

## **Part 8 Identification Card Act**

### **53-3-801 Short title.**

This part is known as the "Identification Card Act."

Enacted by Chapter 234, 1993 General Session

### **53-3-802 Definitions.**

As used in this part:

- (1) "Adult" means a person 21 years of age or older.
- (2) "Identification card" means a card for identification issued under this part.
- (3) "Minor" means a person younger than 21 years of age.

Renumbered and Amended by Chapter 234, 1993 General Session

### **53-3-803 Application for identification card -- Age requirements -- Application on behalf of others.**

- (1) A person at least 16 years of age or older may apply to the division for an identification card.
- (2) A person younger than 16 years of age may apply to the division for an identification card with the consent of the applicant's parent or guardian.
- (3)
  - (a) If a person is unable to apply for the card due to his youth or incapacitation, the application may be made on behalf of that person by his parent or guardian.
  - (b) A parent or guardian applying for an identification card on behalf of a child or incapacitated person shall provide:
    - (i) identification, as required by the commissioner; and
    - (ii) the consent of the incapacitated person, as required by the commissioner.
- (4) Beginning on or after July 1, 2012, a person who holds an unexpired Utah license certificate issued under Part 2, Driver Licensing Act, may not be issued a Utah identification card or an extension of a regular identification card unless:
  - (a) the Utah license certificate is canceled; and
  - (b) if the Utah license certificate is in the person's possession, the Utah license certificate is surrendered to the division.

Amended by Chapter 252, 2014 General Session

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

- (1) To apply for a regular identification card or limited-term identification card, the applicant shall:
  - (a) be a Utah resident;
  - (b) have a Utah residence address; and
  - (c) appear in person at any license examining station.
- (2) The applicant shall provide the following information to the division:
  - (a) true and full legal name and Utah residence address;
  - (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or other satisfactory evidence of birth, which shall be attached to the application;

- (c)
    - (i) Social Security number; or
    - (ii) written proof that the applicant is ineligible to receive a Social Security number;
  - (d) place of birth;
  - (e) height and weight;
  - (f) color of eyes and hair;
  - (g) signature;
  - (h) photograph;
  - (i) evidence of the applicant's lawful presence in the United States by providing documentary evidence:
    - (i) that a person is:
      - (A) a United States citizen;
      - (B) a United States national; or
      - (C) a legal permanent resident alien; or
    - (ii) of the applicant's:
      - (A) unexpired immigrant or nonimmigrant visa status for admission into the United States;
      - (B) pending or approved application for asylum in the United States;
      - (C) admission into the United States as a refugee;
      - (D) pending or approved application for temporary protected status in the United States;
      - (E) approved deferred action status;
      - (F) pending application for adjustment of status to legal permanent resident or conditional resident; or
      - (G) conditional permanent resident alien status;
  - (j) an indication whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act;
  - (k) an indication whether the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry; and
  - (l) an indication whether the applicant is a veteran of the United States Armed Forces, verification that the applicant has received an honorable or general discharge from the United States Armed Forces, and an indication whether the applicant does or does not authorize sharing the information with the state Department of Veterans' and Military Affairs.
- (3) The requirements of Section 53-3-234 apply to this section for each person, age 16 and older, applying for an identification card. Refusal to consent to the release of information shall result in the denial of the identification card.
- (4) A person who knowingly fails to provide the information required under Subsection (2)(k) is guilty of a class A misdemeanor.
- (5)
  - (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.
  - (b) On or after December 1, 2014, a person born on or after December 1, 1964:
    - (i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and
    - (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.
  - (c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (5), the division shall cancel the Utah identification card on December 1, 2014.

- (6)
  - (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.
  - (b) On or after December 1, 2017, a person born prior to December 1, 1964:
    - (i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and
    - (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.
  - (c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (6), the division shall cancel the Utah identification card on December 1, 2017.

Amended by Chapter 85, 2014 General Session  
Amended by Chapter 252, 2014 General Session

**53-3-805 Identification card -- Contents -- Specifications.**

- (1)
  - (a) The division shall issue an identification card that bears:
    - (i) the distinguishing number assigned to the person by the division;
    - (ii) the name, birth date, and Utah residence address of the person;
    - (iii) a brief description of the person for the purpose of identification;
    - (iv) a photograph of the person;
    - (v) a photograph or other facsimile of the person's signature;
    - (vi) an indication whether the person intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act; and
    - (vii) if the person states that the person is a veteran of the United States military on the application for an identification card in accordance with Section 53-3-804 and provides verification that the person received an honorable or general discharge from the United States Armed Forces, an indication that the person is a United States military veteran for a regular identification card or a limited-term identification card issued on or after July 1, 2011.
  - (b) An identification card issued by the division may not bear the person's Social Security number or place of birth.
- (2)
  - (a) The card shall be of an impervious material, resistant to wear, damage, and alteration.
  - (b) Except as provided under Section 53-3-806, the size, form, and color of the card is prescribed by the commissioner.
- (3) At the applicant's request, the card may include a statement that the applicant has a special medical problem or allergies to certain drugs, for the purpose of medical treatment.
- (4)
  - (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated by the applicant in accordance with division rule.
  - (b)
    - (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-102, the names and addresses of all persons who under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.
    - (ii) An organ procurement organization may use released information only to:

