy of the citation issued for the offense;
 - (c) a signed report in a manner specified by the division indicating the chemical test results, if any; and
 - (d) any other basis for the peace officer's determination that the person has violated Section 41-6a-502 or 41-6a-517.
- (6)
- (a) Upon request in a manner specified by the division, the division shall grant to the person an opportunity to be heard within 29 days after the date of arrest. The request to be heard shall be made within 10 calendar days of the day on which notice is provided under Subsection (5).
 - (b)
 - (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the division in:
 - (A) the county in which the arrest occurred; or
 - (B) a county that is adjacent to the county in which the arrest occurred.
 - (ii) The division may hold a hearing in some other county if the division and the person both agree.
 - (c) The hearing shall be documented and shall cover the issues of:
 - (i) whether a peace officer had reasonable grounds to believe the person was driving a motor vehicle in violation of Section 41-6a-502 or 41-6a-517;
 - (ii) whether the person refused to submit to the test; and
 - (iii) the test results, if any.
 - (d)
 - (i) In connection with a hearing the division or its authorized agent:
 - (A) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers; or
 - (B) may issue subpoenas for the attendance of necessary peace officers.
 - (ii) The division shall pay witness fees and mileage from the Transportation Fund in accordance with the rates established in Section 78B-1-119.
 - (e) The division may designate one or more employees to conduct the hearing.
 - (f) Any decision made after a hearing before any designated employee is as valid as if made by the division.
- (7)
- (a) If, after a hearing, the division determines that a peace officer had reasonable grounds to believe that the person was driving a motor vehicle in violation of Section 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the notice, or if a hearing is not requested under this section, the division shall:
 - (i) if the person is 21 years of age or older at the time of arrest and the arrest was made on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a period of:
 - (A) 120 days beginning on the 30th day after the date of arrest for a first suspension; or
 - (B) two years beginning on the 30th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years; or
 - (ii) if the person is under 21 years of age at the time of arrest and the arrest was made on or after May 14, 2013:
 - (A) suspend the person's license or permit to operate a motor vehicle:
 - (I) for a period of six months, beginning on the 30th day after the date of arrest for a first suspension; or

- (II) until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 30th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years; or
- (B) deny the person's application for a license or learner's permit:
 - (I) for a period of six months for a first suspension, if the person has not been issued an operator license; or
 - (II) until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 30th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years.
- (b) The division shall deny or suspend a person's license for the denial and suspension periods in effect:
 - (i) prior to July 1, 2009, for an offense that was committed prior to July 1, 2009;
 - (ii) from July 1, 2009, through June 30, 2011, if:
 - (A) the person was 20 years 6 months of age or older but under 21 years of age at the time of arrest; and
 - (B) the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011; or
 - (iii) prior to May 14, 2013, for an offense that was committed prior to May 14, 2013.
- (c)
 - (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall reinstate a person's license prior to completion of the 120 day suspension period imposed under Subsection (7)(a)(i)(A):
 - (A) immediately upon receiving written verification of the person's dismissal of a charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the suspension period; or
 - (B) no sooner than 60 days beginning on the 30th day after the date of arrest upon receiving written verification of the person's reduction of a charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the suspension period.
 - (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) or (7)(b), the division shall reinstate a person's license prior to completion of the 120-day suspension period imposed under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the person's conviction of impaired driving under Section 41-6a-502.5 if:
 - (A) the written verification is received prior to completion of the suspension period; and
 - (B) the reporting court notifies the Driver License Division that the defendant is participating in or has successfully completed the program of a driving under the influence court as defined in Section 41-6a-501.
 - (iii) If a person's license is reinstated under this Subsection (7)(c), the person is required to pay the license reinstatement fees under Subsections 53-3-105(23) and (24).
 - (iv) The driver license reinstatements authorized under this Subsection (7)(c) only apply to a 120 day suspension period imposed under Subsection (7)(a)(i)(A).
- (8)
 - (a) Notwithstanding the provisions in Subsection (7)(b)(iii), the division shall shorten a person's two-year license suspension period that is currently in effect to a six-month suspension period if:
 - (i) the driver was under the age of 19 at the time of arrest;
 - (ii) the offense was a first offense that was committed prior to May 14, 2013; and

