

Effective 5/3/2023

Superseded 7/1/2023

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

(1) As used in this section:

- (a) "Driving privilege" means the privilege granted under this chapter to drive a motor vehicle.
- (b) "Governmental entity" means the state or a political subdivision of the state.
- (c) "Health care professional" means:
 - (i) a licensed physician, physician assistant, nurse practitioner, or mental health therapist; or
 - (ii) any other licensed health care professional the division designates by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (d) "Political subdivision" means any county, city, town, school district, public transit district, community reinvestment agency, special improvement or taxing district, special district, special service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public corporation.
- (e) "Invisible condition" means a physical or mental condition that may interfere with an individual's ability to communicate with a law enforcement officer, including:
 - (i) a communication impediment;
 - (ii) hearing loss;
 - (iii) blindness or a visual impairment;
 - (iv) autism spectrum disorder;
 - (v) a drug allergy;
 - (vi) Alzheimer's disease or dementia;
 - (vii) post-traumatic stress disorder;
 - (viii) traumatic brain injury;
 - (ix) schizophrenia;
 - (x) epilepsy;
 - (xi) a developmental disability;
 - (xii) Down syndrome;
 - (xiii) diabetes;
 - (xiv) a heart condition; or
 - (xv) any other condition approved by the department.
- (f) "Invisible condition identification symbol" means a symbol or alphanumeric code that indicates that an individual is an individual with an invisible condition.
- (g) "State" means this state, and includes any office, department, agency, authority, commission, board, institution, hospital, college, university, children's justice center, or other instrumentality of the state.

(2)

- (a) The division shall issue to every individual privileged to drive a motor vehicle, a regular license certificate, a limited-term license certificate, or a driving privilege card indicating the type or class of motor vehicle the individual may drive.
- (b) An individual may not drive a class of motor vehicle unless granted the privilege in that class.

(3)

- (a) Every regular license certificate, limited-term license certificate, or driving privilege card shall bear:
 - (i) the distinguishing number assigned to the individual by the division;

- (ii) the name, birth date, and Utah residence address of the individual;
 - (iii) a brief description of the individual for the purpose of identification;
 - (iv) any restrictions imposed on the license under Section 53-3-208;
 - (v) a photograph of the individual;
 - (vi) a photograph or other facsimile of the individual's signature;
 - (vii) an indication whether the individual intends to make an anatomical gift under Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended under Subsection 53-3-214(3); and
 - (viii) except as provided in Subsection (3)(b), if the individual states that the individual is a veteran of the United States military on the application for a driver license in accordance with Section 53-3-205 and provides verification that the individual was granted an honorable or general discharge from the United States Armed Forces, an indication that the individual is a United States military veteran for a regular license certificate or limited-term license certificate issued on or after July 1, 2011.
- (b) A regular license certificate or limited-term license certificate issued to an individual younger than 21 years old on a portrait-style format as required in Subsection (7)(b) is not required to include an indication that the individual is a United States military veteran under Subsection (3)(a)(viii).
- (c) A new license certificate issued by the division may not bear the individual's social security number.
- (d)
- (i) The regular license certificate, limited-term license certificate, or driving privilege card shall be of an impervious material, resistant to wear, damage, and alteration.
 - (ii) The size, form, and color of the regular license certificate, limited-term license certificate, or driving privilege card shall be as prescribed by the commissioner.
 - (iii) The commissioner may also prescribe the issuance of a special type of limited regular license certificate, limited-term license certificate, or driving privilege card under Subsection 53-3-220(4).
- (4)
- (a) The division shall include or affix an invisible condition identification symbol on an individual's regular license certificate, limited-term license certificate, or driving privilege card if the individual, on a form prescribed by the department:
 - (i) requests the division to include the invisible condition identification symbol;
 - (ii) provides written verification from a health care professional that the individual is an individual with an invisible condition; and
 - (iii) signs a waiver of liability for the release of any medical information to:
 - (A) the department;
 - (B) any person who has access to the individual's medical information as recorded on the individual's driving record or the Utah Criminal Justice Information System under this chapter; and
 - (C) any other person who may view or receive notice of the individual's medical information by seeing the individual's regular license certificate, limited-term license certificate, or driving privilege card or the individual's information in the Utah Criminal Justice Information System.
 - (b) As part of the form described in Subsection (4)(a), the department shall advise the individual that by submitting the signed waiver, the individual consents to the release of the individual's medical information to any person described in Subsections (4)(a)(iii)(A) through (C), even if

the person is otherwise ineligible to access the individual's medical information under state or federal law.

- (c) The division may not:
 - (i) charge a fee to include the invisible condition identification symbol on the individual's regular license certificate, limited-term license certificate, or driving privilege card; or
 - (ii) after including the invisible condition identification symbol on the individual's previously issued regular license certificate, limited-term license certificate, or driving privilege card, require the individual to provide subsequent written verification described in Subsection (4)(a)(ii) to include the invisible condition identification symbol on the individual's renewed or extended regular license certificate, limited-term license certificate, or driving privilege card.
- (d) The inclusion of an invisible condition identification symbol on an individual's license certificate, limited-term license certificate, or driving privilege card in accordance with Subsection (4)(a) does not confer any legal rights or privileges on the individual, including parking privileges for individuals with disabilities under Section 41-1a-414.
- (e) For each individual issued a regular license certificate, limited-term license certificate, or driving privilege card under this section that includes an invisible condition identification symbol, the division shall include in the division's database a brief description of the nature of the individual's invisible condition in the individual's record and provide the brief description to the Utah Criminal Justice Information System.
- (f) Except as provided in this section, the division may not release the information described in Subsection (4)(e).
- (g) Within 30 days after the day on which the division receives an individual's written request, the division shall:
 - (i) remove from the individual's record in the division's database the invisible condition identification symbol and the brief description described in Subsection (4)(e); and
 - (ii) provide the individual's updated record to the Utah Criminal Justice Information System.
- (5) As provided in Section 63G-2-302, the information described in Subsection (4)(a) is a private record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.
- (6)
 - (a)
 - (i) The division, upon determining after an examination that an applicant is mentally and physically qualified to be granted a driving privilege, may issue to an applicant a receipt for the fee if the applicant is eligible for a regular license certificate or limited-term license certificate.
 - (ii)
 - (A) The division shall issue a temporary regular license certificate or temporary limited-term license certificate allowing the individual to drive a motor vehicle while the division is completing the division's investigation to determine whether the individual is entitled to be granted a driving privilege.
 - (B) A temporary regular license certificate or a temporary limited-term license certificate issued under this Subsection (6) shall be recognized and have the same rights and privileges as a regular license certificate or a limited-term license certificate.
 - (b) The temporary regular license certificate or temporary limited-term license certificate shall be in the individual's immediate possession while driving a motor vehicle, and the temporary regular license certificate or temporary limited-term license certificate is invalid when the individual's regular license certificate or limited-term license certificate has been issued or when, for good cause, the privilege has been refused.

- (c) The division shall indicate on the temporary regular license certificate or temporary limited-term license certificate a date after which the temporary regular license certificate or temporary limited-term license certificate is not valid as a temporary license.
- (d)
 - (i) Except as provided in Subsection (6)(d)(ii), the division may not issue a temporary driving privilege card or other temporary permit to an applicant for a driving privilege card.
 - (ii) The division may issue a learner permit issued in accordance with Section 53-3-210.5 to an applicant for a driving privilege card.
- (7)
 - (a) The division shall distinguish learner permits, temporary permits, regular license certificates, limited-term license certificates, and driving privilege cards issued to any individual younger than 21 years old by use of plainly printed information or the use of a color or other means not used for other regular license certificates, limited-term license certificates, or driving privilege cards.
 - (b) The division shall distinguish a regular license certificate, limited-term license certificate, or driving privilege card issued to an individual younger than 21 years old by use of a portrait-style format not used for other regular license certificates, limited-term license certificates, or driving privilege cards and by plainly printing the date the regular license certificate, limited-term license certificate, or driving privilege card holder is 21 years old.
- (8) The division shall distinguish a limited-term license certificate by clearly indicating on the document:
 - (a) that the limited-term license certificate is temporary; and
 - (b) the limited-term license certificate's expiration date.
- (9)
 - (a) The division shall only issue a driving privilege card to an individual whose privilege was obtained without providing evidence of lawful presence in the United States as required under Subsection 53-3-205(8).
 - (b) The division shall distinguish a driving privilege card from a license certificate by:
 - (i) use of a format, color, font, or other means; and
 - (ii) clearly displaying on the front of the driving privilege card a phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".
- (10) The provisions of Subsection (7)(b) do not apply to a learner permit, temporary permit, temporary regular license certificate, temporary limited-term license certificate, or any other temporary permit.
- (11) The division shall issue temporary license certificates of the same nature, except as to duration, as the license certificates that they temporarily replace, as are necessary to implement applicable provisions of this section and Section 53-3-223.
- (12)
 - (a) A governmental entity may not accept a driving privilege card as proof of personal identification.
 - (b) A driving privilege card may not be used as a document providing proof of an individual's age for any government required purpose.
- (13) An individual who violates Subsection (2)(b) is guilty of an infraction.
- (14) Unless otherwise provided, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a:
 - (a) driving privilege in the same way as a license or limited-term license issued under this chapter; and

- (b) limited-term license certificate or driving privilege card in the same way as a regular license certificate issued under this chapter.