

DRIVER LICENSE AND IDENTIFICATION CARD

AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: David Litvack

LONG TITLE

General Description:

This bill modifies the Uniform Driver License Act by amending provisions relating to the qualifications for and requirements to obtain a driver license.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ provides that a conditional permanent resident alien shall be issued a limited-term license certificate rather than a regular license certificate;
- ▶ specifies the expiration date for limited-term license certificates issued to certain individuals;
- ▶ requires the Driver License Division to allow a person who is a refugee or an approved asylee to take an examination of the person's knowledge of the state traffic laws in the person's native language the first time the person applies for a limited-term license certificate;
- ▶ provides that, upon renewal, the Driver License Division shall re-examine a refugee or approved asylee's knowledge of the state traffic laws in English; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 This bill takes effect on July 1, 2011.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53-3-205**, as last amended by Laws of Utah 2010, Chapter 95

33 **53-3-206**, as renumbered and amended by Laws of Utah 1993, Chapter 234

34 **53-3-410**, as last amended by Laws of Utah 2009, Chapter 315

35 **53-3-804**, as last amended by Laws of Utah 2009, Chapter 315



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 (a) not more than three attempts to pass both the knowledge and skills tests within six
57 months of the date of the application;
- 58 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

- 59 (c) a motorcycle or taxicab endorsement when all tests are passed.
- 60 (4) An application and fees for a commercial class A, B, or C license entitle the
- 61 applicant to:
 - 62 (a) not more than two attempts to pass a knowledge test and not more than two
 - 63 attempts to pass a skills test within six months of the date of the application;
 - 64 (b) a commercial driver instruction permit if needed after the knowledge test is passed;
 - 65 and
 - 66 (c) an original commercial class A, B, or C license and license certificate when all
 - 67 applicable tests are passed.
- 68 (5) An application and fee for a CDL endorsement entitle the applicant to:
 - 69 (a) not more than two attempts to pass a knowledge test and not more than two
 - 70 attempts to pass a skills test within six months of the date of the application; and
 - 71 (b) a CDL endorsement when all tests are passed.
 - 72 (6) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
 - 73 test within the number of attempts provided in Subsection (4) or (5), each test may be taken
 - 74 two additional times within the six months for the fee provided in Section 53-3-105.
 - 75 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
 - 76 expires on the birth date of the applicant in the fifth year following the year the license
 - 77 certificate was issued.
 - 78 (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension
 - 79 to a license expires on the birth date of the licensee in the fifth year following the expiration
 - 80 date of the license certificate renewed or extended.
 - 81 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on
 - 82 the same date as the last license certificate issued.
 - 83 (d) An endorsement to a license expires on the same date as the license certificate
 - 84 regardless of the date the endorsement was granted.
 - 85 (e) A regular license certificate and any endorsement to the regular license certificate
 - 86 held by a person ordered to active duty and stationed outside Utah in any of the armed forces of
 - 87 the United States or by an immediate family member or dependent who is residing outside of
 - 88 the state, which expires during the time period the person is stationed outside of the state, is
 - 89 valid until 90 days after the person's orders have been terminated or the person has been

90 discharged, unless:

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

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

94 (f) ~~(A)~~ (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate
95 or a renewal to a limited-term license certificate expires:

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

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

101 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
102 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth
103 year following the year that the limited-term license certificate was issued.

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

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

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

112 (i) provide the applicant's:

113 (A) full legal name;

114 (B) birth date;

115 (C) gender;

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

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

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

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

121 (Bb) is applying for a driving privilege card; or
122 (IV) other documentary evidence approved by the division; and
123 (E) Utah residence address as documented by a form or forms acceptable under rules
124 made by the division under Section 53-3-104, unless the application is for a temporary CDL
125 issued under Subsection 53-3-407(2)(b);
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 United States 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; or
142 (VII) conditional permanent resident alien status;
143 (iii) provide a description of the applicant;
144 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
145 and, if so, when and by what state or country;
146 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
147 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
148 application refused, and if so, the date of and reason for the suspension, cancellation,
149 revocation, disqualification, denial, or refusal;
150 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
151 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

152 (vii) state whether the applicant is required to register as a sex offender under Section
153 77-27-21.5;

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

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

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

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

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

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

164 (i) (A) Social Security number;

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

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

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

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

171 (a) current license certificate;

172 (b) birth certificate;

173 (c) Selective Service registration; or

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

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

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

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

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

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

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

191 (14) A person who applies for an original license or renewal of a license agrees that the
192 person's license is subject to any suspension or revocation authorized under this title or Title
193 41, Motor Vehicles.

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

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

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

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

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

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

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

208 (a) loss;

209 (b) detriment; or

210 (c) injury.

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

213 Section 2. Section **53-3-206** is amended to read:

214 **53-3-206. Examination of applicant's physical and mental fitness to drive a motor**
215 **vehicle.**

216 (1) The division shall examine every applicant for a license, including a test of the
217 applicant's:

218 (a) eyesight either:

219 (i) by the division; or

220 (ii) by allowing the applicant to furnish to the division a statement from a physician
221 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or an optometrist licensed
222 under Title 58, Chapter 16a, Utah Optometry Practice Act;

223 (b) ability to read and understand highway signs regulating, warning, and directing
224 traffic;

225 (c) ability to read and understand simple English used in highway traffic and
226 directional signs;

227 (d) knowledge of the state traffic laws;

228 (e) other physical and mental abilities the division finds necessary to determine the
229 applicant's fitness to drive a motor vehicle safely on the highways; and

230 (f) ability to exercise ordinary and responsible control driving a motor vehicle, as
231 determined by actual demonstration or other indicator.

232 (2) (a) Notwithstanding the provisions of Subsection (1) or any other provision of law,
233 the division shall allow a refugee or an approved asylee to take an examination of the person's
234 knowledge of the state traffic laws in the person's native language the first time the person
235 applies for a limited-term license certificate.

236 (b) Upon renewal of a refugee's or approved asylee's limited-term license certificate for
237 a refugee or approved asylee that has taken the knowledge exam in the person's native language
238 under Subsection (2)(a), the division shall re-examine the person's knowledge of the state
239 traffic laws in English.

240 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
241 division shall make rules establishing the procedures and requirements for a refugee or an
242 approved asylee to take an examination of the person's knowledge of the state traffic laws in
243 the person's native language.

244 ~~[(2)]~~ (3) The division shall determine whether any facts exist that would bar granting a

245 license under Section 53-3-204.

246 ~~[(3)]~~ (4) The division shall examine each applicant according to the class of license
247 applied for.

248 ~~[(4)]~~ (5) An applicant for a CDL shall meet all additional requirements of Part 4 of this
249 chapter.

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

251 **53-3-410. Applicant information required for CDIP and CDL -- State resident to**
252 **have state CDL.**

253 (1) The application for a CDL, limited-term CDL, or CDIP shall include the following
254 information regarding the applicant:

255 (a) full legal name;

256 (b) current mailing address;

257 (c) Utah residential address, unless the application is for a temporary CDL issued under
258 Subsection 53-3-407(2)(b);

259 (d) physical description, including sex, height, weight, and eye color;

260 (e) date of birth;

261 (f) documentary evidence of the applicant's valid Social Security number;

262 (g) a complete list of all states in which the applicant was issued a driver license in the
263 previous 10 years;

264 (h) the applicant's signature; and

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

267 (i) that a person is:

268 (A) a United States Citizen;

269 (B) a United States national; or

270 (C) a legal permanent resident alien; or

271 (ii) of the applicant's:

272 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
273 States;

274 (B) pending or approved application for asylum in the United States;

275 (C) admission into the United States as a refugee;

276 (D) pending or approved application for temporary protected status in the United
277 States;

278 (E) approved deferred action status; [or]

279 (F) pending application for adjustment of status to legal permanent resident or
280 conditional resident; or

281 (G) conditional permanent resident alien status.

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

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

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

290 Section 4. Section **53-3-804** is amended to read:

291 **53-3-804. Application for identification card -- Required information -- Release**
292 **of anatomical gift information.**

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

295 (a) be a Utah resident;

296 (b) have a Utah residence address; and

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

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

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

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

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

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

304 (d) place of birth;

305 (e) height and weight;

306 (f) color of eyes and hair;

- 307 (g) signature;
- 308 (h) photograph;
- 309 (i) evidence of the applicant's lawful presence in the United States by providing
- 310 documentary evidence:
- 311 (i) that a person is:
- 312 (A) a United States citizen;
- 313 (B) a United States national; or
- 314 (C) a legal permanent resident alien; or
- 315 (ii) of the applicant's:
- 316 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
- 317 States;
- 318 (B) pending or approved application for asylum in the United States;
- 319 (C) admission into the United States as a refugee;
- 320 (D) pending or approved application for temporary protected status in the United
- 321 States;
- 322 (E) approved deferred action status; [~~or~~]
- 323 (F) pending application for adjustment of status to legal permanent resident or
- 324 conditional resident; or
- 325 (G) conditional permanent resident alien status;
- 326 (j) an indication whether the applicant intends to make an anatomical gift under Title
- 327 26, Chapter 28, Revised Uniform Anatomical Gift Act;
- 328 (k) an indication whether the applicant is required to register as a sex offender under
- 329 Section 77-27-21.5; and
- 330 (l) an indication whether the applicant is a military veteran and does or does not
- 331 authorize sharing the information with the state Department of Veterans' Affairs.
- 332 (3) The requirements of Section 53-3-234 apply to this section for each person, age 16
- 333 and older, applying for an identification card. Refusal to consent to the release of information
- 334 shall result in the denial of the identification card.
- 335 (4) A person who knowingly fails to provide the information required under Subsection
- 336 (2)(k) is guilty of a class A misdemeanor.
- 337 Section 5. **Effective date.**

338

This bill takes effect on July 1, 2011.

Legislative Review Note
as of 1-19-11 11:12 AM

Office of Legislative Research and General Counsel