- (A) obtain additional information for an anatomical gift registry; and
  - (B) inform applicants of anatomical gift options, procedures, and benefits.
- (5) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans' and Military Affairs the names and addresses of all persons who indicate their status as a veteran under Subsection 53-3-804(2)(l).
- (6) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:
- (a) loss;
  - (b) detriment; or
  - (c) injury.
- (7)
- (a) The division may issue a temporary regular identification card to a person while the person obtains the required documentation to establish verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).
  - (b) A temporary regular identification card issued under this Subsection (7) shall be recognized and grant the person the same privileges as a regular identification card.
  - (c) A temporary regular identification card issued under this Subsection (7) is invalid:
    - (i) when the person's regular identification card has been issued;
    - (ii) when, for good cause, an applicant's application for a regular identification card has been refused; or
    - (iii) upon expiration of the temporary regular identification card.

Amended by Chapter 85, 2014 General Session

Amended by Chapter 252, 2014 General Session

**53-3-806 Portrait-style format -- Minor's card distinguishable.**

- (1) The division shall use a portrait-style format for all identification cards, similar to the format used for license certificates issued to a person younger than 21 years of age under Section 53-3-207.
- (2) The identification card issued to a person younger than 21 years of age shall be distinguished by use of plainly printed information or by the use of a color or other means not used for the identification card issued to a person 21 years of age or older.
- (3) The division shall distinguish an identification card issued to any person:
  - (a) younger than 21 years of age by plainly printing the date the identification card holder is 21 years of age, which is the legal age for purchasing an alcoholic beverage or alcoholic product under Section 32B-4-403; and
  - (b) younger than 19 years of age by plainly printing the date the identification card holder is 19 years of age, which is the legal age for purchasing tobacco products under Section 76-10-104.
- (4) The division shall distinguish a limited-term identification card by clearly indicating on the card:
  - (a) that it is temporary; and
  - (b) its expiration date.

Amended by Chapter 276, 2010 General Session

**53-3-806.5 Identification card required if sex offender does not have driver license.**

- (1)

- (a) If a person is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry, and the person does not hold a current driver license in compliance with Section 53-3-205, the person shall obtain an identification card.
  - (b) The person shall maintain a current identification card during any time the person is required to register as a sex offender and the person does not hold a valid driver license.
- (2) Failure to maintain a current identification card as required under Subsection (1) on and after April 30, 2007 is a class A misdemeanor for each month of violation of Subsection (1).

Amended by Chapter 145, 2012 General Session

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

- (1)
- (a) A regular identification card issued on or after July 1, 2006, expires on the birth date of the applicant in the fifth year following the issuance of the regular identification card.
  - (b) A limited-term identification card expires on:
    - (i) the expiration date of the period of time of the individual's authorized stay in the United States or on the birth date of the applicant in the fifth year following the issuance of the limited-term identification card, whichever is sooner; or
    - (ii) on the date of issuance in the first year following the year that the limited-term identification card was issued if there is no definite end to the individual's period of authorized stay.
- (2) If a person has applied for and received an identification card and subsequently moves from the address shown on the application or on the card, the person shall within 10 days notify the division in a manner specified by the division of the person's new address.
- (3) If a person has applied for and received an identification card and subsequently changes the person's name under Title 42, Chapter 1, Change of Name, the person:
- (a) shall surrender the card to the division; and
  - (b) may apply for a new card in the person's new name by:
    - (i) furnishing proper documentation to the division as provided in Section 53-3-804; and
    - (ii) paying the fee required under Section 53-3-105.
- (4)
- (a) Except as provided in Subsection (4)(c), if a person has applied for and received an identification card and is currently required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry:
    - (i) the person's identification card expires annually on the next birth date of the cardholder, on and after July 1, 2006;
    - (ii) the person shall surrender the person's identification card to the division on or before the cardholder's next birth date beginning on July 1, 2006; and
    - (iii) the person may apply for an identification card with an expiration date identified in Subsection (8) by:
      - (A) furnishing proper documentation to the division as provided in Section 53-3-804; and
      - (B) paying the fee for an identification card required under Section 53-3-105.
  - (b) Except as provided in Subsection (4)(c), if a person has applied for and received an identification card and is subsequently convicted of any offense listed in Subsection 77-41-102(17), the person shall surrender the card to the division on the person's next birth date following the conviction and may apply for a new card with an expiration date identified in Subsection (8) by:
    - (i) furnishing proper documentation to the division as provided in Section 53-3-804; and
    - (ii) paying the fee required under Section 53-3-105.

