

Representative Paul A. Neuenschwander proposes the following substitute bill:

1 **MOTORCYCLE LICENSE AND ENDORSEMENT**

2 **AMENDMENTS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Paul A. Neuenschwander**

6 Senate Sponsor: Jon J. Greiner

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Motor Vehicles Code and the Uniform Driver License Act by
11 amending provisions relating to motorcycle endorsements and class M licenses.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ repeals the class M license;
- 15 ▶ expires all existing class M licenses on June 30, 2008;
- 16 ▶ prohibits the Driver License Division from issuing a motorcycle endorsement to a

17 person who:

- 18 • does not hold an original or provisional class D license, a CDL, or an
19 out-of-state equivalent; and
- 20 • if the person is under 19 years of age, has not held a learner permit for two
21 months unless the person has completed a motorcycle rider education program;
- 22 ▶ creates the motorcycle learner permit;
- 23 ▶ provides that a motorcycle learner permit entitles the holder of the permit to operate
24 a motorcycle subject to certain restrictions;
- 25 ▶ grants the division rulemaking authority to implement rules for the issuance of a



26 motorcycle learner permit and the proof requirements for demonstrating that an applicant has
27 completed a motorcycle rider education program;

28 ▶ requires an applicant to state whether the applicant has had a license suspended,
29 cancelled, revoked, disqualified, or denied in the last ten, rather than six, years; and

30 ▶ makes technical changes.

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill takes effect July 1, 2008.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **41-6a-521**, as last amended by Laws of Utah 2007, Chapter 261

38 **53-3-105**, as last amended by Laws of Utah 2007, Chapters 53, 261, and 296

39 **53-3-106**, as last amended by Laws of Utah 2007, Chapter 261

40 **53-3-202**, as last amended by Laws of Utah 2006, Chapter 201

41 **53-3-204**, as last amended by Laws of Utah 2006, Chapters 46, 201, and 293

42 **53-3-205**, as last amended by Laws of Utah 2007, Chapters 60 and 173

43 **53-3-207**, as last amended by Laws of Utah 2007, Chapters 60 and 329

44 **53-3-214**, as last amended by Laws of Utah 2006, Chapter 189

45 **53-3-216**, as last amended by Laws of Utah 2006, Chapter 189

46 **53-3-223**, as last amended by Laws of Utah 2007, Chapter 261

47 **53-3-231**, as last amended by Laws of Utah 2007, Chapter 261

48 **53-3-407**, as last amended by Laws of Utah 2006, Chapter 293

49 **53-3-905**, as last amended by Laws of Utah 1994, Chapter 12

50 ENACTS:

51 **53-3-210.6**, Utah Code Annotated 1953



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

54 Section 1. Section **41-6a-521** is amended to read:

55 **41-6a-521. Revocation hearing for refusal -- Appeal.**

56 (1) (a) A person who has been notified of the Driver License Division's intention to

57 revoke the person's license under Section 41-6a-520 is entitled to a hearing.

58 (b) A request for the hearing shall be made in writing within ten calendar days after the
59 day on which notice is provided.

60 (c) Upon request in a manner specified by the Driver License Division, the Driver
61 License Division shall grant to the person an opportunity to be heard within 29 days after the
62 date of arrest.

63 (d) If the person does not make a request for a hearing before the Driver License
64 Division under this Subsection (1), the person's privilege to operate a motor vehicle in the state
65 is revoked beginning on the 30th day after the date of arrest for a period of:

66 (i) 18 months unless Subsection (1)(d)(ii) applies; or

67 (ii) 24 months if the person has had a previous:

68 (A) license sanction for an offense that occurred within the previous ten years from the
69 date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or
70 53-3-232; or

71 (B) conviction for an offense that occurred within the previous ten years from the date
72 of arrest under Section 41-6a-502 or a statute previously in effect in this state that would
73 constitute a violation of Section 41-6a-502.

74 (2) (a) Except as provided in Subsection (2)(b), if a hearing is requested by the person,
75 the hearing shall be conducted by the Driver License Division in the county in which the
76 offense occurred.

77 (b) The Driver License Division may hold a hearing in some other county if the Driver
78 License Division and the person both agree.

79 (3) The hearing shall be documented and shall cover the issues of:

80 (a) whether a peace officer had reasonable grounds to believe that a person was
81 operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 41-6a-530, 53-3-231,
82 or 53-3-232; and

83 (b) whether the person refused to submit to the test or tests under Section 41-6a-520.

84 (4) (a) In connection with the hearing, the division or its authorized agent:

85 (i) may administer oaths and may issue subpoenas for the attendance of witnesses and
86 the production of relevant books and papers; and

87 (ii) shall issue subpoenas for the attendance of necessary peace officers.

88 (b) The Driver License Division shall pay witness fees and mileage from the
89 Transportation Fund in accordance with the rates established in Section 78-46-28.

90 (5) (a) If after a hearing, the Driver License Division determines that the person was
91 requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the
92 person fails to appear before the Driver License Division as required in the notice, the Driver
93 License Division shall revoke the person's license or permit to operate a motor vehicle in Utah
94 beginning on the date the hearing is held for a period of:

95 (i) 18 months unless Subsection (5)(a)(ii) applies; or

96 (ii) 24 months if the person has had a previous:

97 (A) license sanction for an offense that occurred within the previous ten years from the
98 date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or
99 53-3-232; or

100 (B) conviction for an offense that occurred within the previous ten years from the date
101 of arrest under Section 41-6a-502 or a statute previously in effect in this state that would
102 constitute a violation of Section 41-6a-502.

103 (b) The Driver License Division shall also assess against the person, in addition to any
104 fee imposed under Subsection 53-3-205~~(13)~~(12), a fee under Section 53-3-105, which shall
105 be paid before the person's driving privilege is reinstated, to cover administrative costs.

106 (c) The fee shall be cancelled if the person obtains an unappealed court decision
107 following a proceeding allowed under Subsection (2) that the revocation was improper.

108 (6) (a) Any person whose license has been revoked by the Driver License Division
109 under this section following an administrative hearing may seek judicial review.

110 (b) Judicial review of an informal adjudicative proceeding is a trial.

111 (c) Venue is in the district court in the county in which the offense occurred.

112 Section 2. Section **53-3-105** is amended to read:

113 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
114 **and identification cards.**

115 The following fees apply under this chapter:

116 (1) An original class D license application under Section 53-3-205 is \$25.

