



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 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[-]; and

127 (b) anonymity protected by the division and the board.

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**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**