

1                                   **DRIVER LICENSE QUALIFICATION**  
2   **AMENDMENTS**

3   2009 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Stephen E. Sandstrom**

6   Senate Sponsor: \_\_\_\_\_

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8   **LONG TITLE**

9   **General Description:**

10           This bill modifies the Public Safety code by amending driver license provisions.

11   **Highlighted Provisions:**

12           This bill:

- 13           ▶ repeals the use of a temporary identification number (ITIN) issued by the Internal  
14 Revenue Service for purposes of obtaining a driving privilege card issued by the  
15 Driver License Division;
- 16           ▶ expires all driving privilege cards on December 31, 2009;
- 17           ▶ prohibits the Driver License Division from issuing a driving privilege card;
- 18           ▶ beginning on January 1, 2010, repeals certain prohibitions on using a driving  
19 privilege card as identification for certain purposes; and
- 20           ▶ makes technical changes.

21   **Monies Appropriated in this Bill:**

22           None

23   **Other Special Clauses:**

24           This bill provides an effective date.

25           This bill provides revisor instructions.

26   **Utah Code Sections Affected:**

27   AMENDS:



- 28           **32A-1-105**, as last amended by Laws of Utah 2008, Chapters 317, 322, and 391
- 29           **32A-1-304**, as last amended by Laws of Utah 2008, Chapters 322 and 391
- 30           **46-1-2**, as last amended by Laws of Utah 2008, Chapter 47
- 31           **53-3-102**, as last amended by Laws of Utah 2008, Chapter 322
- 32           **53-3-205**, as last amended by Laws of Utah 2008, Chapters 304 and 382
- 33           **53-3-207**, as last amended by Laws of Utah 2008, Chapters 304 and 322
- 34           **53-3-214**, as last amended by Laws of Utah 2008, Chapter 304
- 35           **53-3-221**, as last amended by Laws of Utah 2008, Chapters 322 and 382
- 36           **58-37c-10**, as last amended by Laws of Utah 2008, Chapter 322
- 37           **63G-11-102 (Effective 07/01/09)**, as enacted by Laws of Utah 2008, Chapter 26
- 38           **76-10-526**, as last amended by Laws of Utah 2008, Chapters 322 and 382

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

41           Section 1. Section **32A-1-105** is amended to read:

42           **32A-1-105. Definitions.**

43           As used in this title:

44           (1) "Airport lounge" means a place of business licensed to sell an alcoholic beverage,  
 45 at retail, for consumption on its premises located at an international airport with a United States  
 46 Customs office on the premises of the international airport.

47           (2) "Alcoholic beverage" means the following as the term is defined in this section:

48           (a) beer;

49           (b) flavored malt beverage; and

50           (c) liquor, which on or after October 1, 2008, includes a flavored malt beverage.

51           (3) (a) "Alcoholic product" means a product that:

52           (i) contains at least .5% of alcohol by volume; and

53           (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other  
 54 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol  
 55 in an amount greater than the amount prescribed in Subsection (3)(a)(i).

56           (b) "Alcoholic product" does not include any of the following common items that  
 57 otherwise come within the definition of an alcoholic product:

58           (i) except as provided in Subsection (3)(c), extract;

- 59 (ii) vinegar;
- 60 (iii) cider;
- 61 (iv) essence;
- 62 (v) tincture;
- 63 (vi) food preparation; or
- 64 (vii) an over-the-counter drug or medicine.
- 65 (c) An extract containing alcohol obtained by distillation is regulated as an alcoholic
- 66 product when it is used as a flavoring in the manufacturing of an alcoholic product.
- 67 (4) "Bar" means a counter or similar structure:
- 68 (a) at which an alcoholic beverage is:
- 69 (i) stored; or
- 70 (ii) dispensed; or
- 71 (b) from which an alcoholic beverage is served.
- 72 (5) (a) Subject to Subsection (5)(d), "beer" means a product that:
- 73 (i) contains at least .5% of alcohol by volume, but not more than 4% of alcohol by
- 74 volume or 3.2% by weight; and
- 75 (ii) is obtained by fermentation, infusion, or decoction of malted grain.
- 76 (b) Beer may or may not contain hops or other vegetable products.
- 77 (c) Beer includes a product that:
- 78 (i) contains alcohol in the percentages described in Subsection (5)(a); and
- 79 (ii) is referred to as:
- 80 (A) beer;
- 81 (B) ale;
- 82 (C) porter;
- 83 (D) stout;
- 84 (E) lager; or
- 85 (F) a malt or malted beverage.
- 86 (d) On or after October 1, 2008, "beer" does not include a flavored malt beverage.
- 87 (6) (a) "Beer retailer" means a business that is:
- 88 (i) engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for
- 89 consumption on or off the business premises; and

- 90 (ii) licensed to sell beer by:
- 91 (A) the commission;
- 92 (B) a local authority; or
- 93 (C) both the commission and a local authority.
- 94 (b) (i) "Off-premise beer retailer" means a business that is engaged in the retail sale of
- 95 beer to a patron for consumption off the beer retailer's premises.
- 96 (ii) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 97 (c) "On-premise beer retailer" means a business that is engaged in the sale of beer to a
- 98 patron for consumption on the beer retailer's premises, regardless of whether the business sells
- 99 beer for consumption off the beer retailer's premises.
- 100 (7) "Billboard" means a public display used to advertise including:
- 101 (a) a light device;
- 102 (b) a painting;
- 103 (c) a drawing;
- 104 (d) a poster;
- 105 (e) a sign;
- 106 (f) a signboard; or
- 107 (g) a scoreboard.
- 108 (8) "Brewer" means a person engaged in manufacturing:
- 109 (a) beer;
- 110 (b) heavy beer; or
- 111 (c) a flavored malt beverage.
- 112 (9) "Cash bar" means the service of an alcoholic beverage:
- 113 (a) at:
- 114 (i) a banquet; or
- 115 (ii) a temporary event for which a permit is issued under this title; and
- 116 (b) if an attendee at the banquet or temporary event is charged for the alcoholic
- 117 beverage.
- 118 (10) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by
- 119 a bus company to a group of persons pursuant to a common purpose:
- 120 (a) under a single contract;

121 (b) at a fixed charge in accordance with the bus company's tariff; and  
122 (c) for the purpose of giving the group of persons the exclusive use of the passenger  
123 bus, coach, or other motor vehicle and a driver to travel together to one or more specified  
124 destinations.

125 (11) "Church" means a building:

- 126 (a) set apart for the purpose of worship;
- 127 (b) in which religious services are held;
- 128 (c) with which clergy is associated; and
- 129 (d) which is tax exempt under the laws of this state.

130 (12) "Club" and "private club" means any of the following organized primarily for the  
131 benefit of its members:

- 132 (a) a social club;
- 133 (b) a recreational association;
- 134 (c) a fraternal association;
- 135 (d) an athletic association; or
- 136 (e) a kindred association.

137 (13) "Commission" means the Alcoholic Beverage Control Commission.

138 (14) "Community location" means:

- 139 (a) a public or private school;
- 140 (b) a church;
- 141 (c) a public library;
- 142 (d) a public playground; or
- 143 (e) a public park.

144 (15) "Community location governing authority" means:

- 145 (a) the governing body of the community location; or
- 146 (b) if the commission does not know who is the governing body of a community  
147 location, a person who appears to the commission to have been given on behalf of the  
148 community location authority to prohibit an activity at the community location.

149 (16) "Department" means the Department of Alcoholic Beverage Control.

150 (17) "Disciplinary proceeding" means an adjudicative proceeding permitted under this  
151 title:

- 152 (a) against:
- 153 (i) a permittee;
- 154 (ii) a licensee;
- 155 (iii) a manufacturer;
- 156 (iv) a supplier;
- 157 (v) an importer;
- 158 (vi) an out-of-state brewer holding a certificate of approval under Section 32A-8-101;

159 or

- 160 (vii) an officer, employee, or agent of:
- 161 (A) a person listed in Subsections (17)(a)(i) through (vi); or
- 162 (B) a package agent; and
- 163 (b) that is brought on the basis of a violation of this title.

164 (18) "Director," unless the context requires otherwise, means the director appointed  
165 under Section 32A-1-108.

166 (19) "Distressed merchandise" means an alcoholic beverage in the possession of the  
167 department that is saleable, but for some reason is unappealing to the public.

