

DRIVER LICENSE DIVISION AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Patrice M. Arent

AN ACT RELATING TO PUBLIC SAFETY; AMENDING CERTAIN PROVISIONS RELATED TO DRIVER LICENSING; AMENDING LICENSE SURRENDER REQUIREMENTS; AMENDING CHANGE OF ADDRESS REQUIREMENTS; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

- 41-6-13.5, as last amended by Chapter 20, Laws of Utah 1995
- 41-12a-303.2, as last amended by Chapter 35, Laws of Utah 1998
- 41-12a-411, as last amended by Chapter 98, Laws of Utah 1988
- 41-12a-604, as last amended by Chapter 51, Laws of Utah 1997
- 53-3-105, as last amended by Chapter 247, Laws of Utah 1998
- 53-3-205, as last amended by Chapter 155, Laws of Utah 1995
- 53-3-207, as last amended by Chapter 51, Laws of Utah 1997
- 53-3-211, as last amended by Chapter 260, Laws of Utah 1998
- 53-3-216, as renumbered and amended by Chapters 234 and 294, Laws of Utah 1993
- 53-3-218, as last amended by Chapter 200, Laws of Utah 1996
- 53-3-221, as last amended by Chapter 51, Laws of Utah 1997
- 53-3-226, as renumbered and amended by Chapter 234, Laws of Utah 1993
- 53-3-229, as renumbered and amended by Chapter 234, Laws of Utah 1993

ENACTS:

53-3-108, Utah Code Annotated 1953

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

Section 1. Section 41-6-13.5 is amended to read:

41-6-13.5. Failure to respond to officer's signal to stop -- Fleeing -- Causing property damage or bodily injury -- Suspension of driver's license -- Forfeiture of vehicle -- Penalties.

(1) (a) An operator who ~~[, having received]~~ receives a visual or audible signal from a peace officer to bring his vehicle to a stop, ~~[operates]~~ may not operate his vehicle in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vehicle or person ~~[, or who attempts]~~ and may not attempt to flee or elude a peace officer by vehicle or other means.

(b) A person who violates Subsection (1)(a) is guilty of a felony of the third degree. The court shall, as part of any sentence under this Subsection (1), impose a fine of not less than \$1,000.

(2) (a) An operator who violates Subsection (1) and while so doing causes death or serious bodily injury to another person, under circumstances not amounting to murder or aggravated murder, is guilty of a felony of the second degree.

(b) The court shall, as part of any sentence under this Subsection (2), impose a fine of not less than \$5,000.

(3) (a) In addition to the penalty provided under this section or any other section, ~~[an operator who, having received a visual or audible signal from a peace officer to bring his vehicle to a stop, operates his vehicle in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vehicle or person, or who attempts to flee or elude a peace officer by vehicle or other means;]~~ a person who violates Subsection (1)(a) or (2)(a) shall have his driver's license revoked pursuant to Subsection 53-3-220(1)(a)(ix) for a period of one year.

(b) The court shall ~~[collect the driver's license to be revoked and forward it to the Division of Drivers' License Services, along with a report of the conviction. If the court is unable to collect the driver's license, the court shall nevertheless]~~ forward the report of the conviction to the division. If the person is the holder of a driver's license from another jurisdiction, the court shall ~~[not collect the driver's license but shall]~~ notify the division and the division shall notify the appropriate officials in the licensing state.

Section 2. Section **41-12a-303.2** is amended to read:

41-12a-303.2. Evidence of owner's or operator's security to be carried when operating motor vehicle -- Defense -- Penalties.

(1) As used in this section:

(a) "Division" means the Motor Vehicle Division of the State Tax Commission.

(b) "Registration materials" means the evidences of motor vehicle registration, including all registration cards, license plates, temporary permits, and nonresident temporary permits.

(2) (a) (i) Except as provided in Subsection (2)(a) (ii), a person operating a motor vehicle shall:

(A) have in the person's immediate possession evidence of owner's or operator's security for the motor vehicle the person is operating; and

(B) display it upon demand of a peace officer.

(ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is operating:

(A) a government-owned or leased motor vehicle; or

(B) an employer-owned or leased motor vehicle and is driving it with the employer's permission.