- (iii) the suspension under Subsection (7)(b)(iii) was based on the same occurrence upon which the following written verifications are based:
 - (A) a court order shortening the driver license suspension for a violation of Section 41-6a-502 pursuant to Subsection 41-6a-509(8);
 - (B) a court order shortening the driver license suspension for a violation of Section 41-6a-517 pursuant to Subsection 41-6a-517(11);
 - (C) a court order shortening the driver license suspension for a violation of Section 32B-4-409;
 - (D) a dismissal for a violation of Section 41-6a-502, Section 41-6a-517, or Section 32B-4-409;
 - (E) a notice of declination to prosecute for a charge under Section 41-6a-502, Section 41-6a-517, or Section 32B-4-409;
 - (F) a reduction of a charge under Section 41-6a-502, Section 41-6a-517, or Section 32B-4-409; or
 - (G) other written documentation acceptable to the division.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing requirements for acceptable written documentation to shorten a person's driver license suspension period under Subsection (8)(a)(iii)(G).
 - (c) If a person's license sanction is shortened under this Subsection (8), the person is required to pay the license reinstatement fees under Subsections 53-3-105(23) and (24).
- (9)
- (a) The division shall assess against a person, in addition to any fee imposed under Subsection 53-3-205(12) for driving under the influence, a fee under Section 53-3-105 to cover administrative costs, which shall be paid before the person's driving privilege is reinstated. This fee shall be cancelled if the person obtains an unappealed division hearing or court decision that the suspension was not proper.
 - (b) A person whose license has been suspended by the division under this section following an administrative hearing may file a petition within 30 days after the suspension for a hearing on the matter which, if held, is governed by Section 53-3-224.

Amended by Chapter 7, 2014 General Session

53-3-223.5 Telephonic or live audiovisual testimony at hearings.

In any division hearing authorized under this chapter or Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving, the division may permit a party or witness to attend or to testify by telephone or live audiovisual means.

Amended by Chapter 2, 2005 General Session

53-3-224 Filing a petition for hearing -- Judicial review of license cancellation, revocation, or suspension -- Scope of review.

- (1) A person denied a license or whose license has been cancelled, suspended, or revoked by the division following an administrative hearing may seek judicial review of the division's order.
- (2)
 - (a) Venue for judicial review of informal adjudicative proceedings is in the district court in the county where the offense occurred, which resulted in the cancellation, suspension, or revocation.
 - (b) Persons not residing in the state shall file in Salt Lake County or the county where the offense occurred, which resulted in the cancellation, suspension, or revocation.

Amended by Chapter 261, 2007 General Session

53-3-225 Eligibility for new license after revocation.

- (1)
- (a) Except as provided in Subsections (1)(b) and (c), a person whose license has been revoked under this chapter may not apply for or receive any new license until the expiration of one year from the date the former license was revoked.
 - (b) A person's license may be revoked for a longer period as provided in:
 - (i) Section 53-3-220, for driving a motor vehicle while the person's license is revoked, or involvement as a driver in an accident or violation of the motor vehicle laws; and
 - (ii) Section 53-3-221, for failing to comply with the terms of a traffic citation.
 - (c)
 - (i) The length of the revocation required by Subsection 53-3-220(1)(a)(xi), (a)(xii), (b)(i), or (b)(ii) shall be specified in an order of the court adjudicating or convicting the person of the offense.
 - (ii) If the person adjudicated of the offense is younger than 16 years of age, the license or driving privilege shall be revoked for a minimum of one year, from age 16, but not to exceed the date the person turns 21 years of age.
 - (iii) If the person adjudicated or convicted of the offense is 16 years of age or older, the license or driving privilege shall be revoked for a minimum of one year, but not to exceed five years.
 - (d) A revoked license may not be renewed.
 - (e) Application for a new license shall be filed in accordance with Section 53-3-205.
 - (f) The new license is subject to all provisions of an original license.
 - (g) The division may not grant the license until an investigation of the character, driving abilities, and habits of the driver has been made to indicate whether it is safe to grant him a license.
- (2) Any resident or nonresident whose license to drive a motor vehicle in this state has been suspended or revoked under this chapter may not drive a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or other source during suspension or after revocation until a new license is obtained under this chapter.

Amended by Chapter 324, 2010 General Session

53-3-226 Grounds for confiscation of licenses, plates, and other articles issued by state.

- (1) The division or a peace officer acting in his official capacity may take possession of any certificate of title, registration card, decal, permit, license certificate, permit, registration plate, or any other article issued by the state:
- (a) that is fictitious or altered;
 - (b) that has been unlawfully or erroneously issued;
 - (c) that is unlawfully or erroneously displayed; or
 - (d) as required under Section 41-6a-520, 53-3-223, 53-3-231, or 53-3-418.
- (2) A receipt shall be issued that describes each confiscated item.

Amended by Chapter 2, 2005 General Session

53-3-227 Driving a motor vehicle prohibited while driving privilege denied, suspended, disqualified, or revoked -- Penalties.

- (1) A person whose driving privilege has been denied, suspended, disqualified, or revoked under this chapter or under the laws of the state in which the person's driving privilege was granted and who drives any motor vehicle upon the highways of this state while that driving privilege is denied, suspended, disqualified, or revoked shall be punished as provided in this section.
- (2) A person convicted of a violation of Subsection (1), other than a violation specified in Subsection (3), is guilty of a class C misdemeanor.
- (3)
 - (a) A person is guilty of a class B misdemeanor if the person's conviction under Subsection (1) is based on the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked for:
 - (i) a refusal to submit to a chemical test under Section 41-6a-520;
 - (ii) a violation of Section 41-6a-502;
 - (iii) a violation of a local ordinance that complies with the requirements of Section 41-6a-510;
 - (iv) a violation of Section 41-6a-517;
 - (v) a violation of Section 76-5-207;
 - (vi) a criminal action that the person plead guilty to as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances under this Subsection (3);
 - (vii) a revocation or suspension which has been extended under Subsection 53-3-220(2);
 - (viii) where disqualification is the result of driving a commercial motor vehicle while the person's CDL is disqualified, suspended, canceled, or revoked under Subsection 53-3-414(1); or
 - (ix) a violation of Section 41-6a-530.
 - (b) A person is guilty of a class B misdemeanor if the person's conviction under Subsection (1) is based on the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked by any state, the United States, or any district, possession, or territory of the United States for violations corresponding to the violations listed in Subsection (3)(a).
 - (c) A fine imposed under this Subsection (3) shall be at least the maximum fine for a class C misdemeanor under Section 76-3-301.

Amended by Chapter 250, 2008 General Session

53-3-229 Prohibited uses of license certificate -- Penalty.

- (1) It is a class C misdemeanor for a person to:
 - (a) lend or knowingly permit the use of a license certificate issued to the person, by a person not entitled to it;
 - (b) display or to represent as the person's own a license certificate not issued to the person;
 - (c) refuse to surrender to the division or a peace officer upon demand any license certificate issued by the division;
 - (d) use a false name or give a false address in any application for a license or any renewal or duplicate of the license certificate, or to knowingly make a false statement, or to knowingly conceal a material fact or otherwise commit a fraud in the application;
 - (e) display a canceled, denied, revoked, suspended, or disqualified driver license certificate as a valid driver license certificate;
 - (f) knowingly acquire, use, display, or transfer an item that purports to be an authentic driver license certificate issued by a governmental entity if the item is not an authentic driver license certificate issued by that governmental entity; or
 - (g) alter any information on an authentic driver license certificate so that it no longer represents the information originally displayed.