168 (20) "Flavored malt beverage" means a beverage:

- 169 (a) that contains at least .5% alcohol by volume;
- 170 (b) that is treated by processing, filtration, or another method of manufacture that is not  
171 generally recognized as a traditional process in the production of a beer as described in 27  
172 C.F.R. Sec. 25.55;

173 (c) to which is added a flavor or other ingredient containing alcohol, except for a hop  
174 extract; and

- 175 (d) (i) for which the producer is required to file a formula for approval with the United  
176 States Alcohol and Tobacco Trade and Tax Bureau pursuant to 27 C.F.R. Sec. 25.55; or
- 177 (ii) that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.

178 (21) "Guest" means a person accompanied by an active member or visitor of a club  
179 who enjoys only those privileges derived from the host for the duration of the visit to the club.

180 (22) (a) "Heavy beer" means a product that:

- 181 (i) contains more than 4% alcohol by volume; and
- 182 (ii) is obtained by fermentation, infusion, or decoction of malted grain.

183 (b) "Heavy beer" is considered "liquor" for the purposes of this title.

184 (23) "Hosted bar" means the service of an alcoholic beverage:

185 (a) without charge; and

186 (b) at a:

187 (i) banquet; or

188 (ii) privately hosted event.

189 (24) "Identification card" means an identification card issued under Title 53, Chapter 3,  
190 Part 8, Identification Card Act.

191 (25) "Interdicted person" means a person to whom the sale, gift, or provision of an  
192 alcoholic beverage is prohibited by:

193 (a) law; or

194 (b) court order.

195 (26) "Intoxicated" means that to a degree that is unlawful under Section 76-9-701 a  
196 person is under the influence of:

197 (a) an alcoholic beverage;

198 (b) a controlled substance;

199 (c) a substance having the property of releasing toxic vapors; or

200 (d) a combination of Subsections (26)(a) through (c).

201 (27) "Licensee" means a person issued a license by the commission to sell,  
202 manufacture, store, or allow consumption of an alcoholic beverage on premises owned or  
203 controlled by the person.

204 (28) "Limousine" means a motor vehicle licensed by the state or a local authority, other  
205 than a bus or taxicab:

206 (a) in which the driver and a passenger are separated by a partition, glass, or other  
207 barrier; and

208 (b) that is provided by a company to one or more individuals at a fixed charge in  
209 accordance with the company's tariff for the purpose of giving the one or more individuals the  
210 exclusive use of the limousine and a driver to travel to one or more specified destinations.

211 (29) (a) (i) "Liquor" means alcohol, or an alcoholic, spirituous, vinous, fermented, malt,  
212 or other liquid, or combination of liquids, a part of which is spirituous, vinous, or fermented, or  
213 other drink, or drinkable liquid that:

- 214 (A) contains at least .5% alcohol by volume; and
- 215 (B) is suitable to use for beverage purposes.
- 216 (ii) On or after October 1, 2008, "liquor" includes a flavored malt beverage.
- 217 (b) "Liquor" does not include a beverage defined as a beer.
- 218 (30) "Local authority" means:
- 219 (a) the governing body of the county if the premises are located in an unincorporated
- 220 area of a county; or
- 221 (b) the governing body of the city or town if the premises are located in an incorporated
- 222 city or a town.
- 223 (31) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or
- 224 otherwise make an alcoholic product for personal use or for sale or distribution to others.
- 225 (32) "Member" means a person who, after paying regular dues, has full privileges of a
- 226 club under this title.
- 227 (33) (a) "Military installation" means a base, air field, camp, post, station, yard, center,
- 228 or homeport facility for a ship:
- 229 (i) (A) under the control of the United States Department of Defense; or
- 230 (B) of the National Guard;
- 231 (ii) that is located within the state; and
- 232 (iii) including a leased facility.
- 233 (b) "Military installation" does not include a facility used primarily for:
- 234 (i) civil works;
- 235 (ii) a rivers and harbors project; or
- 236 (iii) a flood control project.
- 237 (34) "Minor" means an individual under the age of 21 years.
- 238 (35) "Nude," "nudity," or "state of nudity" means:
- 239 (a) the appearance of:
- 240 (i) the nipple or areola of a female human breast;
- 241 (ii) a human genital;
- 242 (iii) a human pubic area; or
- 243 (iv) a human anus; or
- 244 (b) a state of dress that fails to opaquely cover:

245 (i) the nipple or areola of a female human breast;

246 (ii) a human genital;

247 (iii) a human pubic area; or

248 (iv) a human anus.

249 (36) "Outlet" means a location other than a state store or package agency where an  
250 alcoholic beverage is sold pursuant to a license issued by the commission.

251 (37) "Package" means any of the following containing liquor:

252 (a) a container;

253 (b) a bottle;

254 (c) a vessel; or

255 (d) other receptacle.

256 (38) "Package agency" means a retail liquor location operated:

257 (a) under a contractual agreement with the department; and

258 (b) by a person:

259 (i) other than the state; and

260 (ii) who is authorized by the commission to sell package liquor for consumption off the  
261 premises of the package agency.

262 (39) "Package agent" means a person permitted by the commission to operate a  
263 package agency pursuant to a contractual agreement with the department to sell liquor from  
264 premises that the package agent shall provide and maintain.

265 (40) "Permittee" means a person issued a permit by the commission to perform an act  
266 or exercise a privilege as specifically granted in the permit.

267 (41) "Person" means an individual, partnership, firm, corporation, limited liability  
268 company, association, business trust, or other form of business enterprise, including a receiver  
269 or trustee, and the plural as well as the singular number, unless the intent to give a more limited  
270 meaning is disclosed by the context.

271 (42) "Premises" means a building, enclosure, room, or equipment used in connection  
272 with the sale, storage, service, manufacture, distribution, or consumption of an alcoholic  
273 product, unless otherwise defined in this title or in the rules adopted by the commission.

274 (43) "Prescription" means a writing in legal form, signed by a physician or dentist and  
275 given to a patient for obtaining an alcoholic beverage for medicinal purposes only.

276 (44) (a) "Privately hosted event" or "private social function" means a specific social,  
277 business, or recreational event:

278 (i) for which an entire room, area, or hall is leased or rented in advance by an identified  
279 group; and

280 (ii) that is limited in attendance to people who are specifically designated and their  
281 guests.

282 (b) "Privately hosted event" and "private social function" does not include an event to  
283 which the general public is invited, whether for an admission fee or not.

284 (45) ~~(a)~~ "Proof of age" means:

285 ~~(i)~~ (a) an identification card;

286 ~~(ii)~~ (b) an identification that:

287 ~~(A)~~ (i) is substantially similar to an identification card;

288 ~~(B)~~ (ii) is issued in accordance with the laws of a state other than Utah in which the  
289 identification is issued;

290 ~~(C)~~ (iii) includes date of birth; and

291 ~~(D)~~ (iv) has a picture affixed;

292 ~~(iii)~~ (c) a valid driver license certificate that:

293 ~~(A)~~ (i) includes date of birth;

294 ~~(B)~~ (ii) has a picture affixed; and

295 ~~(C)~~ (iii) is issued:

296 ~~(D)~~ (A) under Title 53, Chapter 3, Uniform Driver License Act; or

297 ~~(E)~~ (B) in accordance with the laws of the state in which it is issued;

298 ~~(iv)~~ (d) a military identification card that:

299 ~~(A)~~ (i) includes date of birth; and

300 ~~(B)~~ (ii) has a picture affixed; or

301 ~~(v)~~ (e) a valid passport.

302 ~~(b) "Proof of age" does not include a driving privilege card issued in accordance with~~  
303 ~~Section 53-3-207.]~~

304 (46) (a) "Public building" means a building or permanent structure owned or leased by  
305 the state, a county, or local government entity that is used for:

306 (i) public education;

307 (ii) transacting public business; or

308 (iii) regularly conducting government activities.

309 (b) "Public building" does not mean or refer to a building owned by the state or a  
310 county or local government entity when the building is used by a person, in whole or in part,  
311 for a proprietary function.

312 (47) "Representative" means an individual who is compensated by salary, commission,  
313 or other means for representing and selling an alcoholic beverage product of a manufacturer,  
314 supplier, or importer of liquor including:

315 (a) wine;

316 (b) heavy beer; or

317 (c) on or after October 1, 2008, a flavored malt beverage.

318 (48) "Residence" means a person's principal place of abode within Utah.

319 (49) "Restaurant" means a business establishment:

320 (a) where a variety of foods is prepared and complete meals are served to the general  
321 public;

322 (b) located on a premises having adequate culinary fixtures for food preparation and  
323 dining accommodations; and

324 (c) that is engaged primarily in serving meals to the general public.

