

1 **LAWFUL PRESENCE VERIFICATION FOR**
2 **ISSUANCE OF A DRIVER LICENSE OR**
3 **IDENTIFICATION CARD**

4 2009 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Curtis S. Bramble**

7 House Sponsor: Rebecca D. Lockhart

9 **LONG TITLE**

10 **General Description:**

11 This bill modifies provisions of the Uniform Driver License Act.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides definitions;
- 15 ▶ defines and creates a limited-term license certificate, limited-term CDL, and
16 limited-term identification card;

- 17 ▶ provides that an applicant for a license certificate, limited-term license certificate,
18 commercial driver license, limited-term CDL, identification card, or limited-term
19 identification card shall provide evidence of lawful presence in the United States;

- 20 ▶ provides that an applicant for a license certificate, limited-term license certificate,
21 commercial driver license, limited-term CDL, identification card, or limited-term
22 identification card shall provide documentary evidence of the applicant's valid
23 Social Security number or other acceptable documentation approved by the
24 division;

- 25 ▶ provides that an applicant for a driver license, CDL, or identification card shall be
26 granted a limited-term license certificate, limited-term CDL, or limited-term
27 identification card if the applicant's evidence of lawful presence in the United
28 States is established by certain documents;

- 29 ▶ grants the Driver License Division rulemaking authority to establish:

- 30 • rules specifying the acceptable documents for evidence of a valid Social
- 31 Security number and establishing proof of citizenship in the United States; and
- 32 • procedures for the storage and maintenance of the information provided by an
- 33 applicant for a driver license, CDL, or identification card;
- 34 ▶ repeals the Driver License Division's authority to issue a nonresident CDL to a
- 35 resident of a foreign jurisdiction in certain circumstances; and
- 36 ▶ makes certain technical changes.

37 Monies Appropriated in this Bill:

38 None

39 Other Special Clauses:

40 This bill provides effective dates.

41 Utah Code Sections Affected:

42 AMENDS:

- 43 **46-1-2**, as last amended by Laws of Utah 2008, Chapter 47
- 44 **53-3-102**, as last amended by Laws of Utah 2008, Chapter 322
- 45 **53-3-104**, as last amended by Laws of Utah 2008, Chapter 382
- 46 **53-3-205**, as last amended by Laws of Utah 2008, Chapters 304 and 382
- 47 **53-3-207**, as last amended by Laws of Utah 2008, Chapters 304 and 322
- 48 **53-3-214**, as last amended by Laws of Utah 2008, Chapter 304
- 49 **53-3-407**, as last amended by Laws of Utah 2008, Chapter 304
- 50 **53-3-410**, as last amended by Laws of Utah 2006, Chapter 293
- 51 **53-3-413**, as last amended by Laws of Utah 2007, Chapter 53
- 52 **53-3-804**, as last amended by Laws of Utah 2007, Chapters 60 and 173
- 53 **53-3-806**, as last amended by Laws of Utah 2003, Chapters 30 and 309
- 54 **53-3-807**, as last amended by Laws of Utah 2008, Chapter 355
- 55 **63G-11-102 (Effective 07/01/09)**, as enacted by Laws of Utah 2008, Chapter 26

56 REPEALS:

- 57 **53-3-409**, as renumbered and amended by Laws of Utah 1993, Chapter 234

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

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

46-1-2. Definitions.

As used in this chapter:

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

(2) "Commission" means:

- (a) to empower to perform notarial acts; and
- (b) the written authority to perform those acts.

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

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

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

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

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

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

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

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

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

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

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

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

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

100 (b) "Satisfactory evidence of identity" does not include:

101 (i) a driving privilege card under Subsection 53-3-207~~(9)~~(10); or

102 (ii) another document that is not considered valid for identification.

103 Section 2. Section **53-3-102** is amended to read:

104 **53-3-102. Definitions.**

105 As used in this chapter:

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

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

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

112 (4) "Commercial driver license" or "CDL" means a license;

113 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.

114 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
115 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
116 commercial motor vehicle[-]; and

117 (b) that was obtained by providing evidence of lawful presence in the United States
118 with one of the document requirements described in Subsection 53-3-410(1)(i)(i).

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

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

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

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

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

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

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

136 (iii) firefighting and emergency vehicles; and

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

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

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

142 proceeding;

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

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

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

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

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

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

153 (9) "Disqualification" means either:

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

156 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
157 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
158 391; or

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

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

163 (11) "Drive" means:

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

165 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
166 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place
167 within the state.

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

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

172 (13) "Driving privilege card" means the evidence of the privilege granted and issued
173 under this chapter to drive a motor vehicle to a person whose privilege was obtained without
174 [using a Social Security number] providing evidence of lawful presence in the United States.

175 (14) "Extension" means a renewal completed in a manner specified by the division.

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

178 (16) "Highway" means the entire width between property lines of every way or place
179 of any nature when any part of it is open to the use of the public, as a matter of right, for
180 traffic.

181 (17) "Identification card" means an identification card issued under this chapter to a
182 person whose card was obtained by providing evidence of lawful presence in the United States
183 with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

184 ~~[(17)]~~ (18) "License" means the privilege to drive a motor vehicle.

185 ~~[(18)]~~ (19) (a) "License certificate" means the evidence of the privilege issued under
186 this chapter to drive a motor vehicle.

187 (b) "License certificate" evidence includes a:

188 (i) regular license certificate;

189 (ii) limited-term license certificate;

190 (iii) driving privilege card;

191 (iv) CDL license certificate; and

192 (v) limited-term CDL license certificate.

193 (20) "Limited-term commercial driver license" or "limited-term CDL" means a license:

194 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
195 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
196 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
197 commercial motor vehicle; and

198 (b) that was obtained by providing evidence of lawful presence in the United States
199 with one of the document requirements described in Subsection 53-3-410(1)(i)(ii).

200 (21) "Limited-term identification card" means an identification card issued under this
201 chapter to a person whose card was obtained by providing evidence of lawful presence in the
202 United States with one of the document requirements described in Subsection
203 53-3-804(2)(i)(ii).

204 (22) "Limited-term license certificate" means the evidence of the privilege granted and
205 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained
206 providing evidence of lawful presence in the United States with one of the document
207 requirements described in Subsection 53-3-205(8)(a)(ii)(B).

208 [~~19~~] (23) "Motorboat" has the same meaning as provided under Section 73-18-2.

209 [~~20~~] (24) "Motorcycle" means every motor vehicle, other than a tractor, having a seat
210 or saddle for the use of the rider and designed to travel with not more than three wheels in
211 contact with the ground.

212 [~~21~~] (25) "Office of Recovery Services" means the Office of Recovery Services,
213 created in Section 62A-11-102.

214 [~~22~~] (26) (a) "Owner" means a person other than a lienholder having an interest in
215 the property or title to a vehicle.

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

219 (27) "Regular license certificate" means the evidence of the privilege issued under this
220 chapter to drive a motor vehicle whose privilege was obtained by providing evidence of lawful
221 presence in the United States with one of the document requirements described in Subsection
222 53-3-205(8)(a)(ii)(A).

223 [~~23~~] (28) "Renewal" means to validate a license certificate so that it expires at a later
224 date.

225 [~~24~~] (29) "Reportable violation" means an offense required to be reported to the

226 division as determined by the division and includes those offenses against which points are
227 assessed under Section 53-3-221.

228 ~~[(25)]~~ (30) (a) "Resident" means an individual who:

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

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

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

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

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

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

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

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

247 (iv) an immediate family member who resides with or a household member of a person
248 listed in Subsections ~~[(25)]~~ (30)(b)(i) through (iii).

249 ~~[(26)]~~ (31) "Revocation" means the termination by action of the division of a
250 licensee's privilege to drive a motor vehicle.

251 ~~[(27)]~~ (32) (a) "School bus" means a commercial motor vehicle used to transport
252 pre-primary, primary, or secondary school students to and from home and school, or to and
253 from school sponsored events.

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

256 [(28)] (33) "Suspension" means the temporary withdrawal by action of the division of
257 a licensee's privilege to drive a motor vehicle.

258 [(29)] (34) "Taxicab" means any class D motor vehicle transporting any number of
259 passengers for hire and that is subject to state or federal regulation as a taxi.

260 Section 3. Section **53-3-104** is amended to read:

261 **53-3-104. Division duties.**

262 The division shall:

263 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
264 make rules:

265 (a) for examining applicants for a license, as necessary for the safety and welfare of
266 the traveling public;

267 (b) for acceptable documentation of an applicant's identity, Social Security number,
268 Utah resident status, Utah residence address, proof of legal presence, [~~proof of citizenship of a~~
269 ~~country other than~~] proof of citizenship in the United States, and other proof or documentation
270 required under this chapter;

271 (c) regarding the restrictions to be imposed on a person driving a motor vehicle with a
272 temporary learner permit or learner permit; [~~and~~]

273 (d) for exemptions from licensing requirements as authorized in this chapter; and

274 (e) establishing procedures for the storage and maintenance of applicant information
275 provided in accordance with Section 53-3-205, 53-3-410, or 53-3-804;

276 (2) examine each applicant according to the class of license applied for;

277 (3) license motor vehicle drivers;

278 (4) file every application for a license received by it and shall maintain indices

279 containing:

280 (a) all applications denied and the reason each was denied;

281 (b) all applications granted; and

- 282 (c) the name of every licensee whose license has been suspended, disqualified, or
283 revoked by the division and the reasons for the action;
- 284 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with
285 this chapter;
- 286 (6) file all accident reports and abstracts of court records of convictions received by it
287 under state law;
- 288 (7) maintain a record of each licensee showing the licensee's convictions and the
289 traffic accidents in which the licensee has been involved where a conviction has resulted;
- 290 (8) consider the record of a licensee upon an application for renewal of a license and at
291 other appropriate times;
- 292 (9) search the license files, compile, and furnish a report on the driving record of any
293 person licensed in the state in accordance with Section 53-3-109;
- 294 (10) develop and implement a record system as required by Section 41-6a-604;
- 295 (11) in accordance with Section 53A-13-208, establish:
- 296 (a) procedures and standards to certify teachers of driver education classes to
297 administer knowledge and skills tests;
- 298 (b) minimal standards for the tests; and
- 299 (c) procedures to enable school districts to administer or process any tests for students
300 to receive a class D operator's license;
- 301 (12) in accordance with Section 53-3-510, establish:
- 302 (a) procedures and standards to certify licensed instructors of commercial driver
303 training school courses to administer the skills test;
- 304 (b) minimal standards for the test; and
- 305 (c) procedures to enable licensed commercial driver training schools to administer or
306 process skills tests for students to receive a class D operator's license; and
- 307 (13) provide administrative support to the Driver License Medical Advisory Board
308 created in Section 53-3-303.
- 309 Section 4. Section **53-3-205** is amended to read:

310 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
311 **Expiration dates of licenses and endorsements -- Information required -- Previous**
312 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
313 **Fee required -- License agreement.**

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

- 316 (a) made upon a form furnished by the division; and
- 317 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

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

- 320 (a) not more than three attempts to pass both the knowledge and the skills tests for a
321 class D license within six months of the date of the application;
- 322 (b) a learner permit if needed pending completion of the application and testing
323 process; and
- 324 (c) an original class D license and license certificate after all tests are passed.

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

- 327 (a) not more than three attempts to pass both the knowledge and skills tests within six
328 months of the date of the application;
- 329 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
- 330 (c) a motorcycle or taxicab endorsement when all tests are passed.

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

- 333 (a) not more than two attempts to pass a knowledge test and not more than two
334 attempts to pass a skills test within six months of the date of the application;
- 335 (b) a commercial driver instruction permit if needed after the knowledge test is passed;
336 and
- 337 (c) an original commercial class A, B, or C license and license certificate when all

338 applicable tests are passed.

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

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

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

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

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

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

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

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

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

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

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

364 ~~[(f) An original license or a renewal to an original license obtained using proof under~~
365 ~~Subsection (8)(a)(i)(E)(III) expires on the date of the expiration of the applicant's foreign visa,~~

366 permit, or other document granting legal presence in the United States or on the date provided
367 under this Subsection (7), whichever is sooner.]

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

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

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

374 (f) A limited-term license certificate or a renewal to a limited-term license certificate
375 expires:

376 (i) on the expiration date of the period of time of the individual's authorized stay in the
377 United States or on the date provided under this Subsection (7), whichever is sooner; or

378 (ii) on the birth date of the applicant in the first year following the year that the
379 limited-term license certificate was issued if there is no definite end to the individual's period
380 of authorized stay.

381 [~~(g)~~] (g) A driving privilege card issued or renewed under Section 53-3-207 expires on
382 the birth date of the applicant in the first year following the year that the driving privilege card
383 was issued or renewed.

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

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

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

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

394 (i) provide the applicant's:
395 (A) full legal name;
396 (B) birth date;
397 (C) gender;
398 ~~[(D) between July 1, 2002 and July 1, 2007, race in accordance with the categories~~
399 ~~established by the United States Census Bureau;]~~
400 ~~[(E)]~~ (D) (I) documentary evidence of the applicant's valid Social Security number;
401 (II) written proof that the applicant is ineligible to receive a Social Security number;
402 ~~[(H)]~~ (III) temporary identification number (ITIN) issued by the Internal Revenue
403 Service for a person who:
404 (Aa) does not qualify for a Social Security number; ~~[or]~~ and
405 ~~[(H)]~~ (Aa) ~~proof that the applicant is a citizen of a country other than the United~~
406 ~~States;]~~
407 ~~[(Bb) proof that the applicant does not qualify for a Social Security number; and]~~
408 ~~[(Cc) proof of legal presence in the United States, as authorized under federal law;~~
409 ~~and]~~
410 (Bb) is applying for a driving privilege card; or
411 (IV) other documentary evidence approved by the division; and
412 ~~[(F)]~~ (E) Utah residence address as documented by a form or forms acceptable under
413 rules made by the division under Section 53-3-104, unless the application is for a temporary
414 CDL issued under Subsection 53-3-407(2)(b);
415 (ii) provide evidence of the applicant's lawful presence in the United States by
416 providing documentary evidence:
417 (A) that a person is:
418 (I) a United States Citizen;
419 (II) a national; or
420 (III) a legal permanent resident alien; or
421 (B) of the applicant's:

422 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
423 States;

424 (II) pending or approved application for asylum in the United States;

425 (III) admission into the United States as a refugee;

426 (IV) pending or approved application for temporary protected status in the United
427 States;

428 (V) approved deferred action status; or

429 (VI) pending application for adjustment of status to legal permanent resident or
430 conditional resident;

431 [~~(ii)~~] (iii) provide a description of the applicant;

432 [~~(iii)~~] (iv) state whether the applicant has previously been licensed to drive a motor
433 vehicle and, if so, when and by what state or country;

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

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

440 [~~(vi)~~] (vii) state whether the applicant is required to register as a sex offender under
441 Section 77-27-21.5;

442 [~~(vii)~~] (viii) state whether the applicant is a military veteran and does or does not
443 authorize sharing the information with the state Department of Veterans' Affairs;

444 [~~(viii)~~] (ix) provide all other information the division requires; and

445 [~~(ix)~~] (x) sign the application which signature may include an electronic signature as
446 defined in Section 46-4-102.

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

449 (c) Each applicant shall provide evidence of lawful presence in the United States in

450 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

451 ~~[(e)]~~ (d) The division shall maintain on its computerized records an applicant's:

452 (i) (A) Social Security number;

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

454 (C) other number assigned by the division if Subsection (8)(a)(i)~~[(E)(H)]~~(D)(IV)

455 applies; and

456 (ii) indication whether the applicant is required to register as a sex offender under

457 Section 77-27-21.5.

458 ~~[(d) An applicant may not be denied a license for refusing to provide race information~~

459 ~~required under Subsection (8)(a)(i)(D).]~~

460 (9) The division shall require proof of every applicant's name, birthdate, and

461 birthplace by at least one of the following means:

462 (a) current license certificate;

463 (b) birth certificate;

464 (c) Selective Service registration; or

465 (d) other proof, including church records, family Bible notations, school records, or

466 other evidence considered acceptable by the division.

467 (10) ~~[When]~~ (a) Except as provided in Subsection (10)(b), when an applicant receives

468 a license in another class, all previous license certificates shall be surrendered and canceled.

469 ~~[However, a]~~

470 (b) A disqualified commercial license may not be canceled unless it expires before the

471 new license certificate is issued.

472 (11) (a) When an application is received from a person previously licensed in another

473 state to drive a motor vehicle, the division shall request a copy of the driver's record from the

474 other state.

475 (b) When received, the driver's record becomes part of the driver's record in this state

476 with the same effect as though entered originally on the driver's record in this state.

477 (12) An application for reinstatement of a license after the suspension, cancellation,

478 disqualification, denial, or revocation of a previous license shall be accompanied by the
479 additional fee or fees specified in Section 53-3-105.

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

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

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

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

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

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

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

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

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

501 (a) loss;

502 (b) detriment; or

503 (c) injury.

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

506 Section 5. Section **53-3-207** is amended to read:

507 **53-3-207. License certificates or driving privilege cards issued to drivers by class**
508 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**
509 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

510 (1) As used in this section:

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

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

515 (c) "political subdivision" means any county, city, town, school district, public transit
516 district, community development and renewal agency, special improvement or taxing district,
517 local district, special service district, an entity created by an interlocal agreement adopted
518 under Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or
519 public corporation; and

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

523 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a
524 regular license certificate, a limited-term license certificate, or a driving privilege card
525 indicating the type or class of motor vehicle the person may drive.

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

528 (3) (a) Every regular license certificate, limited-term license certificate, or driving
529 privilege card shall bear:

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

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

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

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

534 (v) a photograph of the person;
535 (vi) a photograph or other facsimile of the person's signature; and
536 (vii) an indication whether the person intends to make an anatomical gift under Title
537 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended
538 under Subsection 53-3-214(3).

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

541 (c) (i) The regular license certificate, limited-term license certificate, or driving
542 privilege card shall be of an impervious material, resistant to wear, damage, and alteration.

543 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the regular
544 license certificate, limited-term license certificate, or driving privilege card shall be as
545 prescribed by the commissioner.

546 (iii) The commissioner may also prescribe the issuance of a special type of limited
547 regular license certificate, limited-term license certificate, or driving privilege card under
548 Subsection 53-3-220(4) [~~and may authorize the issuance of a renewed or duplicate license~~
549 ~~certificate or driving privilege card without a picture if the applicant is not then living in the~~
550 ~~state~~].

551 (4) (a) (i) The division, upon determining after an examination that an applicant is
552 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a
553 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term
554 license certificate.

555 (ii) The receipt serves as a temporary regular license certificate or limited-term license
556 certificate allowing the person to drive a motor vehicle while the division is completing its
557 investigation to determine whether the person is entitled to be granted a driving privilege.

558 (b) The receipt shall be in the person's immediate possession while driving a motor
559 vehicle, and it is invalid when the person's regular license certificate or limited-term license
560 certificate has been issued or when, for good cause, the privilege has been refused.

561 (c) The division shall indicate on the receipt a date after which it is not valid as a

562 [~~license certificate~~] temporary license.

563 (d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a receipt
564 that serves as a temporary driving privilege card or other temporary permit to an applicant for
565 a driving privilege card.

566 (ii) The division may issue a learner permit issued in accordance with Section
567 53-3-210.5 to an applicant for a driving privilege card.

568 (5) (a) The division shall distinguish learner permits, temporary permits, regular
569 license certificates, limited-term license certificates, and driving privilege cards issued to any
570 person younger than 21 years of age by use of plainly printed information or the use of a color
571 or other means not used for other regular license certificates, limited-term license certificates,
572 or driving privilege cards.