117 ~~[(2) An original class M license application under Section 53-3-205 is \$27.50.]~~

118 ~~[(3)]~~ (2) An original provisional license application for a class D license under Section

119 53-3-205 is \$30.
120 ~~[(4) An original provisional license application for a class M license under Section~~
121 ~~53-3-205 is \$32.50.]~~
122 ~~[(5) (3) An original application for a motorcycle endorsement under Section 53-3-205~~
123 ~~is \$9.50.~~
124 ~~[(6) (4) An original application for a taxicab endorsement under Section 53-3-205 is~~
125 ~~\$7.~~
126 ~~[(7) (5) A learner permit application under Section 53-3-210.5 is \$15.~~
127 ~~[(8) (6) A renewal of a class D license under Section 53-3-214 is \$25 unless~~
128 ~~Subsection [(14) (10) applies.~~
129 ~~[(9) A renewal of a class M license under Section 53-3-214 is \$27.50.]~~
130 ~~[(10) (7) A renewal of a provisional license application for a class D license under~~
131 ~~Section 53-3-214 is \$25.~~
132 ~~[(11) A renewal of a provisional license application for a class M license under Section~~
133 ~~53-3-214 is \$27.50.]~~
134 ~~[(12) (8) A renewal of a motorcycle endorsement under Section 53-3-214 is \$9.50.~~
135 ~~[(13) (9) A renewal of a taxicab endorsement under Section 53-3-214 is \$7.~~
136 ~~[(14) (10) A renewal of a class D license for a person 65 and older under Section~~
137 ~~53-3-214 is \$13.~~
138 ~~[(15) (11) An extension of a class D license under Section 53-3-214 is \$20 unless~~
139 ~~Subsection [(21) (15) applies.~~
140 ~~[(16) An extension of a class M license under Section 53-3-214 is \$22.50.]~~
141 ~~[(17) (12) An extension of a provisional license application for a class D license under~~
142 ~~Section 53-3-214 is \$20.~~
143 ~~[(18) An extension of a provisional license application for a class M license under~~
144 ~~Section 53-3-214 is \$22.50.]~~
145 ~~[(19) (13) An extension of a motorcycle endorsement under Section 53-3-214 is~~
146 ~~\$9.50.~~
147 ~~[(20) (14) An extension of a taxicab endorsement under Section 53-3-214 is \$7.~~
148 ~~[(21) (15) An extension of a class D license for a person 65 and older under Section~~
149 ~~53-3-214 is \$11.~~

150 ~~[(22)]~~ (16) An original or renewal application for a commercial class A, B, or C license
151 or an original or renewal of a provisional commercial class A or B license under Part 4,
152 Uniform Commercial Driver License Act, is:

153 (a) \$40 for the knowledge test; and

154 (b) \$60 for the skills test.

155 ~~[(23)]~~ (17) Each original CDL endorsement for passengers, hazardous material, double
156 or triple trailers, or tankers is \$7.

157 ~~[(24)]~~ (18) An original CDL endorsement for a school bus under Part 4, Uniform
158 Commercial Driver License Act, is \$7.

159 ~~[(25)]~~ (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial
160 Driver License Act, is \$7.

161 ~~[(26)]~~ (20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is
162 \$20.

163 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.

164 ~~[(27)]~~ (21) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.

165 ~~[(28)]~~ (22) A duplicate class A, B, C, or D, ~~[or M]~~ license certificate under Section
166 53-3-215 is \$18.

167 ~~[(29)]~~ (23) (a) A license reinstatement application under Section 53-3-205 is \$30.

168 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
169 combination of alcohol and any drug-related offense is \$35 in addition to the fee under
170 Subsection ~~[(29)]~~ (23)(a).

171 ~~[(30)]~~ (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or
172 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
173 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
174 Part 4, Uniform Commercial Driver License Act, is \$170.

175 (b) This administrative fee is in addition to the fees under Subsection ~~[(29)]~~ (23).

176 ~~[(31)]~~ (25) (a) An administrative fee for providing the driving record of a driver under
177 Section 53-3-104 or 53-3-420 is \$6.

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

180 ~~[(32)]~~ (26) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

181 [~~(33)~~] (27) (a) Except as provided under Subsection [~~(34)~~] (27)(b), an identification
182 card application under Section 53-3-808 is \$18.

183 [~~(34)~~] (b) An identification card application under Section 53-3-808 for a person with a
184 disability, as defined in 42 U.S.C. Sec. 12102, is \$13.

185 Section 3. Section **53-3-106** is amended to read:

186 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**
187 **-- Uses as provided by appropriation -- Nonlapsing.**

188 (1) There is created within the Transportation Fund a restricted account known as the
189 "Department of Public Safety Restricted Account."

190 (2) The account consists of monies generated from the following revenue sources:

191 (a) all monies received under this chapter;

192 (b) administrative fees received according to the fee schedule authorized under this
193 chapter and Section 63-38-3.2; and

194 (c) any appropriations made to the account by the Legislature.

195 (3) (a) The account shall earn interest.

196 (b) All interest earned on account monies shall be deposited in the account.

197 (4) The expenses of the department in carrying out this chapter shall be provided for by
198 legislative appropriation from this account.

199 (5) The amount in excess of \$45 of the fees collected under Subsection
200 53-3-105[~~(30)~~](24) shall be appropriated by the Legislature from this account to the department
201 to implement the provisions of Section 53-1-117, except that of the amount in excess of \$45,
202 \$40 shall be deposited in the State Laboratory Drug Testing [~~restricted~~] Account created in
203 Section 26-1-34.

204 (6) All monies received under Subsection 41-6a-1406(6)(b)(ii) shall be appropriated by
205 the Legislature from this account to the department to implement the provisions of Section
206 53-1-117.

207 (7) Appropriations to the department from the account are nonlapsing.

208 Section 4. Section **53-3-202** is amended to read:

209 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

210 (1) A person may not drive a motor vehicle on a highway in this state unless the person
211 is:

212 (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the
213 division under this chapter;

214 (b) driving an official United States Government class D motor vehicle with a valid
215 United States Government driver permit or license for that type of vehicle;

216 (c) driving a road roller, road machinery, or any farm tractor or implement of
217 husbandry temporarily drawn, moved, or propelled on the highways;

218 (d) a nonresident who is at least 16 years of age and younger than 18 years of age who
219 has in [~~his~~] the nonresident's immediate possession a valid license certificate issued to [~~him~~]
220 the nonresident in [~~his~~] the nonresident's home state or country and is driving [~~as a class D or~~
221 ~~M driver;~~] in the class or classes identified on the home state license certificate, except those
222 persons referred to in Part 6 of this chapter;

223 (e) a nonresident who is at least 18 years of age and who has in [~~his~~] the nonresident's
224 immediate possession a valid license certificate issued to [~~him~~] the nonresident in [~~his~~] the
225 nonresident's home state or country if driving in the class or classes identified on the home
226 state license certificate, except those persons referred to in Part 6 of this chapter;

227 (f) driving under a temporary learner permit, instruction permit, practice permit, or
228 learner permit in accordance with Section 53-3-210, 53-3-210.5, or 53A-13-208;

229 (g) driving with a temporary license certificate issued in accordance with Section
230 53-3-207; or

231 (h) exempt under Title 41, Chapter 22, Off-highway Vehicles.

232 (2) A person may not drive or, while within the passenger compartment of a motor
233 vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a
234 motor vehicle upon a highway unless the person:

235 (a) holds a valid license issued under this chapter for the type or class of motor vehicle
236 being towed; or

237 (b) is exempted under either Subsection (1)(b) or (1)(c).

238 (3) A person may not drive a motor vehicle as a taxicab on a highway of this state
239 unless the person has a taxicab endorsement issued by the division on his license certificate.

240 (4) (a) A person may not operate an electric assisted bicycle as defined under Section
241 41-6a-102 unless the person has a valid [~~class M or~~] class D license issued under this chapter.

242 (b) Subsection (4)(a) is an exception to the provisions of Section 53-3-104.

- 243 (5) A person who violates this section is guilty of a class C misdemeanor.
244 Section 5. Section **53-3-204** is amended to read:
245 **53-3-204. Persons who may not be licensed.**
246 (1) (a) The division may not license a person who:
247 (i) is younger than 16 years of age;
248 (ii) has not completed a course in driver training approved by the commissioner;
249 (iii) if the person is a minor, has not completed the driving requirement under Section
250 53-3-211;
251 (iv) is not a resident of the state, unless the person is issued a temporary CDL under
252 Subsection 53-3-407(2)(b); or
253 (v) if the person is 17 years of age or younger, has not held a learner permit issued
254 under Section 53-3-210.5 for six months.
255 (b) Subsections (1)(a)(i), (ii), and (iii) do not apply to a person:
256 (i) who has been licensed before July 1, 1967; or
257 (ii) who is 16 years of age or older making application for a license who has been
258 licensed in another state or country[~~; or~~].
259 [~~(iii) who is applying for a permit under Section 53-3-210 or 53A-13-208.~~]
260 [~~(c) Subsection (1)(a)(v) does not apply to a person applying for a provisional class D~~
261 ~~license certificate before February 1, 2007 if the person has been issued a temporary learner~~
262 ~~permit or practice permit under Section 53-3-210.~~]
263 (2) The division may not issue a license certificate to a person:
264 (a) whose license has been suspended, denied, cancelled, or disqualified during the
265 period of suspension, denial, cancellation, or disqualification;
266 (b) whose privilege has been revoked, except as provided in Section 53-3-225;
267 (c) who has previously been adjudged mentally incompetent and who has not at the
268 time of application been restored to competency as provided by law;
269 (d) who is required by this chapter to take an examination unless the person
270 successfully passes the examination; or
271 (e) whose driving privileges have been denied or suspended under:
272 (i) Section 78-3a-506 by an order of the juvenile court; or
273 (ii) Section 53-3-231.

274 (3) (a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle
275 endorsement to a person who:

276 (i) has not been granted an original or provisional class D license, a CDL, or an
277 out-of-state equivalent to an original or provisional class D license or a CDL; and

278 (ii) if the person is under 19 years of age, has not held a motorcycle learner permit for
279 two months unless Subsection (3)(b) applies.

280 (b) The division may waive the two month motorcycle learner permit holding period
281 requirement under Subsection (3)(a)(ii) if the person proves to the satisfaction of the division
282 that the person has completed a motorcycle rider education program that meets the
283 requirements under Section 53-3-903.

284 (c) The division may grant a motorcycle endorsement to a person under 19 years of age
285 who has not held a motorcycle learner permit for two months if the person was issued a
286 motorcycle endorsement or a class M license prior to July 1, 2008.

287 ~~[(3)]~~ (4) The division may grant a class D ~~[or M]~~ license to a person whose commercial
288 license is disqualified under Part 4, Uniform Commercial Driver License Act, if the person is
289 not otherwise sanctioned under this chapter.

290 Section 6. Section **53-3-205** is amended to read:

291 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
292 **Expiration dates of licenses and endorsements -- Information required -- Previous**
293 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
294 **Fee required -- License agreement.**

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

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

298 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

299 (2) An application and fee for an original provisional class D license or an original
300 class D license entitle the applicant to:

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

303 (b) a learner permit if needed pending completion of the application and testing
304 process; and

305 (c) an original class D license and license certificate after all tests are passed.
 306 [~~(3)~~ An application and fee for an original class M license entitle the applicant to:]
 307 [~~(a)~~ not more than three attempts to pass both the knowledge and skills tests for a class
 308 M license within six months of the date of the application;]

309 [~~(b)~~ a motorcycle learner permit if needed after the knowledge test is passed; and]
 310 [~~(c)~~ an original class M license and license certificate after all tests are passed.]

311 [~~(4)~~] (3) An application and fee for a motorcycle or taxicab endorsement entitle the
 312 applicant to:

313 (a) not more than three attempts to pass both the knowledge and skills tests within six
 314 months of the date of the application;

315 (b) a motorcycle learner permit [~~if needed~~] after the motorcycle knowledge test is
 316 passed; and

317 (c) a motorcycle or taxicab endorsement when all tests are passed.

318 [~~(5)~~] (4) An application and fees for a commercial class A, B, or C license entitle the
 319 applicant to:

320 (a) not more than two attempts to pass a knowledge test and not more than two
 321 attempts to pass a skills test within six months of the date of the application;

322 (b) a commercial driver instruction permit if needed after the knowledge test is passed;
 323 and

324 (c) an original commercial class A, B, or C license and license certificate when all
 325 applicable tests are passed.

326 [~~(6)~~] (5) An application and fee for a CDL endorsement entitle the applicant to:

327 (a) not more than two attempts to pass a knowledge test and not more than two
 328 attempts to pass a skills test within six months of the date of the application; and

329 (b) a CDL endorsement when all tests are passed.

330 [~~(7)~~] (6) If a CDL applicant does not pass a knowledge test, skills test, or an
 331 endorsement test within the number of attempts provided in Subsection [~~(5)~~] (4) or [~~(6)~~] (5),
 332 each test may be taken two additional times within the six months for the fee provided in
 333 Section 53-3-105.

334 [~~(8)~~] (7) (a) Except as provided under Subsections [~~(8)~~] (7)(f), (g), and (h), an original
 335 license expires on the birth date of the applicant in the fifth year following the year the license

336 certificate was issued.

337 (b) Except as provided under Subsections [~~(8)~~] (7)(f), (g), [~~and~~] (h), and (i), a renewal
338 or an extension to a license expires on the birth date of the licensee in the fifth year following
339 the expiration date of the license certificate renewed or extended.

340 (c) Except as provided under Subsections [~~(8)~~] (7)(f) [~~and~~], (g), and (i), a duplicate
341 license expires on the same date as the last license certificate issued.

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

344 (e) A license and any endorsement to the license held by a person ordered to active
345 duty and stationed outside Utah in any of the armed forces of the United States, which expires
346 during the time period the person is stationed outside of the state, is valid until 90 days after the
347 person has been discharged or has left the service, unless:

348 (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by
349 the division; or

350 (ii) the licensee updates the information or photograph on the license certificate.

351 (f) An original license or a renewal to an original license obtained using proof under
352 Subsection [~~(9)~~] (8)(a)(i)(E)(III) expires on the date of the expiration of the applicant's foreign
353 visa, permit, or other document granting legal presence in the United States or on the date
354 provided under this Subsection [~~(8)~~] (7), whichever is sooner.

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

357 (A) the license was obtained without using a Social Security number as required under
358 Subsection [~~(9)~~] (8); and

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

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

364 (iii) The expiration dates provided under Subsections [~~(8)~~] (7)(g)(i) and (ii) do not
365 apply to an original license or driving privilege card or to the renewal of an original license or
366 driving privilege card with an expiration date provided under Subsection [~~(8)~~] (7)(f).

367 (h) An original license or a renewal to an original license expires on the birth date of
368 the applicant in the first year following the year that the license was issued if the applicant is
369 required to register as a sex offender under Section 77-27-21.5.

370 (i) An original class M license or a renewal, duplicate, or extension to an original class
371 M license expires on June 30, 2008.

372 [~~9~~] (8) (a) In addition to the information required by Title 63, Chapter 46b,
373 Administrative Procedures Act, for requests for agency action, each applicant shall:

374 (i) provide the applicant's:

375 (A) full legal name;

376 (B) birth date;

377 (C) gender;

378 (D) between July 1, 2002 and July 1, 2007, race in accordance with the categories
379 established by the United States Census Bureau;

380 (E) (I) Social Security number;

381 (II) temporary identification number (ITIN) issued by the Internal Revenue Service for
382 a person who does not qualify for a Social Security number; or

383 (III) (Aa) proof that the applicant is a citizen of a country other than the United States;

384 (Bb) proof that the applicant does not qualify for a Social Security number; and

385 (Cc) proof of legal presence in the United States, as authorized under federal law; and

386 (F) Utah residence address as documented by a form acceptable under rules made by
387 the division under Section 53-3-104, unless the application is for a temporary CDL issued
388 under Subsection 53-3-407(2)(b);

389 (ii) provide a description of the applicant;

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

392 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,
393 disqualified, or denied in the last [~~six~~] ten years, or whether the applicant has ever had any
394 license application refused, and if so, the date of and reason for the suspension, cancellation,
395 revocation, disqualification, denial, or refusal;

396 (v) state whether the applicant intends to make an anatomical gift under Title 26,
397 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection [~~(16)~~] (15);

398 (vi) state whether the applicant is required to register as a sex offender under Section
399 77-27-21.5;

400 (vii) state whether the applicant is a military veteran and does or does not authorize
401 sharing the information with the state Department of Veterans' Affairs;

402 (viii) provide all other information the division requires; and

403 (ix) sign the application which signature may include an electronic signature as defined
404 in Section 46-4-102.

405 (b) Each applicant shall have a Utah residence address, unless the application is for a
406 temporary CDL issued under Subsection 53-3-407(2)(b).

407 (c) The division shall maintain on its computerized records an applicant's:

408 (i) (A) Social Security number;

409 (B) temporary identification number (ITIN); or

410 (C) other number assigned by the division if Subsection [~~9~~] 8(a)(i)(E)(III) applies;

411 and

412 (ii) indication whether the applicant is required to register as a sex offender under
413 Section 77-27-21.5.

414 (d) An applicant may not be denied a license for refusing to provide race information
415 required under Subsection [~~9~~] 8(a)(i)(D).

416 [~~10~~] 9 The division shall require proof of every applicant's name, birthdate, and
417 birthplace by at least one of the following means:

418 (a) current license certificate;

419 (b) birth certificate;

420 (c) Selective Service registration; or

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

423 [~~11~~] 10 When an applicant receives a license in another class, all previous license
424 certificates shall be surrendered and canceled. However, a disqualified commercial license may
425 not be canceled unless it expires before the new license certificate is issued.

426 [~~12~~] 11 (a) When an application is received from a person previously licensed in
427 another state to drive a motor vehicle, the division shall request a copy of the driver's record
428 from the other state.

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

431 ~~[(13)]~~ (12) An application for reinstatement of a license after the suspension,
432 cancellation, disqualification, denial, or revocation of a previous license shall be accompanied
433 by the additional fee or fees specified in Section 53-3-105.

434 ~~[(14)]~~ (13) A person who has an appointment with the division for testing and fails to
435 keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the
436 fee under Section 53-3-105.

437 ~~[(15)]~~ (14) A person who applies for an original license or renewal of a license agrees
438 that the person's license is subject to any suspension or revocation authorized under this title or
439 Title 41, Motor Vehicles.

440 ~~[(16)]~~ (15) (a) The indication of intent under Subsection ~~[(9)]~~ (8)(a)(v) shall be
441 authenticated by the licensee in accordance with division rule.

442 (b) (i) Notwithstanding Title 63, Chapter 2, Government Records Access and
443 Management Act, the division may, upon request, release to an organ procurement
444 organization, as defined in Section 26-28-102, the names and addresses of all persons who
445 under Subsection ~~[(9)]~~ (8)(a)(v) indicate that they intend to make an anatomical gift.

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

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

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

449 ~~[(17)]~~ (16) Notwithstanding Title 63, Chapter 2, Government Records Access and
450 Management Act, the division may release to the Department of Veterans' Affairs the names
451 and addresses of all persons who indicate their status as a veteran under Subsection ~~[(9)]~~
452 (8)(a)(vii).

453 ~~[(18)]~~ (17) The division and its employees are not liable, as a result of false or
454 inaccurate information provided under Subsection ~~[(9)]~~ (8)(a)(v) or (vii), for direct or indirect:

455 (a) loss;

456 (b) detriment; or

457 (c) injury.

458 ~~[(19)]~~ (18) A person who knowingly fails to provide the information required under
459 Subsection ~~[(9)]~~ (8)(a)(vi) is guilty of a class A misdemeanor.