- (2) The provisions of Subsection (1)(e) do not prohibit the use of a person's driver license certificate as a means of personal identification.
- (3) It is a class A misdemeanor to knowingly:
 - (a) issue a driver license certificate with false or fraudulent information;
 - (b) issue a driver license certificate to a person younger than 21 years of age if the driver license certificate is not distinguished as required for a person younger than 21 years of age under Section 53-3-207; or
 - (c) acquire, use, display, or transfer a false or altered driver license certificate to procure:
 - (i) a cigarette;
 - (ii) an electronic cigarette, as defined in Section 76-10-101;
 - (iii) tobacco; or
 - (iv) a tobacco product.
- (4) A person may not use, display, or transfer a false or altered driver license certificate to procure alcoholic beverages, gain admittance to a place where alcoholic beverages are sold or consumed, or obtain employment that may not be obtained by a minor in violation of Section 32B-1-403.
- (5) It is a third degree felony if a person's acquisition, use, display, or transfer of a false or altered driver license certificate:
 - (a) aids or furthers the person's efforts to fraudulently obtain goods or services; or
 - (b) aids or furthers the person's efforts to commit a violent felony.

Amended by Chapter 114, 2010 General Session

Amended by Chapter 276, 2010 General Session

53-3-231 Person under 21 may not operate a vehicle or motorboat with detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing and decision -- Suspension of license or operating privilege -- Fees -- Judicial review -- Referral to local substance abuse authority or program.

- (1)
 - (a) As used in this section:
 - (i) "Local substance abuse authority" has the same meaning as provided in Section 62A-15-102.
 - (ii) "Substance abuse program" means any substance abuse program licensed by the Department of Human Services or the Department of Health and approved by the local substance abuse authority.
 - (b) Calculations of blood, breath, or urine alcohol concentration under this section shall be made in accordance with the procedures in Subsection 41-6a-502(1).
- (2)
 - (a) A person younger than 21 years of age may not operate or be in actual physical control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol concentration in the person's body as shown by a chemical test.
 - (b) A person who violates Subsection (2)(a), in addition to any other applicable penalties arising out of the incident, shall have the person's operator license denied or suspended as provided in Subsection (8).
- (3)
 - (a) When a peace officer has reasonable grounds to believe that a person may be violating or has violated Subsection (2), the peace officer may, in connection with arresting the person for

- a violation of Section 32B-4-409, request that the person submit to a chemical test or tests to be administered in compliance with the standards under Section 41-6a-520.
- (b) The peace officer shall advise a person prior to the person's submission to a chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or suspension of the person's license to operate a motor vehicle or a refusal to issue a license.
- (c) If the person submits to a chemical test and the test results indicate a blood, breath, or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a determination, based on reasonable grounds, that the person is otherwise in violation of Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the arrest, give notice of the division's intention to deny or suspend the person's license to operate a vehicle or refusal to issue a license under this section.
- (4) When a peace officer gives notice on behalf of the division, the peace officer shall:
- (a) take the Utah license certificate or permit, if any, of the operator;
 - (b) issue a temporary license certificate effective for only 29 days from the date of arrest if the driver had a valid operator's license; and
 - (c) supply to the operator, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division.
- (5) A citation issued by a peace officer may, if provided in a manner specified by the division, also serve as the temporary license certificate under Subsection (4)(b).
- (6) As a matter of procedure, a peace officer shall send to the division within 10 calendar days after the day on which notice is provided:
- (a) the person's driver license certificate, if any;
 - (b) a copy of the citation issued for the offense;
 - (c) a signed report in a manner specified by the Driver License Division indicating the chemical test results, if any; and
 - (d) any other basis for a peace officer's determination that the person has violated Subsection (2).
- (7)
- (a)
 - (i) Upon request in a manner specified by the division, the Driver License Division shall grant to the person an opportunity to be heard within 29 days after the date of arrest under Section 32B-4-409.
 - (ii) The request shall be made within 10 calendar days of the day on which notice is provided.
 - (b)
 - (i) Except as provided in Subsection (7)(b)(ii), a hearing, if held, shall be before the division in:
 - (A) the county in which the arrest occurred; or
 - (B) a county that is adjacent to the county in which the arrest occurred.
 - (ii) The division may hold a hearing in some other county if the division and the person both agree.
 - (c) The hearing shall be documented and shall cover the issues of:
 - (i) whether a peace officer had reasonable grounds to believe the person was operating a motor vehicle or motorboat in violation of Subsection (2)(a);
 - (ii) whether the person refused to submit to the test; and
 - (iii) the test results, if any.
 - (d) In connection with a hearing, the division or its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and records as defined in Section 46-4-102.
 - (e) One or more members of the division may conduct the hearing.

- (f) Any decision made after a hearing before any number of the members of the division is as valid as if made after a hearing before the full membership of the division.
- (8) If, after a hearing, the division determines that a peace officer had reasonable grounds to believe that the person was driving a motor vehicle in violation of Subsection (2)(a), if the person fails to appear before the division as required in the notice, or if the person does not request a hearing under this section, the division shall for a person under 21 years of age on the date of arrest:
- (a) deny the person's license until the person complies with Subsection (12)(b)(i) but for a period of not less than six months beginning on the 30th day after the date of arrest for a first offense under Subsection (2)(a) committed on or after May 14, 2013;
 - (b) suspend the person's license until the person complies with Subsection (12)(b)(i) and until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 30th day after the date of arrest for a second or subsequent offense under Subsection (2)(a) committed on or after July 1, 2009, and within 10 years of a prior denial or suspension;
 - (c) deny the person's application for a license or learner's permit until the person complies with Subsection (12)(b)(i) but for a period of not less than six months if:
 - (i) the person has not been issued an operator license; and
 - (ii) the suspension is for a first offense under Subsection (2)(a) committed on or after July 1, 2009;
 - (d) deny the person's application for a license or learner's permit until the person complies with Subsection (12)(b)(i) and until the person is 21 years of age or for a period of two years, whichever is longer, if:
 - (i) the person has not been issued an operator license; and
 - (ii) the suspension is for a second or subsequent offense under Subsection (2)(a) committed on or after July 1, 2009, and within 10 years of a prior denial or suspension; or
 - (e) deny or suspend a person's license for the denial and suspension periods in effect:
 - (i) prior to July 1, 2009, for a violation under Subsection (2)(a) that was committed prior to July 1, 2009;
 - (ii) from July 1, 2009, through June 30, 2011, if the person was 20 years 6 months of age or older but under 21 years of age at the time of arrest and the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011; or
 - (iii) prior to May 14, 2013, for a violation under Subsection (2)(a) that was committed prior to May 14, 2013.
- (9)
- (a) Notwithstanding the provisions in Subsection (8)(e)(iii), the division shall shorten a person's one-year license suspension or denial period that is currently in effect to a six-month suspension or denial period if:
 - (i) the driver was under the age of 19 at the time of arrest;
 - (ii) the offense was a first offense that was committed prior to May 14, 2013; and
 - (iii) the suspension or denial under Subsection (8)(e)(iii) was based on the same occurrence upon which the following written verifications are based:
 - (A) a court order shortening the driver license suspension for a violation of Section 41-6a-502 pursuant to Subsection 41-6a-509(8);
 - (B) a court order shortening the driver license suspension for a violation of Section 41-6a-517 pursuant to Subsection 41-6a-517(11);
 - (C) a court order shortening the driver license suspension for a violation of Section 32B-4-409;
 - (D) a dismissal for a violation of Section 41-6a-502, Section 41-6a-517, or Section 32B-4-409;

- (E) a notice of declination to prosecute for a charge under Section 41-6a-502, Section 41-6a-517, or Section 32B-4-409;
 - (F) a reduction of a charge under Section 41-6a-502, Section 41-6a-517, or Section 32B-4-409; or
 - (G) other written documentation acceptable to the division.
- (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing requirements for acceptable documentation to shorten a person's driver license suspension or denial period under this Subsection (9).
 - (c) If a person's license sanction is shortened under this Subsection (9), the person is required to pay the license reinstatement fees under Subsections 53-3-105(23) and (24).
- (10)
- (a)
 - (i) Following denial or suspension the division shall assess against a person, in addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs.
 - (ii) This fee shall be canceled if the person obtains an unappealed division hearing or court decision that the suspension was not proper.
 - (b) A person whose operator license has been denied, suspended, or postponed by the division under this section following an administrative hearing may file a petition within 30 days after the suspension for a hearing on the matter which, if held, is governed by Section 53-3-224.
- (11) After reinstatement of an operator license for a first offense under this section, a report authorized under Section 53-3-104 may not contain evidence of the denial or suspension of the person's operator license under this section if the person has not been convicted of any other offense for which the denial or suspension may be extended.
- (12)
- (a) In addition to the penalties in Subsection (8), a person who violates Subsection (2)(a) shall:
 - (i) obtain an assessment and recommendation for appropriate action from a substance abuse program, but any associated costs shall be the person's responsibility; or
 - (ii) be referred by the division to the local substance abuse authority for an assessment and recommendation for appropriate action.
 - (b)
 - (i) Reinstatement of the person's operator license or the right to obtain an operator license within five years of the effective date of the license sanction under Subsection (8) is contingent upon successful completion of the action recommended by the local substance abuse authority or the substance abuse program.
 - (ii) The local substance abuse authority's or the substance abuse program's recommended action shall be determined by an assessment of the person's alcohol abuse and may include:
 - (A) a targeted education and prevention program;
 - (B) an early intervention program; or
 - (C) a substance abuse treatment program.
 - (iii) Successful completion of the recommended action shall be determined by standards established by the Division of Substance Abuse and Mental Health.
 - (c) At the conclusion of the penalty period imposed under Subsection (2), the local substance abuse authority or the substance abuse program shall notify the division of the person's status regarding completion of the recommended action.
 - (d) The local substance abuse authorities and the substance abuse programs shall cooperate with the division in:

- (i) conducting the assessments;
 - (ii) making appropriate recommendations for action; and
 - (iii) notifying the division about the person's status regarding completion of the recommended action.
- (e)
- (i) The local substance abuse authority is responsible for the cost of the assessment of the person's alcohol abuse, if the assessment is conducted by the local substance abuse authority.
 - (ii) The local substance abuse authority or a substance abuse program selected by a person is responsible for:
 - (A) conducting an assessment of the person's alcohol abuse; and
 - (B) for making a referral to an appropriate program on the basis of the findings of the assessment.
 - (iii)
 - (A) The person who violated Subsection (2)(a) is responsible for all costs and fees associated with the recommended program to which the person selected or is referred.
 - (B) The costs and fees under Subsection (12)(e)(iii)(A) shall be based on a sliding scale consistent with the local substance abuse authority's policies and practices regarding fees for services or determined by the substance abuse program.

Amended by Chapter 7, 2014 General Session

53-3-234 Driver license application -- Selective Service Registration -- Statement.

- (1) The following information for each male United States citizen or immigrant under the age of 26 shall be electronically transmitted by the division to the Selective Service System:
 - (a) name;
 - (b) address;
 - (c) Social Security number; and
 - (d) date of birth.
- (2) Each application for any type of license to operate a motor vehicle in this state shall contain the following statement which must be acknowledged by the applicant:

"By submitting this application, I am consenting to registration with the Selective Service System, if required by federal law."
- (3) Refusal to consent to the release of information to the Selective Service System shall result in the denial of the license.

Enacted by Chapter 125, 2001 General Session