325 (50) "Retailer" means a person engaged in the sale or distribution of an alcoholic  
326 beverage to a consumer.

327 (51) (a) "Sample" includes:

328 (i) a department sample; and

329 (ii) an industry representative sample.

330 (b) "Department sample" means liquor that is placed in the possession of the  
331 department for testing, analysis, and sampling including:

332 (i) wine;

333 (ii) heavy beer; or

334 (iii) on or after October 1, 2008, a flavored malt beverage.

335 (c) "Industry representative sample" means liquor that is placed in the possession of the  
336 department:

337 (i) for testing, analysis, and sampling by a local industry representative on the premises

338 of the department to educate the local industry representative of the quality and characteristics  
339 of the product; and

340 (ii) including:

341 (A) wine;

342 (B) heavy beer; or

343 (C) on or after October 1, 2008, a flavored malt beverage.

344 (52) (a) "School" means a building used primarily for the general education of minors.

345 (b) "School" does not include:

346 (i) a nursery school;

347 (ii) an infant day care center; or

348 (iii) a trade or technical school.

349 (53) "Sell," "sale," and "to sell" means a transaction, exchange, or barter whereby, for  
350 consideration, an alcoholic beverage is either directly or indirectly transferred, solicited,  
351 ordered, delivered for value, or by a means or under a pretext is promised or obtained, whether  
352 done by a person as a principal, proprietor, or as an agent, servant, or employee, unless  
353 otherwise defined in this title or the rules made by the commission.

354 (54) "Seminude," "seminudity," or "state of seminudity" means a state of dress in  
355 which opaque clothing covers no more than:

356 (a) the nipple and areola of the female human breast in a shape and color other than the  
357 natural shape and color of the nipple and areola; and

358 (b) the human genitals, pubic area, and anus:

359 (i) with no less than the following at its widest point:

360 (A) four inches coverage width in the front of the human body; and

361 (B) five inches coverage width in the back of the human body; and

362 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.

363 (55) "Sexually oriented entertainer" means a person who while in a state of seminudity  
364 appears at or performs:

365 (a) for the entertainment of one or more patrons;

366 (b) on the premises of:

367 (i) a class D private club as defined in Subsection 32A-5-101(3); or

368 (ii) a tavern;

- 369 (c) on behalf of or at the request of the licensee described in Subsection (55)(b);
- 370 (d) on a contractual or voluntary basis; and
- 371 (e) whether or not the person is designated:
  - 372 (i) an employee of the licensee described in Subsection (55)(b);
  - 373 (ii) an independent contractor of the licensee described in Subsection (55)(b);
  - 374 (iii) an agent of the licensee described in Subsection (55)(b); or
  - 375 (iv) otherwise of the licensee described in Subsection (55)(b).
- 376 (56) "Small brewer" means a brewer who manufactures less than 60,000 barrels of
- 377 beer, heavy beer, and flavored malt beverages per year.
- 378 (57) (a) "Spirituous liquor" means liquor that is distilled.
- 379 (b) "Spirituous liquor" includes an alcohol product defined as a "distilled spirit" by 27
- 380 U.S.C. 211 and 27 C.F.R. Sections 5.11 through 5.23.
- 381 (58) (a) "State label" means the official label designated by the commission affixed to a
- 382 liquor container sold in the state.
- 383 (b) "State label" includes the department identification mark and inventory control
- 384 number.
- 385 (59) (a) "State store" means a facility for the sale of package liquor:
  - 386 (i) located on premises owned or leased by the state; and
  - 387 (ii) operated by a state employee.
- 388 (b) "State store" does not apply to a:
  - 389 (i) licensee;
  - 390 (ii) permittee; or
  - 391 (iii) package agency.
- 392 (60) "Supplier" means a person selling an alcoholic beverage to the department.
- 393 (61) (a) "Tavern" means a business establishment that is:
  - 394 (i) engaged primarily in the retail sale of beer to a public patron for consumption on the
  - 395 establishment's premises; and
  - 396 (ii) licensed to sell beer under Chapter 10, Part 2, On-Premise Beer Retailer Licenses.
- 397 (b) "Tavern" includes the following if the revenue from the sale of beer exceeds the
- 398 revenue of the sale of food, although food need not be sold in the establishment:
  - 399 (i) a beer bar;

- 400 (ii) a parlor;
- 401 (iii) a lounge;
- 402 (iv) a cabaret; or
- 403 (v) a nightclub.

404 (62) "Temporary domicile" means the principal place of abode within Utah of a person  
405 who does not have a present intention to continue residency within Utah permanently or  
406 indefinitely.

407 (63) "Unsaleable liquor merchandise" means merchandise that:

408 (a) is unsaleable because the merchandise is:

- 409 (i) unlabeled;
- 410 (ii) leaky;
- 411 (iii) damaged;
- 412 (iv) difficult to open; or
- 413 (v) partly filled;

414 (b) is in a container:

- 415 (i) having faded labels or defective caps or corks;
- 416 (ii) in which the contents are:
  - 417 (A) cloudy;
  - 418 (B) spoiled; or
  - 419 (C) chemically determined to be impure; or

420 (iii) that contains:

- 421 (A) sediment; or
- 422 (B) a foreign substance; or

423 (c) is otherwise considered by the department as unfit for sale.

424 (64) "Visitor" means an individual that in accordance with Section 32A-5-107 holds  
425 limited privileges in a private club by virtue of a visitor card.

426 (65) "Warehouser" means a person, other than a licensed manufacturer, engaged in the  
427 importation for sale, storage, or distribution of liquor regardless of amount.

428 (66) (a) "Wholesaler" means a person engaged in the importation for sale, or in the sale  
429 of beer in wholesale or jobbing quantities to one or more retailers.

430 (b) Notwithstanding Subsection (66)(a), "wholesaler" does not include a small brewer

431 selling beer manufactured by that brewer.

432 (67) (a) "Wine" means an alcoholic beverage obtained by the fermentation of the  
433 natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not  
434 another ingredient is added.

435 (b) "Wine" is considered "liquor" for purposes of this title, except as otherwise  
436 provided in this title.

437 Section 2. Section **32A-1-304** is amended to read:

438 **32A-1-304. Acceptance of identification -- Evidence.**

439 (1) A person authorized by law to sell or otherwise handle an alcoholic beverage or  
440 alcoholic product may accept as evidence of the legal age of the person presenting the  
441 following:

442 (a) proof of age; or

443 (b) if a statement of age is required under Subsection 32A-1-303(1):

444 (i) proof of age; and

445 (ii) a statement of age obtained under Section 32A-1-303.

446 (2) A statement of age described in Section 32A-1-303, if properly completed, signed,  
447 and filed in accordance with Section 32A-1-303, may be offered as a defense in a case where  
448 there is at issue the legality of:

449 (a) selling or otherwise furnishing an alcoholic beverage or product to the person who  
450 signed the statement of age;

451 (b) admitting a minor to a premises where an alcoholic beverage or alcoholic product is  
452 sold or consumed; or

453 (c) allowing the person who signed the statement of age to be employed in any  
454 employment that under this title may not be obtained by a minor.

455 ~~[(3) A person authorized by law to sell or otherwise handle alcoholic beverages or  
456 products may not accept a driving privilege card issued in accordance with Section 53-3-207 as  
457 evidence of the legal age of the person.]~~

458 ~~[(4)]~~ (3) A person may not be subject to a penalty for a violation of this part if it is  
459 proved to the commission or the court hearing the matter that the person charged with the  
460 violation acted in good faith.

461 Section 3. Section **46-1-2** is amended to read:

462           **46-1-2. Definitions.**

463           As used in this chapter:

464           (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer,  
465 whose identity is personally known to the notary or proven on the basis of satisfactory  
466 evidence, has admitted, in the presence of the notary, to voluntarily signing a document for the  
467 document's stated purpose.

468           (2) "Commission" means:

469           (a) to empower to perform notarial acts; and

470           (b) the written authority to perform those acts.

471           (3) "Copy certification" means a notarial act in which a notary certifies that a  
472 photocopy is an accurate copy of a document that is neither a public record nor publicly  
473 recorded.

474           (4) "Electronic signature" has the same meaning as provided under Section 46-4-102.