460 Section 7. Section 53-3-207 is amended to read:

461 **53-3-207. License certificates or driving privilege cards issued to drivers by class**
462 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**
463 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

464 (1) As used in this section:

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

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

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

471 (d) "political subdivision" means any county, city, town, school district, public transit
472 district, community development and renewal agency, special improvement or taxing district,
473 local district, special service district, an entity created by an interlocal agreement adopted under
474 Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
475 corporation; and

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

479 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a
480 license certificate or a driving privilege card indicating the type or class of motor vehicle the
481 person may drive.

482 (b) A person may not drive a class of motor vehicle unless granted the privilege in that
483 class.

484 (3) (a) Every license certificate or driving privilege card shall bear:

485 (i) the distinguishing number assigned to the person by the division;

486 (ii) the name, birth date, and Utah residence address of the person;

487 (iii) a brief description of the person for the purpose of identification;

488 (iv) any restrictions imposed on the license under Section 53-3-208;

489 (v) a photograph of the person;

490 (vi) a photograph or other facsimile of the person's signature; and

491 (vii) an indication whether the person intends to make an anatomical gift under Title
492 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended
493 under Subsection 53-3-214(3).

494 (b) A new license certificate issued by the division may not bear the person's Social
495 Security number.

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

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

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

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

507 (ii) The receipt serves as a temporary license certificate or temporary driving privilege
508 card allowing the person to drive a motor vehicle while the division is completing its
509 investigation to determine whether the person is entitled to be granted a driving privilege.

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

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

515 (5) (a) The division shall distinguish learner permits, temporary permits, license
516 certificates, and driving privilege cards issued to any person younger than 21 years of age by
517 use of plainly printed information or the use of a color or other means not used for other license
518 certificates or driving privilege cards.

519 (b) The division shall distinguish a license certificate or driving privilege card issued to
520 any person:

521 (i) younger than 21 years of age by use of a portrait-style format not used for other

522 license certificates or driving privilege cards and by plainly printing the date the license
523 certificate or driving privilege card holder is 21 years of age, which is the legal age for
524 purchasing an alcoholic beverage or product under Section 32A-12-203; and

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

528 (6) (a) The division shall only issue a driving privilege card to a person whose privilege
529 was obtained without using a Social Security number as required under Subsection
530 53-3-205~~(9)~~(8).

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

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

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

535 (7) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary
536 permit, or any other temporary permit or receipt issued by the division.

537 (8) The division shall issue temporary license certificates or temporary driving
538 privilege cards of the same nature, except as to duration, as the license certificates or driving
539 privilege cards that they temporarily replace, as are necessary to implement applicable
540 provisions of this section and Section 53-3-223.

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

543 (10) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.

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

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

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

549 Section 8. Section **53-3-210.6** is enacted to read:

550 **53-3-210.6. Motorcycle learner permit.**

551 (1) The division, upon receiving an application for a motorcycle learner permit, may
552 issue a motorcycle learner permit effective for six months to an applicant who:

553 (a) holds an original or provisional class D license, a CDL, or an out-of-state
554 equivalent of an original or provisional class D license or a CDL; and

555 (b) has passed the motorcycle knowledge test.

556 (2) A motorcycle learner permit entitles an applicant to operate a motorcycle on a
557 highway subject to the restrictions in Subsection (3).

558 (3) (a) For the first two months from the date a motorcycle learner permit is issued, the
559 operator of a motorcycle holding the motorcycle learner permit may not operate a motorcycle:

560 (i) on a highway with a posted speed limit of more than 60 miles per hour;

561 (ii) with any passengers; or

562 (iii) during the nighttime hours after 10 p.m. and before 6 a.m.

563 (b) For the third through sixth months from the date a motorcycle learner permit is
564 issued, the operator of a motorcycle holding the motorcycle learner permit may operate a
565 motorcycle without any restrictions imposed under this Subsection (3).

566 (c) It is an affirmative defense to a charge that a person that has been issued a
567 motorcycle learner permit is operating a motorcycle in violation of the restrictions under
568 Subsection (3)(a) if the person is operating the motorcycle:

569 (i) for the operator's employment, including the trip to and from the operator's
570 residence and the operator's employment;

571 (ii) on assignment of a rancher or farmer and the operator is engaged in an agricultural
572 operation; or

573 (iii) in an emergency.

574 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
575 division shall make rules governing the issuance of a motorcycle learner permit and
576 establishing the proof requirements for an applicant to demonstrate that the applicant has
577 completed a motorcycle rider education program.

578 Section 9. Section **53-3-214** is amended to read:

579 **53-3-214. Renewal -- Fees required -- Extension without examination.**

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

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

583 (ii) more than six months prior to the expiration date if the applicant furnishes proof

584 that he will be absent from the state during the six-month period prior to the expiration of the
585 license.

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

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

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

594 (3) (a) Except as provided under Subsection (3)(b), the division shall extend a license,
595 any endorsement to the license, a provisional license, and any endorsement to a provisional
596 license for five years without examination for licensees whose driving records for the five years
597 immediately preceding the determination of eligibility for extension show:

598 (i) no suspensions;

599 (ii) no revocations;

600 (iii) no conviction for reckless driving under Section 41-6a-528; and

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

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

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

607 (iii) An extension may not be granted to any person:

608 (A) who is identified by the division as having a medical impairment that may
609 represent a hazard to public safety;

610 (B) holding a CDL issued under Part 4, Uniform Commercial Driver License Act;

611 (C) whose original license was obtained using proof under Subsection

612 53-3-205[~~(9)~~](8)(a)(i)(E)(III); or

613 (D) whose original license was issued with an expiration date under Subsection
614 53-3-205[~~(8)~~](7)(h).

- 615 (c) The division shall allow extensions:
- 616 (i) by mail at the appropriate extension fee rate under Section 53-3-105;
- 617 (ii) only if the applicant qualifies under this section; and
- 618 (iii) for only one extension.

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

620 **53-3-216. Change of address -- Duty of licensee to notify division within ten days**
621 **-- Change of name -- Proof necessary -- Method of giving notice by division.**

622 (1) If a person, after applying for or receiving a license, moves from the address named
623 in the application or in the license certificate issued to him, the person shall within ten days of
624 moving, notify the division in a manner specified by the division of his new address and the
625 number of any license certificate held by him.

626 (2) If a person requests to change the surname on the applicant's license, the division
627 shall issue a substitute license with the new name upon receiving an application and fee for a
628 duplicate license and any of the following proofs of the applicant's full legal name:

- 629 (a) an original or certified copy of the applicant's marriage certificate;
- 630 (b) a certified copy of a court order under Title 42, Chapter 1, Change of Name,
631 showing the name change;
- 632 (c) an original or certified copy of a birth certificate issued by a government agency;
- 633 (d) a certified copy of a divorce decree or annulment granted the applicant that
634 specifies the name change requested; or
- 635 (e) a certified copy of a divorce decree that does not specify the name change requested
636 together with:
 - 637 (i) an original or certified copy of the applicant's birth certificate;
 - 638 (ii) the applicant's marriage license;
 - 639 (iii) a driver license record showing use of a maiden name; or
 - 640 (iv) other documentation the division finds acceptable.

