

Representative Curtis Oda proposes the following substitute bill:

DRIVER LICENSE QUALIFICATION AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill modifies the Public Safety Code by amending provisions relating to driver license qualifications.

Highlighted Provisions:

This bill:

- ▶ requires every applicant for a driving privilege card to submit fingerprints and a photograph with an application to the Driver License Division;
- ▶ requires a person that renews a driving privilege card to submit fingerprints and a photograph to the Driver License Division if the person has not previously submitted fingerprints to the division;
- ▶ requires that the fingerprinting and photograph submission required shall be conducted by the Bureau of Criminal Identification;
- ▶ requires the Bureau of Criminal Identification to:
 - compare driving privilege card applicant or cardholder fingerprints with certain criminal databases and make certain notifications; and
 - maintain a separate file of driving privilege applicant and cardholder fingerprints and make certain notifications when new entries are made on a person's file; and



26 ▶ makes technical changes.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 This bill takes effect on July 1, 2011.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53-3-205**, as last amended by Laws of Utah 2010, Chapter 95

34 **53-10-202**, as last amended by Laws of Utah 2010, Chapter 291

35 ENACTS:

36 **53-3-205.5**, Utah Code Annotated 1953



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

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

39 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
40 **Expiration dates of licenses and endorsements -- Information required -- Previous**
41 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
42 **Fee required -- License agreement.**

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

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

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

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

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

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

54 (3) An application and fee for a motorcycle or taxicab endorsement entitle the
55 applicant to:
56

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

59 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

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

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

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

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

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

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

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

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

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

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

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

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

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

86 (e) A regular license certificate and any endorsement to the regular license certificate
87 held by a person ordered to active duty and stationed outside Utah in any of the armed forces of

88 the United States or by an immediate family member or dependent who is residing outside of
89 the state, which expires during the time period the person is stationed outside of the state, is
90 valid until 90 days after the person's orders have been terminated or the person has been
91 discharged, unless:

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

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

95 (f) A limited-term license certificate or a renewal to a limited-term license certificate
96 expires:

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

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

102 (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the
103 birth date of the applicant in the first year following the year that the driving privilege card was
104 issued or renewed.

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

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

110 (i) provide the applicant's:

111 (A) full legal name;

112 (B) birth date;

113 (C) gender;

114 (D) (I) documentary evidence of the applicant's valid Social Security number;

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

116 (III) temporary identification number (ITIN) issued by the Internal Revenue Service for
117 a person who:

118 (Aa) does not qualify for a Social Security number; and

- 119 (Bb) is applying for a driving privilege card; or
120 (IV) other documentary evidence approved by the division; [~~and~~]
121 (E) Utah residence address as documented by a form or forms acceptable under rules
122 made by the division under Section 53-3-104, unless the application is for a temporary CDL
123 issued under Subsection 53-3-407(2)(b); and
124 (F) submit fingerprints and a photograph in accordance with Section 53-3-205.5 if the
125 person is applying for a driving privilege card;
126 (ii) provide evidence of the applicant's lawful presence in the United States by
127 providing documentary evidence:
128 (A) that a person is:
129 (I) a United States citizen;
130 (II) a national; or
131 (III) a legal permanent resident alien; or
132 (B) of the applicant's:
133 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
134 States;
135 (II) pending or approved application for asylum in the United States;
136 (III) admission into the United States as a refugee;
137 (IV) pending or approved application for temporary protected status in the United
138 States;
139 (V) approved deferred action status; or
140 (VI) pending application for adjustment of status to legal permanent resident or
141 conditional resident;
142 (iii) provide a description of the applicant;
143 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
144 and, if so, when and by what state or country;
145 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
146 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
147 application refused, and if so, the date of and reason for the suspension, cancellation,
148 revocation, disqualification, denial, or refusal;
149 (vi) state whether the applicant intends to make an anatomical gift under Title 26,

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

151 (vii) state whether the applicant is required to register as a sex offender under Section
152 77-27-21.5;

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

155 (ix) provide all other information the division requires; and

156 (x) sign the application which signature may include an electronic signature as defined
157 in Section 46-4-102.

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

160 (c) Each applicant shall provide evidence of lawful presence in the United States in
161 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

162 (d) The division shall maintain on its computerized records an applicant's:

163 (i) (A) Social Security number;

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

165 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

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

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

170 (a) current license certificate;

171 (b) birth certificate;

172 (c) Selective Service registration; or

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

175 (10) (a) Except as provided in Subsection (10)(b), when an applicant receives a license
176 in another class, all previous license certificates shall be surrendered and canceled.

177 (b) A disqualified commercial license may not be canceled unless it expires before the
178 new license certificate is issued.

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

181 other state.

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

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

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

190 (14) A person who applies for an original license or renewal of a license agrees that the
191 person's license is subject to any suspension or revocation authorized under this title or Title
192 41, Motor Vehicles.

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

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

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

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

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

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

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

207 (a) loss;

208 (b) detriment; or

209 (c) injury.