475           (5) "Jurat" means a notarial act in which a notary certifies that a signer, whose identity  
476 is personally known to the notary or proven on the basis of satisfactory evidence, has made, in  
477 the notary's presence, a voluntary signature and taken an oath or affirmation vouching for the  
478 truthfulness of the signed document.

479           (6) "Notarial act" and "notarization" mean any act that a notary is empowered to  
480 perform under this section.

481           (7) "Notarial certificate" means the part of or attachment to a notarized document for  
482 completion by the notary and bearing the notary's signature and seal.

483           (8) "Notary" means any person commissioned to perform notarial acts under this  
484 chapter.

485           (9) "Oath" or "affirmation" means a notarial act in which a notary certifies that a person  
486 made a vow or affirmation in the presence of the notary on penalty of perjury.

487           (10) "Official misconduct" means a notary's performance of any act prohibited or  
488 failure to perform any act mandated by this chapter or by any other law in connection with a  
489 notarial act.

490           (11) "Personal knowledge of identity" means familiarity with an individual resulting  
491 from interactions with that individual over a period of time sufficient to eliminate every  
492 reasonable doubt that the individual has the identity claimed.

493 (12) (a) "Satisfactory evidence of identity" means identification of an individual based  
494 on:

495 (i) valid personal identification with the individual's photograph, signature, and  
496 physical description issued by the United States government, any state within the United States,  
497 or a foreign government;

498 (ii) a valid passport issued by any nation; or

499 (iii) the oath or affirmation of a credible person who is personally known to the notary  
500 and who personally knows the individual.

501 (b) "Satisfactory evidence of identity" does not include[~~:(i) a driving privilege card~~  
502 ~~under Subsection 53-3-207(9); or (ii) another]~~ a document that is not considered valid for  
503 identification.

504 Section 4. Section **53-3-102** is amended to read:

505 **53-3-102. Definitions.**

506 As used in this chapter:

507 (1) "Cancellation" means the termination by the division of a license issued through  
508 error or fraud or for which consent under Section 53-3-211 has been withdrawn.

509 (2) "Class D license" means the class of license issued to drive motor vehicles not  
510 defined as commercial motor vehicles or motorcycles under this chapter.

511 (3) "Class M license" means the class of license issued to drive a motorcycle as defined  
512 under this chapter.

513 (4) "Commercial driver license" or "CDL" means a license issued substantially in  
514 accordance with the requirements of Title XII, Pub. L. 99-570, the Commercial Motor Vehicle  
515 Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act,  
516 which authorizes the holder to drive a class of commercial motor vehicle.

517 (5) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor  
518 vehicles designed or used to transport passengers or property if the motor vehicle:

519 (i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as  
520 determined by federal regulation;

521 (ii) is designed to transport 16 or more passengers, including the driver; or

522 (iii) is transporting hazardous materials and is required to be placarded in accordance  
523 with 49 C.F.R. Part 172, Subpart F.

524 (b) The following vehicles are not considered a commercial motor vehicle for purposes  
525 of Part 4, Uniform Commercial Driver License Act:

526 (i) equipment owned and operated by the United States Department of Defense when  
527 driven by any active duty military personnel and members of the reserves and national guard on  
528 active duty including personnel on full-time national guard duty, personnel on part-time  
529 training, and national guard military technicians and civilians who are required to wear military  
530 uniforms and are subject to the code of military justice;

531 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm  
532 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation  
533 as a motor carrier for hire;

534 (iii) firefighting and emergency vehicles; and

535 (iv) recreational vehicles that are not used in commerce and are driven solely as family  
536 or personal conveyances for recreational purposes.

537 (6) "Conviction" means any of the following:

538 (a) an unvacated adjudication of guilt or a determination that a person has violated or  
539 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

540 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's  
541 appearance in court;

542 (c) a plea of guilty or nolo contendere accepted by the court;

543 (d) the payment of a fine or court costs; or

544 (e) violation of a condition of release without bail, regardless of whether the penalty is  
545 rebated, suspended, or probated.

546 (7) "Denial" or "denied" means the withdrawal of a driving privilege by the division to  
547 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,  
548 do not apply.

549 (8) "Director" means the division director appointed under Section 53-3-103.

550 (9) "Disqualification" means either:

551 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state  
552 of a person's privileges to drive a commercial motor vehicle;

553 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
554 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part

555 391; or

556 (c) the loss of qualification that automatically follows conviction of an offense listed in  
557 49 C.F.R. Part 383.51.

558 (10) "Division" means the Driver License Division of the department created in  
559 Section 53-3-103.

560 (11) "Drive" means:

561 (a) to operate or be in physical control of a motor vehicle upon a highway; and

562 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections  
563 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within  
564 the state.

565 (12) (a) "Driver" means any person who drives, or is in actual physical control of a  
566 motor vehicle in any location open to the general public for purposes of vehicular traffic.

567 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person  
568 who is required to hold a CDL under Part 4 or federal law.

569 [~~(13) "Driving privilege card" means the evidence of the privilege granted and issued  
570 under this chapter to drive a motor vehicle to a person whose privilege was obtained without  
571 using a Social Security number.~~]

572 [~~(14)~~ (13) "Extension" means a renewal completed in a manner specified by the  
573 division.

574 [~~(15)~~ (14) "Farm tractor" means every motor vehicle designed and used primarily as a  
575 farm implement for drawing plows, mowing machines, and other implements of husbandry.

576 [~~(16)~~ (15) "Highway" means the entire width between property lines of every way or  
577 place of any nature when any part of it is open to the use of the public, as a matter of right, for  
578 traffic.

579 [~~(17)~~ (16) "License" means the privilege to drive a motor vehicle.

580 [~~(18)~~ (17) "License certificate" means the evidence of the privilege issued under this  
581 chapter to drive a motor vehicle.

582 [~~(19)~~ (18) "Motorboat" has the same meaning as provided under Section 73-18-2.

583 [~~(20)~~ (19) "Motorcycle" means every motor vehicle, other than a tractor, having a seat  
584 or saddle for the use of the rider and designed to travel with not more than three wheels in  
585 contact with the ground.

586            [~~(21)~~] (20) "Office of Recovery Services" means the Office of Recovery Services,  
587 created in Section 62A-11-102.

588            [~~(22)~~] (21) (a) "Owner" means a person other than a lienholder having an interest in the  
589 property or title to a vehicle.

590            (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to  
591 a security interest in another person but excludes a lessee under a lease not intended as security.

592            [~~(23)~~] (22) "Renewal" means to validate a license certificate so that it expires at a later  
593 date.

594            [~~(24)~~] (23) "Reportable violation" means an offense required to be reported to the  
595 division as determined by the division and includes those offenses against which points are  
596 assessed under Section 53-3-221.

597            [~~(25)~~] (24) (a) "Resident" means an individual who:

598            (i) has established a domicile in this state, as defined in Section 41-1a-202, or  
599 regardless of domicile, remains in this state for an aggregate period of six months or more  
600 during any calendar year;

601            (ii) engages in a trade, profession, or occupation in this state, or who accepts  
602 employment in other than seasonal work in this state, and who does not commute into the state;

603            (iii) declares himself to be a resident of this state by obtaining a valid Utah driver  
604 license certificate or motor vehicle registration; or

605            (iv) declares himself a resident of this state to obtain privileges not ordinarily extended  
606 to nonresidents, including going to school, or placing children in school without paying  
607 nonresident tuition or fees.

608            (b) "Resident" does not include any of the following:

609            (i) a member of the military, temporarily stationed in this state;

610            (ii) an out-of-state student, as classified by an institution of higher education,  
611 regardless of whether the student engages in any type of employment in this state;

612            (iii) a person domiciled in another state or country, who is temporarily assigned in this  
613 state, assigned by or representing an employer, religious or private organization, or a  
614 governmental entity; or

615            (iv) an immediate family member who resides with or a household member of a person  
616 listed in Subsections [~~(25)~~] (24)(b)(i) through (iii).

617            [~~(26)~~] (25) "Revocation" means the termination by action of the division of a licensee's  
618 privilege to drive a motor vehicle.

619            [~~(27)~~] (26) (a) "School bus" means a commercial motor vehicle used to transport  
620 pre-primary, primary, or secondary school students to and from home and school, or to and  
621 from school sponsored events.

622            (b) "School bus" does not include a bus used as a common carrier as defined in Section  
623 59-12-102.

624            [~~(28)~~] (27) "Suspension" means the temporary withdrawal by action of the division of a  
625 licensee's privilege to drive a motor vehicle.

