

1 **PUBLIC SAFETY DRIVING PRIVILEGE AND**
2 **IDENTIFICATION CARD AMENDMENTS**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Curtis S. Bramble**

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Public Safety Code by amending driver license and identification
10 card provisions.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines driving privilege card as the evidence of the privilege granted to drive a
14 motor vehicle;
- 15 ▶ requires the Driver License Division to:
- 16 • only issue a driving privilege card to a person who did not use a Social Security
17 number to obtain a driving privilege; and
- 18 • distinguish a driving privilege card from a license certificate by:
- 19 • use a format, color, font, or other means to clearly distinguish the driving
20 privilege card from other driver licenses; and
- 21 • clearly display on the front of driving privilege card a phrase substantially
22 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR
23 IDENTIFICATION";
- 24 ▶ prohibits a governmental entity from accepting a driving privilege card as proof of
25 personal identification;
- 26 ▶ repeals, as a substitute for a Social Security number, the use of a temporary
27 identification number (ITIN) issued by the Internal Revenue Service for purposes of



28 obtaining an identification card issued by the Driver License Division;

29 ▶ provides that a driver license certificate expires on the person's next birthday after
30 July 1, 2005 if:

- 31 • the driver license was obtained without using a Social Security number; and
- 32 • the driver license certificate or driving privilege card is not distinguished in
33 certain ways by the division;

34 ▶ provides that a driving privilege card expires on the birth date of the applicant each
35 year;

36 ▶ provides that an identification card that was obtained without using a Social
37 Security number expires on July 1, 2005; and

38 ▶ make technical changes.

39 **Monies Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 This bill takes effect on July 1, 2005.

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **53-3-205**, as last amended by Chapter 222, Laws of Utah 2004

46 **53-3-207**, as last amended by Chapter 144, Laws of Utah 2004

47 **53-3-804**, as last amended by Chapter 30, Laws of Utah 2003

48 **53-3-807**, as last amended by Chapter 30, Laws of Utah 2003



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

51 Section 1. Section **53-3-205** is amended to read:

52 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
53 **Expiration dates of licenses and endorsements -- Information required -- Previous**
54 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
55 **Fee required -- License agreement.**

56 (1) An application for any original license, provisional license, or endorsement shall
57 be:

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

- 59 (b) accompanied by a nonrefundable fee set under Section 53-3-105.
- 60 (2) An application and fee for an original provisional class D license or an original
- 61 class D license entitle the applicant to:
 - 62 (a) not more than three attempts to pass both the knowledge and skills tests for a class
 - 63 D license within six months of the date of the application;
 - 64 (b) a learner permit if needed after the knowledge test is passed; and
 - 65 (c) an original class D license and license certificate after all tests are passed.
- 66 (3) An application and fee for an original class M license entitle the applicant to:
 - 67 (a) not more than three attempts to pass both the knowledge and skills tests for a class
 - 68 M license within six months of the date of the application;
 - 69 (b) a learner permit if needed after the knowledge test is passed; and
 - 70 (c) an original class M license and license certificate after all tests are passed.
- 71 (4) An application and fee for a motorcycle or taxicab endorsement entitle the
- 72 applicant to:
 - 73 (a) not more than three attempts to pass both the knowledge and skills tests within six
 - 74 months of the date of the application;
 - 75 (b) a motorcycle learner permit if needed after the motorcycle knowledge test is
 - 76 passed; and
 - 77 (c) a motorcycle or taxicab endorsement when all tests are passed.
- 78 (5) An application and fees for a commercial class A, B, or C license entitle the
- 79 applicant to:
 - 80 (a) not more than two attempts to pass a knowledge test and not more than two
 - 81 attempts to pass a skills test within six months of the date of the application;
 - 82 (b) a commercial driver instruction permit if needed after the knowledge test is passed;
 - 83 and
 - 84 (c) an original commercial class A, B, or C license and license certificate when all
 - 85 applicable tests are passed.
- 86 (6) An application and fee for a CDL endorsement entitle the applicant to:
 - 87 (a) not more than two attempts to pass a knowledge test and not more than two
 - 88 attempts to pass a skills test within six months of the date of the application; and
 - 89 (b) a CDL endorsement when all tests are passed.

90 (7) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
91 test within the number of attempts provided in Subsection (5) or (6), each test may be taken
92 two additional times within the six months for the fee provided in Section 53-3-105.

