

1 **ELECTRONIC GOVERNMENT SERVICES**

2 **AMENDMENTS - DRIVERS LICENSE**

3 2001 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: David H. Steele**

6 **This act modifies the Motor Vehicle Code and the Public Safety Code. The act makes**
7 **technical changes to facilitate the provision of government services electronically.**

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

9 AMENDS:

10 **41-6-17**, as last amended by Chapter 270, Laws of Utah 1998

11 **41-6-31**, as last amended by Chapter 174, Laws of Utah 1996

12 **41-6-35**, as last amended by Chapter 335, Laws of Utah 2000

13 **41-6-35.5**, as last amended by Chapter 51, Laws of Utah 1997

14 **41-6-37**, as last amended by Chapter 234, Laws of Utah 1993

15 **41-6-39**, as last amended by Chapter 138, Laws of Utah 1987

16 **41-6-40**, as last amended by Chapter 335, Laws of Utah 2000

17 **41-6-42**, as last amended by Chapter 138, Laws of Utah 1987

18 **41-6-100.15**, as enacted by Chapter 63, Laws of Utah 1997

19 **41-6-116.10**, as last amended by Chapter 1, Laws of Utah 1992

20 **41-12a-303**, as enacted by Chapter 242, Laws of Utah 1985

21 **41-12a-508**, as enacted by Chapter 242, Laws of Utah 1985

22 **53-3-104**, as last amended by Chapters 239 and 255, Laws of Utah 2000

23 **53-3-105**, as last amended by Chapters 216 and 248, Laws of Utah 1999

24 **53-3-109**, as enacted by Chapter 255, Laws of Utah 2000

25 **53-3-205**, as last amended by Chapters 36 and 216, Laws of Utah 1999

26 **53-3-210**, as last amended by Chapters 21 and 28, Laws of Utah 1999

27 **53-3-216**, as last amended by Chapter 216, Laws of Utah 1999

- 28 **53-3-218**, as last amended by Chapter 323, Laws of Utah 2000
- 29 **53-3-221**, as last amended by Chapter 216, Laws of Utah 1999
- 30 **53-3-223**, as last amended by Chapter 334, Laws of Utah 2000
- 31 **53-3-231**, as last amended by Chapter 334, Laws of Utah 2000
- 32 **53-3-303**, as last amended by Chapters 242 and 243, Laws of Utah 1996
- 33 **53-3-303.5**, as last amended by Chapter 74, Laws of Utah 1999
- 34 **53-3-408**, as renumbered and amended by Chapter 234, Laws of Utah 1993
- 35 **53-3-413**, as renumbered and amended by Chapter 234, Laws of Utah 1993
- 36 **53-3-418**, as last amended by Chapter 334, Laws of Utah 2000
- 37 **53-3-607**, as renumbered and amended by Chapter 234, Laws of Utah 1993
- 38 **53-3-807**, as last amended by Chapter 38, Laws of Utah 1994

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

40 Section 1. Section **41-6-17** is amended to read:

41 **41-6-17. Regulatory powers of local authorities -- Traffic-control device affecting**
42 **state highway -- Necessity of erecting traffic-control devices.**

43 (1) The provisions of this chapter do not prevent local authorities, with respect to highways
44 under their jurisdiction and within the reasonable exercise of police power, from:

- 45 (a) regulating or prohibiting stopping, standing, or parking;
- 46 (b) regulating traffic by means of peace officers or official traffic-control devices;
- 47 (c) regulating or prohibiting processions or assemblages on the highways;
- 48 (d) designating particular highways or roadways for use by traffic moving in one direction
49 under Section 41-6-60;
- 50 (e) establishing speed limits for vehicles in public parks, which supersede Section 41-6-48
51 regarding speed limits;
- 52 (f) designating any highway as a through highway or designating any intersection or
53 junction of roadways as a stop or yield intersection or junction;
- 54 (g) restricting the use of highways under Section 72-7-408;
- 55 (h) regulating the operation of bicycles and requiring the registration and inspection of
56 them, including requiring a registration fee;
- 57 (i) regulating or prohibiting the turning of vehicles or specified types of vehicles;
- 58 (j) altering or establishing speed limits under Section 41-6-48;

- 59 (k) requiring written accident reports under Section 41-6-42;
- 60 (l) designating no-passing zones under Section 41-6-59;
- 61 (m) prohibiting or regulating the use of controlled-access roadways by any class or kind
62 of traffic under Section 41-6-65;
- 63 (n) prohibiting or regulating the use of heavily traveled streets by any class or kind of
64 traffic found to be incompatible with the normal and safe movement of traffic;
- 65 (o) establishing minimum speed limits under Subsection 41-6-49(3);
- 66 (p) designating and regulating traffic on play streets;
- 67 (q) prohibiting pedestrians from crossing a highway in a business district or any designated
68 highway except in a crosswalk under Section 41-6-77;
- 69 (r) restricting pedestrian crossings at unmarked crosswalks under Section 41-6-82.10;
- 70 (s) regulating persons propelling push carts;
- 71 (t) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;
- 72 (u) adopting and enforcing temporary or experimental ordinances as necessary to cover
73 emergencies or special conditions;
- 74 (v) prohibiting drivers of ambulances from exceeding maximum speed limits; or
- 75 (w) adopting other traffic ordinances as specifically authorized by this chapter.
- 76 (2) A local authority may not erect or maintain any official traffic-control device at any
77 location which requires the traffic on any state highway to stop before entering or crossing any
78 intersecting highway unless approval in writing has first been obtained from the Department of
79 Transportation.
- 80 (3) An ordinance enacted under Subsection (1) (d), (e), (f), (g), (i), (j), (l), (m), (n), (p), or
81 (r) is not effective until official traffic-control devices giving notice of the local traffic ordinances
82 are erected upon or at the entrances to the highway or part of it affected as is appropriate.
- 83 Section 2. Section **41-6-31** is amended to read:
- 84 **41-6-31. Accident involving injury, death, or property damage -- Duties of operator,**
85 **occupant, and owner.**
- 86 (1) The operator of a vehicle involved in an accident resulting in injury to or death of any
87 person or damage to any vehicle or other property, if the vehicle or other property is operated,
88 occupied, or attended by any person or if the owner of the vehicle or property is present, shall:
- 89 (a) give to the persons involved his name, address, and the registration number of the

90 vehicle he is operating;

91 (b) upon request and if available, exhibit his operator's license to:

92 (i) any investigating peace officer present;

93 (ii) the person struck;

94 (iii) the operator, occupant of, or person attending the vehicle or other property damaged
95 in the accident; and

96 (iv) the owner of property damaged in the accident, if present; and

97 (c) render to any person injured in the collision reasonable assistance, including the
98 transporting, or the making of arrangements for the transporting, of the person to a physician,
99 surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary
100 or if the transporting is requested by the injured person.

101 (2) The operator of a vehicle involved in an accident resulting in injury to or death of any
102 person or property damage to an apparent extent of \$1,000 or more shall immediately and by the
103 quickest means of communication available give notice of the accident to the nearest office of a
104 law enforcement agency.

105 (3) If the operator of a vehicle is physically incapable of giving an immediate notice of an
106 accident as required in Subsections (1) and (2) and there is another occupant in the vehicle at the
107 time of the accident capable of giving an immediate notice, the occupant shall give or cause to be
108 given the notice required of the operator under this section.

109 (4) If the operator is physically incapable of making a [~~written~~] report in a manner
110 specified by the division of an accident when required under Section 41-6-35 and he is not the
111 owner of the vehicle, then the owner of the vehicle involved in the accident shall within 15 days
112 after becoming aware of the accident make the report required of the operator under this section.

113 Section 3. Section **41-6-35** is amended to read:

114 **41-6-35. Accident reports -- Duty of operator and investigative officer to forward or**
115 **render.**

116 (1) The department may require any operator of a vehicle involved in an accident resulting
117 in injury to or death of any person or total property damage to the apparent extent of \$1,000 or
118 more to file within ten days after the request:

119 (a) a [~~written~~] report in a manner specified by the department of the accident to the
120 department; and

121 (b) a supplemental report when the original report is insufficient in the opinion of the
122 department.

123 (2) The department may require witnesses of accidents to render reports to the department.

124 (3) [~~A written~~] An accident report is not required under this section from any person who
125 is physically incapable of making a report, during his period of incapacity.

126 (4) (a) Every peace officer who in the regular course of duty investigates a motor vehicle
127 accident described under Subsection (1) shall file the original or an electronic copy of the report
128 of the accident with the department within ten days after completing the investigation.

129 (b) The accident report shall be made either at the time of and at the scene of the accident
130 or later by interviewing participants or witnesses.

131 (5) The [~~written~~] accident reports required to be filed with the department under this
132 section and the information in them are protected and confidential and may be disclosed only as
133 provided in Section 41-6-40.

