

1 **DRIVER LICENSE DIVISION AMENDMENTS**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Patrice M. Arent**

5 AN ACT RELATING TO PUBLIC SAFETY; AMENDING CERTAIN PROVISIONS RELATED
6 TO DRIVER LICENSING; AMENDING LICENSE SURRENDER REQUIREMENTS;
7 AMENDING CHANGE OF ADDRESS REQUIREMENTS; MAKING TECHNICAL
8 CHANGES; AND PROVIDING AN EFFECTIVE DATE.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **41-6-13.5**, as last amended by Chapter 20, Laws of Utah 1995

12 **41-12a-303.2**, as last amended by Chapter 35, Laws of Utah 1998

13 **41-12a-411**, as last amended by Chapter 98, Laws of Utah 1988

14 **41-12a-604**, as last amended by Chapter 51, Laws of Utah 1997

15 **53-3-105**, as last amended by Chapter 247, Laws of Utah 1998

16 **53-3-205**, as last amended by Chapter 155, Laws of Utah 1995

17 **53-3-207**, as last amended by Chapter 51, Laws of Utah 1997

18 **53-3-211**, as last amended by Chapter 260, Laws of Utah 1998

19 **53-3-216**, as renumbered and amended by Chapters 234 and 294, Laws of Utah 1993

20 **53-3-218**, as last amended by Chapter 200, Laws of Utah 1996

21 **53-3-221**, as last amended by Chapter 51, Laws of Utah 1997

22 **53-3-226**, as renumbered and amended by Chapter 234, Laws of Utah 1993

23 **53-3-229**, as renumbered and amended by Chapter 234, Laws of Utah 1993

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

25 Section 1. Section **41-6-13.5** is amended to read:

26 **41-6-13.5. Failure to respond to officer's signal to stop -- Fleeing -- Causing property**
27 **damage or bodily injury -- Suspension of driver's license -- Forfeiture of vehicle -- Penalties.**

28 (1) (a) An operator who~~[, having received]~~ receives a visual or audible signal from a peace
29 officer to bring his vehicle to a stop, ~~[operates]~~ may not operate his vehicle in willful or wanton
30 disregard of the signal so as to interfere with or endanger the operation of any vehicle or person~~;~~
31 ~~or who attempts]~~ and may not attempt to flee or elude a peace officer by vehicle or other means.

32 (b) A person who violates Subsection (1)(a) is guilty of a felony of the third degree. The
33 court shall, as part of any sentence under this Subsection (1), impose a fine of not less than \$1,000.

34 (2) (a) An operator who violates Subsection (1) and while so doing causes death or serious
35 bodily injury to another person, under circumstances not amounting to murder or aggravated
36 murder, is guilty of a felony of the second degree.

37 (b) The court shall, as part of any sentence under this Subsection (2), impose a fine of not
38 less than \$5,000.

39 (3) (a) In addition to the penalty provided under this section or any other section, ~~[an~~
40 ~~operator who, having received a visual or audible signal from a peace officer to bring his vehicle~~
41 ~~to a stop, operates his vehicle in willful or wanton disregard of the signal so as to interfere with~~
42 ~~or endanger the operation of any vehicle or person, or who attempts to flee or elude a peace officer~~
43 ~~by vehicle or other means;]~~ a person who violates Subsection (1)(a) or (2)(a) shall have his driver's
44 license revoked pursuant to Subsection 53-3-220(1)(a)(ix) for a period of one year.

45 (b) The court shall ~~[collect the driver's license to be revoked and forward it to the Division~~
46 ~~of Drivers' License Services, along with a report of the conviction. If the court is unable to collect~~
47 ~~the driver's license, the court shall nevertheless]~~ forward the report of the conviction to the
48 division. ~~[If the person is the holder of a driver's license from another jurisdiction, the court shall~~
49 ~~not collect the driver's license but shall notify the division and the division shall notify the~~
50 ~~appropriate officials in the licensing state.]~~

51 Section 2. Section **41-12a-303.2** is amended to read:

52 **41-12a-303.2. Evidence of owner's or operator's security to be carried when**
53 **operating motor vehicle -- Defense -- Penalties.**

54 (1) As used in this section:

55 (a) "Division" means the Motor Vehicle Division of the State Tax Commission.

56 (b) "Registration materials" means the evidences of motor vehicle registration, including
57 all registration cards, license plates, temporary permits, and nonresident temporary permits.

58 (2) (a) (i) Except as provided in Subsection (2)(a) (ii), a person operating a motor vehicle

59 shall:

60 (A) have in the person's immediate possession evidence of owner's or operator's security
61 for the motor vehicle the person is operating; and

62 (B) display it upon demand of a peace officer.

63 (ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is
64 operating:

65 (A) a government-owned or leased motor vehicle; or

66 (B) an employer-owned or leased motor vehicle and is driving it with the employer's
67 permission.

68 (b) Evidence of owner's or operator's security includes any one of the following:

69 (i) a copy of the operator's valid:

70 (A) insurance policy;

71 (B) binder notice;

72 (C) renewal notice; or

73 (D) card issued by an insurance company as evidence of insurance;

74 (ii) a certificate of insurance issued under Section 41-12a-402;

75 (iii) a certified copy of a surety bond issued under Section 41-12a-405;

76 (iv) a certificate of the state treasurer issued under Section 41-12a-406;

77 (v) a certificate of self-funded coverage issued under Section 41-12a-407; or

78 (vi) information that the vehicle or driver is insured from the Uninsured Motorist

79 Identification Database Program created under Title 41, Chapter 12a, Part 8.

80 (c) Evidence of owner's or operator's security from the Uninsured Motorist Identification
81 Database Program described under Subsection (2)(b)(vi) supercedes any evidence of owner's or
82 operator's security described under Subsections (2)(b)(i)(C) or (D).

83 (3) It is an affirmative defense to a charge under this section that the person had owner's
84 or operator's security in effect for the vehicle the person was operating at the time of the person's
85 citation or arrest.

86 (4) (a) Evidence of owner's or operator's security as defined under Subsection (2)(b) or a
87 letter from an insurance agent or company verifying that the person had the required motor vehicle
88 insurance coverage on the date specified is considered proof of owner's or operator's security for
89 purposes of Subsection (3) and Section 41-12a-804.

90 (b) The court considering a citation issued under this section shall allow the evidence or
91 letter under Subsection (4)(a) and a copy of the citation to be faxed or mailed to the clerk of the
92 court to satisfy Subsection (3).

93 (c) The notice under Section 41-12a-804 shall specify that the letter under Subsection
94 (4)(a) and a copy of the notice shall be faxed or mailed to the designated agent to satisfy the proof
95 of owner's or operator's security required under Section 41-12a-804.

96 (5) A violation of this section is a class B misdemeanor, and the fine shall be not less than:

97 (a) \$400 for a first offense; and

98 (b) \$1,000 for a second and subsequent offense within three years of a previous conviction
99 or bail forfeiture.

100 (6) Upon receiving notification from a court of a conviction for a violation of this section,
101 the department:

102 (a) shall suspend the person's driver license; and

103 (b) may not renew the person's driver license or issue a driver license to the person until
104 the person gives the department proof of owner's or operator's security.

105 (i) This proof of owner's or operator's security shall be given by any of the ways required
106 under Section 41-12a-401.

107 (ii) This proof of owner's or operator's security shall be maintained with the department
108 for a three-year period.

109 (iii) An insurer that provides a certificate of insurance as provided under Section
110 41-12a-402 or 41-12a-403 may not terminate the insurance policy unless notice of termination is
111 filed with the department no later than ten days after termination as required under Section
112 41-12a-404.

113 [~~(iv) (A) A person may terminate the insurance policy and cancel the certificate of
114 insurance if the person surrenders the person's driver license to the department.~~]

115 [~~(B)~~] (iv) If a person who has canceled the certificate of insurance applies for a license
116 within three years from the date proof of owner's or operator's security was originally required, the
117 department shall refuse the application unless the person reestablishes proof of owner's or
118 operator's security and maintains the proof for the remainder of the three-year period.

119 Section 3. Section **41-12a-411** is amended to read:

120 **41-12a-411. Duration of proof of owner's or operator's security.**

121 (1) Except as otherwise provided under this section, any person required to give proof of
122 owner's or operator's security shall maintain that proof with the department for a period of three
123 years from the date the filing of proof was last requested. Subject to Subsection (2), the
124 department shall~~;~~:

125 (a) upon request, consent to the immediate cancellation of any bond or certificate of
126 insurance ~~[or the department shall];~~

127 (b) direct the state treasurer to return to the person entitled to it any money or securities
128 deposited pursuant to this chapter as proof of owner's or operator's security~~;~~; or ~~[the department~~
129 ~~shall]~~

130 (c) waive the requirement of filing proof, ~~[in any of the following cases: (a)]~~ if the person
131 on whose behalf the proof was filed dies or becomes permanently incapacitated to operate a motor
132 vehicle~~;~~~~or~~.

133 ~~[(b) if the person who has given proof surrenders his driver's license and registration to the~~
134 ~~department, except that if he applies for a license or registration within three years from the date~~
135 ~~proof was originally required, the application shall be refused unless the applicant reestablishes~~
136 ~~proof of owner's or operator's security and maintains the proof for the remainder of the three-year~~
137 ~~period.]~~

138 (2) (a) The department may not consent to the cancellation of any bond or the return of any
139 money or securities if any action for damages upon a liability covered by that proof is then
140 pending, if:

141 (i) any judgment ~~[upon any such]~~ of liability is ~~[then]~~ unsatisfied~~;~~; or ~~[if]~~

142 (ii) the person who filed the bond or deposited the money or securities has, within one year
143 immediately preceding the request, been involved as an operator or owner in any motor vehicle
144 accident resulting in injury or damage to the person or property of others.