93 (8) (a) ~~[A]~~ Except as provided under Subsection (8)(f), an original license expires on
94 the birth date of the applicant in the fifth year following the year the license certificate was
95 issued.

96 (b) ~~[A]~~ Except as provided under Subsection (8)(f), a renewal or an extension to a
97 license expires on the birth date of the licensee in the fifth year following the expiration date of
98 the license certificate renewed or extended.

99 (c) ~~[A]~~ Except as provided under Subsection (8)(f), a duplicate license expires on the
100 same date as the last license certificate issued.

101 (d) An endorsement to a license expires on the same date as the license certificate
102 regardless of the date the endorsement was granted.

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

109 (f) (i) An original license or a renewal or a duplicate to an original license expires on
110 the next birth date of the applicant or licensee beginning on July 1, 2005 if:

111 (A) the license was obtained without using a Social Security number as required under
112 Subsection (9); and

113 (B) the license certificate or driving privilege card is not clearly distinguished as
114 required under Subsection 53-3-207(6).

115 (ii) A driving privilege card issued or renewed under Section 53-3-207 expires on the
116 birth date of the applicant in the first year following the year that the driving privilege card was
117 issued or renewed.

118 (9) (a) In addition to the information required by Title 63, Chapter 46b, Administrative
119 Procedures Act, for requests for agency action, each applicant shall have a Utah residence
120 address and each applicant shall:

- 121 (i) provide the applicant's:
- 122 (A) full legal name;
- 123 (B) birth date;
- 124 (C) gender;
- 125 (D) between July 1, 2002 and July 1, 2007, race in accordance with the categories
- 126 established by the United States Census Bureau;
- 127 (E) Social Security number or temporary identification number (ITIN) issued by the
- 128 Internal Revenue Service for a person who does not qualify for a Social Security number; and
- 129 (F) Utah residence address of the applicant;
- 130 (ii) provide a description of the applicant;
- 131 (iii) state whether the applicant has previously been licensed to drive a motor vehicle
- 132 and, if so, when and by what state or country;
- 133 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,
- 134 disqualified, or denied in the last six years, or whether the applicant has ever had any license
- 135 application refused, and if so, the date of and reason for the suspension, cancellation,
- 136 revocation, disqualification, denial, or refusal;
- 137 (v) state whether the applicant intends to make an anatomical gift under Title 26,
- 138 Chapter 28, Uniform Anatomical Gift Act, in compliance with Subsection (16);
- 139 (vi) provide all other information the division requires; and
- 140 (vii) sign the application which signature may include an electronic signature as
- 141 defined in Section 46-4-102.
- 142 (b) The division shall maintain on its computerized records an applicant's:
- 143 (i) Social Security number; or
- 144 (ii) temporary identification number (ITIN).
- 145 (c) An applicant may not be denied a license for refusing to provide race information
- 146 required under Subsection (9)(a)(i)(D).
- 147 (10) The division shall require proof of every applicant's name, birthdate, and
- 148 birthplace by at least one of the following means:
- 149 (a) current license certificate;
- 150 (b) birth certificate;
- 151 (c) Selective Service registration; or

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

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

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

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

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

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

168 (15) A person who applies for an original license or renewal of a license agrees that the
169 person's license is subject to any suspension or revocation authorized under this title or Title
170 41, Motor Vehicles.

171 (16) (a) The indication of intent under Subsection (9)(a)(v) shall be authenticated by
172 the licensee in accordance with division rule.

173 (b) (i) Notwithstanding Title 63, Chapter 2, Government Records Access and
174 Management Act, the division may, upon request, release to an organ procurement
175 organization, as defined in Section 26-28-2, the names and addresses of all persons who under
176 Subsection (9)(a)(v) indicate that they intend to make an anatomical gift.

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

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

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

180 (17) The division and its employees are not liable, as a result of false or inaccurate
181 information provided under Subsection (9)(a)(v), for direct or indirect:

182 (a) loss;

- 183 (b) detriment; or
- 184 (c) injury.