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

212 Section 2. Section **53-3-205.5** is enacted to read:

213 **53-3-205.5. Fingerprint submission required for driving privilege cardholders.**

214 (1) (a) Every applicant for a driving privilege card shall submit fingerprints and a
215 photograph in a sealed envelope provided by the Bureau of Criminal Identification with the
216 application to the division.

217 (b) A person that renews a driving privilege card shall submit fingerprints and a
218 photograph in a sealed envelope provided by the Bureau of Criminal Identification to the
219 division if the person has not previously submitted fingerprints and a photograph to the
220 division.

221 (c) The fingerprinting and photograph submission required under this Subsection (1)
222 shall be conducted by the Bureau of Criminal Identification.

223 (2) The Bureau of Criminal Identification shall:

224 (a) check the fingerprints submitted under Subsection (1) against the applicable state
225 and regional criminal records databases; and

226 (b) notify:

227 (i) the federal Immigration and Customs Enforcement Agency of the United States
228 Department of Homeland Security if the person has a felony in the person's criminal history
229 record; or

230 (ii) the law enforcement agency that is directed to execute a warrant of arrest if an
231 outstanding warrant of arrest has been issued against the person.

232 (3) (a) The Bureau of Criminal Identification shall maintain a separate file of
233 fingerprints submitted under Subsection (1) and notify the following persons when a new entry
234 is made in the applicable state and regional database against a person whose fingerprints are
235 held in the file:

236 (i) the federal Immigration and Customs Enforcement Agency of the United States
237 Department of Homeland Security if the person is involved in an arrest under state law
238 involving a felony; or

239 (ii) the law enforcement agency that is directed to execute a warrant of arrest if an
240 outstanding warrant of arrest is issued against the person.

241 (b) Upon request of the agency described in Subsection (3)(a)(i), the Bureau of
242 Criminal Identification shall inform the agency whether a person whose arrest was reported

243 under Subsection (3)(a)(i) was subsequently convicted of the charge for which the person was
244 arrested.

245 Section 3. Section **53-10-202** is amended to read:

246 **53-10-202. Criminal identification -- Duties of bureau.**

247 The bureau shall:

248 (1) procure and file information relating to identification and activities of persons who:

249 (a) are fugitives from justice;

250 (b) are wanted or missing;

251 (c) have been arrested for or convicted of a crime under the laws of any state or nation;

252 and

253 (d) are believed to be involved in racketeering, organized crime, or a dangerous
254 offense;

255 (2) establish a statewide uniform crime reporting system that shall include:

256 (a) statistics concerning general categories of criminal activities;

257 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,

258 religion, ancestry, national origin, ethnicity, or other categories that the division finds

259 appropriate; and

260 (c) other statistics as required by the Federal Bureau of Investigation;

261 (3) make a complete and systematic record and index of the information obtained
262 under this part;

263 (4) subject to the restrictions in this part, establish policy concerning the use and
264 dissemination of data obtained under this part;

265 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature
266 of crime in Utah;

267 (6) establish a statewide central register for the identification and location of missing
268 persons, which may include:

269 (a) identifying data including fingerprints of each missing person;

270 (b) identifying data of any missing person who is reported as missing to a law
271 enforcement agency having jurisdiction;

272 (c) dates and circumstances of any persons requesting or receiving information from
273 the register; and

274 (d) any other information, including blood types and photographs found necessary in
275 furthering the purposes of this part;

276 (7) publish a quarterly directory of missing persons for distribution to persons or
277 entities likely to be instrumental in the identification and location of missing persons;

278 (8) list the name of every missing person with the appropriate nationally maintained
279 missing persons lists;

280 (9) establish and operate a 24-hour communication network for reports of missing
281 persons and reports of sightings of missing persons;

282 (10) coordinate with the National Center for Missing and Exploited Children and other
283 agencies to facilitate the identification and location of missing persons and the identification of
284 unidentified persons and bodies;

285 (11) receive information regarding missing persons, as provided in Sections 26-2-27
286 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section
287 41-1a-1401;

288 (12) adopt systems of identification, including the fingerprint system, to be used by the
289 division to facilitate law enforcement;

290 (13) assign a distinguishing number or mark of identification to any pistol or revolver,
291 as provided in Section 76-10-520; ~~and~~

292 (14) check certain criminal records databases for information regarding motor vehicle
293 salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons,
294 and inform the Motor Vehicle Enforcement Division when new entries are made for certain
295 criminal offenses for motor vehicle salespersons in accordance with the requirements of
296 Section 41-3-205.5~~[-]; and~~

297 (15) check certain criminal records databases for information regarding driving
298 privilege card applicants or cardholders and maintain a separate file of fingerprints for driving
299 privilege applicants and cardholders and inform the federal Immigration and Customs
300 Enforcement Agency of the United States Department of Homeland Security or law
301 enforcement agencies when new entries are made in accordance with the requirements of
302 Section 53-3-205.5.

303 Section 4. **Effective date.**

304 This bill takes effect on July 1, 2011.