134 Section 4. Section **41-6-35.5** is amended to read:

135 **41-6-35.5. Vehicle accidents -- Investigation and report of operator security --**
136 **Agency action if no security -- Surrender of plates -- Penalties.**

137 (1) Upon request of a peace officer investigating an accident involving a motor vehicle,
138 the operator of the vehicle shall provide evidence of the owner's or operator's security required
139 under Section 41-12a-301.

140 (2) The peace officer shall record on a form approved by the department:

141 (a) the information provided by the operator;

142 (b) whether the operator provided insufficient or no information;

143 (c) if the officer finds reasonable cause to believe that any information given is not correct;

144 and

145 (d) whether other information available to the peace officer indicates that owner's or
146 operator's security is in effect.

147 (3) The peace officer shall deposit all completed forms with his agency, which shall
148 forward the forms to the department no later than ten days after receipt.

149 (4) The department shall within ten days of receipt of the forms from the agency take
150 action as follows:

151 (a) If the operator provided no information under Subsection (1) and other information

152 available to the peace officer does not indicate that owner's or operator's security is in effect, the
153 department shall take direct action under Subsection 53-3-221(12).

154 (b) (i) If the peace officer noted or the department determines that there is reasonable cause
155 to believe that the information given under Subsection (1) is not correct, the department shall
156 contact directly the insurance company or other provider of security as described in Subsection (7)
157 and request verification of the accuracy of the information submitted as of the date of the traffic
158 offense for which the citation was issued.

159 (ii) The department may require the verification under Subsection (b)(i) to be in [writing]
160 a form specified by the department.

161 (iii) The insurance company or other provider of security shall return the verification to
162 the department within 30 days of receipt of the request.

163 (iv) If the department does not receive verification within 35 days after [mailing] sending
164 the request, or within the 35 days receives notice that the information was not correct, the
165 department shall take action under Subsection 53-3-221(12).

166 (5) (a) The owner of a vehicle with unexpired license plates for which security is not
167 provided as required under this chapter, shall return the plates for the vehicle to the Motor Vehicle
168 Division unless specifically permitted by statute to retain them.

169 (b) If the owner fails to return the plates as required, they shall be confiscated under
170 Section 53-3-226.

171 (6) The department may make rules for the enforcement of this section.

172 (7) In this section, "evidence of owner's or operator's security" includes any one of the
173 following:

174 (a) a copy of the operator's valid:

175 (i) insurance policy;

176 (ii) binder notice;

177 (iii) renewal notice; or

178 (iv) card issued by an insurance company as evidence of insurance;

179 (b) a certificate of insurance issued under Section 41-12a-402;

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

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

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

183 (f) information that the vehicle or driver is insured from the Uninsured Motorist
184 Identification Database Program created under Title 41, Chapter 12a, Part 8.

185 (8) A person is guilty of a class B misdemeanor, and shall be fined not less than \$100,
186 who:

187 (a) when requested to provide security information under Subsection (1), or Section
188 41-12a-303.2, provides false information;

189 (b) falsely represents to the department that security required under this chapter is in effect;
190 or

191 (c) sells a vehicle to avoid the penalties of this section as applicable either to himself or
192 a third party.

193 Section 5. Section **41-6-37** is amended to read:

194 **41-6-37. Accident reports -- Forms -- Contents -- Penalties for failure to make report.**

195 (1) (a) The department shall prepare and upon request supply to law enforcement agencies,
196 justices of the peace, sheriffs, garages, and other appropriate agencies or individuals, forms for
197 accident reports as required in this article, suitable for the persons required to make the reports and
198 the purposes to be served.

199 (b) The [~~written~~] accident reports to be made by persons involved in accidents as requested
200 by investigating officers shall require sufficiently detailed information to disclose the cause,
201 conditions then existing, and the persons and vehicles involved in the traffic accident.

202 (2) Every accident report requested under Section 41-6-35 shall be made in [~~writing and~~
203 ~~on the appropriate form approved~~] a manner specified by the department. It shall contain all of the
204 information required that is available.

205 (3) (a) The department shall suspend the license or permit to operate a vehicle and any
206 nonresident operating privileges of any person failing to report an accident as requested under
207 Section 41-6-35 until the report has been filed.

208 (b) The department may extend the suspension, not to exceed 30 days.

209 (c) Any person convicted of failing to make a report under Section 41-6-35 is punishable
210 under Section 41-6-12.

211 Section 6. Section **41-6-39** is amended to read:

212 **41-6-39. Garage keeper to report damaged vehicle without damage sticker.**

213 (1) The person in charge of any garage or repair shop who receives a vehicle which shows

214 evidence of having been involved in an accident for which [~~a written~~] an accident report may be
215 requested under Section 41-6-35, or having been struck by any bullet, shall report the vehicle to
216 the nearest office of an authorized law enforcement agency within 24 hours after the vehicle is
217 received by the garage or repair shop, giving the vehicle identification number, registration
218 number, and the name and address of the owner or operator of the vehicle.

219 (2) If a damaged vehicle sticker describing the damage is affixed to the vehicle, a report
220 under this section is not required.

221 Section 7. Section **41-6-40** is amended to read:

222 **41-6-40. Accident reports -- When confidential -- Insurance policy information -- Use**
223 **as evidence -- Penalty for false information.**

224 (1) As used in this section, "agent" means a person's:

- 225 (a) attorney;
- 226 (b) insurer; or

227 (c) any other individual or entity with [~~written~~] signed permission from the person to
228 receive the person's [~~written~~] accident report.

229 (2) Except as provided in Subsection (3), all [~~written~~] accident reports required in this
230 article to be filed with the department:

- 231 (a) are without prejudice to the reporting individual;
- 232 (b) are protected and for the confidential use of the department or other state, local, or
233 federal agencies having use for the records for official governmental statistical, investigative, and
234 accident prevention purposes; and

235 (c) may be disclosed only in a statistical form that protects the privacy of any person
236 involved in the accident.

237 (3) (a) The department shall disclose [~~a written~~] an accident report and its accompanying
238 data to:

- 239 (i) a person involved in the accident, excluding a witness to the accident;
- 240 (ii) a person suffering loss or injury in the accident;
- 241 (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i) and
242 (ii);
- 243 (iv) a member of the press or broadcast news media;
- 244 (v) a state, local, or federal agency that uses the records for official governmental,

245 investigative, or accident prevention purposes;

246 (vi) law enforcement personnel when acting in their official governmental capacity; and

247 (vii) a licensed private investigator.

248 (b) In accordance with Subsection (3)(a), the department shall disclose whether any person
249 or vehicle involved in an accident reported under this section was covered by a vehicle insurance
250 policy, and the name of the insurer.

251 (c) Information provided to a member of the press or broadcast news media under
252 Subsection (3)(a)(iv) may only include:

253 (i) the name, age, sex, and city of residence of each person involved in the accident;

254 (ii) the make and model year of each vehicle involved in the accident;

255 (iii) whether or not each person involved in the accident was covered by a vehicle
256 insurance policy;

257 (iv) the location of the accident; and

258 (v) a description of the accident that excludes personal identifying information not listed
259 in Subsection (3)(c)(i).

260 (4) (a) Except as provided in Subsection (4)(b), [~~written~~] accident reports filed under this
261 section may not be used as evidence in any civil or criminal trial arising out of an accident.

262 (b) Upon demand of any party to the trial or upon demand of any court, the department
263 shall furnish a certificate showing that a specified accident report has or has not been made to the
264 department in compliance with law. If the report has been made, the certificate furnished by the
265 department shall show the date, time, and location of the accident, the names and addresses of the
266 drivers, the owners of the vehicles involved, and the investigating officers. The reports may be
267 used as evidence when necessary to prosecute charges filed in connection with a violation of
268 Subsection (5).

269 (5) A person who gives information in [~~oral or written~~] reports as required in this chapter
270 knowing or having reason to believe that the information is false is guilty of a class A
271 misdemeanor.

272 Section 8. Section **41-6-42** is amended to read:

273 **41-6-42. Local powers to require report.**

274 A local authority may by ordinance require that the operator of a vehicle involved in any
275 accident, or the owner of the vehicle, also file with the designated municipal department a [~~written~~]

276 report of the accident or a copy of any report required under this article to be filed with the
277 department on accidents occurring within its jurisdiction. All reports are for the confidential use
278 of the municipal department and are subject to Section 41-6-40.

279 Section 9. Section **41-6-100.15** is amended to read:

280 **41-6-100.15. Passing a school bus complaint procedure.**

281 (1) An operator of a school bus who observes a violation of Subsection 41-6-100.10(2) or
282 (3), may prepare a [~~written~~] report, in a manner specified by the school district, to the school
283 district transportation coordinator no more than two working days after the alleged violation
284 occurred. The written report shall contain:

- 285 (a) the date, time, and location of the violation;
- 286 (b) the license plate number and state and description of the offending vehicle;
- 287 (c) as much as practical, a description of the operator of the offending vehicle;
- 288 (d) a description of the incident involving the violation;
- 289 (e) information on how to contact the school bus operator who witnessed the offense; and
- 290 (f) the signature of the operator of the school bus who witnessed the offense attesting to
291 the accuracy of the report.

292 (2) (a) Upon receipt of a [~~written~~] report in accordance with Subsection (1), the school
293 district transportation coordinator shall promptly [~~mail~~] send a notification letter to the last-known
294 registered owner of the vehicle.

295 (b) The notification letter shall include:

- 296 (i) the applicable information on the school bus operator's report stating that the vehicle
297 was observed passing a school bus displaying alternating flashing red lights in violation of state
298 law;
- 299 (ii) a complete explanation of the applicable provisions of Section 41-6-100.10; and
- 300 (iii) an explanation that the notification letter is not a peace officer citation but is an effort
301 to call attention to the seriousness of the incident.

302 (c) The school district transportation coordinator may file the [~~written~~] report with the
303 local law enforcement agency that has jurisdiction for the alleged violation.

304 (3) A law enforcement agency that receives a [~~written~~] report in accordance with
305 Subsection (2) may have a peace officer initiate an investigation of the reported violation.

306 Section 10. Section **41-6-116.10** is amended to read:

307 **41-6-116.10. Abandoned vehicles -- Removal by peace officer -- Report -- Procedure**
308 **if not reclaimed.**

309 (1) A person may not abandon a vehicle upon any highway.

310 (2) A person may not abandon a vehicle upon any public or private property without the
311 express or implied consent of the owner or person in lawful possession or control of the property.

312 (3) (a) A peace officer who has reasonable grounds to believe that a vehicle has been
313 abandoned may remove the vehicle or cause it to be removed, at the expense of the owner, to the
314 nearest state impound yard or if none, to a garage or other place of safety.

315 (b) The peace officer shall immediately send a [~~written~~] report of the removal to the Motor
316 Vehicle Division. The report shall include a description of the vehicle, the date, time and place
317 of removal, the grounds for removal, and the name of the garage or place where the vehicle is
318 stored.

319 (c) Upon receipt of a report, the Motor Vehicle Division shall attempt to notify the
320 registered owner of the vehicle or any lien holder giving the grounds for removal and the name of
321 the garage or place where the vehicle is stored.

322 (d) If the vehicle is not registered in this state, the Motor Vehicle Division shall make a
323 reasonable effort to notify the registered owner or any lien holder of the removal and the name of
324 the garage or place where the vehicle is stored.

325 (e) The Motor Vehicle Division shall forward a copy of the notice to the owner or person
326 in charge of the garage or place where the vehicle is stored.

327 (4) For the purposes of this section, a vehicle is presumed to be abandoned if it is left
328 unattended:

329 (a) on a highway for a period in excess of 24 hours; or

330 (b) on any public or private property for a period in excess of seven days without express
331 or implied consent of the owner or person in lawful possession or control of the property.

332 (5) If the motor number, manufacturer's number or identification mark of the abandoned
333 vehicle has been defaced, altered or obliterated, the vehicle may not be released or sold until the
334 original motor number, manufacturer's number or identification mark has been replaced, or until
335 a new number assigned by the Motor Vehicle Division has been stamped on the vehicle.

336 (6) If the abandoned vehicle is not reclaimed by the registered owner or any lien holder
337 within 30 days after actual notice or reasonable attempt to give notice to the registered owner or

338 any lien holder, the provisions of Sections 41-1a-1009 and 41-1a-1102 shall apply, and the
339 abandoned vehicle may be sold as provided in Section 41-1a-1301.

340 Section 11. Section **41-12a-303** is amended to read:

341 **41-12a-303. Condition to obtaining registration, license plates, or safety inspection.**

342 The owner of a motor vehicle required to maintain owner's security under Section
343 41-12a-301 may be required to swear or affirm, [~~in writing,~~] in a manner specified by the State Tax
344 Commission, or present other reasonable evidence that he has owner's security in effect at the time
345 of registering, obtaining license plates for, or a safety inspection of the motor vehicle.

346 Section 12. Section **41-12a-508** is amended to read:

347 **41-12a-508. Form and amount of post-accident security.**

348 (1) The post-accident security required under Subsection 41-12a-501(1) shall be in the
349 form of cash, cashier's check, a national or Utah bank's clean and irrevocable letter of credit, or the
350 assignment of a bank's certificate of deposit. The department may not require a deposit in excess
351 of the minimum single limit under Subsection 31A-22-304(2). The person depositing security
352 shall specify in [~~writing~~] a manner specified by the department the persons on whose behalf the
353 deposit is made and may, at any time while the deposit is in the custody of the department or state
354 treasurer, in [~~writing~~] a manner specified by the department amend the specification of the persons
355 on whose behalf the deposit is made. However, a single deposit of security is applicable only on
356 behalf of persons required to furnish security because of the same accident.

357 (2) Subject to Subsection (1), the department may alter the amount of post-accident
358 security required if, in its judgment, the amount previously ordered is excessive or inadequate. If
359 the security originally ordered is determined to be excessive, the excess deposited over the reduced
360 amount ordered shall be returned to the depositor or his personal representative as soon as possible,
361 notwithstanding the provisions of Section 41-12a-509. If the security originally ordered is
362 determined to be inadequate, the depositor may be required to increase the deposit within 20 days
363 or be subject to the penalties under Subsection 41-12a-501(3).

364 Section 13. Section **53-3-104** is amended to read:

365 **53-3-104. Division duties.**

366 The division shall:

367 (1) make rules:

368 (a) for examining applicants for a license, as necessary for the safety and welfare of the

- 369 traveling public;
- 370 (b) regarding the restrictions to be imposed on a person driving a motor vehicle with a
371 temporary learner permit; and
- 372 (c) for exemptions from licensing requirements as authorized in this chapter;
- 373 (2) examine each applicant according to the class of license applied for;
- 374 (3) license motor vehicle drivers;
- 375 (4) file every application for a license received by it and shall maintain indices containing:
376 (a) all applications denied and the reason each was denied;
377 (b) all applications granted; and
378 (c) the name of every licensee whose license has been suspended, disqualified, or revoked
379 by the division and the reasons for the action;
- 380 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this
381 chapter;
- 382 (6) file all accident reports and abstracts of court records of convictions received by it
383 under state law;
- 384 (7) maintain a record of each licensee showing his convictions and the traffic accidents in
385 which he has been involved where a conviction has resulted;
- 386 (8) consider the record of a licensee upon an application for renewal of a license and at
387 other appropriate times;
- 388 (9) search the license files, compile, and furnish a report on the driving record of any
389 person licensed in the state in accordance with Section 53-3-109;
- 390 (10) develop and implement a record system as required by Section 41-6-48.5;
- 391 (11) in accordance with Section 53A-13-208, establish:
392 (a) procedures and standards to certify teachers of driver education classes to administer
393 ~~written~~ knowledge and ~~driving~~ skills tests;
- 394 (b) minimal standards for the tests; and
- 395 (c) procedures to enable school districts to administer or process any tests for students to
396 receive a class D operator's license;
- 397 (12) in accordance with Section 53-3-510, establish:
398 (a) procedures and standards to certify licensed instructors of commercial driver training
399 school courses to administer the skills test;

400 (b) minimal standards for the test; and
401 (c) procedures to enable licensed commercial driver training schools to administer or
402 process skills tests for students to receive a class D operator's license; and
403 (13) provide administrative support to the Driver License Medical Advisory Board created
404 in Section 53-3-303.

405 Section 14. Section **53-3-105** is amended to read:

406 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling, and**
407 **identification cards.**

408 The following fees apply under this chapter:

- 409 (1) An original class D license application under Section 53-3-205 is \$20.
410 (2) An original class M license application under Section 53-3-205 is \$22.50.
411 (3) An original provisional license application for a class D license under Section 53-3-205
412 is \$25.
413 (4) An original provisional license application for a class M license under Section
414 53-3-205 is \$27.50.
415 (5) An original application for a motorcycle endorsement under Section 53-3-205 is \$7.50.
416 (6) An original application for a taxicab endorsement under Section 53-3-205 is \$5.
417 (7) A renewal of a class D license under Section 53-3-214 is \$20 unless Subsection (13)
418 applies.
419 (8) A renewal of a class M license under Section 53-3-214 is \$22.50.
420 (9) A renewal of a provisional license application for a class D license under Section
421 53-3-214 is \$20.
422 (10) A renewal of a provisional license application for a class M license under Section
423 53-3-214 is \$22.50.
424 (11) A renewal of a motorcycle endorsement under Section 53-3-214 is \$7.50.
425 (12) A renewal of a taxicab endorsement under Section 53-3-214 is \$5.
426 (13) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
427 \$8.
428 (14) An extension of a class D license under Section 53-3-214 is \$15 unless Subsection
429 (20) applies.
430 (15) An extension of a class M license under Section 53-3-214 is \$17.50.