573 (b) The division shall distinguish a regular license certificate, limited-term license
574 certificate, or driving privilege card issued to any person:

575 (i) younger than 21 years of age by use of a portrait-style format not used for other
576 regular license certificates, limited-term license certificates, or driving privilege cards and by
577 plainly printing the date the regular license certificate, limited-term license certificate, or
578 driving privilege card holder is 21 years of age, which is the legal age for purchasing an
579 alcoholic beverage or product under Section 32A-12-203; and

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

583 (6) The division shall distinguish a limited-term license certificate by clearly
584 indicating on the document:

585 (a) that it is temporary; and

586 (b) its expiration date.

587 [(6)] (7) (a) The division shall only issue a driving privilege card to a person whose
588 privilege was obtained without [~~using a Social Security number~~] providing evidence of lawful
589 presence in the United States as required under Subsection 53-3-205(8).

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

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

592 (ii) clearly displaying on the front of the driving privilege card a phrase substantially

593 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

594 [~~(7)~~] (8) The provisions of Subsection (5)(b) do not apply to a learner permit,

595 temporary permit, or any other temporary permit or receipt issued by the division.

596 [~~(8)~~] (9) The division shall issue temporary license certificates of the same nature,

597 except as to duration, as the license certificates that they temporarily replace, as are necessary

598 to implement applicable provisions of this section and Section 53-3-223.

599 [~~(9)~~] (10) (a) A governmental entity may not accept a driving privilege card as proof

600 of personal identification.

601 (b) A driving privilege card may not be used as a document providing proof of a

602 person's age for any government required purpose.

603 [~~(10)~~] (11) A person who violates Subsection (2)(b) is guilty of a class C

604 misdemeanor.

605 [~~(11)~~] (12) Unless otherwise provided, the provisions, requirements, classes,

606 endorsements, fees, restrictions, and sanctions under this code apply to a:

607 (a) driving privilege in the same way as a license or limited-term license issued under

608 this chapter; and

609 (b) limited-term license certificate or driving privilege card in the same way as a

610 regular license certificate issued under this chapter.

611 Section 6. Section **53-3-214** is amended to read:

612 **53-3-214. Renewal -- Fees required -- Extension without examination.**

613 (1) (a) The holder of a valid license may renew [~~his~~] the holder's license and any

614 endorsement to the license by applying:

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

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

617 that [~~he~~] the applicant will be absent from the state during the six-month period prior to the

618 expiration of the license.

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

621 (2) (a) Except as provided under Subsections (2)(b) and (3), upon application for
622 renewal of a regular license certificate, provisional license, and any endorsement to a regular
623 license certificate, the division shall reexamine each applicant as if for an original license and
624 endorsement to the license, if applicable.

625 (b) Except as provided under Subsection (2)(c), upon application for renewal of a
626 limited-term license certificate, limited-term provisional license certificate, and any
627 endorsement to a limited-term license certificate, the division shall:

628 (i) reexamine each applicant as if for an original limited-term license certificate and
629 endorsement to the limited-term license certificate, if applicable; and

630 (ii) verify through valid documentary evidence that the status by which the individual
631 originally qualified for the limited-term license certificate has been extended by the United
632 States Citizenship and Immigration Services or other authorized agency of the United States
633 Department of Homeland Security.

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

636 (3) (a) Except as provided under ~~[Subsection (3)(b)]~~ Subsections (3)(b) and (c), the
637 division ~~[shall]~~ may extend a regular license~~[;]~~ certificate, any endorsement to the regular
638 license certificate, a provisional license, and any endorsement to a provisional license for five
639 years without examination for licensees whose driving records for the five years immediately
640 preceding the determination of eligibility for extension show:

641 (i) no suspensions;

642 (ii) no revocations;

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

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

645 (b) ~~[(i) After]~~ Except as provided in Subsection (3)(g), after the expiration of a regular

646 license certificate, a new regular license certificate and any endorsement to a regular license
647 certificate may not be issued until the person has again passed the tests under Section
648 53-3-206 and paid the required fee.

649 (c) After the expiration of a limited-term license certificate, a new limited-term license
650 certificate and any endorsement to a limited-term license certificate may not be issued until the
651 person has:

652 (i) again passed the tests under Section 53-3-206 and paid the required fee; and

653 (ii) presented documentary evidence that the status by which the individual originally
654 qualified for the limited-term license certificate has been extended by the United States
655 Citizenship and Immigration Services or other authorized agency of the United States
656 Department of Homeland Security.

657 [~~(ii)~~] (d) A person 65 years of age or older shall take and pass the eye examination
658 specified in Section 53-3-206.

659 [~~(iii)~~] (e) An extension may not be granted to any person:

660 [~~(A)~~] (i) who is identified by the division as having a medical impairment that may
661 represent a hazard to public safety;

662 [~~(B)~~] (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform
663 Commercial Driver License Act;

664 [~~(C)~~ whose original license was obtained using proof under Subsection
665 53-3-205(8)(a)(i)(E)(III); or]

666 [~~(D)~~ whose original license was issued with an expiration date under Subsection
667 53-3-205(7)(h);]

668 (iii) who is holding a limited-term license certificate; or

669 (iv) who is holding a driving privilege card issued in accordance with Section
670 53-3-207.