626            [~~(29)~~] (28) "Taxicab" means any class D motor vehicle transporting any number of  
627 passengers for hire and that is subject to state or federal regulation as a taxi.

628            Section 5. Section **53-3-205** is amended to read:

629            **53-3-205. Application for license or endorsement -- Fee required -- Tests --**  
630 **Expiration dates of licenses and endorsements -- Information required -- Previous**  
631 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**  
632 **Fee required -- License agreement.**

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

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

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

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

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

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

643            (c) an original class D license and license certificate after all tests are passed.

644            (3) An application and fee for a motorcycle or taxicab endorsement entitle the  
645 applicant to:

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

648 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and  
649 (c) a motorcycle or taxicab endorsement when all tests are passed.

650 (4) An application and fees for a commercial class A, B, or C license entitle the  
651 applicant to:

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

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

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

658 (5) An application and fee for a CDL endorsement entitle the applicant to:

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

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

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

665 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license  
666 expires on the birth date of the applicant in the fifth year following the year the license  
667 certificate was issued.

668 (b) Except as provided under Subsections (7)(f), (g), (h), and (i), a renewal or an  
669 extension to a license expires on the birth date of the licensee in the fifth year following the  
670 expiration date of the license certificate renewed or extended.

671 (c) Except as provided under Subsections (7)(f), (g), and (i), a duplicate license expires  
672 on the same date as the last license certificate issued.

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

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

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

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

682 (f) An original license or a renewal or duplicate to an original license obtained using  
683 proof under Subsection (8)(a)(i)(E)~~[(H)]~~[(I)] expires on the date of the expiration of the  
684 applicant's foreign visa, permit, or other document granting legal presence in the United States  
685 or on the date provided under this Subsection (7), whichever is sooner.

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

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

690 ~~[(B) the license certificate or driving privilege card is not clearly distinguished as  
691 required under Subsection 53-3-207(6).]~~

692 ~~[(ii)]~~ (g) A driving privilege card issued or renewed ~~[under Section 53-3-207]~~ by the  
693 division expires on ~~[the birth date of the applicant in the first year following the year that the  
694 driving privilege card was issued or renewed]~~ December 31, 2009.

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

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

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

703 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative  
704 Procedures Act, for requests for agency action, each applicant shall:

705 (i) provide the applicant's:

706 (A) full legal name;

707 (B) birth date;

708 (C) gender;

709 (D) between July 1, 2002 and July 1, 2007, race in accordance with the categories

710 established by the United States Census Bureau;

711 (E) (I) Social Security number; or

712 [~~(H)~~ temporary identification number (ITIN) issued by the Internal Revenue Service for

713 a person who does not qualify for a Social Security number; or]

714 [~~(H)~~ (II) (Aa) proof that the applicant is a citizen of a country other than the United

715 States;

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

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

718 (F) Utah residence address as documented by a form acceptable under rules made by

719 the division under Section 53-3-104, unless the application is for a temporary CDL issued

720 under Subsection 53-3-407(2)(b);

721 (ii) provide a description of the applicant;

722 (iii) state whether the applicant has previously been licensed to drive a motor vehicle

723 and, if so, when and by what state or country;

724 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,

725 disqualified, or denied in the last ten years, or whether the applicant has ever had any license

726 application refused, and if so, the date of and reason for the suspension, cancellation,

727 revocation, disqualification, denial, or refusal;

728 (v) state whether the applicant intends to make an anatomical gift under Title 26,

729 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

730 (vi) state whether the applicant is required to register as a sex offender under Section

731 77-27-21.5;

732 (vii) state whether the applicant is a military veteran and does or does not authorize

733 sharing the information with the state Department of Veterans' Affairs;

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

735 (ix) sign the application which signature may include an electronic signature as defined

736 in Section 46-4-102.

737 (b) Each applicant shall have a Utah residence address, unless the application is for a

738 temporary CDL issued under Subsection 53-3-407(2)(b).

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

740 (i) (A) Social Security number; or

741 [~~(B)~~ temporary identification number (ITIN); or]

742 [~~(C)~~] (B) other number assigned by the division if Subsection (8)(a)(i)(E)[~~(H)~~](II)

743 applies; and

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

746 (d) An applicant may not be denied a license for refusing to provide race information  
747 required under Subsection (8)(a)(i)(D).

748 (9) The division shall require proof of every applicant's name, birthdate, and birthplace  
749 by at least one of the following means:

750 (a) current license certificate;

751 (b) birth certificate;

752 (c) Selective Service registration; or

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

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

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

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

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

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

769 (14) A person who applies for an original license or renewal of a license agrees that the  
770 person's license is subject to any suspension or revocation authorized under this title or Title  
771 41, Motor Vehicles.

772 (15) (a) The indication of intent under Subsection (8)(a)(v) shall be authenticated by  
773 the licensee in accordance with division rule.

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

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

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

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

781 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
782 Management Act, the division may release to the Department of Veterans' Affairs the names  
783 and addresses of all persons who indicate their status as a veteran under Subsection (8)(a)(vii).

784 (17) The division and its employees are not liable, as a result of false or inaccurate  
785 information provided under Subsection (8)(a)(v) or (vii), for direct or indirect:

786 (a) loss;

787 (b) detriment; or

788 (c) injury.

789 (18) A person who knowingly fails to provide the information required under  
790 Subsection (8)(a)(vi) is guilty of a class A misdemeanor.

791 Section 6. Section **53-3-207** is amended to read:

792 **53-3-207. License certificates or driving privilege cards issued to drivers by class**  
793 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**  
794 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

795 (1) As used in this section:

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

798 (b) "governmental entity" means the state and its political subdivisions as defined in  
799 this Subsection (1);

800 (c) "political subdivision" means any county, city, town, school district, public transit  
801 district, community development and renewal agency, special improvement or taxing district,  
802 local district, special service district, an entity created by an interlocal agreement adopted under

803 Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public  
804 corporation; and

805 (d) "state" means this state, and includes any office, department, agency, authority,  
806 commission, board, institution, hospital, college, university, children's justice center, or other  
807 instrumentality of the state.

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

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

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

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

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

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

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

818 (v) a photograph of the person;

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

820 (vii) an indication whether the person intends to make an anatomical gift under Title  
821 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the [~~driving privilege~~] license is  
822 extended under Subsection 53-3-214(3).

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

825 (c) (i) The license certificate [~~or driving privilege card~~] shall be of an impervious  
826 material, resistant to wear, damage, and alteration.

827 (ii) Except as provided under Subsection [~~(4)~~] (5)(b), the size, form, and color of the  
828 license certificate [~~or driving privilege card~~] shall be as prescribed by the commissioner.

829 (iii) The commissioner may also prescribe the issuance of a special type of limited  
830 license certificate [~~or driving privilege card~~] under Subsection 53-3-220(4) and may authorize  
831 the issuance of a renewed or duplicate license certificate [~~or driving privilege card~~] without a  
832 picture if the applicant is not then living in the state.

833 (4) (a) (i) The division upon determining after an examination that an applicant is

834 mentally and physically qualified to be granted a [~~driving privilege~~] license may issue to an  
835 applicant a receipt for the fee if the applicant is eligible for a license certificate.

836 (ii) The receipt serves as a temporary license certificate allowing the person to drive a  
837 motor vehicle while the division is completing its investigation to determine whether the  
838 person is entitled to be [~~granted a driving privilege~~] licensed.

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

842 (c) The division shall indicate on the receipt a date after which it is not valid as a  
843 license certificate.

844 [~~(d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a receipt  
845 that serves as a temporary driving privilege card or other temporary permit to an applicant for a  
846 driving privilege card.]~~

847 [~~(ii) The division may issue a learner permit issued in accordance with Section  
848 53-3-210.5 to an applicant for a driving privilege card.]~~

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

853 (b) The division shall distinguish a license certificate [~~or driving privilege card~~] issued  
854 to any person:

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

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

862 [~~(6) (a) The division shall only issue a driving privilege card to a person whose  
863 privilege was obtained without using a Social Security number as required under Subsection  
864 53-3-205(8).]~~

865 ~~[(b) The division shall distinguish a driving privilege card from a license certificate~~  
 866 ~~by:]~~

867 ~~[(i) use of a format, color, font, or other means; and]~~

868 ~~[(ii) clearly displaying on the front of the driving privilege card a phrase substantially~~  
 869 ~~similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".]~~

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

872 ~~[(8)]~~ (6) The division shall issue temporary license certificates of the same nature,  
 873 except as to duration, as the license certificates that they temporarily replace, as are necessary  
 874 to implement applicable provisions of this section and Section 53-3-223.