641 (3) (a) Except as provided in Subsection (3)(c), if a person has applied for and received
642 a license certificate and is currently required to register as a sex offender under Section
643 77-27-21.5:

- 644 (i) the person's original license or renewal to an original license expires on the next
645 birth date of the licensee beginning on July 1, 2006;

646 (ii) the person shall surrender the person's license to the division on or before the
647 licensee's next birth date beginning on July 1, 2006; and

648 (iii) the person may apply for a license certificate with an expiration date identified in
649 Subsection 53-3-205~~(8)~~(7)(h) by:

650 (A) furnishing proper documentation to the division as provided in Section 53-3-205;
651 and

652 (B) paying the fee for a license required under Section 53-3-105.

653 (b) Except as provided in Subsection (3)(c), if a person has applied for and received a
654 license certificate and is subsequently convicted of any offense listed in Subsection
655 77-27-21.5(1)(f), the person shall surrender the license certificate to the division on the
656 person's next birth date following the conviction and may apply for a license certificate with an
657 expiration date identified in Subsection 53-3-205~~(8)~~(7)(h) by:

658 (i) furnishing proper documentation to the division as provided in Section 53-3-205;
659 and

660 (ii) paying the fee for a license required under Section 53-3-105.

661 (c) A person who is unable to comply with the provisions of Subsection (3)(a) or (3)(b)
662 because the person is in the custody of the Department of Corrections or the Division of
663 Juvenile Justice Services, confined in a correctional facility not operated by or under contract
664 with the Department of Corrections, or committed to a state mental facility, shall comply with
665 the provisions of Subsection (3)(a) or (b) within ten days of being released from confinement.

666 (4) (a) If the division is authorized or required to give any notice under this chapter or
667 other law regulating the operation of vehicles, the notice shall, unless otherwise prescribed, be
668 given by:

669 (i) personal delivery to the person to be notified; or

670 (ii) deposit in the United States mail with postage prepaid, addressed to the person at
671 his address as shown by the records of the division.

672 (b) The giving of notice by mail is complete upon the expiration of four days after the
673 deposit of the notice.

674 (c) Proof of the giving of notice in either manner may be made by the certificate of any
675 officer or employee of the division or affidavit of any person older than 18 years of age,
676 naming the person to whom the notice was given and specifying the time, place, and manner of

677 giving the notice.

678 (5) The division may use state mailing or United States Postal Service information to:

679 (a) verify an address on an application or on records of the division; and

680 (b) correct mailing addresses in the division's records.

681 (6) (a) A violation of the provisions of Subsection (1) is an infraction.

682 (b) A person who knowingly fails to surrender a license certificate under Subsection

683 (3) is guilty of a class A misdemeanor.

684 Section 11. Section **53-3-223** is amended to read:

685 **53-3-223. Chemical test for driving under the influence -- Temporary license --**

686 **Hearing and decision -- Suspension and fee -- Judicial review.**

687 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
688 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a
689 certain blood or breath alcohol concentration and driving under the influence of any drug,
690 alcohol, or combination of a drug and alcohol or while having any measurable controlled
691 substance or metabolite of a controlled substance in the person's body in violation of Section
692 41-6a-517, the peace officer may, in connection with arresting the person, request that the
693 person submit to a chemical test or tests to be administered in compliance with the standards
694 under Section 41-6a-520.

695 (b) In this section, a reference to Section 41-6a-502 includes any similar local
696 ordinance adopted in compliance with Subsection 41-6a-510(1).

697 (2) The peace officer shall advise a person prior to the person's submission to a
698 chemical test that a test result indicating a violation of Section 41-6a-502 or 41-6a-517 shall,
699 and the existence of a blood alcohol content sufficient to render the person incapable of safely
700 driving a motor vehicle may, result in suspension or revocation of the person's license to drive
701 a motor vehicle.

702 (3) If the person submits to a chemical test and the test results indicate a blood or
703 breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer
704 makes a determination, based on reasonable grounds, that the person is otherwise in violation
705 of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of
706 arrest, give notice of the division's intention to suspend the person's license to drive a motor
707 vehicle.

708 (4) (a) When a peace officer gives notice on behalf of the division, the peace officer
709 shall:

710 (i) take the Utah license certificate or permit, if any, of the driver;

711 (ii) issue a temporary license certificate effective for only 29 days from the date of
712 arrest; and

713 (iii) supply to the driver, in a manner specified by the division, basic information
714 regarding how to obtain a prompt hearing before the division.

715 (b) A citation issued by a peace officer may, if provided in a manner specified by the
716 division, also serve as the temporary license certificate.

717 (5) As a matter of procedure, a peace officer shall send to the division within ten
718 calendar days after the day on which notice is provided:

719 (a) the person's license certificate;

720 (b) a copy of the citation issued for the offense;

721 (c) a signed report in a manner specified by the division indicating the chemical test
722 results, if any; and

723 (d) any other basis for the peace officer's determination that the person has violated
724 Section 41-6a-502 or 41-6a-517.

725 (6) (a) Upon request in a manner specified by the division, the division shall grant to
726 the person an opportunity to be heard within 29 days after the date of arrest. The request to be
727 heard shall be made within ten calendar days of the day on which notice is provided under
728 Subsection (5).

729 (b) (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the
730 division in the county in which the arrest occurred.

731 (ii) The division may hold a hearing in some other county if the division and the person
732 both agree.

733 (c) The hearing shall be documented and shall cover the issues of:

734 (i) whether a peace officer had reasonable grounds to believe the person was driving a
735 motor vehicle in violation of Section 41-6a-502 or 41-6a-517;

736 (ii) whether the person refused to submit to the test; and

737 (iii) the test results, if any.

738 (d) (i) In connection with a hearing the division or its authorized agent:

739 (A) may administer oaths and may issue subpoenas for the attendance of witnesses and
740 the production of relevant books and papers; or

741 (B) may issue subpoenas for the attendance of necessary peace officers.

742 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
743 accordance with the rates established in Section 78-46-28.

744 (e) The division may designate one or more employees to conduct the hearing.

745 (f) Any decision made after a hearing before any designated employee is as valid as if
746 made by the division.

747 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
748 grounds to believe that the person was driving a motor vehicle in violation of Section
749 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the
750 notice, or if a hearing is not requested under this section, the division shall suspend the person's
751 license or permit to operate a motor vehicle for a period of:

752 (i) 90 days beginning on the 30th day after the date of arrest for a first suspension; or

753 (ii) one year beginning on the 30th day after the date of arrest for a second or
754 subsequent suspension for an offense that occurred within the previous ten years.