(b) Evidence of owner's or operator's security includes any one of the following:

(i) a copy of the operator's valid:

(A) insurance policy;

(B) binder notice;

(C) renewal notice; or

(D) card issued by an insurance company as evidence of insurance;

(ii) a certificate of insurance issued under Section 41-12a-402;

(iii) a certified copy of a surety bond issued under Section 41-12a-405;

(iv) a certificate of the state treasurer issued under Section 41-12a-406;

(v) a certificate of self-funded coverage issued under Section 41-12a-407; or

(vi) information that the vehicle or driver is insured from the Uninsured Motorist

Identification Database Program created under Title 41, Chapter 12a, Part 8.

(c) Evidence of owner's or operator's security from the Uninsured Motorist Identification Database Program described under Subsection (2)(b)(vi) supercedes any evidence of owner's or operator's security described under Subsections (2)(b)(i)(C) or (D).

(3) It is an affirmative defense to a charge under this section that the person had owner's or

operator's security in effect for the vehicle the person was operating at the time of the person's citation or arrest.

(4) (a) Evidence of owner's or operator's security as defined under Subsection (2)(b) or a letter from an insurance agent or company verifying that the person had the required motor vehicle insurance coverage on the date specified is considered proof of owner's or operator's security for purposes of Subsection (3) and Section 41-12a-804.

(b) The court considering a citation issued under this section shall allow the evidence or letter under Subsection (4)(a) and a copy of the citation to be faxed or mailed to the clerk of the court to satisfy Subsection (3).

(c) The notice under Section 41-12a-804 shall specify that the letter under Subsection (4)(a) and a copy of the notice shall be faxed or mailed to the designated agent to satisfy the proof of owner's or operator's security required under Section 41-12a-804.

(5) A violation of this section is a class B misdemeanor, and the fine shall be not less than:

(a) \$400 for a first offense; and

(b) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.

(6) Upon receiving notification from a court of a conviction for a violation of this section, the department:

(a) shall suspend the person's driver license; and

(b) may not renew the person's driver license or issue a driver license to the person until the person gives the department proof of owner's or operator's security.

(i) This proof of owner's or operator's security shall be given by any of the ways required under Section 41-12a-401.

(ii) This proof of owner's or operator's security shall be maintained with the department for a three-year period.

(iii) An insurer that provides a certificate of insurance as provided under Section 41-12a-402 or 41-12a-403 may not terminate the insurance policy unless notice of termination is filed with the department no later than ten days after termination as required under Section 41-12a-404.

~~[(iv) (A) A person may terminate the insurance policy and cancel the certificate of insurance if the person surrenders the person's driver license to the department.]~~

~~[(B)]~~ (iv) If a person who has canceled the certificate of insurance applies for a license within three years from the date proof of owner's or operator's security was originally required, the department shall refuse the application unless the person reestablishes proof of owner's or operator's security and maintains the proof for the remainder of the three-year period.

Section 3. Section **41-12a-411** is amended to read:

41-12a-411. Duration of proof of owner's or operator's security.

(1) Except as otherwise provided under this section, any person required to give proof of owner's or operator's security shall maintain that proof with the department for a period of three years from the date the filing of proof was last requested. Subject to Subsection (2), the department shall~~;~~:

(a) upon request, consent to the immediate cancellation of any bond or certificate of insurance ~~[or the department shall];~~

(b) direct the state treasurer to return to the person entitled to it any money or securities deposited pursuant to this chapter as proof of owner's or operator's security~~;~~; or ~~[the department shall]~~

(c) waive the requirement of filing proof, ~~[in any of the following cases: (a) if the person on whose behalf the proof was filed dies or becomes permanently incapacitated to operate a motor vehicle~~;~~ or (b) if the person who has given proof surrenders his [driver's license and] registration to the department, except that if he applies for a [license or] registration within three years from the date proof was originally required, the application shall be refused unless the applicant reestablishes proof of owner's or operator's security and maintains the proof for the remainder of the three-year period.~~

(2) (a) The department may not consent to the cancellation of any bond or the return of any money or securities if any action for damages upon a liability covered by that proof is then pending, if:

(i) any judgment ~~[upon any such]~~ of liability is ~~[then]~~ unsatisfied~~;~~; or ~~[if]~~

(ii) the person who filed the bond or deposited the money or securities has, within one year immediately preceding the request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others.

(b) An affidavit of the applicant ~~[as to]~~ is sufficient evidence in the absence of contrary evidence in the records of the department if the affidavit declares:

- (i) the nonexistence of ~~[such facts, or]~~ liability or accidents;
- (ii) that ~~[he]~~ the person has been released from all ~~[of his]~~ liability; or
- (iii) that the person has been finally adjudicated not to be liable for the injury or damage; ~~is sufficient evidence of it in the absence of contrary evidence in the records of the department].~~

Section 4. Section **41-12a-604** is amended to read:

41-12a-604. Suspension of license.

(1) A person convicted of a class A or a class B misdemeanor under this chapter, in addition to any other penalties which are imposed by law, shall have his operator's license suspended by the department.

(2) Whenever any person is convicted of an offense for which this chapter mandates the suspension of his license or the registration of his motor vehicle, and that person does not produce proof of owner's or operator's security at the time of his appearance, the court in which the conviction takes place shall require the surrender to it of all pertinent evidences of registration, including all registration cards, license plates, nonresident temporary permits, and other similar materials then held by the person so convicted. This court shall then forward the registration materials to the Motor Vehicle Division of the State Tax Commission ~~[together, in each instance, with]~~ and send the Driver License Division a record of the conviction. If the person so convicted secures a judgment of acquittal or reversal of this conviction in any appellate court, the department shall reinstate his ~~[operator's license certificate]~~ driver license or privilege and the Motor Vehicle Division shall reinstate the registration of his motor vehicle immediately upon receipt of a certified copy of the judgment of acquittal or reversal.

(3) ~~[If a person has surrendered the person's operator's license certificate to the department under this section, the person may, unless otherwise prohibited by law, apply for reinstatement of~~

~~the person's driving privilege.]~~ If the owner has surrendered the owner's registration materials to the Motor Vehicle Division, the owner may, unless otherwise prohibited by law, apply for a new registration, by providing proof of owner's security.

Section 5. Section **53-3-105** is amended to read:

53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling, and identification cards.

The following fees apply under this chapter:

- (1) An original class D license application under Section 53-3-205 is \$15.
- (2) An original class M license application under Section 53-3-205 is \$17.50.
- (3) An original provisional license application for a class D license under Section 53-3-205 is \$20.
- (4) An original provisional license application for a class M license under Section 53-3-205 is \$22.50.
- (5) An original application for a motorcycle endorsement under Section 53-3-205 is \$7.50.
- (6) An original application for a taxicab endorsement under Section 53-3-205 is \$5.
- (7) A renewal of a class D license under Section 53-3-214 is \$15 unless Subsection (13) applies.
- (8) A renewal of a class M license under Section 53-3-214 is \$17.50.
- (9) A renewal of a provisional license application for a class D license under Section 53-3-214 is \$15.
- (10) A renewal of a provisional license application for a class M license under Section 53-3-214 is \$17.50.
- (11) A renewal of a motorcycle endorsement under Section 53-3-214 is \$7.50.
- (12) A renewal of a taxicab endorsement under Section 53-3-214 is \$5.
- (13) A renewal of a class D license for a person 65 and older under Section 53-3-214 is \$5.
- (14) An extension of a class D license under Section 53-3-214 is \$12 unless Subsection (20) applies.
- (15) An extension of a class M license under Section 53-3-214 is \$14.50.

(16) An extension of a provisional license application for a class D license under Section 53-3-214 is \$12.

(17) An extension of a provisional license application for a class M license under Section 53-3-214 is \$14.50.

(18) An extension of a motorcycle endorsement under Section 53-3-214 is \$7.50.

(19) An extension of a taxicab endorsement under Section 53-3-214 is \$5.

(20) An extension of a class D license for a person 65 and older under Section 53-3-214 is \$3.

(21) An original or renewal application for a commercial class A, B, or C license or an original or renewal of a provisional commercial class A or B license under Part 4 of this chapter is:

(a) \$30 for the written test; and

(b) \$50 for the skills test.

(22) Each original CDL endorsement for passengers, hazardous material, double or triple trailers, or tankers is \$5.

(23) An original CDL endorsement for a school bus under Part 4 of this chapter is \$5.

(24) A renewal of a CDL endorsement under Part 4 of this chapter is \$5.

(25) A retake of a CDL written or a CDL skills test provided for in Section 53-3-205 is \$15.

(26) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$5.

(27) A duplicate class A, B, C, D, or M license certificate under Section 53-3-215 is \$10.

(28) (a) A license reinstatement application under Section 53-3-205 is \$25.

(b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or combination of alcohol and any drug-related offense is \$25 in addition to the fee under Subsection (28)(a).

(29) An administrative fee for license reinstatement after an alcohol, drug, or combination of alcohol and any drug-related offense under Section 41-6-44.10, 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under Part 4 of this chapter is \$150. This administrative fee is in addition to the fees under Subsection (28).

~~[(30) An administrative fee for license reinstatement after confiscation under Section~~

53-3-226 is \$25.]