145 (b) An affidavit of the applicant ~~[as to]~~ is sufficient evidence in the absence of contrary
146 evidence in the records of the department if the affidavit declares:

147 (i) the nonexistence of ~~[such facts, or]~~ liability or accidents;

148 (ii) that ~~[he]~~ the person has been released from all ~~[of his]~~ liability~~;~~; or

149 (iii) that the person has been finally adjudicated not to be liable for the injury or damage~~;~~
150 ~~is sufficient evidence of it in the absence of contrary evidence in the records of the department].~~

151 Section 4. Section **41-12a-604** is amended to read:

152 **41-12a-604. Suspension of license.**

153 (1) A person convicted of a class A or a class B misdemeanor under this chapter, in
154 addition to any other penalties which are imposed by law, shall have his operator's license
155 suspended by the department.

156 (2) Whenever any person is convicted of an offense for which this chapter mandates the
157 suspension of his license or the registration of his motor vehicle, and that person does not produce
158 proof of owner's or operator's security at the time of his appearance, the court in which the
159 conviction takes place shall require the surrender to it of all pertinent evidences of registration,
160 including all registration cards, license plates, nonresident temporary permits, and other similar
161 materials then held by the person so convicted. This court shall then forward the registration
162 materials to the Motor Vehicle Division of the State Tax Commission [~~together, in each instance,~~
163 with] and send the Driver License Division a record of the conviction. If the person so convicted
164 secures a judgment of acquittal or reversal of this conviction in any appellate court, the department
165 shall reinstate his [~~operator's license certificate] driver license or privilege and the Motor Vehicle~~
166 Division shall reinstate the registration of his motor vehicle immediately upon receipt of a certified
167 copy of the judgment of acquittal or reversal.

168 (3) [~~If a person has surrendered the person's operator's license certificate to the department~~
169 ~~under this section, the person may, unless otherwise prohibited by law, apply for reinstatement of~~
170 ~~the person's driving privilege.] If the owner has surrendered the owner's registration materials to~~
171 ~~the Motor Vehicle Division, the owner may, unless otherwise prohibited by law, apply for a new~~
172 ~~registration, by providing proof of owner's security.~~

173 Section 5. Section **53-3-105** is amended to read:

174 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling, and**
175 **identification cards.**

176 The following fees apply under this chapter:

177 (1) An original class D license application under Section 53-3-205 is \$15.

178 (2) An original class M license application under Section 53-3-205 is \$17.50.

179 (3) An original provisional license application for a class D license under Section 53-3-205
180 is \$20.

181 (4) An original provisional license application for a class M license under Section
182 53-3-205 is \$22.50.

- 183 (5) An original application for a motorcycle endorsement under Section 53-3-205 is \$7.50.
- 184 (6) An original application for a taxicab endorsement under Section 53-3-205 is \$5.
- 185 (7) A renewal of a class D license under Section 53-3-214 is \$15 unless Subsection (13)
- 186 applies.
- 187 (8) A renewal of a class M license under Section 53-3-214 is \$17.50.
- 188 (9) A renewal of a provisional license application for a class D license under Section
- 189 53-3-214 is \$15.
- 190 (10) A renewal of a provisional license application for a class M license under Section
- 191 53-3-214 is \$17.50.
- 192 (11) A renewal of a motorcycle endorsement under Section 53-3-214 is \$7.50.
- 193 (12) A renewal of a taxicab endorsement under Section 53-3-214 is \$5.
- 194 (13) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
- 195 \$5.
- 196 (14) An extension of a class D license under Section 53-3-214 is \$12 unless Subsection
- 197 (20) applies.
- 198 (15) An extension of a class M license under Section 53-3-214 is \$14.50.
- 199 (16) An extension of a provisional license application for a class D license under Section
- 200 53-3-214 is \$12.
- 201 (17) An extension of a provisional license application for a class M license under Section
- 202 53-3-214 is \$14.50.
- 203 (18) An extension of a motorcycle endorsement under Section 53-3-214 is \$7.50.
- 204 (19) An extension of a taxicab endorsement under Section 53-3-214 is \$5.
- 205 (20) An extension of a class D license for a person 65 and older under Section 53-3-214
- 206 is \$3.
- 207 (21) An original or renewal application for a commercial class A, B, or C license or an
- 208 original or renewal of a provisional commercial class A or B license under Part 4 of this chapter
- 209 is:
 - 210 (a) \$30 for the written test; and
 - 211 (b) \$50 for the skills test.
- 212 (22) Each original CDL endorsement for passengers, hazardous material, double or triple
- 213 trailers, or tankers is \$5.

