

1 **DRIVER LICENSING AMENDMENTS**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Millie M. Peterson**

5 AN ACT RELATING TO PUBLIC SAFETY; ELIMINATING DRIVER LICENSE
6 EXTENSIONS FOR CERTAIN DRIVERS; AND ~~§ [PROVIDING ANONYMITY FOR~~
7 ~~REPORTS OF IMPAIRED DRIVER LICENSE APPLICANTS OR LICENSEES]~~ **MAKING**
7a **TECHNICAL CORRECTIONS § .**

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

9 AMENDS:

10 **53-3-214**, as renumbered and amended by Chapter 234, Laws of Utah 1993

11 **53-3-303**, as last amended by Chapters 242 and 243, Laws of Utah 1996

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

13 Section 1. Section **53-3-214** is amended to read:

14 **53-3-214. Renewal -- Fees required -- Extension without examination.**

15 (1) (a) The holder of a valid license may renew his license and any endorsement to the
16 license by applying:

17 (i) at any time within six months before the license expires; or

18 (ii) more than six months prior to the expiration date if the applicant furnishes proof that
19 he will be absent from the state during the six-month period prior to the expiration of the license.

20 (b) The application for a renewal of, extension of, or any endorsement to a license shall
21 be accompanied by a fee under Section 53-3-105.

22 (2) (a) Except as provided under Subsections (2)(b) and (3), upon application for renewal
23 of a license, provisional license, and any endorsement to a license, the division shall reexamine
24 each applicant as if for an original license and endorsement to the license, if applicable.

25 (b) The division may waive any or all portions of the test designed to demonstrate the
26 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

27 (3) (a) Except as provided under Subsection (b), the division shall extend a license, any

28 endorsement to the license, a provisional license, and any endorsement to a provisional license for
 29 five years without examination for licensees whose driving records for the five years immediately
 30 preceding the determination of eligibility for extension show:

31 (i) no suspensions;

32 (ii) no revocations;

33 (iii) no conviction for reckless driving under Section 41-6-45; and

34 (iv) no more than four reportable violations in the preceding five years.

35 (b) (i) After the expiration of a license, a new license certificate and any endorsement to
 36 a license certificate may not be issued until the person has again passed the tests under Section
 37 53-3-206 and paid the required fee.

38 (ii) A person 65 years of age or older shall take and pass the eye examination specified in
 39 Section 53-3-206.

40 (iii) An extension may not be granted to any person who is identified by the division as
 41 having a medical impairment that may represent a hazard to public safety.

42 (iv) An extension may not be granted to any person holding a CDL issued under Part 4 of
 43 this chapter.

44 (v) An extension may not be granted to a person who is § [70] 80 § years of age or older.

45 (c) The division shall allow extensions:

46 (i) by mail at the appropriate extension fee rate under Section 53-3-105;

47 (ii) only if the applicant qualifies under this section; and

48 (iii) for only one extension.

49 Section 2. Section **53-3-303** is amended to read:

50 **53-3-303. Driver License Medical Advisory Board -- Membership -- Guidelines for**
 51 **licensing impaired persons -- Recommendations to division.**

52 (1) There is created within the division the Driver License Medical Advisory Board.

53 (2) (a) The board is comprised of three regular members appointed by the Commissioner
 54 of Public Safety to four-year terms.

55 (b) The board shall be assisted by expert panel members nominated by the board as
 56 necessary and as approved by the Commissioner of Public Safety.

57 (c) Notwithstanding the requirements of Subsection (a), the executive director shall, at the
 58 time of appointment or reappointment, adjust the length of terms to ensure that the terms of board

59 members are staggered so that approximately half of the board is appointed every two years.

60 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
61 appointed for the unexpired term.

62 (e) The expert panel members shall recommend medical standards in the areas of the panel
63 members' special competence for determining the physical, mental, and emotional capabilities of
64 applicants for licenses and licensees.

65 (3) In reviewing individual cases, a panel acting with the authority of the board consists
66 of at least two members, of which at least one is a regular board member.

67 (4) The director of the division or his designee serves as secretary to the board and its
68 panels.

69 (5) Members of the board and expert panel members nominated by them shall be health
70 care professionals.

