

**MOBILITY AND PEDESTRIAN VEHICLES**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John G. Mathis**

Senate Sponsor: Kevin T. Van Tassell

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to pedestrian and mobility vehicles.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ repeals the requirement that the Department of Public Safety make rules to authorize a person to operate a pedestrian vehicle on a public highway or sidewalk;
- ▶ provides that a mobility vehicle is a vehicle that:
  - is certified by the Driver License Division for use by a person with a physical disability; and
  - complies with the requirements specified by the Driver License Division in administrative rules;
- ▶ grants the Driver License Division rulemaking authority to make rules regarding the eligibility, procedures, and requirements for operating a mobility vehicle on a highway;
- ▶ specifies application procedures and fees for a mobility vehicle permit;
- ▶ prohibits a person from holding a driver license and a mobility vehicle permit;
- ▶ repeals the provisions authorizing a mobility vehicle to be operated on a sidewalk;
- ▶ provides that an applicant for a mobility vehicle permit is subject to medical review provisions;



- 28           ▶ authorizes the Driver License Division to deny, suspend, disqualify, or revoke a
- 29 mobility vehicle permit in certain circumstances; and
- 30           ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32           None

33 **Other Special Clauses:**

34           This bill takes effect on July 1, 2014.

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37           **41-6a-1011**, as last amended by Laws of Utah 2011, Chapter 366
- 38           **53-3-105**, as last amended by Laws of Utah 2011, Chapter 428
- 39           **53-3-221**, as last amended by Laws of Utah 2013, Chapter 411
- 40           **53-3-304**, as last amended by Laws of Utah 2008, Chapter 382

41 ENACTS:

42           **41-6a-1118**, Utah Code Annotated 1953



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

45           Section 1. Section **41-6a-1011** is amended to read:

46           **41-6a-1011. Pedestrian vehicles.**

47           (1) As used in this section:

48           (a) (i) "Pedestrian vehicle" means a self-propelled conveyance designed, manufactured,

49 and intended for the exclusive use of a person with a physical disability.

50           (ii) A "pedestrian vehicle" may not:

51           (A) exceed 48 inches in width;

52           (B) have an engine or motor with more than 300 cubic centimeters displacement or

53 with more than 12 brake horsepower; and

54           (C) be capable of developing a speed in excess of 30 miles per hour.

55           (b) "Physical disability" means any bodily impairment which precludes a person from

56 walking or otherwise moving about as a pedestrian.

57           (2) [~~(a)~~] A pedestrian vehicle operated by a person with a physical disability is exempt

58 from vehicle registration, inspection, and operator license requirements.

59 ~~[(b) Authority to operate a pedestrian vehicle on public highways or sidewalks shall be~~  
60 ~~granted according to rules promulgated by the commissioner of public safety.]~~

61 (3) (a) A person with a physical disability may operate a pedestrian vehicle with a  
62 motor of not more than .5 brake horsepower capable of developing a speed of not more than  
63 eight miles per hour:

- 64 (i) on the sidewalk; and  
65 (ii) in all places where pedestrians are allowed.

66 (b) A permit, license, registration, authority, application, or restriction may not be  
67 required or imposed on a person with a physical disability who operates a pedestrian vehicle  
68 under this Subsection (3).

69 (c) The provisions of this Subsection (3) supercede the provision of Subsection (2)(b).  
70 Section 2. Section **41-6a-1118** is enacted to read:

71 **41-6a-1118. Mobility vehicles.**

72 (1) As used in this section:

73 (a) "Division" means the Driver License Division created in Section [53-3-103](#).

74 (b) "Mobility vehicle" means a vehicle that:

75 (i) is certified by the division for use by a person with a physical disability; and

76 (ii) complies with the requirements specified by the division in rules made under

77 Subsection (3).

78 (c) "Mobility vehicle certification" means evidence that a vehicle meets the  
79 requirements for certification by the division as a mobility vehicle.

80 (d) "Mobility vehicle permit" means a permit issued by the division granting authority  
81 and specifying the conditions for a person with a physical disability to operate a mobility  
82 vehicle on a public highway.