214 (23) An original CDL endorsement for a school bus under Part 4 of this chapter is \$5.

215 (24) A renewal of a CDL endorsement under Part 4 of this chapter is \$5.

216 (25) A retake of a CDL written or a CDL skills test provided for in Section 53-3-205 is
217 \$15.

218 (26) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$5.

219 (27) A duplicate class A, B, C, D, or M license certificate under Section 53-3-215 is \$10.

220 (28) (a) A license reinstatement application under Section 53-3-205 is \$25.

221 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
222 combination of alcohol and any drug-related offense is \$25 in addition to the fee under Subsection
223 (28)(a).

224 (29) An administrative fee for license reinstatement after an alcohol, drug, or combination
225 of alcohol and any drug-related offense under Section 41-6-44.10, 53-3-223, or 53-3-231 or an
226 alcohol, drug, or combination of alcohol and any drug-related offense under Part 4 of this chapter
227 is \$150. This administrative fee is in addition to the fees under Subsection (28).

228 [~~(30) An administrative fee for license reinstatement after confiscation under Section~~
229 ~~53-3-226 is \$25.~~]

230 [~~(31)~~ (30) (a) An administrative fee for providing the driving record of a driver under
231 Section 53-3-104 or 53-3-420 is [~~\$4~~] \$4.25.

232 (b) The division may not charge for a report furnished under Section 53-3-104 to a
233 municipal, county, state, or federal agency.

234 [~~(32)~~ (31) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

235 [~~(33)~~ (32) An identification card application under Section 53-3-808 is \$5.

236 Section 6. Section **53-3-205** is amended to read:

237 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
238 **Expiration dates of licenses and endorsements -- Information required -- Previous licenses**
239 **surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required**
240 **-- License agreement.**

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

242 (a) made upon a form furnished by the division; and

243 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

244 (2) An application and fee for an original class D license entitle the applicant to:

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

247 (b) a learner permit if needed after the written test is passed; and

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

249 (3) An application and fee for an original class M license entitle the applicant to:

250 (a) not more than three attempts to pass both the written and skills tests for a class M
251 license within six months of the date of the application;

252 (b) a learner permit if needed after the written test is passed; and

253 (c) an original class M license and license certificate after all tests are passed.

254 (4) An application and fee for a motorcycle or taxicab endorsement entitle the applicant
255 to:

256 (a) not more than three attempts to pass both the written and skills tests within six months
257 of the date of the application;

258 (b) a motorcycle learner permit if needed after the motorcycle written test is passed; and

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

260 (5) An application and fees for a commercial class A, B, or C license entitle the applicant
261 to:

262 (a) not more than two attempts to pass a written test and not more than two attempts to
263 pass a skills test within six months of the date of the application;

264 (b) a commercial driver instruction permit if needed after the written test is passed; and

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

267 (6) An application and fee for a CDL endorsement entitle the applicant to:

268 (a) not more than two attempts to pass a written test and not more than two attempts to
269 pass a skills test within six months of the date of the application; and

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

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

274 ~~[(8) An original license, an extension or a renewal, and any endorsement to the license~~
275 ~~granted before October 1, 1991, expires on the birth date of the applicant in the fourth year~~

276 following the year the license certificate is issued.]

277 ~~[(9)]~~ (8) (a) An original license ~~[granted after September 30, 1991,]~~ expires on the birth
278 date of the applicant in the fifth year following the year the license certificate was issued.

279 (b) A renewal or an extension to a license ~~[granted after September 30, 1991,]~~ expires on
280 the birth date of the licensee in the fifth year following the expiration date of the license certificate
281 renewed or extended.

282 (c) A duplicate license expires on the same date as the last license certificate issued.

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

285 (e) A license and any endorsement to the license held by a person ordered to active duty
286 and stationed outside Utah in any of the armed forces of the United States, which expires during
287 the time period the person is stationed outside of the state, is valid until 90 days after the person
288 has been discharged or has left the service, unless the license is suspended, disqualified, denied,
289 or has been cancelled or revoked by the division, or the licensee updates the information or
290 photograph on the license certificate.

291 ~~[(10)]~~ (9) (a) In addition to the information required by Title 63, Chapter 46b,
292 Administrative Procedures Act, for requests for agency action, each application shall:

293 (i) state the full legal name, birth date, sex, social security number, and residence address
294 of the applicant;

295 (ii) briefly describe the applicant;

296 (iii) state whether the applicant has previously been licensed to drive a motor vehicle and,
297 if so, when and by what state or country;

298 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,
299 disqualified, or denied in the last six years, or whether the applicant has ever had any license
300 application refused, and if so, the date of and reason for the suspension, cancellation, revocation,
301 disqualification, denial, or refusal;

302 (v) provide all other information the division requires; and

303 (vi) be signed ~~[and verified before a person authorized to administer oaths].~~

304 (b) An applicant's social security number shall be maintained on the computerized records
305 of the division.