71 (6) (a) (i) Members who are not government employees shall receive no compensation
72 or benefits for their services, but may receive per diem and expenses incurred in the performance
73 of the member's official duties at the rates established by the Division of Finance under Sections
74 63A-3-106 and 63A-3-107.

75 (ii) Members may decline to receive per diem and expenses for their service.

76 (b) (i) State government officer and employee members who do not receive salary, per
77 diem, or expenses from their agency for their service may receive per diem and expenses incurred
78 in the performance of their official duties from the board at the rates established by the Division
79 of Finance under Sections 63A-3-106 and 63A-3-107.

80 (ii) State government officer and employee members may decline to receive per diem and
81 expenses for their service.

82 (7) The board shall meet from time to time when called by the director of the division.

83 (8) (a) The board shall recommend written guidelines and standards for determining the
84 physical, mental, and emotional capabilities of applicants for licenses and for licensees.

85 (b) The guidelines and standards are applicable to all Utah licensees and for all individuals
86 who hold learner permits and are participating in driving activities in all forms of driver education.

87 (c) The guidelines and standards shall be published by the division.

88 (9) (a) If the division has reason to believe that an applicant or licensee is an impaired
89 person, it may:

90 ~~[(a)]~~ (i) act upon the matter based upon the published guidelines and standards; or
91 ~~[(b)]~~ (ii) convene a panel to consider the matter and submit written findings and a
92 recommendation~~[; the]~~.

93 (b) The division shall consider the recommendation submitted under Subsection (9)(a)(ii)
94 along with other evidence in determining whether a license should be suspended, revoked, denied,
95 disqualified, canceled, or restricted.

96 (10) (a) If the division has acted under Subsection (9) to suspend, revoke, deny, disqualify,
97 cancel, or restrict the driving privilege without the convening of a panel, the affected applicant or
98 licensee may within ten days of receiving notice of the action request in writing a review of the
99 division's action by a panel.

100 (b) The panel shall review the matters and make written findings and conclusions.

101 (c) The division shall affirm or modify its previous action.

102 (11) (a) Actions of the division are subject to judicial review as provided in this part.

103 (b) The guidelines, standards, findings, conclusions, and recommendations of the board
104 or of a panel are admissible as evidence in any judicial review.

105 (12) Members of the board and its panels incur no liability for recommendations, findings,
106 conclusions, or for other acts performed in good faith and incidental to membership on the board
107 or a panel.

108 (13) The division shall provide forms for the use of health care professionals in depicting
109 the medical history of any physical, mental, or emotional impairment affecting the applicant's or
110 licensee's ability to drive a motor vehicle.

111 (14) (a) (i) ~~[Individuals]~~ A person who ~~[apply]~~ applies for or ~~[hold]~~ holds a license and
112 ~~[have, or develop, or suspect that they have]~~ who has, develops, or suspects that the person has
113 developed a physical, mental, or emotional impairment that may affect driving safety ~~[are]~~ is
114 responsible for reporting ~~[this]~~ the condition to the division or its agent.

115 (ii) If there is uncertainty, the ~~[individual is expected to]~~ person shall seek competent
116 medical evaluation and advice as to the significance of the impairment as it relates to driving
117 safety, and ~~[to]~~ shall refrain from driving until a clarification is made.

118 (b) ~~[Health]~~ A health care ~~[professionals]~~ professional who ~~[care]~~ cares for patients with
119 physical, mental, or emotional impairments that may affect ~~[their]~~ the patient's driving safety,
120 whether defined by published guidelines and standards or not, ~~[are]~~ is responsible for making

121 available to [~~their patients~~] the patient without reservation [~~their~~] the health care professional's
122 recommendations and appropriate information related to driving safety and responsibilities.

123 [~~(c)~~] (15) A health care professional or other person who becomes aware of a physical,
124 mental, or emotional impairment that appears to present an imminent threat to driving safety and
125 who reports this information to the division in good faith [~~has~~] shall have § [~~]~~ §

126 § [~~(a)~~] § immunity from any damages claimed as a result of making the report § [f] . [] §

126a § [~~and~~] §

127 § [~~(b) anonymity protected by the division and the board.~~] §

Legislative Review Note
as of 11-18-98 4:03 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel