

**APPLICATION FOR DRIVER LICENSE****AMENDMENTS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Bill Wright**

**This act modifies the Public Safety Code to allow a driver license or identification card applicant to provide an affidavit if they do not qualify for a Social Security number or temporary identification number. The act requires an applicant for a driver license or identification card to provide a Utah residence address. The act repeals a provision that all identification cards expire on the person's 21st birthday.**

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

**AMENDS:**

**53-3-205**, as last amended by Chapters 85 and 117, Laws of Utah 2001

**53-3-207**, as last amended by Chapter 117, Laws of Utah 2001

**53-3-804**, as last amended by Chapters 117 and 125, Laws of Utah 2001

**53-3-805**, as last amended by Chapter 117, Laws of Utah 2001

**53-3-807**, as last amended by Chapter 85, Laws of Utah 2001

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

Section 1. Section **53-3-205** is amended to read:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) (a) An original license expires on the birth date of the applicant in the fifth year

following the year the license certificate was issued.

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

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

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

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

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

(i) ~~[state]~~ provide the applicant's full legal name, birth date, [sex,] and gender;

(ii) provide the applicant's Utah residence address;

(iii) provide the applicant's:

(A) Social Security number [or];

(B) temporary identification number (ITIN) issued by the Internal Revenue Service for a person who does not qualify for a Social Security number[, and residence address of the applicant];  
or

(C) affidavit that the applicant does not qualify for a Social Security number or an ITIN;

~~[(ii)]~~ (iv) ~~[briefly describe]~~ provide a brief description of the applicant;

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

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

~~[(v)]~~ (vii) state whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Uniform Anatomical Gift Act, in compliance with Subsection (16);

90           ~~[(vi)]~~ (viii) provide all other information the division requires; and  
91           ~~[(vii) be signed]~~ (ix) sign the application which signature may include electronic  
92 signatures as defined in Section 46-4-102.

93           ~~[(b) An applicant's Social Security number or temporary identification number (ITIN) shall~~  
94 ~~be maintained on the computerized records of the division.]~~

95           (b) The division shall maintain on its computerized records, an applicant's:  
96           (i) Social Security number;  
97           (ii) temporary identification number (ITIN); or  
98           (iii) if the applicant does not qualify for a Social Security number or a ITIN, a unique  
99 identification number assigned by the division.

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

102           (a) current license certificate;  
103           (b) birth certificate;  
104           (c) Selective Service registration; or  
105           (d) other proof, including church records, family Bible notations, school records, or other  
106 evidence considered acceptable by the division.

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

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

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

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

117           (14) A person who has an appointment with the division for testing and fails to keep the  
118 appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under  
119 Section 53-3-105.

120           (15) A person who applies for an original license or renewal of a license agrees that the

person's license is subject to any suspension or revocation authorized under this title or Title 41, Motor Vehicles.

(16) (a) The indication of intent under Subsection (9)(a)(v) shall be authenticated by the licensee in accordance with division rule.

(b) (i) Notwithstanding Title 63, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-2, the names and addresses of all persons who under Subsection (9)(a)(v) indicate that they intend to make an anatomical gift.

(ii) An organ procurement organization may use released information only to:

(A) obtain additional information for an anatomical gift registry; and

(B) inform licensees of anatomical gift options, procedures, and benefits.

(17) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection (9)(a)(v), for direct or indirect:

(a) loss;

(b) detriment; or

(c) injury.

Section 2. Section **53-3-207** is amended to read:

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

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

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

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

(i) the distinguishing number assigned to the licensee by the division;

(ii) the name, birth date, and residence address of the licensee;

(iii) a brief description of the licensee for the purpose of identification;

(iv) any restrictions imposed on the license under Section 53-3-208;

(v) a photograph of the licensee;

(vi) a photograph or other facsimile of the licensee's signature; and

(vii) an indication whether the licensee intends to make an anatomical gift under Title 26,

Chapter 28, Uniform Anatomical Gift Act, unless the license is extended under Subsection 53-3-214(3).

(b) A new license certificate issued by the division may bear the licensee's Social Security number [of the licensee], ITIN, or unique identification number assigned by the division under Subsection 53-3-205(9) only at the request of the licensee.

(c) (i) The license certificate shall be of an impervious material, resistant to wear, damage, and alteration.

(ii) The size, form, and color of the license certificate shall be as prescribed by the commissioner.