[(31)] (30) (a) An administrative fee for providing the driving record of a driver under Section 53-3-104 or 53-3-420 is \$4.

(b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county, state, or federal agency.

[(32)] (31) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

[(33)] (32) An identification card application under Section 53-3-808 is \$5.

Section 6. Section **53-3-108** is enacted to read:

53-3-108. Authority to administer oaths.

Officers and employees of the division designated by the director for the purpose of administering this chapter may administer oaths and acknowledge signatures and shall do so without fee.

Section 7. Section **53-3-205** is amended to read:

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 class D license entitle the applicant to:

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

(b) a learner permit if needed after the written test is passed; and

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

(3) An application and fee for an original class M license entitle the applicant to:

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

- (b) a learner permit if needed after the written test is passed; and
 - (c) an original class M license and license certificate after all tests are passed.
- (4) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:
- (a) not more than three attempts to pass both the written and skills tests within six months of the date of the application;
 - (b) a motorcycle learner permit if needed after the motorcycle written test is passed; and
 - (c) a motorcycle or taxicab endorsement when all tests are passed.
- (5) 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 written test and not more than two attempts to pass a skills test within six months of the date of the application;
 - (b) a commercial driver instruction permit if needed after the written test is passed; and
 - (c) an original commercial class A, B, or C license and license certificate when all applicable tests are passed.
- (6) An application and fee for a CDL endorsement entitle the applicant to:
- (a) not more than two attempts to pass a written 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.
- (7) If a CDL applicant does not pass a written test, skills test, or an endorsement test within the number of attempts provided in Subsection (5) or (6), each test may be taken two additional times within the six months for the fee provided in Section 53-3-105.
- ~~[(8) An original license, an extension or a renewal, and any endorsement to the license granted before October 1, 1991, expires on the birth date of the applicant in the fourth year following the year the license certificate is issued.]~~
- [~~(9)~~ (8) (a) An original license [~~granted after September 30, 1991,~~] expires on the birth date of the applicant in the fifth year following the year the license certificate was issued.
- (b) A renewal or an extension to a license [~~granted after September 30, 1991,~~] expires on the birth date of the licensee in the fifth year following the expiration date of the license certificate

renewed or extended.

(c) 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) A license and any endorsement to the license held by a person ordered to active duty and stationed outside Utah in any of the armed forces of the United States, which expires during the time period the person is stationed outside of the state, is valid until 90 days after the person has been discharged or has left the service, unless the license is suspended, disqualified, denied, or has been cancelled or revoked by the division, or the licensee updates the information or photograph on the license certificate.

~~[(10)]~~ (9) (a) In addition to the information required by Title 63, Chapter 46b, Administrative Procedures Act, for requests for agency action, each application shall:

(i) state the full legal name, birth date, sex, social security number, and residence address of the applicant;

(ii) briefly describe the applicant;

(iii) state whether the applicant has previously been licensed to drive a motor vehicle and, if so, when and by what state or country;

(iv) state whether the applicant has ever had any license suspended, cancelled, revoked, disqualified, or denied in the last six 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;

(v) provide all other information the division requires; and

(vi) be signed ~~[and verified before a person authorized to administer oaths]~~.

(b) An applicant's social security number shall be maintained on the computerized records of the division.

~~[(11)]~~ (10) 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.

~~[(12)]~~ (11) When an applicant receives a license in another class, all previous license certificates shall be surrendered and canceled. However, a disqualified commercial license may not be canceled unless it expires before the new license certificate is issued.

~~[(13)]~~ (12) (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.

~~[(14)]~~ (13) 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.

~~[(15)]~~ (14) 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.

~~[(16)]~~ (15) 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.

Section 8. Section **53-3-207** is amended to read:

53-3-207. License certificates issued to drivers by class of motor vehicle -- Contents -- Anatomical gifts indication -- Temporary licenses -- Minors' licenses and permits -- Violation.

(1) (a) The division shall issue to every person privileged to drive a motor vehicle, a license certificate indicating the type or class of motor vehicle the licensee may drive.

(b) A person may not drive a class of motor vehicle unless licensed in that class.

(2) (a) Every license certificate shall bear:

- (i) the distinguishing number assigned to the licensee by the division;
- (ii) the name, birth date, and residence address of the licensee;
- (iii) a brief description of the licensee for the purpose of identification;
- (iv) any restrictions imposed on the license under Section 53-3-208;
- (v) a photograph of the licensee; and
- (vi) a photograph or other facsimile of the licensee's signature.

