

DRIVER LICENSE AND IDENTIFICATION**CARD AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Parley G. Hellewell

This act modifies the Public Safety Code by amending the driver license and identification card provisions. This act requires an applicant for a driver license or identification card to both have and provide a Utah residence address. This act clarifies that a person under 16 may operate a motor vehicle if operating under a permit issued by the Driver License Division. This act allows identification card applicants to check a box on the application to donate to blindness prevention, organ donation, and public transportation assistance for seniors or people with disabilities. This act extends the expiration to ten years for identification cards. This act removes a provision that makes all identification cards expire when the person turns 21 years of age and allows alternative wording or other means on identification cards and driver licenses to indicate the person is a minor. This act makes technical changes.

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

AMENDS:

41-8-1, as last amended by Chapter 162, Laws of Utah 1987

53-3-204, as last amended by Chapter 54, Laws of Utah 2001

53-3-205, as last amended by Chapter 219, Laws of Utah 2002

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

53-3-214.5, as enacted by Chapter 45, Laws of Utah 2000

53-3-214.7, as enacted by Chapter 55, Laws of Utah 2002

53-3-214.8, as enacted by Chapter 268, Laws of Utah 2002

53-3-804, as last amended by Chapter 219, Laws of Utah 2002

53-3-806, as renumbered and amended by Chapter 234, Laws of Utah 1993

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 **41-8-1** is amended to read:

41-8-1. Operation of vehicle by persons under 16 prohibited -- Exceptions for off-highway vehicles, and off-highway implements of husbandry.

(1) ~~[(No)]~~ A person under 16 years of age, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state.

(2) This section does not apply to~~[(a) persons]~~ a person operating:

(a) a motor vehicle under a permit issued under Section 53-3-210 or 53A-13-208;

(b) an off-highway ~~[vehicles]~~ vehicle registered under Section 41-22-3 either:

(i) on a highway designated as open for off-highway vehicle use; or

(ii) in the manner prescribed by Section 41-22-10.3; or

~~[(b) persons operating]~~

(c) an off-highway ~~[implements]~~ implement of husbandry in the manner prescribed by Subsections 41-22-5.5 (3) through (5).

Section 2. Section **53-3-204** is amended to read:

53-3-204. Persons who may not be licensed.

(1) (a) The division may not license a person who:

(i) is younger than 16 years of age;

(ii) has not completed a course in driver training approved by the commissioner; or

(iii) if the person is a minor, has not completed the driving requirement under Section 53-3-211.

(b) Subsection (1)(a) does not apply to a person:

(i) who has been licensed before July 1, 1967; ~~[(or)]~~

(ii) who is 16 years of age or older making application for a license who has been licensed in another state or country; or

(iii) who is applying for a permit under Section 53-3-210 or 53A-13-208.

(2) The division may not issue a license certificate to a person:

(a) whose license has been suspended, denied, cancelled, or disqualified during the period of suspension, denial, cancellation, or disqualification;

- (b) whose privilege has been revoked, except as provided in Section 53-3-225;
 - (c) who has previously been adjudged mentally incompetent and who has not at the time of application been restored to competency as provided by law;
 - (d) who is required by this chapter to take an examination unless the person successfully passes the examination; or
 - (e) whose driving privileges have been denied or suspended under:
 - (i) Section 78-3a-506 by an order of the juvenile court; or
 - (ii) Section 53-3-231.
- (3) The division may grant a class D or M license to a person whose commercial license is disqualified under Part 4 of this chapter if the person is not otherwise sanctioned under this chapter.

Section 3. 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 have a Utah residence address and each applicant shall:

(i) ~~[state the]~~ provide the applicant's:

(A) full legal name;

(B) birth date;

(C) ~~[sex]~~ gender;

(D) between July 1, 2002 and July 1, 2007, race in accordance with the categories established by the United States Census Bureau;

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

(F) Utah residence address of the applicant;

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

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

(iv) 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) state whether the applicant intends to make an anatomical gift under Title 26, Chapter

28, Uniform Anatomical Gift Act, in compliance with Subsection (16);

(vi) provide all other information the division requires; and

(vii) ~~[be signed]~~ sign the application which signature may include an electronic ~~[signatures]~~ signature as defined in Section 46-4-102.

(b) ~~[An]~~ The division shall maintain on its computerized records an applicant's:

(i) Social Security number; or

(ii) temporary identification number (ITIN) ~~[shall be maintained on the computerized records of the division].~~

(c) An applicant may not be denied a license for refusing to provide race information required under Subsection (9)(a)(i)(D).

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

(a) current license certificate;

(b) birth certificate;

(c) Selective Service registration; or

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

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

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

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

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

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

(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 4. 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 Utah 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~~] 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"]~~ information or the use of a ~~[special]~~ color or other means 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 5. Section **53-3-214.5** is amended to read:

53-3-214.5. License checkoff for blindness prevention.

(1) A person who applies for a license or ~~[license]~~ identification card or a renewal of a license or identification card may designate a voluntary contribution for blindness prevention of \$1.

(2) This contribution shall be:

- (a) collected by the division;
- (b) treated as a voluntary contribution to Prevent Blindness Utah to provide blindness prevention education, screening, and treatment and not as a license fee; and
- (c) transferred to Prevent Blindness Utah at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Section 6. Section **53-3-214.7** is amended to read:

53-3-214.7. License checkoff for promoting and supporting organ donation.

(1) A person who applies for a license or ~~[license]~~ identification card or a renewal of a license or identification card may designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ donation.

(2) This contribution shall be:

- (a) collected by the division;
- (b) treated as a voluntary contribution to the Organ Donation Contribution Fund created

in Section 26-18b-101 and not as a license fee; and

(c) transferred to the Organ Donation Contribution Fund created in Section 26-18b-101 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Section 7. Section **53-3-214.8** is amended to read:

53-3-214.8. License checkoff for public transportation for seniors or people with disabilities.

(1) A person who applies for a license or ~~[license]~~ identification card or a renewal of a license or identification card may designate a voluntary contribution of \$1 for public transportation assistance for seniors or people with disabilities.

(2) This contribution shall be:

(a) collected by the division;

(b) treated as a voluntary contribution to the "Out and About" Homebound

Transportation Assistance Fund created in Section 62A-3-110 to provide public transportation assistance for seniors or people with disabilities and not as a license fee; and

(c) transferred to the "Out and About" Homebound Transportation Assistance Fund created in Section 62A-3-110 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Section 8. 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;

(d) place of birth;

(e) height and weight;

(f) color of eyes and hair;

(g) between July 1, 2002 and July 1, 2007, race in accordance with the categories established by the United States Census Bureau;

(h) signature;

(i) photograph; and

(j) 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.

(4) An applicant may not be denied an identification card for refusing to provide race information required under Subsection (2)(g).

Section 9. Section **53-3-806** is amended to read:

53-3-806. Minor's card distinguishable.

The identification card issued to a ~~[minor]~~ person younger than 21 years of age shall be distinguished by the use of ~~[the]~~ plainly printed ~~[word "minor"]~~ information or by the use of a color or other means not used for the identification card issued to ~~[adults]~~ a person 21 years of age or older.

Section 10. 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]~~ tenth 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]~~ ten 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.