306 ~~[(11)]~~ (10) The division shall require proof of every applicant's name, birthdate, and

307 birthplace by at least one of the following means:

308 (a) current license certificate;

309 (b) birth certificate;

310 (c) Selective Service registration; or

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

313 [~~(12)~~] (11) When an applicant receives a license in another class, all previous license
314 certificates shall be surrendered and canceled. However, a disqualified commercial license may
315 not be canceled unless it expires before the new license certificate is issued.

316 [~~(13)~~] (12) (a) When an application is received from a person previously licensed in
317 another state to drive a motor vehicle, the division shall request a copy of the driver's record from
318 the other state.

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

321 [~~(14)~~] (13) An application for reinstatement of a license after the suspension, cancellation,
322 disqualification, denial, or revocation of a previous license shall be accompanied by the additional
323 fee or fees specified in Section 53-3-105.

324 [~~(15)~~] (14) A person who has an appointment with the division for testing and fails to keep
325 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee
326 under Section 53-3-105.

327 [~~(16)~~] (15) A person who applies for an original license or renewal of a license agrees that
328 the person's license is subject to any suspension or revocation authorized under this title or Title
329 41, Motor Vehicles.

330 Section 7. Section **53-3-207** is amended to read:

331 **53-3-207. License certificates issued to drivers by class of motor vehicle -- Contents**
332 **-- Anatomical gifts indication -- Temporary licenses -- Minors' licenses and permits --**
333 **Violation.**

334 (1) (a) The division shall issue to every person privileged to drive a motor vehicle, a
335 license certificate indicating the type or class of motor vehicle the licensee may drive.

336 (b) A person may not drive a class of motor vehicle unless licensed in that class.

337 (2) (a) Every license certificate shall bear:

- 338 (i) the distinguishing number assigned to the licensee by the division;
- 339 (ii) the name, birth date, and residence address of the licensee;
- 340 (iii) a brief description of the licensee for the purpose of identification;
- 341 (iv) any restrictions imposed on the license under Section 53-3-208;
- 342 (v) a photograph of the licensee; and
- 343 (vi) a photograph or other facsimile of the licensee's signature.
- 344 (b) [~~After May 3, 1993, a~~] A new license certificate issued by the division may bear the
345 social security number of the licensee only at the request of the licensee.
- 346 (c) (i) The license certificate shall be of an impervious material, resistant to wear, damage,
347 and alteration.
- 348 (ii) The size, form, and color of the license certificate shall be as prescribed by the
349 commissioner.
- 350 (iii) The commissioner may also prescribe the issuance of a special type of limited license
351 certificate under Subsection 53-3-220(4) and may authorize the issuance of a renewed or duplicate
352 license certificate without a picture if the applicant is not then living in the state.
- 353 (3) (a) (i) When a license is granted or renewed, the division shall, upon request of the
354 licensee, provide a method of identification on the license certificate, which indicates the licensee's
355 intent to make an anatomical gift under Title 26, Chapter 28, Uniform Anatomical Gift Act.
- 356 (ii) The statement shall be signed in the presence of at least one witness, who shall sign
357 the statement in the presence of the licensee.
- 358 (b) The division or any of its employees are not liable for any loss, detriment, or injury,
359 directly or indirectly, which results from false or inaccurate information regarding the anatomical
360 gift notification.
- 361 (4) (a) (i) The division upon determining after an examination that an applicant is mentally
362 and physically qualified to be granted a license may issue to an applicant a receipt for the fee.
- 363 (ii) The receipt serves as a temporary license certificate allowing him to drive a motor
364 vehicle while the division is completing its investigation to determine whether he is entitled to be
365 licensed.
- 366 (b) The receipt shall be in his immediate possession while driving a motor vehicle, and it
367 is invalid when the applicant's license certificate has been issued or when, for good cause, the
368 privilege has been refused.

369 (c) The division shall indicate on the receipt a date after which it is not valid as a license
370 certificate.

371 (5) The division shall distinguish learner permits, temporary permits, and license
372 certificates issued to any person younger than 21 years of age by use of the plainly printed word
373 "minor" or "under 21" or the use of a special color not used for other license certificates.

374 (6) The division shall issue temporary license certificates of the same nature, except as to
375 duration, as the license certificates that they temporarily replace, as are necessary to implement
376 applicable provisions of Section 53-3-223.

377 (7) A person who violates Subsection (1)(b) is guilty of a class C misdemeanor.
378 Section 8. Section **53-3-211** is amended to read:

379 **53-3-211. Application of minors -- Liability of person signing application --**
380 **Cancellation of cosigning adult's liability.**

381 (1) As used in this section, "minor" means any person younger than 18 years of age who
382 is not married or has not been emancipated by adjudication.