431 (16) An extension of a provisional license application for a class D license under Section
432 53-3-214 is \$15.

433 (17) An extension of a provisional license application for a class M license under Section
434 53-3-214 is \$17.50.

435 (18) An extension of a motorcycle endorsement under Section 53-3-214 is \$7.50.

436 (19) An extension of a taxicab endorsement under Section 53-3-214 is \$5.

437 (20) An extension of a class D license for a person 65 and older under Section 53-3-214
438 is \$6.

439 (21) An original or renewal application for a commercial class A, B, or C license or an
440 original or renewal of a provisional commercial class A or B license under Part 4 of this chapter
441 is:

442 (a) \$35 for the [~~written~~] knowledge test; and

443 (b) \$55 for the skills test.

444 (22) Each original CDL endorsement for passengers, hazardous material, double or triple
445 trailers, or tankers is \$5.

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

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

448 (25) A retake of a CDL [~~written~~] knowledge or a CDL skills test provided for in Section
449 53-3-205 is \$15.

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

451 (27) A duplicate class A, B, C, D, or M license certificate under Section 53-3-215 is \$13.

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

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

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

460 (30) (a) An administrative fee for providing the driving record of a driver under Section
461 53-3-104 or 53-3-420 is \$4.

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

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

465 (32) An identification card application under Section 53-3-808 is \$8.

466 Section 15. Section **53-3-109** is amended to read:

467 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

468 (1) (a) Except as provided in this section, all records of the division shall be classified and
469 disclosed in accordance with Title 63, Chapter 2, Government Records Access and Management
470 Act.

471 (b) The division may only disclose personal identifying information:

472 (i) when the division determines it is in the interest of the public safety to disclose the
473 information; and

474 (ii) in accordance with the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.
475 Chapter 123.

476 (2) A person who receives personal identifying information shall be advised by the
477 division that the person may not:

478 (a) disclose the personal identifying information from that record to any other person; or

479 (b) use the personal identifying information from that record for advertising or solicitation
480 purposes.

481 (3) The division may:

482 (a) collect fees in accordance with Section 53-3-105 for searching and compiling its files
483 or furnishing a report on the driving record of a person; and

484 (b) prepare under the seal of the division and deliver upon request, a certified copy of any
485 record of the division, and charge a fee under Section 63-38-3.2 for each document authenticated.

486 (4) Each certified copy of a driving record furnished in accordance with this section is
487 admissible in any court proceeding in the same manner as the original.

488 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
489 division may make rules to designate:

490 (a) what information shall be included in a report on the driving record of a person[-];

491 (b) the form of a report or copy of the report which may include electronic format;

492 (c) the form of a certified copy, as required under Section 53-3-216, which may include

493 electronic format;

494 (d) the form of a signature required under this chapter which may include electronic
495 format; and

496 (e) the form of written request to the division required under this chapter which may
497 include electronic format.

498 Section 16. Section **53-3-205** is amended to read:

499 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
500 **Expiration dates of licenses and endorsements -- Information required -- Previous licenses**
501 **surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required**
502 **-- License agreement.**

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

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

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

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

507 (a) not more than three attempts to pass both the [~~written~~] knowledge and skills tests for
508 a class D license within six months of the date of the application;

509 (b) a learner permit if needed after the [~~written~~] knowledge test is passed; and

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

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

512 (a) not more than three attempts to pass both the [~~written~~] knowledge and skills tests for
513 a class M license within six months of the date of the application;

514 (b) a learner permit if needed after the [~~written~~] knowledge test is passed; and

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

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

518 (a) not more than three attempts to pass both the [~~written~~] knowledge and skills tests
519 within six months of the date of the application;

520 (b) a motorcycle learner permit if needed after the motorcycle [~~written~~] knowledge test is
521 passed; and

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

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

524 to:

525 (a) not more than two attempts to pass a [~~written~~] knowledge test and not more than two
526 attempts to pass a skills test within six months of the date of the application;

527 (b) a commercial driver instruction permit if needed after the [~~written~~] knowledge test is
528 passed; and

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

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

532 (a) not more than two attempts to pass a [~~written~~] knowledge test and not more than two
533 attempts to pass a skills test within six months of the date of the application; and

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

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

538 (8) (a) An original license expires on the birth date of the applicant in the fifth year
539 following the year the license certificate was issued.

540 (b) A renewal or an extension to a license expires on the birth date of the licensee in the
541 fifth year following the expiration date of the license certificate renewed or extended.

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

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

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

551 (9) (a) In addition to the information required by Title 63, Chapter 46b, Administrative
552 Procedures Act, for requests for agency action, each application shall:

553 (i) state the full legal name, birth date, sex, Social Security number or temporary
554 identification number (ITIN) issued by the Internal Revenue Service for a person who does not

555 qualify for a Social Security number, and residence address of the applicant;

556 (ii) briefly describe the applicant;

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

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

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

564 (vi) be signed which may include electronic signatures as defined in Section 46-4-102.

565 (b) An applicant's Social Security number or temporary identification number (ITIN) shall
566 be maintained on the computerized records of the division.

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

569 (a) current license certificate;

570 (b) birth certificate;

571 (c) Selective Service registration; or

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

574 (11) When an applicant receives a license in another class, all previous license certificates
575 shall be surrendered and canceled. However, a disqualified commercial license may not be
576 canceled unless it expires before the new license certificate is issued.

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

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

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

584 (14) A person who has an appointment with the division for testing and fails to keep the
585 appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under

586 Section 53-3-105.

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

590 Section 17. Section **53-3-210** is amended to read:

591 **53-3-210. Temporary learner permit -- Instruction permit -- Commercial driver**
592 **instruction permit -- Practice permit.**

593 (1) (a) The division upon receiving an application for a class D or M license from a person
594 16 years of age or older may issue a temporary learner permit after the person has successfully
595 passed all parts of the examination not involving actually driving a motor vehicle.

596 (b) The temporary learner permit allows the applicant, while having the permit in the
597 applicant's immediate possession, to drive a motor vehicle upon the highways for six months from
598 the date of the application in conformance with the restrictions indicated on the permit.

599 (2) (a) The division, upon receiving an application, may issue an instruction permit
600 effective for one year to an applicant who is enrolled in a driver education program that includes
601 practice driving, if the program is approved by the State Board of Education, even though the
602 applicant has not reached the legal age to be eligible for a license.

603 (b) The instruction permit entitles the applicant, while having the permit in his immediate
604 possession, to drive a motor vehicle, only if an approved instructor is occupying a seat beside the
605 applicant or in accordance with the requirements of Subsections (4) and 53A-13-208(4).

606 (3) The division may issue a commercial driver instruction permit under Title 53, Chapter
607 3, Part 4, Uniform Commercial Driver License Act.

608 (4) (a) The division shall issue a practice permit to an applicant who:

609 (i) is at least 15 years and nine months of age;

610 (ii) has been issued an instruction permit under this section;

611 (iii) is enrolled in or has successfully completed a driver education course in a:

612 (A) commercial driver training school licensed under Title 53, Chapter 3, Part 5,
613 Commercial Driver Training Schools Act; or

614 (B) driver education program approved by the division;

615 (iv) has passed the [~~written~~] knowledge test required by the division;

616 (v) has passed the physical and mental fitness tests; and

617 (vi) has submitted the nonrefundable fee for a class D license.

618 (b) The division shall supply the practice permit form. The form shall include the
619 following information:

620 (i) the person's full name, date of birth, sex, home address, height, weight, and eye color;

621 (ii) the name of the school providing the driver education course;

622 (iii) the dates of issuance and expiration of the permit;

623 (iv) the statutory citation authorizing the permit; and

624 (v) the conditions and restrictions contained in this section for operating a class D motor
625 vehicle.

626 (c) The practice permit is valid for up to six months from the date of issuance. The
627 practice permit allows the person, while having the permit in the applicant's immediate possession,
628 to operate a class D motor vehicle when the person's parent, legal guardian, or adult spouse, who
629 must be a licensed driver, is occupying a seat next to the person.

630 (d) If an applicant has been issued a practice permit by the division, the applicant may
631 obtain an original or provisional class D license from the division upon passing the skills test
632 administered by the division and reaching 16 years of age.

633 Section 18. Section **53-3-216** is amended to read:

634 **53-3-216. Change of address -- Duty of licensee to notify division within ten days --**
635 **Change of name -- Proof necessary -- Method of giving notice by division.**

636 (1) If a person, after applying for or receiving a license, moves from the address named
637 in the application or in the license certificate issued to him, the person shall within ten days of
638 moving, notify the division in [~~writing~~] a manner specified by the division of his new address and
639 the number of any license certificate held by him.

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

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

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

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

647 (d) a certified copy of a divorce decree or annulment granted the applicant that specifies

648 the name change requested; or

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

651 (i) an original or certified copy of the applicant's birth certificate;

652 (ii) the applicant's marriage license;

653 (iii) a driver license record showing use of a maiden name; or

654 (iv) other documentation the division finds acceptable.

655 (3) (a) If the division is authorized or required to give any notice under this chapter or
656 other law regulating the operation of vehicles, the notice shall, unless otherwise prescribed, be
657 given by:

658 (i) personal delivery to the person to be notified; or

659 (ii) deposit in the United States mail with postage prepaid, addressed to the person at his
660 address as shown by the records of the division.

661 (b) The giving of notice by mail is complete upon the expiration of four days after the
662 deposit of the notice.

663 (c) Proof of the giving of notice in either manner may be made by the certificate of any
664 officer or employee of the division or affidavit of any person older than 18 years of age, naming
665 the person to whom the notice was given and specifying the time, place, and manner of giving the
666 notice.

667 (4) The division may use state mailing or United States Postal Service information to:

668 (a) verify an address on an application or on records of the division; and

669 (b) correct mailing addresses in the division's records.

670 Section 19. Section **53-3-218** is amended to read:

671 **53-3-218. Court to report convictions and may recommend suspension of license --**

672 **Severity of speeding violation defined.**

673 (1) As used in this section:

674 (a) "conviction" means conviction by the court of first impression or final administrative
675 determination in an administrative traffic proceeding; and

676 (b) "court" includes an administrative traffic proceeding in accordance with Section
677 10-3-703.5.

678 (2) A court having jurisdiction over offenses committed under this chapter or any other

679 law of this state, or under any municipal ordinance regulating driving motor vehicles on highways,
680 shall forward to the division within ten days, an abstract of the court record of the conviction or
681 plea held in abeyance of any person in the court for a reportable traffic violation of any laws or
682 ordinances, and may recommend the suspension of the license of the person convicted.

683 (3) The abstract shall be made [~~upon a form approved and furnished~~] in the form
684 prescribed by the division and shall include:

- 685 (a) the name and address of the party charged;
- 686 (b) the number of his license certificate, if any;
- 687 (c) the registration number of the motor vehicle involved;
- 688 (d) whether the motor vehicle was a commercial motor vehicle;
- 689 (e) whether the motor vehicle carried hazardous materials;
- 690 (f) the nature of the offense;
- 691 (g) the date of the hearing;
- 692 (h) the plea;
- 693 (i) the judgment or whether bail was forfeited; and
- 694 (j) the severity of the violation, which shall be graded by the court as "minimum,"
695 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

696 (4) When a convicted person secures a judgment of acquittal or reversal in any appellate
697 court after conviction in the court of first impression, the division shall reinstate his license
698 immediately upon receipt of a certified copy of the judgment of acquittal or reversal.

699 Section 20. Section **53-3-221** is amended to read:

700 **53-3-221. Offenses which may result in denial, suspension, disqualification, or**
701 **revocation of license without hearing -- Additional grounds for suspension -- Point system**
702 **for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.**

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

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

709 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an

710 accident resulting in death or injury to any other person, or serious property damage;
711 (c) is incompetent to drive a motor vehicle or is afflicted with mental or physical
712 infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle upon the
713 highways;
714 (d) has committed a serious violation of the motor vehicle laws of this state;
715 (e) has permitted an unlawful use of the license as defined in Section 53-3-229; or
716 (f) has been convicted of serious offenses against traffic laws governing the movement of
717 motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard for the
718 safety of other persons on the highways.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

756 and

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

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

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

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

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

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

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

771 (5) (a) (i) Upon denying or suspending the license of a person under this section, the

772 division shall immediately notify the licensee in [~~writing~~] a manner specified by the division and
773 afford him an opportunity for a hearing in the county where the licensee resides.

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

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

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

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

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

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

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

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

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

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

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

799 (b) Any nonresident who drives a motor vehicle upon a highway when his license has been
800 suspended or revoked by the division is guilty of a class C misdemeanor.

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

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

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

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

808 (iv) for failure to give and maintain owner's or operator's security under Section
809 41-12a-411.

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

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

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

819 (10) (a) The division, having good cause to believe that a licensed driver is incompetent
820 or otherwise not qualified to be licensed, may upon [~~written~~] notice in a manner specified by the
821 division of at least five days to the licensee require him to submit to an examination.

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

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

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

831 (12) (a) By following the emergency procedures in Title 63, Chapter 46b, Administrative
832 Procedures Act, the division may immediately suspend the license of a person if it has reason to
833 believe that the person is the owner of a motor vehicle for which security is required under Title

834 41, Chapter 12a, Motor Vehicle Financial Responsibility, and has driven the motor vehicle or
835 permitted it to be driven within this state without the security being in effect.

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

838 (c) If the division exercises the right of immediate suspension granted under this
839 Subsection (12), the notice and hearing provisions of Subsection (5) apply.

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

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

845 Section 21. Section **53-3-223** is amended to read:

846 **53-3-223. Chemical test for driving under the influence -- Temporary license --**
847 **Hearing and decision -- Suspension and fee -- Judicial review.**

848 (1) (a) If a peace officer has reasonable grounds to believe that a person may be violating
849 or has violated Section 41-6-44, prohibiting the operation of a vehicle with a certain blood or
850 breath alcohol concentration and driving under the influence of any drug, alcohol, or combination
851 of a drug and alcohol or while having any measurable controlled substance or metabolite of a
852 controlled substance in the person's body in violation of Section 41-6-44.6, the peace officer may,
853 in connection with arresting the person, request that the person submit to a chemical test or tests
854 to be administered in compliance with the standards under Section 41-6-44.10.

855 (b) In this section, a reference to Section 41-6-44 includes any similar local ordinance
856 adopted in compliance with Subsection 41-6-43(1).

857 (2) The peace officer shall advise a person prior to the person's submission to a chemical
858 test that a test result indicating a violation of Section 41-6-44 or 41-6-44.6 shall, and the existence
859 of a blood alcohol content sufficient to render the person incapable of safely driving a motor
860 vehicle may, result in suspension or revocation of the person's license to drive a motor vehicle.

861 (3) If the person submits to a chemical test and the test results indicate a blood or breath
862 alcohol content in violation of Section 41-6-44 or 41-6-44.6, or if the officer makes a
863 determination, based on reasonable grounds, that the person is otherwise in violation of Section
864 41-6-44, the officer directing administration of the test or making the determination shall serve on

865 the person, on behalf of the division, immediate notice of the division's intention to suspend the
866 person's license to drive a motor vehicle.

867 (4) (a) When the officer serves immediate notice on behalf of the division he shall:

868 (i) take the Utah license certificate or permit, if any, of the driver;

869 (ii) issue a temporary license certificate effective for only 29 days; and

870 (iii) supply to the driver, on a form to be approved by the division, basic information
871 regarding how to obtain a prompt hearing before the division.

872 (b) A citation issued by the officer may, if approved as to form by the division, serve also
873 as the temporary license certificate.

874 (5) As a matter of procedure, the peace officer serving the notice shall send to the division
875 within ten calendar days after the date of arrest and service of the notice:

876 (a) the person's license certificate;

877 (b) a copy of the citation issued for the offense;

878 (c) a signed report on a form approved by the division indicating the chemical test results,
879 if any; and

880 (d) any other basis for the officer's determination that the person has violated Section
881 41-6-44 or 41-6-44.6.

882 (6) (a) Upon [~~written~~] request in a manner specified by the division, the division shall
883 grant to the person an opportunity to be heard within 29 days after the date of arrest. The request
884 to be heard shall be made within ten calendar days of the date of the arrest.

885 (b) A hearing, if held, shall be before the division in the county in which the arrest
886 occurred, unless the division and the person agree that the hearing may be held in some other
887 county.

888 (c) The hearing shall be documented and shall cover the issues of:

889 (i) whether a peace officer had reasonable grounds to believe the person was driving a
890 motor vehicle in violation of Section 41-6-44 or 41-6-44.6;

891 (ii) whether the person refused to submit to the test; and

892 (iii) the test results, if any.

893 (d) (i) In connection with a hearing the division or its authorized agent:

894 (A) may administer oaths and may issue subpoenas for the attendance of witnesses and the
895 production of relevant books and papers; or

896 (B) may issue subpoenas for the attendance of necessary peace officers.

897 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
898 accordance with the rates established in Section 21-5-4.

899 (e) The division may designate one or more employees to conduct the hearing.

900 (f) Any decision made after a hearing before any designated employee is as valid as if
901 made by the division.

902 (g) After the hearing, the division shall order whether the person's license to drive a motor
903 vehicle is suspended or not.

904 (h) If the person for whom the hearing is held fails to appear before the division as
905 required in the notice, the division shall order whether the person's license to drive a motor vehicle
906 is suspended or not.

907 (7) (a) A first suspension, whether ordered or not challenged under this Subsection (7), is
908 for a period of 90 days, beginning on the 30th day after the date of the arrest.

909 (b) A second or subsequent suspension under this subsection is for a period of one year,
910 beginning on the 30th day after the date of arrest.

911 (8) (a) The division shall assess against a person, in addition to any fee imposed under
912 Subsection 53-3-205(14) for driving under the influence, a fee under Section 53-3-105 to cover
913 administrative costs, which shall be paid before the person's driving privilege is reinstated. This
914 fee shall be cancelled if the person obtains an unappealed division hearing or court decision that
915 the suspension was not proper.

916 (b) A person whose license has been suspended by the division under this subsection may
917 file a petition within 30 days after the suspension for a hearing on the matter which, if held, is
918 governed by Section 53-3-224.

919 Section 22. Section **53-3-231** is amended to read:

920 **53-3-231. Person under 21 may not operate vehicle with detectable alcohol in body**
921 **-- Chemical test procedures -- Temporary license -- Hearing and decision -- Suspension of**
922 **license or operating privilege -- Fees -- Judicial review -- Referral to local substance abuse**
923 **authority or program.**

924 (1) (a) As used in this section:

925 (i) "Local substance abuse authority" has the same meaning as provided in Section
926 62A-8-101.

927 (ii) "Substance abuse program" means any substance abuse program licensed by the
928 Department of Human Services or the Department of Health and approved by the local substance
929 abuse authority.

930 (b) Calculations of blood, breath, or urine alcohol concentration under this section shall
931 be made in accordance with the procedures in Subsection 41-6-44(2).

932 (2) (a) A person younger than 21 years of age may not operate or be in actual physical
933 control of a vehicle with any measurable blood, breath, or urine alcohol concentration in his body
934 as shown by a chemical test.

935 (b) (i) A person with a valid operator license who violates Subsection (2)(a), in addition
936 to any other applicable penalties arising out of the incident, shall have his operator license denied
937 or suspended as provided in Subsection (2)(b)(ii).

938 (ii) (A) For a first offense under Subsection (2)(a), the Driver License Division of the
939 Department of Public Safety shall deny the person's operator license if ordered or not challenged
940 under this section for a period of 90 days beginning on the 30th day after the date of the arrest
941 under Section 32A-12-209.

942 (B) For a second or subsequent offense under Subsection (2)(a), within three years of a
943 prior denial or suspension, the Driver License Division shall suspend the person's operator license
944 for a period of one year beginning on the 30th day after the date of arrest.

945 (c) (i) A person who has not been issued an operator license who violates Subsection
946 (2)(a), in addition to any other penalties arising out of the incident, shall be punished as provided
947 in Subsection (2)(c)(ii).

948 (ii) For one year or until he is 17, whichever is longer, a person may not operate a vehicle
949 and the Driver License Division may not issue the person an operator license or learner's permit.

950 (3) (a) When a peace officer has reasonable grounds to believe that a person may be
951 violating or has violated Subsection (2), the peace officer may, in connection with arresting the
952 person for a violation of Section 32A-12-209, request that the person submit to a chemical test or
953 tests to be administered in compliance with the standards under Section 41-6-44.10.

954 (b) The peace officer shall advise a person prior to the person's submission to a chemical
955 test that a test result indicating a violation of Subsection (2)(a) will result in denial or suspension
956 of the person's license to operate a motor vehicle or a refusal to issue a license.

957 (c) If the person submits to a chemical test and the test results indicate a blood, breath, or

958 urine alcohol content in violation of Subsection (2)(a), or if the officer makes a determination,
959 based on reasonable grounds, that the person is otherwise in violation of Subsection (2)(a), the
960 officer directing administration of the test or making the determination shall serve on the person,
961 on behalf of the Driver License Division, immediate notice of the Driver License Division's
962 intention to deny or suspend the person's license to operate a vehicle or refusal to issue a license
963 under Subsection (2).

964 (4) When the officer serves immediate notice on behalf of the Driver License Division,
965 he shall:

966 (a) take the Utah license certificate or permit, if any, of the operator;

967 (b) issue a temporary license certificate effective for only 29 days if the driver had a valid
968 operator's license; and

969 (c) supply to the operator, [~~on a form to be approved by the Driver License Division~~] in
970 a manner specified by the division, basic information regarding how to obtain a prompt hearing
971 before the Driver License Division.

972 (5) A citation issued by the officer may, if approved as to form by the Driver License
973 Division, serve also as the temporary license certificate under Subsection (4)(b).

974 (6) As a matter of procedure, the peace officer serving the notice shall send to the Driver
975 License Division within ten calendar days after the date of arrest and service of the notice:

976 (a) the person's driver license certificate, if any;

977 (b) a copy of the citation issued for the offense;

978 (c) a signed report [~~on a form approved~~] in a manner specified by the Driver License
979 Division indicating the chemical test results, if any; and

980 (d) any other basis for the officer's determination that the person has violated Subsection
981 (2).

982 (7) (a) (i) Upon [~~written~~] request in a manner specified by the division, the Driver License
983 Division shall grant to the person an opportunity to be heard within 29 days after the date of arrest
984 under Section 32A-12-209.

985 (ii) The request shall be made within ten calendar days of the date of the arrest.

986 (b) A hearing, if held, shall be before the Driver License Division in the county in which
987 the arrest occurred, unless the Driver License Division and the person agree that the hearing may
988 be held in some other county.

989 (c) The hearing shall be documented and shall cover the issues of:

990 (i) whether a peace officer had reasonable grounds to believe the person was operating a
991 motor vehicle in violation of Subsection (2)(a);

992 (ii) whether the person refused to submit to the test; and

993 (iii) the test results, if any.

994 (d) In connection with a hearing the Driver License Division or its authorized agent may
995 administer oaths and may issue subpoenas for the attendance of witnesses and the production of
996 relevant books and papers and records as defined in Section 46-4-102.

997 (e) One or more members of the Driver License Division may conduct the hearing.

998 (f) Any decision made after a hearing before any number of the members of the Driver
999 License Division is as valid as if made after a hearing before the full membership of the Driver
1000 License Division.

1001 (g) After the hearing, the Driver License Division shall order whether the person:

1002 (i) with a valid license to operate a motor vehicle will have his license denied or not or
1003 suspended or not; or

1004 (ii) without a valid operator license will be refused a license under Subsection (2)(c).

1005 (h) If the person for whom the hearing is held fails to appear before the Driver License
1006 Division as required in the notice, the division shall order whether the person shall have his license
1007 denied, suspended, or not denied or suspended, or whether an operator license will be refused or
1008 not refused.

1009 (8) (a) Following denial or suspension the Driver License Division shall assess against a
1010 person, in addition to any fee imposed under Subsection 53-3-205(14), a fee under Section
1011 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover
1012 administrative costs. This fee shall be canceled if the person obtains an unappealed Driver License
1013 Division hearing or court decision that the suspension was not proper.

1014 (b) A person whose operator license has been denied, suspended, or postponed by the
1015 Driver License Division under this section may file a petition within 30 days after the suspension
1016 for a hearing on the matter which, if held, is governed by Section 53-3-224.

1017 (9) After reinstatement of an operator license for a first offense under this section, a report
1018 authorized under Section 53-3-104 may not contain evidence of the denial or suspension of the
1019 person's operator license under this section if he has not been convicted of any other offense for

1020 which the denial or suspension may be extended.

1021 (10) (a) In addition to the penalties in Subsection (2), a person who violates Subsection
1022 (2)(a) shall:

1023 (i) obtain an assessment and recommendation for appropriate action from a substance
1024 abuse program, but any associated costs shall be the person's responsibility; or

1025 (ii) be referred by the Driver License Division to the local substance abuse authority for
1026 an assessment and recommendation for appropriate action.

1027 (b) (i) Reinstatement of the person's operator license or the right to obtain an operator
1028 license is contingent upon successful completion of the action recommended by the local substance
1029 abuse authority or the substance abuse program.

1030 (ii) The local substance abuse authority's or the substance abuse program's recommended
1031 action shall be determined by an assessment of the person's alcohol abuse and may include:

1032 (A) a targeted education and prevention program;

1033 (B) an early intervention program; or

1034 (C) a substance abuse treatment program.

1035 (iii) Successful completion of the recommended action shall be determined by standards
1036 established by the Division of Substance Abuse.

1037 (c) At the conclusion of the penalty period imposed under Subsection (2), the local
1038 substance abuse authority or the substance abuse program shall notify the Driver License Division
1039 of the person's status regarding completion of the recommended action.

1040 (d) The local substance abuse authorities and the substance abuse programs shall cooperate
1041 with the Driver License Division in:

1042 (i) conducting the assessments;

1043 (ii) making appropriate recommendations for action; and

1044 (iii) notifying the Driver License Division about the person's status regarding completion
1045 of the recommended action.

1046 (e) (i) The local substance abuse authority is responsible for the cost of the assessment of
1047 the person's alcohol abuse, if the assessment is conducted by the local substance abuse authority.

1048 (ii) The local substance abuse authority or a substance abuse program selected by a person
1049 is responsible for:

1050 (A) conducting an assessment of the person's alcohol abuse; and

1051 (B) for making a referral to an appropriate program on the basis of the findings of the
1052 assessment.

1053 (iii) (A) The person who violated Subsection (2)(a) is responsible for all costs and fees
1054 associated with the recommended program to which the person selected or is referred.

1055 (B) The costs and fees under Subsection (10)(e)(iii)(A) shall be based on a sliding scale
1056 consistent with the local substance abuse authority's policies and practices regarding fees for
1057 services or determined by the substance abuse program.

1058 Section 23. Section **53-3-303** is amended to read:

1059 **53-3-303. Driver License Medical Advisory Board -- Membership -- Guidelines for**
1060 **licensing impaired persons -- Recommendations to division.**

1061 (1) There is created within the division the Driver License Medical Advisory Board.

1062 (2) (a) The board is comprised of three regular members appointed by the Commissioner
1063 of Public Safety to four-year terms.

1064 (b) The board shall be assisted by expert panel members nominated by the board as
1065 necessary and as approved by the Commissioner of Public Safety.

1066 (c) Notwithstanding the requirements of Subsection (2)(a), the executive director shall, at
1067 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1068 board members are staggered so that approximately half of the board is appointed every two years.

1069 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
1070 appointed for the unexpired term.

1071 (e) The expert panel members shall recommend medical standards in the areas of the panel
1072 members' special competence for determining the physical, mental, and emotional capabilities of
1073 applicants for licenses and licensees.

1074 (3) In reviewing individual cases, a panel acting with the authority of the board consists
1075 of at least two members, of which at least one is a regular board member.

1076 (4) The director of the division or his designee serves as secretary to the board and its
1077 panels.

1078 (5) Members of the board and expert panel members nominated by them shall be health
1079 care professionals.

1080 (6) (a) (i) Members who are not government employees shall receive no compensation
1081 or benefits for their services, but may receive per diem and expenses incurred in the performance

1082 of the member's official duties at the rates established by the Division of Finance under Sections
1083 63A-3-106 and 63A-3-107.

1084 (ii) Members may decline to receive per diem and expenses for their service.

1085 (b) (i) State government officer and employee members who do not receive salary, per
1086 diem, or expenses from their agency for their service may receive per diem and expenses incurred
1087 in the performance of their official duties from the board at the rates established by the Division
1088 of Finance under Sections 63A-3-106 and 63A-3-107.

1089 (ii) State government officer and employee members may decline to receive per diem and
1090 expenses for their service.

1091 (7) The board shall meet from time to time when called by the director of the division.

1092 (8) (a) The board shall recommend [~~written~~] guidelines and standards for determining the
1093 physical, mental, and emotional capabilities of applicants for licenses and for licensees.

1094 (b) The guidelines and standards are applicable to all Utah licensees and for all individuals
1095 who hold learner permits and are participating in driving activities in all forms of driver education.

1096 (c) The guidelines and standards shall be published by the division.

1097 (9) If the division has reason to believe that an applicant or licensee is an impaired person,
1098 it may:

1099 (a) act upon the matter based upon the published guidelines and standards; or

1100 (b) convene a panel to consider the matter and submit [~~written~~] findings and a
1101 recommendation; the division shall consider the recommendation along with other evidence in
1102 determining whether a license should be suspended, revoked, denied, disqualified, canceled, or
1103 restricted.

1104 (10) (a) If the division has acted under Subsection (9) to suspend, revoke, deny, disqualify,
1105 cancel, or restrict the driving privilege without the convening of a panel, the affected applicant or
1106 licensee may within ten days of receiving notice of the action request in [~~writing~~] a manner
1107 prescribed by the division a review of the division's action by a panel.

1108 (b) The panel shall review the matters and make written findings and conclusions.

1109 (c) The division shall affirm or modify its previous action.

1110 (11) (a) Actions of the division are subject to judicial review as provided in this part.

1111 (b) The guidelines, standards, findings, conclusions, and recommendations of the board
1112 or of a panel are admissible as evidence in any judicial review.

1113 (12) Members of the board and its panels incur no liability for recommendations, findings,
1114 conclusions, or for other acts performed in good faith and incidental to membership on the board
1115 or a panel.

1116 (13) The division shall provide forms for the use of health care professionals in depicting
1117 the medical history of any physical, mental, or emotional impairment affecting the applicant's or
1118 licensee's ability to drive a motor vehicle.

1119 (14) (a) (i) Individuals who apply for or hold a license and have, or develop, or suspect that
1120 they have developed a physical, mental, or emotional impairment that may affect driving safety
1121 are responsible for reporting this to the division or its agent.

1122 (ii) If there is uncertainty, the individual is expected to seek competent medical evaluation
1123 and advice as to the significance of the impairment as it relates to driving safety, and to refrain
1124 from driving until a clarification is made.

1125 (b) Health care professionals who care for patients with physical, mental, or emotional
1126 impairments that may affect their driving safety, whether defined by published guidelines and
1127 standards or not, are responsible for making available to their patients without reservation their
1128 recommendations and appropriate information related to driving safety and responsibilities.

1129 (c) A health care professional or other person who becomes aware of a physical, mental,
1130 or emotional impairment that appears to present an imminent threat to driving safety and reports
1131 this information to the division in good faith has immunity from any damages claimed as a result
1132 of making the report.

1133 Section 24. Section **53-3-303.5** is amended to read:

1134 **53-3-303.5. Driver License Medical Advisory Board.**

1135 (1) The Driver License Medical Advisory Board shall:

1136 (a) advise the director of the division; and

1137 (b) establish and recommend [~~written~~] in a manner specified by the board functional ability
1138 profile guidelines and standards for determining the physical, mental, and emotional capabilities
1139 of applicants for specific types of licenses, appropriate to various driving abilities.

1140 (2) (a) The Driver License Medical Advisory Board shall establish fitness standards,
1141 including provisions for a waiver of specified federal driver's physical qualifications, for intrastate
1142 commercial driver licenses under Title 53, Chapter 3, Part 4, Uniform Commercial Driver License
1143 Act.

1144 (b) The standards under this Subsection (2) may only be implemented if the United States
1145 Department of Transportation (USDOT) will not impose any sanctions, including funding
1146 sanctions, against the state [~~of Utah~~].

1147 (3) In case of uncertainty of interpretation of these guidelines and standards, or in special
1148 circumstances, applicants may request a review of any division decision by a panel of board
1149 members. All of the actions of the director and board are subject to judicial review.

1150 (4) (a) If the applicant for an intrastate commercial driver license under Subsection (2)
1151 applies for the license under a waiver program, the applicant shall bear any costs directly
1152 associated with the cost of administration of the waiver program, with respect to the applicant's
1153 application, in addition to any fees required under Section 53-3-105.

1154 (b) The division shall establish any additional fee necessary to administer the license under
1155 this Subsection (4) in accordance with Section 63-38-3.2.

1156 Section 25. Section **53-3-408** is amended to read:

1157 **53-3-408. Qualifications for commercial driver instruction permit.**

1158 (1) A CDIP may be issued to a person who:

1159 (a) holds a valid license;

1160 (b) has at least one year of driving experience; and

1161 (c) has passed the vision and [~~written~~] knowledge test for the class of license for which
1162 he is applying.

1163 (2) A CDIP may be:

1164 (a) issued only for a period not to exceed six months; and

1165 (b) renewed or issued again only once within a two-year period.

1166 (3) The holder of a CDIP may drive a commercial motor vehicle on a highway only when
1167 accompanied by a person who:

1168 (a) holds a CDL valid for the type of commercial motor vehicle driven; and

1169 (b) occupies a seat beside the individual for the purpose of giving the driver instruction
1170 regarding the driving of the commercial motor vehicle.

1171 (4) A CDL or CDIP may not be issued to a person:

1172 (a) subject to disqualification from driving a commercial motor vehicle; or

1173 (b) whose license is suspended, revoked, or canceled in any state.

1174 (5) A CDL or CDIP may not be issued to a person until the person has surrendered all

1175 license certificates he holds to the division for cancellation.

1176 Section 26. Section **53-3-413** is amended to read:

1177 **53-3-413. Issuance of CDL by division -- Driving record -- Expiration date --**
1178 **Renewal -- Hazardous materials provision.**

1179 (1) Before the division may grant a CDL, the division shall obtain the driving record
1180 information regarding the applicant through the CDLIS, the NDR, and from each state where the
1181 applicant has been licensed.

1182 (2) Within ten days after issuing a CDL, the division shall notify the CDLIS and provide
1183 all information required to ensure identification of the CDL holder.

1184 (3) The expiration date for a CDL:

1185 (a) issued before May 1, 1992, is the birth date of the holder in the fourth year following
1186 the year of issuance of the CDL; and

1187 (b) issued after April 30, 1992, is the birth date of the holder in the fifth year following the
1188 year of issuance of the CDL.

1189 (4) (a) The applicant for a renewal of a CDL shall complete the application form required
1190 by Section 53-3-410 and provide updated information and required certification.

1191 (b) To retain a hazardous materials endorsement upon CDL renewal, the applicant must
1192 take and pass the [~~written~~] knowledge test for hazardous materials endorsement in addition to any
1193 other testing required by the division.

1194 Section 27. Section **53-3-418** is amended to read:

1195 **53-3-418. Prohibited alcohol level for drivers -- Procedures, including hearing.**

1196 (1) A person who holds or is required to hold a CDL may not drive a commercial motor
1197 vehicle in this state if the person:

1198 (a) has a blood, breath, or urine alcohol concentration of .04 grams or greater as shown by
1199 a chemical test given within two hours after the alleged driving of the commercial motor vehicle;
1200 or

1201 (b) is under the influence of alcohol, any drug, or the combined influence of alcohol and
1202 any drug to any degree that renders the person incapable of safely driving a commercial motor
1203 vehicle.

1204 (2) A person who holds or is required to hold a CDL and who drives a commercial motor
1205 vehicle in this state is considered to have given his consent to a test or tests of his blood, breath,

1206 or urine to determine the concentration of alcohol or the presence of other drugs in his physical
1207 system.

1208 (3) If a peace officer or port-of-entry agent has reasonable cause to believe that a person
1209 may be violating this section, the peace officer or port-of-entry agent may request the person to
1210 submit to a chemical test to be administered in compliance with Section 41-6-44.3.

1211 (4) When a peace officer or port-of-entry agent requests a person to submit to a test under
1212 this section, he shall advise the person that test results indicating .04 grams or greater alcohol
1213 concentration or refusal to submit to any test requested will result in the person's disqualification
1214 under Section 53-3-414 from driving a commercial motor vehicle.

1215 (5) If test results under this section indicate .04 grams or greater of alcohol concentration
1216 or the person refuses to submit to any test requested under this section, the peace officer or
1217 port-of-entry agent shall on behalf of the division serve the person with immediate notice of the
1218 division's intention to disqualify the person's privilege to drive a commercial motor vehicle.

1219 (6) When the peace officer or port-of-entry agent serves notice under Subsection (5) he
1220 shall:

- 1221 (a) take any Utah license certificate or permit held by the driver;
- 1222 (b) issue to the driver a temporary license certificate effective for 29 days;
- 1223 (c) provide the driver, [~~on a form approved~~] in a manner specified by the division, basic
1224 information regarding how to obtain a prompt hearing before the division; and
- 1225 (d) issue a 24-hour out-of-service order.

1226 (7) A notice of disqualification issued under Subsection (6) may serve also as the
1227 temporary license certificate under that subsection, if the form is approved by the division.

1228 (8) As a matter of procedure, the peace officer or port-of-entry agent serving the notice of
1229 disqualification shall, within ten calendar days after the date of service, send to the division the
1230 person's license certificate, a copy of the served notice, and a report signed by the peace officer or
1231 port-of-entry agent that indicates the results of any chemical test administered or that the person
1232 refused a test.

1233 (9) (a) The person has the right to a hearing regarding the disqualification.

1234 (b) The request for the hearing shall be submitted to the division in writing and shall be
1235 made within ten calendar days of the date the notice was issued. If requested, the hearing shall be
1236 conducted within 29 days after the notice was issued.

1237 (10) (a) A hearing held under this section shall be held before the division and in the
1238 county where the notice was issued, unless the division agrees to hold the hearing in another
1239 county.

1240 (b) The hearing shall be documented and shall determine:

1241 (i) whether the peace officer or port-of-entry agent had reasonable grounds to believe the
1242 person had been driving a motor vehicle in violation of this section;

1243 (ii) whether the person refused to submit to any requested test; and

1244 (iii) any test results obtained.

1245 (c) In connection with a hearing the division or its authorized agent may administer oaths
1246 and may issue subpoenas for the attendance of witnesses and the production of relevant books and
1247 documents.

1248 (d) One or more members of the division may conduct the hearing.

1249 (e) A decision made after a hearing before any number of members of the division is as
1250 valid as if the hearing were held before the full membership of the division.

1251 (f) After a hearing under this section the division shall indicate by order if the person's
1252 CDL is disqualified.

1253 (g) If the person for whom the hearing is held fails to appear before the division as required
1254 in the notice, the division shall indicate by order if the person's CDL is disqualified.

1255 (11) If the division disqualifies a person under this section, the person may petition for a
1256 hearing under Section 53-3-224. The petition shall be filed within 30 days after the division issues
1257 the disqualification.

1258 (12) (a) A person who violates this section shall be punished in accordance with Section
1259 53-3-414.

1260 (b) In accordance with Section 53-3-414, the first disqualification under this section shall
1261 be for one year, and a second disqualification shall be for life.

1262 (13) (a) In addition to the fees imposed under Section 53-3-205 for reinstatement of a
1263 CDL, a fee under Section 53-3-105 to cover administrative costs shall be paid before the driving
1264 privilege is reinstated.

1265 (b) The fees under Sections 53-3-105 and 53-3-205 shall be canceled if an unappealed
1266 hearing at the division or court level determines the disqualification was not proper.

1267 Section 28. Section **53-3-607** is amended to read:

1268 **53-3-607. Court and agency reporting of actions to department.**

1269 Any court or other agency of this state, or a subdivision of the state that has jurisdiction to
1270 take any action suspending, revoking, or otherwise limiting a license to drive, shall report any
1271 action suspending, revoking, or limiting a license to drive and the adjudication upon which it is
1272 based, to the department within ten days, [~~on forms approved and furnished~~] in a manner specified
1273 by the department.

1274 Section 29. Section **53-3-807** is amended to read:

1275 **53-3-807. Expiration -- Address and name change -- Extension for disabled.**

1276 (1) The identification card expires on the birth date of the applicant in the fifth year
1277 following the issuance of the identification card, except as provided under Subsections (2) and (7).

1278 (2) (a) An identification card issued to a minor expires on his 21st birthday if that date
1279 occurs before the expiration date of the identification card under Subsection (1).

1280 (b) A minor's identification card shall be renewed as an adult card on the minor's 21st
1281 birthday and expires five years after the identification card is renewed.

1282 (3) If a person has applied for and received an identification card and subsequently moves
1283 from the address shown on the application or on the card, the person shall within ten days notify
1284 the division in [~~writing~~] a manner specified by the division of his new address.

1285 (4) If a person has applied for and received an identification card and subsequently changes
1286 his name under Title 42, Chapter 1, Change of Name, he:

1287 (a) shall surrender the card to the division; and

1288 (b) may apply for a new card in his new name by:

1289 (i) furnishing proper documentation to the division as provided in Section 53-3-804; and

1290 (ii) paying the fee required under Section 53-3-105.

1291 (5) A person older than 21 years of age with a disability, as defined under the Americans
1292 with Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on an identification
1293 card for five years if the person with a disability or an agent of the person with a disability:

1294 (a) requests that the division send the application form to obtain the extension or requests
1295 an application form in person at the division's offices;

1296 (b) completes the application;

1297 (c) certifies that the extension is for a person 21 years of age or older with a disability; and

1298 (d) returns the application to the division together with the identification card fee required

1299 under Section 53-3-105.

1300 (6) (a) An identification card may only be extended once.

1301 (b) After an extension an application for an identification card must be applied for in
1302 person at the division's offices.

1303 (7) An identification card issued to a person 65 years of age or older does not expire, but
1304 continues in effect until the death of that person.

Legislative Review Note
as of 11-28-00 8:59 AM

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

Office of Legislative Research and General Counsel

Committee Note

The Public Utilities and Technology Interim Committee recommended this bill.