83 (e) "Physical disability" means a bodily impairment that prevents an individual from  
84 qualifying to obtain a license certificate.

85 (2) A person may operate a mobility vehicle on a public highway in accordance with  
86 rules made by the division under Subsection (3).

87 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
88 division shall make rules:

89 (a) establishing procedures for certification of a vehicle to be operated as a mobility

90 vehicle;

91 (b) specifying the vehicle requirements for a vehicle to qualify as a mobility vehicle;

92 (c) for acceptable documentation of a mobility vehicle permit applicant's identity,

93 Social Security number if applicable, Utah resident status, and Utah residence address;

94 (d) establishing procedures for the issuance of a mobility vehicle permit to an  
95 individual with a physical disability;

96 (e) for examining applicants for a mobility vehicle permit, as necessary for the safety  
97 and welfare of the applicant and the traveling public; and

98 (f) granting authority and specifying the conditions and restrictions for a person to  
99 operate a mobility vehicle on a public highway.

100 (4) An application for a mobility vehicle permit shall be:

101 (a) made upon a form furnished by the division;

102 (b) accompanied by a nonrefundable fee set under Section [53-3-105](#); and

103 (c) accompanied by a medical questionnaire form that includes information:

104 (i) that establishes the applicant has a physical disability as defined under Subsection  
105 (1)(e); and

106 (ii) to determine whether it would be a public safety hazard to permit the applicant to  
107 drive a mobility vehicle on a public highway.

108 (5) An application and fee for a mobility vehicle permit entitle the applicant to:

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

111 (b) a mobility vehicle permit after all tests are passed and requirements are completed.

112 (6) A mobility vehicle permit expires on the birth date of the applicant in the fifth year  
113 following the year the mobility vehicle permit was issued.

114 (7) A person may not hold both a license certificate and a mobility vehicle permit.

115 Section 3. Section **53-3-105** is amended to read:

116 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**  
117 **and identification cards.**

118 The following fees apply under this chapter:

119 (1) An original class D license application under Section [53-3-205](#) is \$25.

120 (2) An original provisional license application for a class D license under Section

- 121 53-3-205 is \$30.
- 122 (3) An original application for a motorcycle endorsement under Section 53-3-205 is  
123 \$9.50.
- 124 (4) An original application for a taxicab endorsement under Section 53-3-205 is \$7.
- 125 (5) A learner permit application under Section 53-3-210.5 is \$15.
- 126 (6) A renewal of a class D license under Section 53-3-214 is \$25 unless Subsection  
127 (10) applies.
- 128 (7) A renewal of a provisional license application for a class D license under Section  
129 53-3-214 is \$25.
- 130 (8) A renewal of a motorcycle endorsement under Section 53-3-214 is \$9.50.
- 131 (9) A renewal of a taxicab endorsement under Section 53-3-214 is \$7.
- 132 (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is  
133 \$13.
- 134 (11) An extension of a class D license under Section 53-3-214 is \$20 unless Subsection  
135 (15) applies.
- 136 (12) An extension of a provisional license application for a class D license under  
137 Section 53-3-214 is \$20.
- 138 (13) An extension of a motorcycle endorsement under Section 53-3-214 is \$9.50.
- 139 (14) An extension of a taxicab endorsement under Section 53-3-214 is \$7.
- 140 (15) An extension of a class D license for a person 65 and older under Section  
141 53-3-214 is \$11.
- 142 (16) An original or renewal application for a commercial class A, B, or C license or an  
143 original or renewal of a provisional commercial class A or B license under Part 4, Uniform  
144 Commercial Driver License Act, is:
- 145 (a) \$40 for the knowledge test; and  
146 (b) \$60 for the skills test.
- 147 (17) Each original CDL endorsement for passengers, hazardous material, double or  
148 triple trailers, or tankers is \$7.
- 149 (18) An original CDL endorsement for a school bus under Part 4, Uniform Commercial  
150 Driver License Act, is \$7.
- 151 (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver

152 License Act, is \$7.

153 (20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$20.

154 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.

155 (21) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.

156 (22) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$18.

157 (23) (a) A license reinstatement application under Section 53-3-205 is \$30.