755 (b) (i) Notwithstanding the provisions in Subsection (7)(a)(i), the division shall
756 reinstate a person's license prior to completion of the 90 day suspension period imposed under
757 Subsection (7)(a)(i) if the person's charge for a violation of Section 41-6a-502 or 41-6a-517 is
758 reduced or dismissed prior to completion of the suspension period.

759 (ii) The division shall immediately reinstate a person's license upon receiving written
760 verification of the person's dismissal of a charge for a violation of Section 41-6a-502 or
761 41-6a-517.

762 (iii) The division shall reinstate a person's license no sooner than 60 days beginning on
763 the 30th day after the date of arrest upon receiving written verification of the person's reduction
764 of a charge for a violation of Section 41-6a-502 or 41-6a-517.

765 (iv) If a person's license is reinstated under this Subsection (7)(b), the person is
766 required to pay the license reinstatement fees under Subsections 53-3-105[~~(29)~~] (23) and [~~(30)~~]
767 (24).

768 (8) (a) The division shall assess against a person, in addition to any fee imposed under
769 Subsection 53-3-205[~~(13)~~](12) for driving under the influence, a fee under Section 53-3-105 to

770 cover administrative costs, which shall be paid before the person's driving privilege is
771 reinstated. This fee shall be cancelled if the person obtains an unappealed division hearing or
772 court decision that the suspension was not proper.

773 (b) A person whose license has been suspended by the division under this section
774 following an administrative hearing may file a petition within 30 days after the suspension for a
775 hearing on the matter which, if held, is governed by Section 53-3-224.

776 Section 12. Section **53-3-231** is amended to read:

777 **53-3-231. Person under 21 may not operate a vehicle or motorboat with**
778 **detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing**
779 **and decision -- Suspension of license or operating privilege -- Fees -- Judicial review --**
780 **Referral to local substance abuse authority or program.**

781 (1) (a) As used in this section:

782 (i) "Local substance abuse authority" has the same meaning as provided in Section
783 62A-15-102.

784 (ii) "Substance abuse program" means any substance abuse program licensed by the
785 Department of Human Services or the Department of Health and approved by the local
786 substance abuse authority.

787 (b) Calculations of blood, breath, or urine alcohol concentration under this section shall
788 be made in accordance with the procedures in Subsection 41-6a-502(1).

789 (2) (a) A person younger than 21 years of age may not operate or be in actual physical
790 control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol
791 concentration in the person's body as shown by a chemical test.

792 (b) A person who violates Subsection (2)(a), in addition to any other applicable
793 penalties arising out of the incident, shall have the person's operator license denied or
794 suspended as provided in Subsection (8).

795 (3) (a) When a peace officer has reasonable grounds to believe that a person may be
796 violating or has violated Subsection (2), the peace officer may, in connection with arresting the
797 person for a violation of Section 32A-12-209, request that the person submit to a chemical test
798 or tests to be administered in compliance with the standards under Section 41-6a-520.

799 (b) The peace officer shall advise a person prior to the person's submission to a
800 chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or

801 suspension of the person's license to operate a motor vehicle or a refusal to issue a license.

802 (c) If the person submits to a chemical test and the test results indicate a blood, breath,
803 or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a
804 determination, based on reasonable grounds, that the person is otherwise in violation of
805 Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the
806 arrest, give notice of the division's intention to deny or suspend the person's license to operate a
807 vehicle or refusal to issue a license under this section.

808 (4) When a peace officer gives notice on behalf of the division, the peace officer shall:

809 (a) take the Utah license certificate or permit, if any, of the operator;

810 (b) issue a temporary license certificate effective for only 29 days from the date of
811 arrest if the driver had a valid operator's license; and

812 (c) supply to the operator, in a manner specified by the division, basic information
813 regarding how to obtain a prompt hearing before the division.

814 (5) A citation issued by a peace officer may, if provided in a manner specified by the
815 division, also serve as the temporary license certificate under Subsection (4)(b).

816 (6) As a matter of procedure, a peace officer shall send to the division within ten
817 calendar days after the day on which notice is provided:

818 (a) the person's driver license certificate, if any;

819 (b) a copy of the citation issued for the offense;

820 (c) a signed report in a manner specified by the Driver License Division indicating the
821 chemical test results, if any; and

822 (d) any other basis for a peace officer's determination that the person has violated
823 Subsection (2).

824 (7) (a) (i) Upon request in a manner specified by the division, the Driver License
825 Division shall grant to the person an opportunity to be heard within 29 days after the date of
826 arrest under Section 32A-12-209.

827 (ii) The request shall be made within ten calendar days of the day on which notice is
828 provided.

829 (b) (i) Except as provided in Subsection (7)(b)(ii), a hearing, if held, shall be before the
830 division in the county in which the arrest occurred.

831 (ii) The division may hold a hearing in some other county if the division and the person

832 both agree.

833 (c) The hearing shall be documented and shall cover the issues of:

834 (i) whether a peace officer had reasonable grounds to believe the person was operating
835 a motor vehicle or motorboat in violation of Subsection (2)(a);

836 (ii) whether the person refused to submit to the test; and

837 (iii) the test results, if any.

838 (d) In connection with a hearing, the division or its authorized agent may administer
839 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant
840 books and papers and records as defined in Section 46-4-102.

841 (e) One or more members of the division may conduct the hearing.

842 (f) Any decision made after a hearing before any number of the members of the
843 division is as valid as if made after a hearing before the full membership of the division.

844 (8) If, after a hearing, the division determines that a peace officer had reasonable
845 grounds to believe that the person was driving a motor vehicle in violation of Subsection (2)(a),
846 if the person fails to appear before the division as required in the notice, or if the person does
847 not request a hearing under this section, the division shall:

848 (a) deny the person's license for a period of 90 days beginning on the 30th day after the
849 date of arrest for a first offense under Subsection (2)(a);

850 (b) suspend the person's license for a period of one year beginning on the 30th day after
851 the date of arrest for a second or subsequent offense under Subsection (2)(a) within three years
852 of a prior denial or suspension; or

853 (c) deny the person's application for a license or learner's permit until the person is 17
854 years of age or for a period of one year, whichever is longer, if the person has not been issued
855 an operator license.

856 (9) (a) (i) Following denial or suspension the division shall assess against a person, in
857 addition to any fee imposed under Subsection 53-3-205[~~(13)~~](12), a fee under Section
858 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover
859 administrative costs.

860 (ii) This fee shall be canceled if the person obtains an unappealed division hearing or
861 court decision that the suspension was not proper.