185 Section 2. Section **53-3-207** is amended to read:

186 **53-3-207. License certificates issued to drivers by class of motor vehicle --**
 187 **Contents -- Release of anatomical gift information -- Temporary licenses -- Minors'**
 188 **licenses and permits -- Violation.**

189 (1) As used in this section:

190 (a) "driving privilege" means the privilege granted under this chapter to drive a motor
 191 vehicle;

192 (b) "driving privilege card" means the evidence of the privilege granted and issued
 193 under this chapter to drive a motor vehicle;

194 (c) "governmental entity" means the state and its political subdivisions as defined in
 195 this Subsection (1);

196 (d) "political subdivision" means any county, city, town, school district, public transit
 197 district, redevelopment agency, special improvement or taxing district, special district, an entity
 198 created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation
 199 Act, or other governmental subdivision or public corporation; and

200 (e) "state" means this state, and includes any office, department, agency, authority,
 201 commission, board, institution, hospital, college, university, children's justice center, or other
 202 instrumentality of the state.

203 ~~[(+)]~~ (2) (a) The division shall issue to every person privileged to drive a motor vehicle,
 204 a license certificate or a driving privilege card indicating the type or class of motor vehicle the
 205 [licensee] person may drive.

206 (b) A person may not drive a class of motor vehicle unless [licensed] granted the
 207 privilege in that class.

208 ~~[(2)]~~ (3) (a) Every license certificate or driving privilege card shall bear:

- 209 (i) the distinguishing number assigned to the [licensee] person by the division;
- 210 (ii) the name, birth date, and Utah residence address of the [licensee] person;
- 211 (iii) a brief description of the [licensee] person for the purpose of identification;
- 212 (iv) any restrictions imposed on the license under Section 53-3-208;
- 213 (v) a photograph of the [licensee] person;

214 (vi) a photograph or other facsimile of the [~~licensee's~~] person's signature; and
215 (vii) an indication whether the [~~licensee~~] person intends to make an anatomical gift
216 under Title 26, Chapter 28, Uniform Anatomical Gift Act, unless the [~~licensee~~] driving privilege
217 is extended under Subsection 53-3-214(3).

218 (b) A new license certificate issued by the division may not bear the [~~licensee's~~]
219 person's Social Security number.

220 (c) (i) The license or driving privilege card certificate shall be of an impervious
221 material, resistant to wear, damage, and alteration.

222 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the license
223 certificate or driving privilege card shall be as prescribed by the commissioner.

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

228 [~~(3)~~] (4) (a) (i) The division upon determining after an examination that an applicant is
229 mentally and physically qualified to be granted a [~~licensee~~] driving privilege may issue to an
230 applicant a receipt for the fee.

231 (ii) The receipt serves as a temporary license certificate or driving privilege card
232 allowing [~~him~~] the person to drive a motor vehicle while the division is completing its
233 investigation to determine whether [~~he~~] the person is entitled to be [~~licensed~~] granted a driving
234 privilege.

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

238 (c) The division shall indicate on the receipt a date after which it is not valid as a
239 license certificate or driving privilege card.

240 [~~(4)~~] (5) (a) The division shall distinguish learner permits, temporary permits, [~~and~~]
241 license certificates, and driving privilege cards issued to any person younger than 21 years of
242 age by use of plainly printed information or the use of a color or other means not used for other
243 license certificates or driving privilege cards.

244 (b) The division shall distinguish a license certificate or driving privilege card issued to

245 any person:

246 (i) younger than 21 years of age by use of a portrait-style format not used for other
247 license certificates or driving privilege card and by plainly printing the date the license
248 certificate or driving privilege card holder is 21 years of age, which is the legal age for
249 purchasing an alcoholic beverage or product under Section 32A-12-203; and

250 (ii) younger than 19 years of age, by plainly printing the date the license certificate or
251 driving privilege card holder is 19 years of age, which is the legal age for purchasing tobacco
252 products under Section 76-10-104.

253 (6) (a) The division shall only issue a driving privilege card to a person whose privilege
254 was obtained without using a Social Security number as required under Subsection
255 53-3-205(9).

256 (b) The division shall distinguish a driving privilege card from a license certificate by:

257 (i) use of a format, color, font, or other means; and

258 (ii) clearly displaying on the front of the driving privilege card a phrase substantially
259 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

260 ~~[(7)]~~ (7) The provisions of Subsection ~~[(4)]~~ (5)(b) do not apply to a learner permit,
261 temporary permit, or any other temporary permit or receipt issued by the division.

262 ~~[(5)]~~ (8) The division shall issue temporary license certificates or driving privilege
263 cards of the same nature, except as to duration, as the license certificates that they temporarily
264 replace, as are necessary to implement applicable provisions of Section 53-3-223.

265 (9) A governmental entity may not accept a driving privilege card as proof of personal
266 identification.

267 ~~[(6)]~~ (10) A person who violates Subsection ~~[(1)]~~ (2)(b) is guilty of a class C
268 misdemeanor.

269 (11) Except as provided under this section, the provisions, requirements, classes,
270 endorsements, fees, restrictions, and sanctions under this code apply to a:

271 (a) driving privilege in the same way as a license issued under this chapter; and

272 (b) driving privilege card in the same way as a license certificate issued under this
273 chapter.

274 Section 3. Section **53-3-804** is amended to read:

275 **53-3-804. Application for identification card -- Required information -- Release**

276 **of anatomical gift information.**

277 (1) To apply for an identification card, the applicant shall have a Utah residence
278 address and appear in person at any license examining station.

279 (2) The applicant shall provide the following information to the division:

280 (a) true and full legal name and Utah residence address;

281 (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or
282 other satisfactory evidence of birth, which shall be attached to the application;

283 (c) [(+) Social Security number; [or]

284 [~~(ii) temporary identification number (ITIN) issued by the Internal Revenue Service for~~
285 ~~a person who does not qualify for a Social Security number;]~~

286 (d) place of birth;

287 (e) height and weight;

288 (f) color of eyes and hair;

289 (g) between July 1, 2002 and July 1, 2007, race in accordance with the categories
290 established by the United States Census Bureau;

291 (h) signature;

292 (i) photograph; and

293 (j) an indication whether the applicant intends to make an anatomical gift under Title
294 26, Chapter 28, Uniform Anatomical Gift Act.

295 (3) The requirements of Section 53-3-234 apply to this section for each person, age 16
296 and older, applying for an identification card. Refusal to consent to the release of information
297 shall result in the denial of the identification card.

298 (4) An applicant may not be denied an identification card for refusing to provide race
299 information required under Subsection (2)(g).

300 Section 4. Section **53-3-807** is amended to read:

301 **53-3-807. Expiration -- Address and name change -- Extension for disabled.**

302 (1) The identification card expires on the birth date of the applicant in the tenth year
303 following the issuance of the identification card, except as provided under Subsection (6).

304 (2) If a person has applied for and received an identification card and subsequently
305 moves from the address shown on the application or on the card, the person shall within ten
306 days notify the division in a manner specified by the division of his new address.

307 (3) If a person has applied for and received an identification card and subsequently
308 changes his name under Title 42, Chapter 1, Change of Name, he:

309 (a) shall surrender the card to the division; and

310 (b) may apply for a new card in his new name by:

311 (i) furnishing proper documentation to the division as provided in Section 53-3-804;

312 and

313 (ii) paying the fee required under Section 53-3-105.

314 (4) A person older than 21 years of age with a disability, as defined under the
315 Americans with Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on
316 an identification card for ten years if the person with a disability or an agent of the person with
317 a disability:

318 (a) requests that the division send the application form to obtain the extension or
319 requests an application form in person at the division's offices;

320 (b) completes the application;

321 (c) certifies that the extension is for a person 21 years of age or older with a disability;

322 and

323 (d) returns the application to the division together with the identification card fee
324 required under Section 53-3-105.

325 (5) (a) An identification card may only be extended once.

326 (b) After an extension an application for an identification card must be applied for in
327 person at the division's offices.

328 (6) An identification card issued to a person 65 years of age or older does not expire,
329 but continues in effect until the death of that person.

330 (7) Notwithstanding the provisions of this section, an identification card that was
331 obtained without using a Social Security number as required under Subsection 53-3-804(2)
332 expires on July 1, 2005.

333 Section 5. **Effective date.**

334 This bill takes effect on July 1, 2005.

Legislative Review Note

as of 2-8-05 3:17 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

It is estimated that the ongoing revenue impact will be \$616,000 in Transportation Fund Restricted, Department of Public Safety Restricted Funds beginning FY 2006. The Department of Public Safety, Driver License Division will require appropriations of \$157,600 in FY 2006 and \$80,000 ongoing beginning FY 2007 from the Transportation Fund Restricted, Department of Public Safety Restricted Account to implement provisions of this bill.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
Restricted Funds	\$157,600	\$80,000	\$616,000	\$616,000
TOTAL	\$157,600	\$80,000	\$616,000	\$616,000

Individual and Business Impact

No fiscal impact for individuals complying with the federal and state immigration and naturalization laws pertaining to the State of Utah.

Office of the Legislative Fiscal Analyst