(b) [~~After May 3, 1993, a~~] A new license certificate issued by the division may bear the social security number of the licensee only at the request of the licensee.

(c) (i) The license certificate shall be of an impervious material, resistant to wear, damage, and alteration.

(ii) The size, form, and color of the license certificate shall be as prescribed by the commissioner.

(iii) The commissioner may also prescribe the issuance of a special type of limited license certificate under Subsection 53-3-220(4) and may authorize the issuance of a renewed or duplicate license certificate without a picture if the applicant is not then living in the state.

(3) (a) (i) When a license is granted or renewed, the division shall, upon request of the licensee, provide a method of identification on the license certificate, which indicates the licensee's intent to make an anatomical gift under Title 26, Chapter 28, Uniform Anatomical Gift Act.

(ii) The statement shall be signed in the presence of at least one witness, who shall sign the statement in the presence of the licensee.

(b) The division or any of its employees are not liable for any loss, detriment, or injury, directly or indirectly, which results from false or inaccurate information regarding the anatomical gift notification.

(4) (a) (i) The division upon determining after an examination that an applicant is mentally and physically qualified to be granted a license may issue to an applicant a receipt for the fee.

(ii) The receipt serves as a temporary license certificate allowing him to drive a motor vehicle while the division is completing its investigation to determine whether he is entitled to be licensed.

(b) The receipt shall be in his immediate possession while driving a motor vehicle, and it is invalid when the applicant's license certificate has been issued or when, for good cause, the privilege has been refused.

(c) The division shall indicate on the receipt a date after which it is not valid as a license certificate.

(5) The division shall distinguish learner permits, temporary permits, and license certificates issued to any person younger than 21 years of age by use of the plainly printed word "minor" or "under 21" or the use of a special color not used for other license certificates.

(6) 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 Section 53-3-223.

(7) A person who violates Subsection (1)(b) is guilty of a class C misdemeanor.

Section 9. Section **53-3-211** is amended to read:

**53-3-211. Application of minors -- Liability of person signing application --
Cancellation of cosigning adult's liability.**

(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 temporary learner permit, practice permit, or provisional license shall be signed by the parent or guardian of the applicant [~~and verified before a person authorized to administer oaths~~].

(b) If the minor applicant does not have a parent or guardian, then a 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) 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).

(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 does not apply to an application of a person who is no longer a minor.

Section 10. Section **53-3-216** is amended to read:

53-3-216. Change of address -- Duty of licensee to notify division within ten 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 ten days of moving, notify the division in writing 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) 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.

(4) 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.

Section 11. Section **53-3-218** is amended to read:

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

~~[(1) (a) Except for convictions under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, if a person is convicted of any offense for which this chapter or Title 41, Motor Vehicles, requires the revocation, suspension, or disqualification of the~~

~~person's license, the court in which the conviction takes place shall require the surrender to it of all license certificates held by the person convicted.]~~

~~[(b) The court shall forward them together with the record of conviction to the division within ten days.]~~

(1) In this section, "conviction" means conviction by the court of first impression.

(2) A court having jurisdiction over offenses committed under this chapter or any other law of this state, or under any city ordinance regulating driving motor vehicles on highways, shall forward to the division within ten 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 violation of any laws or ordinances, and may recommend the suspension of the license of the person convicted.

(3) The abstract shall be made upon a form approved and furnished by the division and shall include:

- (a) the name and address of the party charged;
- (b) the number of his license certificate, if any;
- (c) the registration number of the motor vehicle involved;
- (d) whether the motor vehicle was a commercial motor vehicle;
- (e) whether the motor vehicle carried hazardous materials;
- (f) the nature of the offense;
- (g) the date of the hearing;
- (h) the plea;
- (i) the judgment or whether bail was forfeited; and
- (j) 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 his license [and return his license certificate] immediately upon receipt of a certified copy of the judgment of acquittal or reversal.

~~[(5) In this section, "conviction" means conviction by the court of first impression.]~~

Section 12. Section **53-3-221** is amended to read:

53-3-221. Offenses which may result in denial, suspension, disqualification, or revocation of license without hearing -- Point system for traffic violations -- Additional grounds for suspension -- Reporting of traffic violation procedures.

(1) By following the emergency procedures in Title 63, Chapter 46b, Administrative Procedures Act, the division may immediately deny, suspend, disqualify, or revoke the license of any person without hearing and 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 is afflicted with mental or physical infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle upon the highways;

(d) has committed a serious violation of the motor vehicle laws of this state;

(e) has permitted an unlawful use of the license as defined in 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 mailed at least ten 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.