- (c) A person who is unable to comply with the provisions of Subsection (4)(a) or (4)(b) because the person is in the custody of the Department of Corrections or Division of Juvenile Justice Services, confined in a correctional facility not operated by or under contract with the Department of Corrections, or committed to a state mental facility, shall comply with the provisions of Subsection (4)(a) or (b) within 10 days of being released from confinement.
- (5) A person older than 21 years of age with a disability, as defined under the Americans with Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on an identification card for five years if the person with a disability or an agent of the person with a disability:
  - (a) requests that the division send the application form to obtain the extension or requests an application form in person at the division's offices;
  - (b) completes the application;
  - (c) certifies that the extension is for a person 21 years of age or older with a disability; and
  - (d) returns the application to the division together with the identification card fee required under Section 53-3-105.
- (6) The division may extend a valid regular identification card for five years:
  - (a)
    - (i) at any time within six months before the identification card expires; and
    - (ii) if the identification card was issued after January 1, 2010.
  - (b) The application for an extension of a regular identification card shall be accompanied by a fee under Section 53-3-105.
  - (c) The division shall allow extensions:
    - (i) by mail, electronic means, or other means as determined by the division at the appropriate extension fee rate under Section 53-3-105; and
    - (ii) only if the applicant qualifies under this section.
- (7)
  - (a)
    - (i) Except as prohibited under Subsection (7)(b), a regular identification card may only be extended once under Subsections (5) and (6).
    - (ii) After an extension an application for an identification card must be applied for in person at the division's offices.
  - (b) An identification card issued to a person required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry, may not be extended.
- (8) An identification card issued prior to July 1, 2006 to a person 65 years of age or older expires on December 1, 2017.
- (9) Notwithstanding the provisions of this section, an identification card expires on the birth date of the applicant in the first year following the year that the identification card was issued if the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.
- (10) A person who knowingly fails to surrender an identification card under Subsection (4) is guilty of a class A misdemeanor.

Amended by Chapter 210, 2015 General Session

**53-3-808 Fee required for identification card.**

- (1) The commissioner may charge and collect a fee only as provided by Section 53-3-105 when an application for an identification card is submitted.
- (2)

- (a) Before accepting an application from an indigent person for an identification card without the payment of a fee, the division shall require that the indigent person sign a statement under penalty of perjury that the person is indigent.
- (b) The division may require an indigent person applying for an identification card without the payment of a fee to execute a release form allowing the division to inquire with the Tax Commission whether the person has filed state income tax returns or has state income tax withholding suggesting that the person is not indigent.

Amended by Chapter 45, 2009 General Session

**53-3-809 Revocation of card for providing false information or altering card.**

- The commissioner shall revoke and repossess the identification card of any person who has:
- (1) furnished false or forged information or evidence in support of any application for any identification card; or
  - (2) altered any information or photograph on an identification card.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-810 Prohibited uses of identification card -- Penalties.**

- (1) It is a class C misdemeanor to:
  - (a) lend or knowingly permit the use of an identification card issued to the person, by a person not entitled to it;
  - (b) display or to represent as the person's own an identification card not issued to the person;
  - (c) refuse to surrender to the division or a peace officer upon demand any identification card issued by the division;
  - (d) use a false name or give a false address in any application for an identification card or any renewal or duplicate of the identification card, or to knowingly make a false statement, or to knowingly conceal a material fact in the application;
  - (e) display a revoked identification card as a valid identification card;
  - (f) knowingly acquire, use, display, or transfer an item that purports to be an authentic identification card issued by a governmental entity if the item is not an authentic identification card issued by that governmental entity; or
  - (g) alter any information contained on an authentic identification card so that it no longer represents the information originally displayed.
- (2) It is a class A misdemeanor to knowingly:
  - (a) issue an identification card with false or fraudulent information;
  - (b) issue an identification card to any person younger than 21 years of age if the identification card is not distinguished as required for a person younger than 21 years of age under Section 53-3-806; or
  - (c) acquire, use, display, or transfer a false or altered identification card to procure:
    - (i) a cigarette;
    - (ii) an electronic cigarette, as defined in Section 76-10-101;
    - (iii) tobacco; or
    - (iv) a tobacco product.
- (3) A person may not knowingly use, display, or transfer a false or altered identification card to procure alcoholic beverages, gain admittance to a place where alcoholic beverages are sold or consumed, or obtain employment that may not be obtained by a minor in violation of Section 32B-1-403.

- (4) It is a third degree felony if a person's acquisition, use, display, or transfer of a false or altered identification card:
- (a) aids or furthers the person's efforts to fraudulently obtain goods or services; or
  - (b) aids or furthers the person's efforts to commit a violent felony.

Amended by Chapter 114, 2010 General Session

Amended by Chapter 276, 2010 General Session