158 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or

159 combination of alcohol and any drug-related offense is \$35 in addition to the fee under

160 Subsection (23)(a).

161 (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or

162 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or

163 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under

164 Part 4, Uniform Commercial Driver License Act, is \$170.

165 (b) This administrative fee is in addition to the fees under Subsection (23).

166 (25) (a) An administrative fee for providing the driving record of a driver under

167 Section 53-3-104 or 53-3-420 is \$6.

168 (b) The division may not charge for a report furnished under Section 53-3-104 to a

169 municipal, county, state, or federal agency.

170 (26) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

171 (27) (a) Except as provided under Subsections (27)(b) and (c), an identification card

172 application under Section 53-3-808 is \$18.

173 (b) An identification card application under Section 53-3-808 for a person with a

174 disability, as defined in 42 U.S.C. Sec. 12102, is \$13.

175 (c) A fee may not be charged for an identification card application if the person

176 applying:

177 (i) has not been issued a Utah driver license;

178 (ii) is indigent; and

179 (iii) is at least 18 years of age.

180 (28) In addition to any license application fees collected under this chapter, the division

181 shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the

182 fees that the Bureau of Criminal Identification is authorized to collect for the services the

183 Bureau of Criminal Identification provides under Section [53-3-205.5](#).

184 (29) An original mobility vehicle permit application under Section [41-6a-1118](#) is \$25.

185 (30) A renewal of a mobility vehicle permit under Section [41-6a-1118](#) is \$25.

186 (31) A duplicate mobility vehicle permit under Section [41-6a-1118](#) is \$10.

187 Section 4. Section **53-3-221** is amended to read:

188 **53-3-221. Offenses that may result in denial, suspension, disqualification, or**  
189 **revocation of license without hearing -- Additional grounds for suspension -- Point system**  
190 **for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.**

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

195 (a) has committed any offenses for which mandatory suspension or revocation of a  
196 license is required upon conviction under Section [53-3-220](#);

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

199 (c) is incompetent to drive a motor vehicle or mobility vehicle or is afflicted with  
200 mental or physical infirmities or disabilities rendering it unsafe for the person to drive a motor  
201 vehicle or mobility vehicle upon the highways;

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

203 (e) has knowingly committed a violation of Section [53-3-229](#); or

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

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

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

214 (c) (i) This Subsection (2) may not be exercised unless notice of the pending  
215 suspension of the driving privilege has been sent at least 10 days previously to the person at the  
216 address provided to the division.

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

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

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

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

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

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

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

234 (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points  
235 against a person's driving record for a conviction of a traffic violation:

236 (A) that occurred in another state; and

237 (B) that was committed on or after July 1, 2011.

238 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:

239 (A) a reckless or impaired driving violation or a speeding violation for exceeding the  
240 posted speed limit by 21 or more miles per hour; or

241 (B) an offense committed in another state which, if committed within Utah, would  
242 result in the mandatory suspension or revocation of a license upon conviction under Section  
243 53-3-220.

244 (c) Every person convicted of a traffic violation shall have assessed against the person's



245 driving record the number of points that the division has assigned to the type of violation of  
246 which the person has been convicted, except that the number of points assessed shall be  
247 decreased by 10% if on the abstract of the court record of the conviction the court has graded  
248 the severity of violation as minimum, and shall be increased by 10% if on the abstract the court  
249 has graded the severity of violation as maximum.

250 (d) (i) A separate procedure for assessing points for speeding offenses shall be  
251 established by the division based upon the severity of the offense.

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

253 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

306 (iii) (A) During the period beginning on the day on which a temporary limited driver

307 license is issued under this Subsection (6), and ending on the day that the temporary limited  
308 driver license expires, the suspension described in this Subsection (6) only applies if the person  
309 who is suspended operates a motor vehicle for a purpose other than employment, education, or  
310 child visitation.

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

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

315 (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any  
316 reason.

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

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

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

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

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

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

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

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

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

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

342 (iv) for failure to give and maintain owner's or operator's security under Section  
343 41-12a-411;

344 (v) when the division suspends the license under Subsection (6); or

345 (vi) when the division denies the license under Subsection (14).