671 [~~(e)~~] (f) The division shall allow extensions:

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

673 (ii) only if the applicant qualifies under this section; and

674 (iii) for only one extension.

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

677 Section 7. Section **53-3-407** is amended to read:

678 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties**
679 **may administer skills test.**

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

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

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

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

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

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

691 (ii) has passed a test of knowledge and skills for driving a commercial motor vehicle,
692 that complies with minimum standards established by federal regulation in 49 C.F.R., Part
693 383, Subparts G and H; and

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

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

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

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

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

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

703 (A) is valid for 60 days; and

704 (B) may not be renewed or extended.

705 (iii) Except as provided in this section and Subsections 53-3-204(1)(a)(iv),
706 53-3-205(8)(a)(i)[~~F~~](E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes,
707 endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL
708 issued under this Subsection (2)(b) in the same way as a commercial driver license issued
709 under this part.

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

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

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

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

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

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

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

727 Section 8. Section **53-3-410** is amended to read:

728 **53-3-410. Applicant information required for CDIP and CDL -- State resident to**
729 **have state CDL.**

- 730 (1) The application for a CDL, limited-term CDL, or CDIP shall include the following
731 information regarding the applicant:
- 732 (a) full legal name;
 - 733 (b) current mailing address;
 - 734 (c) Utah residential address, unless the application is for a temporary CDL issued
735 under Subsection 53-3-407(2)(b);
 - 736 (d) physical description, including sex, height, weight, and eye color;
 - 737 (e) date of birth;
 - 738 (f) documentary evidence of the applicant's valid Social Security number~~[-; unless the~~
739 ~~application is for a nonresident license];~~
 - 740 (g) a complete list of all states in which the applicant was issued a driver license in the
741 previous ten years; [~~and]~~
 - 742 (h) the applicant's signature~~[-]; and~~
 - 743 (i) evidence of the applicant's lawful presence in the United States by providing
744 documentary evidence:
 - 745 (i) that a person is:
 - 746 (A) a United States Citizen;
 - 747 (B) a national; or
 - 748 (C) a legal permanent resident alien; or
 - 749 (ii) of the applicant's:
 - 750 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
751 States;
 - 752 (B) pending or approved application for asylum in the United States;
 - 753 (C) admission into the United States as a refugee;
 - 754 (D) pending or approved application for temporary protected status in the United
755 States;
 - 756 (E) approved deferred action status; or
 - 757 (F) pending application for adjustment of status to legal permanent resident or

758 conditional resident.

759 (2) An application under this section shall also include all certifications required by 49
760 C.F.R., Part 383.71.

761 (3) When the holder of a license under this part changes the holder's name, mailing
762 address, or residence, the holder shall make application for a duplicate license within 30 days
763 of the change.

764 (4) A person who has been a resident of this state for 30 consecutive days may not
765 drive a commercial motor vehicle under the authority of a commercial driver license issued by
766 another jurisdiction.

767 Section 9. Section **53-3-413** is amended to read:

768 **53-3-413. Issuance of CDL by division -- Driving record -- Expiration date --**
769 **Renewal -- Hazardous materials provision.**

770 (1) Before the division may grant a CDL, the division shall obtain the driving record
771 information regarding the applicant through the CDLIS, the NDR, and from each state where
772 the applicant has been licensed.

773 (2) The division shall notify the CDLIS and provide all information required to ensure
774 identification of the CDL holder within ten days after:

775 (a) issuing a CDL following application for an original, renewal, transfer, or upgrade
776 of the CDL; or

777 (b) any change is made to the identifying information of a CDL holder.

778 (3) (a) The expiration date for a CDL is the birth date of the holder in the fifth year
779 following the year of issuance of the CDL.

780 (b) A limited-term CDL expires on:

781 (i) the expiration date of the period of time of the individual's authorized stay in the
782 United States or on the date provided in Subsection (3)(a), whichever is sooner; or

783 (ii) on the birth date of the applicant in the first year following the year that the
784 limited-term CDL was issued if there is no definite end to the individual's period of authorized
785 stay.

786 (c) A CDL held by a person ordered to active duty and stationed outside Utah in any
787 of the armed forces of the United States, which expires during the time period the person is
788 stationed outside of the state, is valid until 90 days after the person has been discharged or has
789 left the service, unless:

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

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

793 (4) (a) The applicant for a renewal of a CDL shall complete the application form
794 required by Section 53-3-410 and provide updated information and required certification.

795 (b) In addition to the requirements under Subsection (4)(a), the applicant for a renewal
796 of a limited-term CDL shall present documentary evidence that the status by which the
797 individual originally qualified for the limited-term CDL has been extended by the United
798 States Citizenship and Immigration Services or other authorized agency of the United States
799 Department of Homeland Security.

800 (5) The division shall distinguish a limited-term CDL by clearly indicating on the
801 document:

802 (a) that it is temporary; and

803 (b) its expiration date.

804 [~~5~~] (6) (a) The division may not issue a hazardous materials endorsement on a CDL
805 unless the applicant meets the security threat assessment standards of the federal
806 Transportation Security Administration.

807 (b) The division shall revoke the hazardous materials endorsement on a CDL upon
808 receiving notice from the federal Transportation Security Administration that the person
809 holding a hazardous materials endorsement does not meet Transportation Security
810 Administration security threat assessment standards.

811 (c) To obtain an original hazardous materials endorsement or retain a hazardous
812 materials endorsement upon CDL renewal or transfer, the applicant must take and pass the
813 knowledge test for hazardous materials endorsement in addition to any other testing required

814 by the division.

815 (7) Unless otherwise provided, the provisions, requirements, classes, endorsements,
816 fees, restrictions, and sanctions under this code apply to a limited-term CDL in the same way
817 as a CDL issued under this chapter.

818 Section 10. Section **53-3-804** is amended to read:

819 **53-3-804. Application for identification card -- Required information -- Release**
820 **of anatomical gift information.**

821 (1) To apply for an identification card or limited-term identification card, the
822 applicant shall:

823 (a) be a Utah resident;

824 (b) have a Utah residence address; and

825 (c) appear in person at any license examining station.

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

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

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

830 (c) (i) Social Security number; or

831 (ii) written proof that the applicant is ineligible to receive a Social Security number;

832 (d) place of birth;

833 (e) height and weight;

834 (f) color of eyes and hair;

835 [~~(g) between July 1, 2002 and July 1, 2007, race in accordance with the categories~~
836 ~~established by the United States Census Bureau;]~~

837 [~~(h)~~] (g) signature;

838 [~~(i)~~] (h) photograph;

839 (i) evidence of the applicant's lawful presence in the United States by providing
840 documentary evidence:

841 (i) that a person is:

- 842 (A) a United States Citizen;
843 (B) a national; or
844 (C) a legal permanent resident alien; or
845 (ii) of the applicant's:
846 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
847 States;
848 (B) pending or approved application for asylum in the United States;
849 (C) admission into the United States as a refugee;
850 (D) pending or approved application for temporary protected status in the United
851 States;
852 (E) approved deferred action status; or
853 (F) pending application for adjustment of status to legal permanent resident or
854 conditional resident;
855 (j) an indication whether the applicant intends to make an anatomical gift under Title
856 26, Chapter 28, Revised Uniform Anatomical Gift Act;
857 (k) an indication whether the applicant is required to register as a sex offender under
858 Section 77-27-21.5; and
859 (l) an indication whether the applicant is a military veteran and does or does not
860 authorize sharing the information with the state Department of Veterans' Affairs.
861 (3) The requirements of Section 53-3-234 apply to this section for each person, age 16
862 and older, applying for an identification card. Refusal to consent to the release of information
863 shall result in the denial of the identification card.
864 ~~[(4) An applicant may not be denied an identification card for refusing to provide race~~
865 ~~information required under Subsection (2)(g).]~~
866 ~~[(5)]~~ (4) A person who knowingly fails to provide the information required under
867 Subsection (2)(k) is guilty of a class A misdemeanor.
868 Section 11. Section **53-3-806** is amended to read:
869 **53-3-806. Portrait-style format -- Minor's card distinguishable.**

870 (1) The division shall use a portrait-style format for all identification cards, similar to
871 the format used for license certificates issued to a person younger than 21 years of age under
872 Section 53-3-207.

873 (2) The identification card issued to a person younger than 21 years of age shall be
874 distinguished by use of plainly printed information or by the use of a color or other means not
875 used for the identification card issued to a person 21 years of age or older.

876 (3) The division shall distinguish an identification card issued to any person:

877 (a) younger than 21 years of age by plainly printing the date the identification card
878 holder is 21 years of age, which is the legal age for purchasing an alcoholic beverage or
879 product under Section 32A-12-203; and

880 (b) younger than 19 years of age by plainly printing the date the identification card
881 holder is 19 years of age, which is the legal age for purchasing tobacco products under Section
882 76-10-104.

883 (4) The division shall distinguish a limited-term identification card by clearly
884 indicating on the card:

885 (a) that it is temporary; and

886 (b) its expiration date.

887 Section 12. Section **53-3-807** is amended to read:

888 **53-3-807. Expiration -- Address and name change -- Extension for disabled.**

889 (1) (a) An identification card issued on or after July 1, 2006 expires on the birth date
890 of the applicant in the fifth year following the issuance of the identification card.

891 (b) A limited-term identification card expires on:

892 (i) the expiration date of the period of time of the individual's authorized stay in the
893 United States or on the birth date of the applicant in the fifth year following the issuance of the
894 limited-term identification card, whichever is sooner; or

895 (ii) on the birth date of the applicant in the first year following the year that the
896 limited-term identification card was issued if there is no definite end to the individual's period
897 of authorized stay.

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

901 (3) If a person has applied for and received an identification card and subsequently
902 changes the person's name under Title 42, Chapter 1, Change of Name, the person:

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

904 (b) may apply for a new card in the person's new name by:

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

906 and

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

908 (4) (a) Except as provided in Subsection (4)(c), if a person has applied for and
909 received an identification card and is currently required to register as a sex offender under
910 Section 77-27-21.5:

911 (i) the person's identification card expires annually on the next birth date of the
912 cardholder, on and after July 1, 2006;

913 (ii) the person shall surrender the person's identification card to the division on or
914 before the cardholder's next birth date beginning on July 1, 2006; and

915 (iii) the person may apply for an identification card with an expiration date identified
916 in Subsection (8)(b) by:

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

918 and

919 (B) paying the fee for an identification card required under Section 53-3-105.

920 (b) Except as provided in Subsection (4)(c), if a person has applied for and received an
921 identification card and is subsequently convicted of any offense listed in Subsection
922 77-27-21.5(1)(n), the person shall surrender the card to the division on the person's next birth
923 date following the conviction and may apply for a new card with an expiration date identified
924 in Subsection (8)(b) by:

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

926 and

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

928 (c) A person who is unable to comply with the provisions of Subsection (4)(a) or
929 (4)(b) because the person is in the custody of the Department of Corrections or Division of
930 Juvenile Justice Services, confined in a correctional facility not operated by or under contract
931 with the Department of Corrections, or committed to a state mental facility, shall comply with
932 the provisions of Subsection (4)(a) or (b) within ten days of being released from confinement.

933 (5) A person older than 21 years of age with a disability, as defined under the
934 Americans with Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on
935 an identification card for five years if the person with a disability or an agent of the person
936 with a disability:

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

939 (b) completes the application;

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

941 and

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

944 (6) (a) (i) An identification card may only be extended once, except as prohibited
945 under Subsection (6)(b).

946 (ii) After an extension an application for an identification card must be applied for in
947 person at the division's offices.

948 (b) An identification card issued to a person required to register as a sex offender
949 under Section 77-27-21.5 may not be extended.

950 (7) An identification card issued prior to July 1, 2006 to a person 65 years of age or
951 older does not expire, but continues in effect until the death of that person.

952 (8) Notwithstanding the provisions of this section[~~-(a) an identification card that was~~
953 ~~obtained without using a Social Security number as required under Subsection 53-3-804(2)~~

954 ~~expires on July 1, 2005; and (b)],~~ an identification card expires on the birth date of the
955 applicant in the first year following the year that the identification card was issued if the
956 applicant is required to register as a sex offender under Section 77-27-21.5.

957 (9) A person who knowingly fails to surrender an identification card under Subsection
958 (4) is guilty of a class A misdemeanor.

959 Section 13. Section **63G-11-102 (Effective 07/01/09)** is amended to read:

960 **63G-11-102 (Effective 07/01/09). Creation of identity documents -- Issuance to**
961 **citizens, nationals, and legal permanent resident aliens -- Exceptions.**

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

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

967 (b) a federal, state, or local government agency for purposes authorized or required by
968 law or a legitimate purpose consistent with the duties of the agency, including such documents
969 as voter identification cards, ~~[driver licenses,]~~ identification cards, passports, birth certificates,
970 and Social Security cards; and

971 (c) a public school or state or private educational institution to identify the bearer as
972 an administrator, faculty member, student, or employee.

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

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

978 (a) a United States citizen;

979 (b) a national; or

980 (c) a legal permanent resident alien.

981 (4) (a) Subsection (3) does not apply to an applicant for an identification document

982 who presents, in person, valid documentary evidence of the applicant's:

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

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

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

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

989 (v) approved deferred action status; or

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

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

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

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

996 or

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

999 (iii) An entity issuing an identification document under this Subsection (4) shall
1000 clearly indicate on the document:

1001 (A) that it is temporary; and

1002 (B) its expiration date.

1003 (c) An individual may renew a document issued under this Subsection (4) only upon
1004 presentation of valid documentary evidence that the status by which the individual originally
1005 qualified for the identification document has been extended by the United States Citizenship
1006 and Immigration Services or other authorized agency of the United States Department of
1007 Homeland Security.

1008 (5) (a) Subsection (3) does not apply to an identification document issued under
1009 Subsection (1)(c) that is only:

1010 (i) valid for use on the educational institution's campus or facility; and
1011 (ii) includes a statement of the restricted use conspicuously printed upon the face of
1012 the identification document.

1013 (b) Subsection (3) does not apply to a license certificate, driving privilege card, or
1014 identification card issued or renewed under [~~Section 53-3-207~~] Title 53, Chapter 3, Uniform
1015 Driver License Act.

1016 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or
1017 national origin.

1018 Section 14. **Repealer.**

1019 This bill repeals:

1020 Section **53-3-409, Nonresident CDL -- Qualifications.**

1021 Section 15. **Effective date.**

1022 This bill takes effect on January 1, 2010, except that the amendments in Section
1023 63G-11-102 (Effective 07/01/09) take effect on July 1, 2009.