(4) The division shall make rules establishing a point system as provided for in this subsection.

(a) (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.

(b) Every person convicted of a traffic violation shall have assessed against his 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.

(c) (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 ten 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.

(d) (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.

(e) (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) Upon denying or suspending the license of a person under this section, the division shall immediately notify the licensee in writing and afford him 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 its order of denial or suspension, extend the denial or suspension of the license, or revoke the license.

(b) The denial or suspension 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) 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 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.

(7) (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 his license has been suspended or revoked by the division is guilty of a class C misdemeanor.

(8) (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); and

(iv) for failure to give and maintain owner's or operator's security under Section 41-12a-411.

(b) The division may suspend the license of a person under Subsection (2) until he shows satisfactory evidence of compliance with the terms of the traffic citation.

~~[(c) Upon denying, suspending, or revoking a license, the division shall require that all license certificates held by the person be surrendered to the division.]~~

~~[(d) At the end of the period of denial or suspension, the certificate surrendered shall be returned to the licensee.]~~

(9) (a) By following the emergency procedures in Title 63, Chapter 46b, Administrative Procedures Act, the division may immediately suspend the license of any person without hearing and without receiving a record of his 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.

(10) (a) The division, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon written notice 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 his license.

(11) 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 ten miles per hour or less, above the posted speed limit and did not result in an accident, unless authorized in writing by the individual whose report is being requested.

(12) (a) By following the emergency procedures in Title 63, Chapter 46b, Administrative Procedures Act, the division may immediately 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, Motor Vehicle Financial Responsibility, and has driven the motor vehicle or permitted it to be driven within this state without the security being in effect.

(b) 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 (12).

(c) If the division exercises the right of immediate suspension granted under this subsection, the notice and hearing provisions of Subsection (5) apply.

(d) A person whose license suspension has been sustained or whose license has been revoked by the division under this subsection may file a request for agency action requesting a hearing.

(13) Any suspension or revocation of a person's license under this section also disqualifies any license issued to that person under Part 4 of this chapter.

Section 13. Section **53-3-226** is amended to read:

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

(1) ~~[(a)]~~ The division~~[, any]~~ or a peace officer acting in his official capacity~~[, or a person authorized under Subsection (2)]~~ 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:

~~[(i) upon expiration, denial, suspension, disqualification, revocation, alteration, or cancellation of it;]~~

~~[(ii) (a) that is fictitious or altered;~~

~~[(iii) (b) that has been unlawfully or erroneously issued; [or]~~

~~[(iv) (c) that is unlawfully or erroneously displayed; or~~

(d) as required under Section 41-6-44.10, 53-3-223, 53-3-231, or 53-3-418.

~~[(b)] (2) A receipt shall be issued that describes each confiscated item.~~

~~[(2) The division may enter into contractual agreements with constables or other law enforcement agencies to facilitate confiscation of items listed in Subsection (1) if a person fails or refuses to surrender any of those documents to the division upon demand.]~~

~~[(3) The division shall assess against a person making an application referred to in Subsection 53-3-205 (14), in addition to any fee imposed under Subsection 53-3-205 (14), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover the costs required to serve orders related to the purposes of Subsection (2).]~~

Section 14. Section **53-3-229** is amended to read:

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

(1) It is a class C misdemeanor for a person to:

~~[(1)]~~ (a) display, cause or permit to be displayed, or to have in possession any license certificate knowing it is fictitious ~~[or has been canceled, denied, revoked, suspended, disqualified,]~~ or altered;

~~[(2)]~~ (b) lend or knowingly permit the use of a license certificate issued to him, by a person not entitled to it;

~~[(3)]~~ (c) display or to represent as his own a license certificate not issued to him;

~~[(4)]~~ (d) ~~[fail or]~~ refuse to surrender to the division or a peace officer upon demand any license certificate ~~[that has been denied, suspended, disqualified, canceled, or revoked]~~ issued by the division;

~~[(5)]~~ (e) 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; ~~[or]~~

~~[(6)]~~ (f) permit any other prohibited use of a license certificate issued to him~~[-];~~ or

(g) display a canceled, denied, revoked, suspended, or disqualified driver license certificate as a valid driver license certificate.

(2) The provisions of Subsection (1)(g) do not prohibit the use of a person's driver license certificate as a means of personal identification.

Section 15. **Effective date.**

This act takes effect on July 1, 1999.