862 (b) A person whose operator license has been denied, suspended, or postponed by the

863 division under this section following an administrative hearing may file a petition within 30
864 days after the suspension for a hearing on the matter which, if held, is governed by Section
865 53-3-224.

866 (10) After reinstatement of an operator license for a first offense under this section, a
867 report authorized under Section 53-3-104 may not contain evidence of the denial or suspension
868 of the person's operator license under this section if the person has not been convicted of any
869 other offense for which the denial or suspension may be extended.

870 (11) (a) In addition to the penalties in Subsection (8), a person who violates Subsection
871 (2)(a) shall:

872 (i) obtain an assessment and recommendation for appropriate action from a substance
873 abuse program, but any associated costs shall be the person's responsibility; or

874 (ii) be referred by the division to the local substance abuse authority for an assessment
875 and recommendation for appropriate action.

876 (b) (i) Reinstatement of the person's operator license or the right to obtain an operator
877 license is contingent upon successful completion of the action recommended by the local
878 substance abuse authority or the substance abuse program.

879 (ii) The local substance abuse authority's or the substance abuse program's
880 recommended action shall be determined by an assessment of the person's alcohol abuse and
881 may include:

882 (A) a targeted education and prevention program;

883 (B) an early intervention program; or

884 (C) a substance abuse treatment program.

885 (iii) Successful completion of the recommended action shall be determined by
886 standards established by the Division of Substance Abuse and Mental Health.

887 (c) At the conclusion of the penalty period imposed under Subsection (2), the local
888 substance abuse authority or the substance abuse program shall notify the division of the
889 person's status regarding completion of the recommended action.

890 (d) The local substance abuse authorities and the substance abuse programs shall
891 cooperate with the division in:

892 (i) conducting the assessments;

893 (ii) making appropriate recommendations for action; and

894 (iii) notifying the division about the person's status regarding completion of the
895 recommended action.

896 (e) (i) The local substance abuse authority is responsible for the cost of the assessment
897 of the person's alcohol abuse, if the assessment is conducted by the local substance abuse
898 authority.

899 (ii) The local substance abuse authority or a substance abuse program selected by a
900 person is responsible for:

901 (A) conducting an assessment of the person's alcohol abuse; and

902 (B) for making a referral to an appropriate program on the basis of the findings of the
903 assessment.

904 (iii) (A) The person who violated Subsection (2)(a) is responsible for all costs and fees
905 associated with the recommended program to which the person selected or is referred.

906 (B) The costs and fees under Subsection (11)(e)(iii)(A) shall be based on a sliding scale
907 consistent with the local substance abuse authority's policies and practices regarding fees for
908 services or determined by the substance abuse program.

909 Section 13. Section **53-3-407** is amended to read:

910 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**
911 **administer skills test.**

912 (1) (a) As used in this section, "CDL driver training school" means a business
913 enterprise conducted by an individual, association, partnership, or corporation that:

914 (i) educates and trains persons, either practically or theoretically, or both, to drive
915 commercial motor vehicles; and

916 (ii) prepares an applicant for an examination under Subsection (2)(a)(ii) or (2)(b)(i)(B).

917 (b) A CDL driver training school may charge a consideration or tuition for the services
918 provided under Subsection (1)(a).

919 (2) (a) Except as provided in Subsection (2)(b), a CDL may be issued only to a person
920 who:

921 (i) is a resident of this state or qualifies as a nonresident under Section 53-3-409;

922 (ii) has passed a test of knowledge and skills for driving a commercial motor vehicle,
923 that complies with minimum standards established by federal regulation in 49 C.F.R., Part 383,
924 Subparts G and H; and

925 (iii) has complied with all requirements of 49 C.F.R., Part 383 and other applicable
926 state laws and federal regulations.

927 (b) (i) A temporary CDL may be issued to a person who:

928 (A) is enrolled in a CDL driver training school located in Utah;

929 (B) has passed a test of knowledge and skills for driving a commercial motor vehicle,
930 that complies with minimum standards established by federal regulation in 49 C.F.R. Part 383,
931 Subparts G and H; and

932 (C) has complied with all requirements of 49 C.F.R. Part 383, Subparts G and H.

933 (ii) A temporary CDL issued under this Subsection (2)(b):

934 (A) is valid for 60 days; and

935 (B) may not be renewed or extended.

936 (iii) Except as provided in this section and Subsections 53-3-204(1)(a)(iv),
937 53-3-205~~(9)~~(8)(a)(i)(F) and ~~(9)~~ (8)(b), and 53-3-410(1)(c), the provisions, requirements,
938 classes, endorsements, fees, restrictions, and sanctions under this code apply to a temporary
939 CDL issued under this Subsection (2)(b) in the same way as a commercial driver license issued
940 under this part.

941 (3) Tests required under this section shall be prescribed and administered by the
942 division.

943 (4) The division shall authorize a person, an agency of this or another state, an
944 employer, a private driver training facility or other private institution, or a department, agency,
945 or entity of local government to administer the skills test required under this section if:

946 (a) the test is the same test as prescribed by the division, and is administered in the
947 same manner; and

948 (b) the party authorized under this section to administer the test has entered into an
949 agreement with the state that complies with the requirements of 49 C.F.R., Part 383.75.

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

953 (6) A person authorized under this section to administer the skills test is not criminally
954 or civilly liable for the administration of the test unless he administers the test in a grossly
955 negligent manner.

956 (7) The division shall waive the skills test required under this section if it determines
957 that the applicant meets the requirements of 49 C.F.R., Part 383.77.

958 Section 14. Section **53-3-905** is amended to read:

959 **53-3-905. Dedication of fees.**

960 (1) Five dollars of the annual registration fee imposed under Section 41-1a-1206 for
961 each registered motorcycle and \$2.50 of the fee imposed under Section 53-3-105 for an
962 original, renewal, or extension of a [~~class M license or provisional class M license application~~]
963 motorcycle endorsement shall be deposited as dedicated credits in the Transportation Fund to
964 be used by the division for the program.

965 (2) Appropriations to the program are nonlapsing.

966 (3) Appropriations may not be used for assistance to, advocacy of, or lobbying for any
967 legislation unless the legislation would enhance or affect the financial status of the program or
968 the program's continuation.

969 Section 15. **Effective date.**

970 This bill takes effect July 1, 2008.

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Fiscal Note

2008 General Session

State of Utah

State Impact

It is estimated that the Department of Public Safety Driver License Division will require one-time Restricted Funds in FY 2009 of \$4,000 for system programming changes. Revenue loss from the discontinuance of the class M license is negligible.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
Transportation Fund Restricted	\$0	\$4,000	\$0	\$0	\$0	\$0
Total	\$0	\$4,000	\$0	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.