875 (7) Beginning on the effective date of this bill, the division may not issue a driving  
 876 privilege card.

877 ~~[(9)]~~ (8) (a) A governmental entity may not accept a driving privilege card as proof of  
 878 personal identification.

879 (b) A driving privilege card may not be used as a document providing proof of a  
 880 person's age for any government required purpose.

881 ~~[(10)]~~ (9) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.

882 ~~[(11)]~~ (10) Unless otherwise provided, the provisions, requirements, classes,  
 883 endorsements, fees, restrictions, and sanctions under this code apply to a:

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

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

887 Section 7. Section **53-3-214** is amended to read:

888 **53-3-214. Renewal -- Fees required -- Extension without examination.**

889 (1) (a) The holder of a valid license may renew ~~[his]~~ the license and any endorsement  
 890 to the license by applying:

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

892 (ii) more than six months prior to the expiration date if the applicant furnishes proof  
 893 that ~~[he]~~ the applicant will be absent from the state during the six-month period prior to the  
 894 expiration of the license.

895 (b) The application for a renewal of, extension of, or any endorsement to a license shall

896 be accompanied by a fee under Section 53-3-105.

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

901 (b) The division may waive any [~~or all portions~~] portion of the test designed to  
902 demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor  
903 vehicle.

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

908 (i) no suspensions;

909 (ii) no revocations;

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

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

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

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

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

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

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

921 (C) whose original license was obtained using proof under Subsection  
922 53-3-205(8)(a)(i)(E)[~~(H)~~](II); or

923 (D) whose original license was issued with an expiration date under Subsection  
924 53-3-205(7)(h).

925 (c) The division shall allow extensions:

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

927 (ii) only if the applicant qualifies under this section; and  
928 (iii) for only one extension.

929 Section 8. Section **53-3-221** is amended to read:

930 **53-3-221. Offenses which may result in denial, suspension, disqualification, or**  
931 **revocation of license without hearing -- Additional grounds for suspension -- Point system**  
932 **for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.**

933 (1) By following the emergency procedures in Title 63G, Chapter 4, Administrative  
934 Procedures Act, the division may immediately deny, suspend, disqualify, or revoke the license  
935 of any person without hearing and without receiving a record of the person's conviction of  
936 crime when the division has been notified or has reason to believe the person:

937 (a) has committed any offenses for which mandatory suspension or revocation of a  
938 license is required upon conviction under Section 53-3-220;

939 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an  
940 accident resulting in death or injury to any other person, or serious property damage;

941 (c) is incompetent to drive a motor vehicle or is afflicted with mental or physical  
942 infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle upon the  
943 highways;

944 (d) has committed a serious violation of the motor vehicle laws of this state;

945 (e) has knowingly acquired, used, displayed, or transferred an item that purports to be  
946 an authentic driver license certificate issued by a governmental entity if the item is not an  
947 authentic driver license certificate or has permitted an unlawful use of the license as prohibited  
948 under Section 53-3-229; or

949 (f) has been convicted of serious offenses against traffic laws governing the movement  
950 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard  
951 for the safety of other persons on the highways.

952 (2) (a) The division may suspend the license of a person under Subsection (1) when the  
953 person has failed to comply with the terms stated on a traffic citation issued in this state, except  
954 this Subsection (2) does not apply to highway weight limit violations or violations of law  
955 governing the transportation of hazardous materials.

956 (b) This Subsection (2) applies to parking and standing violations only if a court has  
957 issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy

958 the terms of the citation.

959 (c) (i) This Subsection (2) may not be exercised unless notice of the pending  
960 suspension of the driving privilege has been sent at least ten days previously to the person at  
961 the address provided to the division.

962 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not  
963 contain any evidence of a suspension that occurred as a result of failure to comply with the  
964 terms stated on a traffic citation.

965 (3) (a) The division may suspend the license of a person under Subsection (1) when the  
966 division has been notified by a court that the person has an outstanding unpaid fine, an  
967 outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a  
968 court.

969 (b) The suspension remains in effect until the division is notified by the court that the  
970 order has been satisfied.

971 (c) After clearance by the division, a report authorized by Section 53-3-104 may not  
972 contain any evidence of the suspension.

973 (4) The division shall make rules establishing a point system as provided for in this  
974 Subsection (4).

975 (a) (i) The division shall assign a number of points to each type of moving traffic  
976 violation as a measure of its seriousness.

977 (ii) The points shall be based upon actual relationships between types of traffic  
978 violations and motor vehicle traffic accidents.

979 (b) Every person convicted of a traffic violation shall have assessed against the person's  
980 driving record the number of points that the division has assigned to the type of violation of  
981 which the person has been convicted, except that the number of points assessed shall be  
982 decreased by 10% if on the abstract of the court record of the conviction the court has graded  
983 the severity of violation as minimum, and shall be increased by 10% if on the abstract the court  
984 has graded the severity of violation as maximum.

985 (c) (i) A separate procedure for assessing points for speeding offenses shall be  
986 established by the division based upon the severity of the offense.

987 (ii) The severity of a speeding violation shall be graded as:

988 (A) "minimum" for exceeding the posted speed limit by up to ten miles per hour;

989 (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per  
990 hour; and

991 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

992 (iii) Consideration shall be made for assessment of no points on minimum speeding  
993 violations, except for speeding violations in school zones.

994 (d) (i) Points assessed against a person's driving record shall be deleted for violations  
995 occurring before a time limit set by the division.

996 (ii) The time limit may not exceed three years.

997 (iii) The division may also delete points to reward violation-free driving for periods of  
998 time set by the division.

999 (e) (i) By publication in two newspapers having general circulation throughout the  
1000 state, the division shall give notice of the number of points it has assigned to each type of  
1001 traffic violation, the time limit set by the division for the deletion of points, and the point level  
1002 at which the division will generally take action to deny or suspend under this section.

1003 (ii) The division may not change any of the information provided above regarding  
1004 points without first giving new notice in the same manner.

1005 (5) (a) (i) Upon denying or suspending the license of a person under this section, the  
1006 division shall immediately notify the licensee in a manner specified by the division and afford  
1007 him an opportunity for a hearing in the county where the licensee resides.

1008 (ii) The hearing shall be documented, and the division or its authorized agent may  
1009 administer oaths, may issue subpoenas for the attendance of witnesses and the production of  
1010 relevant books and papers, and may require a reexamination of the licensee.

1011 (iii) One or more members of the division may conduct the hearing, and any decision  
1012 made after a hearing before any number of the members of the division is as valid as if made  
1013 after a hearing before the full membership of the division.

1014 (iv) After the hearing the division shall either rescind its order of denial or suspension,  
1015 extend the denial or suspension of the license, or revoke the license.

1016 (b) The denial or suspension of the license remains in effect pending qualifications  
1017 determined by the division regarding a person:

1018 (i) whose license has been denied or suspended following reexamination;

1019 (ii) who is incompetent to drive a motor vehicle;

1020 (iii) who is afflicted with mental or physical infirmities that might make him dangerous  
1021 on the highways; or

1022 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.

1023 (6) (a) Subject to Subsection (6)(d), the division shall suspend a person's license when  
1024 the division receives notice from the Office of Recovery Services that the Office of Recovery  
1025 Services has ordered the suspension of the person's license.

1026 (b) A suspension under Subsection (6)(a) shall remain in effect until the division  
1027 receives notice from the Office of Recovery Services that the Office of Recovery Services has  
1028 rescinded the order of suspension.

1029 (c) After an order of suspension is rescinded under Subsection (6)(b), a report  
1030 authorized by Section 53-3-104 may not contain any evidence of the suspension.

1031 (d) (i) If the division suspends a person's license under this Subsection (6), the division  
1032 shall, upon application, issue a temporary limited driver license to the person if that person  
1033 needs a driver license for employment, education, or child visitation.

1034 (ii) The temporary limited driver license described in this section:

1035 (A) shall provide that the person may operate a motor vehicle only for the purpose of  
1036 driving to or from the person's place of employment, education, or child visitation;

1037 (B) shall prohibit the person from driving a motor vehicle for any purpose other than a  
1038 purpose described in Subsection (6)(d)(ii)(A); and

1039 (C) shall expire 90 days after the day on which the temporary limited driver license is  
1040 issued.