383 (2) (a) The application of a minor for a temporary learner permit, practice permit, or
384 provisional license shall be signed by the parent or guardian of the applicant [~~and verified before~~
385 ~~a person authorized to administer oaths~~].

386 (b) If the minor applicant does not have a parent or guardian, then a responsible adult who
387 is willing to assume the obligation imposed under this chapter may sign the application.

388 (3) (a) Except as provided in Subsection (4), the liability of a minor for civil compensatory
389 damages caused when operating a motor vehicle upon a highway is imputed to the person who has
390 signed the application of the minor under Subsection (2).

391 (b) The person who has signed the application under Subsection (2) is jointly and severally
392 liable with the minor as provided in Subsections (3)(a) and (c).

393 (c) The liability imposed under Subsections (3)(a) and (b) is limited to the policy minimum
394 limits established in Section 31A-22-304.

395 (d) The liability provisions in this Subsection (3) are in addition to the liability provisions
396 in Section 53-3-212.

397 (4) If owner's or operator's security covering the minor's operation of the motor vehicle is
398 in effect in amounts as required under Section 31A-22-304, the person who signed the minor's
399 application under Subsection (2) is not subject to the liability imposed under Subsection (3).

400 (5) (a) A person who has signed the application of a minor under Subsection (2) may file
401 with the division a verified written request that the permit or license of the minor be canceled.

402 (b) The division shall then cancel the permit or license of the minor, and the person who
403 signed the application of the minor under Subsection (2) is relieved from the liability imposed
404 under Subsection (3) or the minor operating a motor vehicle subsequent to the cancellation.

405 (6) (a) The division upon receipt of satisfactory evidence of the death of the person who
406 signed the application of a minor under Subsection (2) shall cancel the permit or license and may
407 not issue a new permit or license until a new application, signed and verified, is made under this
408 chapter.

409 (b) This subsection does not apply to an application of a person who is no longer a minor.

410 Section 9. Section **53-3-216** is amended to read:

411 **53-3-216. Change of address -- Duty of licensee to notify division within ten days --**

412 **Change of name -- Proof necessary -- Method of giving notice by division.**

413 (1) (a) If a person, after applying for or receiving a license, moves from the address named
414 in the application or in the license certificate issued to him, the person shall within ten days of
415 moving, notify the division in writing of his new address and the number of any license certificate
416 held by him.

417 (b) If the person fails to give notice of a change of address under Subsection (1)(a), the
418 division may use United States Postal Service information to update the person's mailing address
419 in the division's records.

420 (2) If a person requests to change the surname on the applicant's license, the division shall
421 issue a substitute license with the new name upon receiving an application and fee for a duplicate
422 license and any of the following proofs of the applicant's full legal name:

423 (a) an original or certified copy of the applicant's marriage certificate;

424 (b) a certified copy of a court order under Title 42, Chapter 1, Change of Name, showing
425 the name change;

426 (c) an original or certified copy of a birth certificate issued by a government agency;

427 (d) a certified copy of a divorce decree or annulment granted the applicant that specifies
428 the name change requested; or

429 (e) a certified copy of a divorce decree that does not specify the name change requested
430 together with:

- 431 (i) an original or certified copy of the applicant's birth certificate;
- 432 (ii) the applicant's marriage license;
- 433 (iii) a driver license record showing use of a maiden name; or
- 434 (iv) other documentation the division finds acceptable.
- 435 (3) (a) If the division is authorized or required to give any notice under this chapter or
- 436 other law regulating the operation of vehicles, the notice shall, unless otherwise prescribed, be
- 437 given by:
- 438 (i) personal delivery to the person to be notified; or
- 439 (ii) deposit in the United States mail with postage prepaid, addressed to the person at his;
- 440 (A) address as shown by the records of the division[-]; or
- 441 (B) forwarding address as shown by United States Postal Service information.
- 442 (b) The giving of notice by mail is complete upon the expiration of four days after the
- 443 deposit of the notice.
- 444 (c) Proof of the giving of notice in either manner may be made by the certificate of any
- 445 officer or employee of the division or affidavit of any person older than 18 years of age, naming
- 446 the person to whom the notice was given and specifying the time, place, and manner of giving the
- 447 notice.
- 448 (4) The division may use United States Postal Service information to:
- 449 (a) verify an address on an application or on records of the division; and
- 450 (b) correct mailing addresses in the division's records.
- 451 Section 10. Section **53-3-218** is amended to read:
- 452 **53-3-218. Court to report convictions and may recommend suspension of license --**
- 453 **Severity of speeding violation defined -- Conviction defined.**
- 454 [~~(1) (a) Except for convictions under Title 41, Chapter 12a, Financial Responsibility of~~
- 455 ~~Motor Vehicle Owners and Operators Act, if a person is convicted of any offense for which this~~
- 456 ~~chapter or Title 41, Motor Vehicles, requires the revocation, suspension, or disqualification of the~~
- 457 ~~person's license, the court in which the conviction takes place shall require the surrender to it of~~
- 458 ~~all license certificates held by the person convicted.]~~
- 459 [~~(b) The court shall forward them together with the record of conviction to the division~~
- 460 ~~within ten days.]~~
- 461 (1) In this section, "conviction" means conviction by the court of first impression.