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

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

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

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

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

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

364 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section  
365 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in  
366 this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed  
367 limit and did not result in an accident, unless authorized in a manner specified by the division  
368 by the individual whose report is being requested.

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

370 (i) a CDL license holder; or

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

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

378 (b) The division may immediately suspend a driving privilege card holder's driving  
379 privilege card if the division receives notification from the Motor Vehicle Division that:

380 (i) the driving privilege card holder is the registered owner of a vehicle; and

381 (ii) the driving privilege card holder's vehicle registration has been revoked under  
382 Subsection 41-1a-110(2)(a)(ii)(A).

383 (c) Section 41-12a-411 regarding the requirement of proof of owner's or operator's  
384 security applies to persons whose driving privileges are suspended under this Subsection (13).

385 (d) If the division exercises the right of immediate suspension granted under this  
386 Subsection (13), the notice and hearing provisions of Subsection (5) apply.

387 (e) A person whose license suspension has been sustained or whose license has been  
388 revoked by the division under this Subsection (13) may file a request for agency action  
389 requesting a hearing.

390 (14) The division may deny an individual's license if the person fails to comply with  
391 the requirement to downgrade the person's CDL to a class D license under Section 53-3-410.1.

392 (15) The division may deny a person's class A, B, C, or D license if the person fails to  
393 comply with the requirement to have a K restriction removed from the person's license.

394 (16) Any suspension or revocation of a person's license under this section also  
395 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License  
396 Act.

397 Section 5. Section 53-3-304 is amended to read:

398 **53-3-304. Licensing of impaired persons -- Medical review -- Restricted license --**  
399 **Procedures.**

400 (1) (a) If the division has reason to believe that an applicant for a license or a mobility  
401 vehicle permit is an impaired person, the division may require one or both of the following:

402 (i) a physical examination of the applicant by a health care professional and the  
403 submittal by the health care professional of a signed medical report indicating the results of the  
404 physical examination;

405 (ii) a follow-up medical review of the applicant by a health care professional and  
406 completion of a medical report at intervals established by the division under standards  
407 recommended by the board.

408 (b) The format of the medical report required under Subsection (1)(a) shall be devised  
409 by the division with the advice of the board and shall elicit the necessary medical information  
410 to determine whether it would be a public safety hazard to permit the applicant to drive a motor  
411 vehicle or mobility vehicle on the highways.

412 (2) (a) The division may grant a restricted license to an impaired person who is  
413 otherwise qualified to obtain a license.

414 (b) The division may grant a restricted mobility vehicle permit to an impaired person  
415 who is otherwise qualified to obtain a mobility vehicle permit.

416 [~~(b)~~] (c) The license or mobility vehicle permit continues in effect until its expiration  
417 date so long as the licensee complies with the requirements set forth by the division.

418 [~~(c)~~] (d) The license or mobility vehicle permit renewal is subject to the conditions of  
419 this section.

420 [~~(d)~~] (e) Any physical, mental, or emotional impairment of the applicant that in the  
421 opinion of the division does not affect the applicant's ability to exercise reasonable and  
422 ordinary control at all times in driving a motor vehicle upon the highway, does not prevent  
423 granting a license or mobility vehicle permit to the applicant.

424 (3) (a) If an examination is required under this section, the division is not bound by the  
425 recommendation of the examining health care professional but shall give fair consideration to  
426 the recommendation in acting upon the application. The criterion is whether upon all the  
427 evidence it is safe to permit the applicant to drive a motor vehicle or mobility vehicle.

428 (b) In deciding whether to grant or deny a license or mobility vehicle permit, the  
429 division may be guided by the opinion of experts in the fields of diagnosing and treating  
430 mental, physical, or emotional disabilities and may take into consideration any other factors

431 that bear on the issue of public safety.

432 (4) Information provided under this section relating to physical, mental, or emotional  
433 impairment is classified under Title 63G, Chapter 2, Government Records Access and  
434 Management Act.

435 Section 6. **Effective date.**

436 This bill takes effect on July 1, 2014.

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**Legislative Review Note**  
**as of 2-12-14 4:50 PM**

**Office of Legislative Research and General Counsel**