1041 (iii) (A) During the period beginning on the day on which a temporary limited driver  
1042 license is issued under this Subsection (6), and ending on the day that the temporary limited  
1043 driver license expires, the suspension described in this Subsection (6) only applies if the person  
1044 who is suspended operates a motor vehicle for a purpose other than employment, education, or  
1045 child visitation.

1046 (B) Upon expiration of a temporary limited driver license described in this Subsection  
1047 (6)(d):

1048 (I) a suspension described in Subsection (6)(a) shall be in full effect until the division  
1049 receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

1050 (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any

1051 reason.

1052 (iv) The division is not required to issue a limited driver license to a person under this  
1053 Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver  
1054 license.

1055 (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1056 Administrative Rulemaking Act, to implement the provisions of this part.

1057 (7) (a) The division may suspend or revoke the license of any resident of this state  
1058 upon receiving notice of the conviction of that person in another state of an offense committed  
1059 there that, if committed in this state, would be grounds for the suspension or revocation of a  
1060 license.

1061 (b) The division may, upon receiving a record of the conviction in this state of a  
1062 nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws  
1063 of this state, forward a certified copy of the record to the motor vehicle administrator in the  
1064 state where the person convicted is a resident.

1065 (8) (a) The division may suspend or revoke the license of any nonresident to drive a  
1066 motor vehicle in this state for any cause for which the license of a resident driver may be  
1067 suspended or revoked.

1068 (b) Any nonresident who drives a motor vehicle upon a highway when the person's  
1069 license has been suspended or revoked by the division is guilty of a class C misdemeanor.

1070 (9) (a) The division may not deny or suspend the license of any person for a period of  
1071 more than one year except:

1072 (i) for failure to comply with the terms of a traffic citation under Subsection (2);

1073 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges  
1074 under Section 53-3-219;

1075 (iii) when extending a denial or suspension upon receiving certain records or reports  
1076 under Subsection 53-3-220(2);

1077 (iv) for failure to give and maintain owner's or operator's security under Section  
1078 41-12a-411; or

1079 (v) when the division suspends the license under Subsection (6).

1080 (b) The division may suspend the license of a person under Subsection (2) until the  
1081 person shows satisfactory evidence of compliance with the terms of the traffic citation.

1082           (10) (a) By following the emergency procedures in Title 63G, Chapter 4,  
1083 Administrative Procedures Act, the division may immediately suspend the license of any  
1084 person without hearing and without receiving a record of the person's conviction for a crime  
1085 when the division has reason to believe that the person's license was granted by the division  
1086 through error or fraud or that the necessary consent for the license has been withdrawn or is  
1087 terminated.

1088           (b) The procedure upon suspension is the same as under Subsection (5), except that  
1089 after the hearing the division shall either rescind its order of suspension or cancel the license.

1090           (11) (a) The division, having good cause to believe that a licensed driver is  
1091 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified  
1092 by the division of at least five days to the licensee require him to submit to an examination.

1093           (b) Upon the conclusion of the examination the division may suspend or revoke the  
1094 person's license, permit him to retain the license, or grant a license subject to a restriction  
1095 imposed in accordance with Section 53-3-208.

1096           (c) Refusal or neglect of the licensee to submit to an examination is grounds for  
1097 suspension or revocation of the licensee's license.

1098           (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section  
1099 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in  
1100 this state if the conviction was for a speed of ten miles per hour or less, above the posted speed  
1101 limit and did not result in an accident, unless authorized in a manner specified by the division  
1102 by the individual whose report is being requested.

1103           (b) The provisions of Subsection (12)(a) do not apply for:

1104           (i) a CDL license holder; or

1105           (ii) a violation that occurred in a commercial motor vehicle.

1106           (13) (a) By following the emergency procedures in Title 63G, Chapter 4,  
1107 Administrative Procedures Act, the division may immediately suspend the license of a person  
1108 if it has reason to believe that the person is the owner of a motor vehicle for which security is  
1109 required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and  
1110 Operators Act, and has driven the motor vehicle or permitted it to be driven within this state  
1111 without the security being in effect.

1112           ~~(b) The division may immediately suspend a driving privilege card holder's driving~~

1113 ~~privilege card if the division receives notification from the Motor Vehicle Division that:]~~

1114 ~~[(i) the driving privilege card holder is the registered owner of a vehicle; and]~~

1115 ~~[(ii) the driving privilege card holder's vehicle registration has been revoked under~~

1116 ~~Subsection 41-1a-110(2)(a)(ii)(A).]~~

1117 ~~[(e)]~~ (b) Section 41-12a-411 regarding the requirement of proof of owner's or operator's  
1118 security applies to persons whose driving privileges are suspended under this Subsection (13).

1119 ~~[(d)]~~ (c) If the division exercises the right of immediate suspension granted under this  
1120 Subsection (13), the notice and hearing provisions of Subsection (5) apply.

1121 ~~[(e)]~~ (d) A person whose license suspension has been sustained or whose license has  
1122 been revoked by the division under this Subsection (13) may file a request for agency action  
1123 requesting a hearing.

1124 (14) Any suspension or revocation of a person's license under this section also  
1125 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License  
1126 Act, of this chapter.

1127 Section 9. Section **58-37c-10** is amended to read:

1128 **58-37c-10. Reporting and recordkeeping.**

1129 (1) Any person who engages in a regulated transaction, unless excepted under the  
1130 provisions of Subsections 58-37c-8(3) and (4), shall submit a report with respect to such  
1131 transaction and shall maintain records of inventories in accordance with rules adopted by the  
1132 division.

1133 (2) The division shall provide reporting forms upon which regulated transactions shall  
1134 be reported.

1135 (3) The division shall furnish copies of reports of transactions under this section to  
1136 appropriate law enforcement agencies.

1137 (4) The division shall adopt rules regulating:

1138 (a) records which shall be maintained and reports which shall be submitted by  
1139 regulated distributors and regulated purchasers with respect to listed controlled substance  
1140 precursors obtained, distributed, and held in inventory;

1141 (b) records which shall be maintained and reports which shall be submitted by  
1142 regulated distributors and regulated purchasers with respect to extraordinary or unusual  
1143 regulated transactions and a requirement that in such cases the report must be received at least

1144 three working days prior to transfer of the listed controlled substance precursor;

1145 (c) identification which must be presented by a purchaser of any listed controlled  
1146 substance precursor before the sale or transfer can be completed and recordkeeping  
1147 requirements related to such identification presented;

1148 (d) filing by each licensee the identification of all locations where any listed controlled  
1149 substance precursor is held in inventory or stored and amending such filing when any change in  
1150 location is made;

1151 (e) reports and actions which must be taken by a regulated distributor or regulated  
1152 purchaser in the event of any theft, loss, or shortage of a listed controlled substance precursor;

1153 (f) reports and actions which must be taken by a regulated distributor relating to a  
1154 regulated transaction with an out-of-state purchaser;

1155 (g) reports and actions which must be taken by a regulated purchaser relating to a  
1156 regulated transaction with an out-of-state distributor; and

1157 (h) regulated transactions to the extent such regulation is reasonable and necessary to  
1158 protect the public health, safety, or welfare.

1159 ~~[(5) A person who engages in a regulated transaction may not accept a driving privilege  
1160 card issued in accordance with Section 53-3-207 as proof of identification as required under  
1161 Subsection (4)(c).]~~

1162 Section 10. Section **63G-11-102 (Effective 07/01/09)** is amended to read:

1163 **63G-11-102 (Effective 07/01/09). Creation of identity documents -- Issuance to**  
1164 **citizens, nationals, and legal permanent resident aliens -- Exceptions.**

1165 (1) The following entities may create, publish, or otherwise manufacture an  
1166 identification document, identification card, or identification certificate and possess an  
1167 engraved plate or other device for the printing of an identification document:

1168 (a) a federal, state, or local government agency for employee identification, which is  
1169 designed to identify the bearer as an employee;

1170 (b) a federal, state, or local government agency for purposes authorized or required by  
1171 law or a legitimate purpose consistent with the duties of the agency, including such documents  
1172 as voter identification cards, driver licenses, identification cards, passports, birth certificates,  
1173 and Social Security cards; and

1174 (c) a public school or state or private educational institution to identify the bearer as an

1175 administrator, faculty member, student, or employee.

1176 (2) The name of the issuing entity shall be clearly printed upon the face of the  
1177 identification document.

1178 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity  
1179 providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall issue  
1180 the document, card, or certificate only to:

1181 (a) a United States citizen;

1182 (b) a national; or

1183 (c) a legal permanent resident alien.