462 (2) A court having jurisdiction over offenses committed under this chapter or any other
463 law of this state, or under any city ordinance regulating driving motor vehicles on highways, shall
464 forward to the division within ten days, an abstract of the court record of the conviction or plea
465 held in abeyance of any person in the court for a reportable traffic violation of any laws or
466 ordinances, and may recommend the suspension of the license of the person convicted.

467 (3) The abstract shall be made upon a form approved and furnished by the division and
468 shall include:

- 469 (a) the name and address of the party charged;
- 470 (b) the number of his license certificate, if any;
- 471 (c) the registration number of the motor vehicle involved;
- 472 (d) whether the motor vehicle was a commercial motor vehicle;
- 473 (e) whether the motor vehicle carried hazardous materials;
- 474 (f) the nature of the offense;
- 475 (g) the date of the hearing;
- 476 (h) the plea;
- 477 (i) the judgment or whether bail was forfeited; and
- 478 (j) the severity of the violation, which shall be graded by the court as "minimum,"
479 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

480 (4) When a convicted person secures a judgment of acquittal or reversal in any appellate
481 court after conviction in the court of first impression, the division shall reinstate his license [~~and~~
482 ~~return his license certificate~~] immediately upon receipt of a certified copy of the judgment of
483 acquittal or reversal.

484 [~~(5) In this section, "conviction" means conviction by the court of first impression.]~~

485 Section 11. Section **53-3-221** is amended to read:

486 **53-3-221. Offenses which may result in denial, suspension, disqualification, or**
487 **revocation of license without hearing -- Point system for traffic violations -- Additional**
488 **grounds for suspension -- Reporting of traffic violation procedures.**

489 (1) By following the emergency procedures in Title 63, Chapter 46b, Administrative
490 Procedures Act, the division may immediately deny, suspend, disqualify, or revoke the license of
491 any person without hearing and without receiving a record of the person's conviction of crime
492 when the division has been notified or has reason to believe the person:

493 (a) has committed any offenses for which mandatory suspension or revocation of a license
494 is required upon conviction under Section 53-3-220;

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

497 (c) is incompetent to drive a motor vehicle or is afflicted with mental or physical
498 infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle upon the
499 highways;

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

501 (e) has permitted an unlawful use of the license as defined in Section 53-3-229; or

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

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

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

512 (c) (i) This Subsection (2) may not be exercised unless notice of the pending suspension
513 of the driving privilege has been mailed at least ten days previously to the person at the address
514 provided to the division.

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

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

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

523 (c) After clearance by the division, a report authorized by Section 53-3-104 may not

524 contain any evidence of the suspension.

525 (4) The division shall make rules establishing a point system as provided for in this
526 subsection.

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

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

531 (b) Every person convicted of a traffic violation shall have assessed against his driving
532 record the number of points that the division has assigned to the type of violation of which the
533 person has been convicted, except that the number of points assessed shall be decreased by 10%
534 if on the abstract of the court record of the conviction the court has graded the severity of violation
535 as minimum, and shall be increased by 10% if on the abstract the court has graded the severity of
536 violation as maximum.

537 (c) (i) A separate procedure for assessing points for speeding offenses shall be established
538 by the division based upon the severity of the offense.

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

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

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

542 and

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

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

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

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

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

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

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

557 (5) (a) (i) Upon denying or suspending the license of a person under this section, the
558 division shall immediately notify the licensee in writing and afford him an opportunity for a
559 hearing in the county where the licensee resides.

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

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

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

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

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

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

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

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

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

578 (b) The division may, upon receiving a record of the conviction in this state of a
579 nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state,
580 forward a certified copy of the record to the motor vehicle administrator in the state where the
581 person convicted is a resident.

582 (7) (a) The division may suspend or revoke the license of any nonresident to drive a motor
583 vehicle in this state for any cause for which the license of a resident driver may be suspended or
584 revoked.

585 (b) Any nonresident who drives a motor vehicle upon a highway when his license has been

586 suspended or revoked by the division is guilty of a class C misdemeanor.

587 (8) (a) The division may not deny or suspend the license of any person for a period of more
588 than one year except:

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

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

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

594 (iv) for failure to give and maintain owner's or operator's security under Section
595 41-12a-411.

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

598 [~~(c) Upon denying, suspending, or revoking a license, the division shall require that all
599 license certificates held by the person be surrendered to the division.]~~

600 [~~(d) At the end of the period of denial or suspension, the certificate surrendered shall be
601 returned to the licensee.]~~

602 (9) (a) By following the emergency procedures in Title 63, Chapter 46b, Administrative
603 Procedures Act, the division may immediately suspend the license of any person without hearing
604 and without receiving a record of his conviction for a crime when the division has reason to
605 believe that the person's license was granted by the division through error or fraud or that the
606 necessary consent for the license has been withdrawn or is terminated.