(iii) The commissioner may also prescribe the issuance of a special type of limited license certificate under Subsection 53-3-220(4) and may authorize the issuance of a renewed or duplicate license certificate without a picture if the applicant is not then living in the state.

(3) (a) (i) The division upon determining after an examination that an applicant is mentally and physically qualified to be granted a license may issue to an applicant a receipt for the fee.

(ii) The receipt serves as a temporary license certificate allowing him to drive a motor vehicle while the division is completing its investigation to determine whether he is entitled to be licensed.

(b) The receipt shall be in his immediate possession while driving a motor vehicle, and it is invalid when the applicant's license certificate has been issued or when, for good cause, the privilege has been refused.

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

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

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

(6) A person who violates Subsection (1)(b) is guilty of a class C misdemeanor.

Section 3. Section **53-3-804** is amended to read:

**53-3-804. Application for identification card -- Required information -- Release of**

**anatomical gift information.**

(1) To apply for an identification card, the applicant shall have a Utah residence address and appear in person at any license examining station.

(2) The applicant shall provide the following information to the division:

(a) true and full legal name and Utah residence address;

(b) date of birth as set forth in a certified copy of the applicant's birth certificate, or other satisfactory evidence of birth, which shall be attached to the application;

(c) (i) Social Security number [or];

(ii) temporary identification number (ITIN) issued by the Internal Revenue Service for a person who does not qualify for a Social Security number; or

(iii) an affidavit that the applicant does not qualify for a Social Security number or an ITIN;

(d) place of birth;

(e) height and weight;

(f) color of eyes and hair;

(g) signature;

(h) photograph; and

(i) an indication whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Uniform Anatomical Gift Act.

(3) The requirements of Section 53-3-234 shall also apply to this section for each person, age 16 and older, applying for an identification card. Refusal to consent to the release of information shall result in the denial of the identification card.

Section 4. Section **53-3-805** is amended to read:

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

(1) The division shall issue an identification card that:

(a) provides all the information contained in the application, other than the applicant's:

(i) Social Security number, except as provided in Subsection (3); and

(ii) place of birth;

(b) contains a photograph of the applicant; and

(c) contains a facsimile of the applicant's signature.

(2) (a) The card shall be of an impervious material, resistant to wear, damage, and

alteration.

(b) The size, form, and color of the card is prescribed by the commissioner.

(3) At the applicant's request, the card may include any of the following:

(a) a statement that the applicant has a special medical problem or allergies to certain drugs, for the purpose of medical treatment; and

(b) the applicant's Social Security number, ITIN, or unique identification number assigned by the division under Subsection 53-3-205(9).

(4) (a) The indication of intent under Subsection 53-3-804(2)(i) shall be authenticated by the applicant in accordance with division rule.

(b) (i) Notwithstanding Title 63, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-2, the names and addresses of all persons who under Subsection 53-3-804(2)(i) indicate that they intend to make an anatomical gift.

(ii) An organ procurement organization may use released information only to:

(A) obtain additional information for an anatomical gift registry; and

(B) inform applicants of anatomical gift options, procedures, and benefits.

(5) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection 53-3-804(2)(i), for direct or indirect:

(a) loss;

(b) detriment; or

(c) injury.

Section 5. Section **53-3-807** is amended to read:

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

(1) The identification card expires on the birth date of the applicant in the fifth year following the issuance of the identification card, except as provided under ~~[Subsections (2) and (7)]~~ Subsection (6).

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

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

~~[(3)]~~ (2) If a person has applied for and received an identification card and subsequently



moves from the address shown on the application or on the card, the person shall within ten days notify the division in a manner specified by the division of his new address.

~~[(4)]~~ (3) If a person has applied for and received an identification card and subsequently changes his name under Title 42, Chapter 1, Change of Name, he:

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

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

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

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

~~[(5)]~~ (4) A person older than 21 years of age with a disability, as defined under the Americans with Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on an identification card for five years if the person with a disability or an agent of the person with a disability:

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

(b) completes the application;

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

(d) returns the application to the division together with the identification card fee required under Section 53-3-105.

~~[(6)]~~ (5) (a) An identification card may only be extended once.

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

~~[(7)]~~ (6) An identification card issued to a person 65 years of age or older does not expire, but continues in effect until the death of that person.

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### Legislative Review Note as of 1-18-02 10:13 AM

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

Office of Legislative Research and General Counsel