1184 (4) (a) Subsection (3) does not apply to an applicant for an identification document  
1185 who presents, in person, valid documentary evidence of the applicant's:

1186 (i) unexpired immigrant or nonimmigrant visa status for admission into the United  
1187 States;

1188 (ii) pending or approved application for asylum in the United States;

1189 (iii) admission into the United States as a refugee;

1190 (iv) pending or approved application for temporary protected status in the United  
1191 States;

1192 (v) approved deferred action status; or

1193 (vi) pending application for adjustment of status to legal permanent resident or  
1194 conditional resident.

1195 (b) (i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c)  
1196 identification document to an applicant who satisfies the requirements of Subsection (4)(a).

1197 (ii) Except as otherwise provided by federal law, the document is valid only:

1198 (A) during the period of time of the individual's authorized stay in the United States; or

1199 (B) for one year from the date of issuance if there is no definite end to the individual's  
1200 period of authorized stay.

1201 (iii) An entity issuing an identification document under this Subsection (4) shall clearly  
1202 indicate on the document:

1203 (A) that it is temporary; and

1204 (B) its expiration date.

1205 (c) An individual may renew a document issued under this Subsection (4) only upon

1206 presentation of valid documentary evidence that the status by which the individual originally  
1207 qualified for the identification document has been extended by the United States Citizenship  
1208 and Immigration Services or other authorized agency of the United States Department of  
1209 Homeland Security.

1210 (5) ~~[(a)]~~ Subsection (3) does not apply to an identification document issued under  
1211 Subsection (1)(c) that is only:

1212 ~~[(i)]~~ (a) valid for use on the educational institution's campus or facility; and

1213 ~~[(ii)]~~ (b) includes a statement of the restricted use conspicuously printed upon the face  
1214 of the identification document.

1215 ~~[(b) Subsection (3) does not apply to a driving privilege card issued or renewed under  
1216 Section 53-3-207.]~~

1217 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or  
1218 national origin.

1219 Section 11. Section **76-10-526** is amended to read:

1220 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**  
1221 **Exemption for concealed firearm permit holders.**

1222 (1) For purposes of this section, "valid permit to carry a concealed firearm" does not  
1223 include a temporary permit issued pursuant to Section 53-5-705.

1224 (2) ~~[(a)]~~ To establish personal identification and residence in this state for purposes of  
1225 this part, a dealer shall require an individual receiving a firearm to present one photo  
1226 identification on a form issued by a governmental agency of the state.

1227 ~~[(b) A dealer may not accept a driving privilege card issued in accordance with Section  
1228 53-3-207 as proof of identification for the purpose of establishing personal identification and  
1229 residence in this state as required under this Subsection (2).]~~

1230 (3) A criminal history background check is required for the sale of a firearm by a  
1231 licensed firearm dealer in the state.

1232 (4) (a) An individual, except a dealer, purchasing a firearm from a dealer shall consent  
1233 in writing to a criminal background check, on a form provided by the division.

1234 (b) The form shall contain the following information:

1235 (i) the dealer identification number;

1236 (ii) the name and address of the individual receiving the firearm;

1237 (iii) the date of birth, height, weight, eye color, and hair color of the individual  
1238 receiving the firearm; and

1239 (iv) the Social Security number or any other identification number of the individual  
1240 receiving the firearm.

1241 (5) (a) The dealer shall send the form required by Subsection (4) to the division  
1242 immediately upon its completion.

1243 (b) No dealer shall sell or transfer any firearm to an individual until the dealer has  
1244 provided the division with the information in Subsection (4) and has received approval from  
1245 the division under Subsection (7).

1246 (6) The dealer shall make a request for criminal history background information by  
1247 telephone or other electronic means to the division and shall receive approval or denial of the  
1248 inquiry by telephone or other electronic means.

1249 (7) When the dealer calls for or requests a criminal history background check, the  
1250 division shall:

1251 (a) review the criminal history files, including juvenile court records, to determine if  
1252 the individual is prohibited from purchasing, possessing, or transferring a firearm by state or  
1253 federal law;

1254 (b) inform the dealer that:

1255 (i) the records indicate the individual is so prohibited; or

1256 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;

1257 (c) provide the dealer with a unique transaction number for that inquiry; and

1258 (d) provide a response to the requesting dealer during the call for a criminal  
1259 background, or by return call, or other electronic means, without delay, except in case of  
1260 electronic failure or other circumstances beyond the control of the division, the division shall  
1261 advise the dealer of the reason for the delay and give the dealer an estimate of the length of the  
1262 delay.

1263 (8) (a) The division shall not maintain any records of the criminal history background  
1264 check longer than 20 days from the date of the dealer's request if the division determines that  
1265 the individual receiving the gun is not prohibited from purchasing, possessing, or transferring  
1266 the firearm under state or federal law.

1267 (b) However, the division shall maintain a log of requests containing the dealer's

1268 federal firearms number, the transaction number, and the transaction date for a period of 12  
1269 months.

1270 (9) If the criminal history background check discloses information indicating that the  
1271 individual attempting to purchase the firearm is prohibited from purchasing, possessing, or  
1272 transferring a firearm, the division shall inform the law enforcement agency in the jurisdiction  
1273 where the person resides.

1274 (10) If an individual is denied the right to purchase a firearm under this section, the  
1275 individual may review the individual's criminal history information and may challenge or  
1276 amend the information as provided in Section 53-10-108.

1277 (11) The division shall make rules as provided in Title 63G, Chapter 3, Utah  
1278 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all  
1279 records provided by the division pursuant to this part are in conformance with the requirements  
1280 of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

1281 (12) (a) (i) All dealers shall collect a criminal history background check fee which is  
1282 \$7.50.

1283 (ii) This fee remains in effect until changed by the division through the process under  
1284 Section 63J-1-303.

1285 (b) (i) The dealer shall forward at one time all fees collected for criminal history  
1286 background checks performed during the month to the division by the last day of the month  
1287 following the sale of a firearm.

1288 (ii) The division shall deposit the fees in the General Fund as dedicated credits to cover  
1289 the cost of administering and conducting the criminal history background check program.

1290 (13) An individual with a concealed firearm permit issued pursuant to Title 53, Chapter  
1291 5, Part 7, Concealed Weapon Act, shall be exempt from the background check and  
1292 corresponding fee required in this section for the purchase of a firearm if:

1293 (a) the individual presents the individual's concealed firearm permit to the dealer prior  
1294 to purchase of the firearm; and

1295 (b) the dealer verifies with the division that the individual's concealed firearm permit is  
1296 valid.

1297 **Section 12. Effective date.**

1298 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members

1299 elected to each house, this bill takes effect upon approval by the governor, or the day following  
1300 the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's  
1301 signature, or in the case of a veto, the date of veto override.

1302 (2) The amendments in Sections 32A-1-105, 32A-1-304, 46-1-2, 53-3-102, 53-3-221,  
1303 58-37c-10, 63G-11-102, and 76-10-526 take effect on January 1, 2010.

1304 Section 13. **Revisor instructions.**

1305 It is the intent of the Legislature that, in preparing the Utah Code database for  
1306 publication, the Office of Legislative Research and General Counsel shall delete "the effective  
1307 date of this bill" where it appears in Subsection 53-3-207(7) and replace it with the actual date  
1308 on which this bill takes effect.

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**Legislative Review Note**  
**as of 1-13-09 2:36 PM**

**Office of Legislative Research and General Counsel**

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## H.B. 137 - Driver License Qualification Amendments

### Fiscal Note

2009 General Session

State of Utah

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#### State Impact

Enactment of this bill will require \$20,200 one-time restricted funding for programming and mailing costs (\$2,000 and \$18,200 respectively) in FY 2009. FTE reductions and the attendant restricted funding savings will amount to \$24,900 in FY 2009 and \$99,500 in FY 2010 and each fiscal year thereafter. Lost revenue will be \$246,100 in FY 2009 and \$984,300 in FY 2010 and each fiscal year thereafter.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
Transportation Fund Restricted	(\$4,700)	(\$99,500)	(\$99,500)	(\$246,100)	(\$984,300)	(\$984,300)
<b>Total</b>	<b>(\$4,700)</b>	<b>(\$99,500)</b>	<b>(\$99,500)</b>	<b>(\$246,100)</b>	<b>(\$984,300)</b>	<b>(\$984,300)</b>

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#### Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses or local governments. Individuals using Driving Privilege Cards will be impacted.