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

609 (10) (a) The division, having good cause to believe that a licensed driver is incompetent
610 or otherwise not qualified to be licensed, may upon written notice of at least five days to the
611 licensee require him to submit to an examination.

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

615 (c) Refusal or neglect of the licensee to submit to an examination is grounds for
616 suspension or revocation of his license.

617 (11) A report authorized by Section 53-3-104 may not contain any evidence of a conviction
618 for speeding on an interstate system in this state if the conviction was for a speed of ten miles per
619 hour or less, above the posted speed limit and did not result in an accident, unless authorized in
620 writing by the individual whose report is being requested.

621 (12) (a) By following the emergency procedures in Title 63, Chapter 46b, Administrative
622 Procedures Act, the division may immediately suspend the license of a person if it has reason to
623 believe that the person is the owner of a motor vehicle for which security is required under Title
624 41, Chapter 12a, Motor Vehicle Financial Responsibility, and has driven the motor vehicle or
625 permitted it to be driven within this state without the security being in effect.

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

628 (c) If the division exercises the right of immediate suspension granted under this
629 subsection, the notice and hearing provisions of Subsection (5) apply.

630 (d) A person whose license suspension has been sustained or whose license has been
631 revoked by the division under this subsection may file a request for agency action requesting a
632 hearing.

633 (13) Any suspension or revocation of a person's license under this section also disqualifies
634 any license issued to that person under Part 4 of this chapter.

635 Section 12. Section **53-3-226** is amended to read:

636 **53-3-226. Grounds for confiscation of licenses, plates, and other articles issued by**
637 **state -- Additional fee for reinstatement.**

638 (1) (a) ~~[The division, any]~~ A peace officer acting in his official capacity~~[, or a person~~
639 ~~authorized under Subsection (2)]~~ may take possession of any certificate of title, registration card,
640 decal, permit, ~~[license certificate,]~~ registration plate, or any other article issued by the state:

641 (i) upon expiration, denial, suspension, disqualification, revocation, alteration, or
642 cancellation of it;

643 (ii) that is fictitious;

644 (iii) that has been unlawfully or erroneously issued; or

645 (iv) that is unlawfully or erroneously displayed.

646 (b) A receipt shall be issued that describes each confiscated item.

647 ~~[(2) The division may enter into contractual agreements with constables or other law~~

648 enforcement agencies to facilitate confiscation of items listed in Subsection (1) if a person fails
649 or refuses to surrender any of those documents to the division upon demand.]

650 [~~(3)~~ The division shall assess against a person making an application referred to in
651 Subsection 53-3-205 (14), in addition to any fee imposed under Subsection 53-3-205 (14), a fee
652 under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to
653 cover the costs required to serve orders related to the purposes of Subsection (2).]

654 (2) The division or any peace officer acting in his official capacity may take possession
655 of a driver license certificate or permit:

656 (a) upon denial, suspension, disqualification, or revocation if the revocation is alcohol or
657 drug related;

658 (b) that is fictitious;

659 (c) that has been unlawfully or erroneously issued; or

660 (d) that is unlawfully or erroneously displayed.

661 Section 13. Section **53-3-229** is amended to read:

662 **53-3-229. Prohibited uses of license certificate -- Penalty.**

663 (1) It is a class C misdemeanor for a person to:

664 [(1)] (a) display, cause or permit to be displayed, or to have in possession any license
665 certificate knowing it is fictitious [or has been canceled, denied, revoked, suspended, disqualified,]
666 or altered;

667 [(2)] (b) lend or knowingly permit the use of a license certificate issued to him, by a person
668 not entitled to it;

669 [(3)] (c) display or to represent as his own a license certificate not issued to him;

670 [(4)] (d) [fail or] refuse to surrender to the division upon demand any license certificate
671 [that has been denied, suspended, disqualified, canceled, or revoked] issued by the division;

672 [(5)] (e) use a false name or give a false address in any application for a license or any
673 renewal or duplicate of the license certificate, or to knowingly make a false statement, or to
674 knowingly conceal a material fact or otherwise commit a fraud in the application; [or]

675 [(6)] (f) permit any other prohibited use of a license certificate issued to him[-]; or

676 (g) display a canceled, denied, revoked, suspended, or disqualified driver license certificate
677 as a valid driver license certificate.

678 (2) The provisions of Subsection (1)(g) do not prohibit the use of a person's driver license

679 certificate as a means of personal identification.

680 Section 14. **Effective date.**

681 This act takes effect on July 1, 1999.

Legislative Review Note
as of 12-21-98 12:08 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel