

1                                   **CONFIDENTIALITY OF REPORTS TO**  
2                                   **DRIVER LICENSE DIVISION**

3                                   2008 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Allen M. Christensen**

6                                   House Sponsor: Carl Wimmer

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8 **LONG TITLE**

9 **General Description:**

10                   This bill modifies the Impaired Persons Licensing Act by amending provisions relating to  
11 notifying the Driver License Division of an impairment.

12 **Highlighted Provisions:**

13                   This bill:

14                   ▶ provides that a person may notify the Driver License Division if the person is aware  
15 of a physical, mental, or emotional impairment of another person that is an imminent  
16 threat to driver safety;

17                   ▶ provides that the Driver License Division may require a person that is the subject of  
18 a notification to submit to certain medical reports or certain tests;

19                   ▶ provides that, if requested by the person making a notification, the notification is a  
20 protected record and may not be disclosed by the division;

21                   ▶ prohibits the Driver License Division from accepting an anonymous notification;

22                   ▶ grants the Driver License Division rulemaking authority to establish a procedure to  
23 make a protected notification; and

24                   ▶ provides that it is a class C misdemeanor to make a notification with the intent to  
25 annoy, intimidate, or harass a person.

26 **Monies Appropriated in this Bill:**

27                   None

28 **Other Special Clauses:**

29                   None

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **53-3-305**, Utah Code Annotated 1953

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

35 Section 1. Section **53-3-305** is enacted to read:

36 **53-3-305. Notification of impaired person to the division -- Confidentiality of**  
37 **notification -- Rulemaking -- Penalty.**

38 (1) A person who is aware of a physical, mental, or emotional impairment of another  
39 person that appears to present an imminent threat to driving safety may notify the division of the  
40 impairment.

41 (2) If the division determines that the notification made under Subsection (1) was made  
42 in good faith, the division may require the person who is the subject of the notification to submit  
43 to:

44 (a) one or more medical reports under Subsection 53-3-304(1);

45 (b) a physical and mental fitness test under Section 53-3-206;

46 (c) the knowledge test required by the division; or

47 (d) the skills test approved by the division.

48 (3) (a) A person making a notification under Subsection (1) may request that the  
49 notification be confidential.

50 (b) If requested by the person notifying the division, the notification provided under this  
51 section relating to a physical, mental, or emotional impairment is classified as a protected record  
52 under Title 63, Chapter 2, Government Records Access and Management Act, and the identity  
53 of the person notifying the division may not be disclosed by the division.

54 (c) The division may not accept an anonymous notification under this section.

55 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
56 division shall make rules establishing procedures for making a protected notification under this  
57 section to ensure that the notification is made in good faith.

58           (5) A person who makes a notification with the intent to annoy, intimidate, or harass  
59 the person that is the subject of the notification is guilty of a class C misdemeanor.