

**RESIDENCE REQUIREMENTS FOR DRIVER
LICENSE**

2004 GENERAL SESSION
STATE OF UTAH

Sponsor: Michael E. Noel

LONG TITLE

General Description:

This bill modifies the Uniform Driver License Act to amend driver license provisions.

Highlighted Provisions:

This bill:

▶ defines "resident" for purposes of issuing a driver license certificate or a commercial driver license certificate.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-102, as last amended by Chapter 200, Laws of Utah 2002

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

Section 1. Section **53-3-102** is amended to read:

53-3-102. Definitions.

As used in this chapter:

(1) "Cancellation" means the termination by the division of a license issued through error or fraud or for which consent under Section 53-3-211 has been withdrawn.



28 (2) "Class D license" means the class of license issued to drive motor vehicles not
29 defined as commercial motor vehicles or motorcycles under this chapter.

30 (3) "Class M license" means the class of license issued to drive a motorcycle as defined
31 under this chapter.

32 (4) "Commercial driver license" or "CDL" means a license issued substantially in
33 accordance with the requirements of Title XII, Pub. L. 99-570, the Commercial Motor Vehicle
34 Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act,
35 which authorizes the holder to drive a class of commercial motor vehicle.

36 (5) (a) "Commercial motor vehicle" means a motor vehicle designed or used to
37 transport passengers or property if the vehicle:

38 (i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as
39 determined by federal regulation;

40 (ii) is designed to transport more than 15 passengers, including the driver; or

41 (iii) is transporting hazardous materials and is required to be placarded in accordance
42 with 49 C.F.R. Part 172, Subpart F.

43 (b) The following vehicles are not considered a commercial motor vehicle for purposes
44 of Part 4:

45 (i) equipment owned and operated by the United States Department of Defense when
46 driven by any active duty military personnel and members of the reserves and national guard on
47 active duty including personnel on full-time national guard duty, personnel on part-time
48 training, and national guard military technicians and civilians who are required to wear military
49 uniforms and are subject to the code of military justice;

50 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
51 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation
52 as a motor carrier for hire;

53 (iii) firefighting and emergency vehicles; and

54 (iv) recreational vehicles that are not used in commerce and are driven solely as family
55 or personal conveyances for recreational purposes.

56 (6) "Conviction" means any of the following:

57 (a) an unvacated adjudication of guilt or a determination that a person has violated or
58 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

- 59 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's
- 60 appearance in court;
- 61 (c) a plea of guilty or nolo contendere accepted by the court;
- 62 (d) the payment of a fine or court costs; or
- 63 (e) violation of a condition of release without bail, regardless of whether the penalty is
- 64 rebated, suspended, or probated.
- 65 (7) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
- 66 which the provisions of Title 41, Chapter 12a, Part IV, Proof of Owner's or Operator's Security,
- 67 do not apply.
- 68 (8) "Director" means the division director appointed under Section 53-3-103.
- 69 (9) "Disqualification" means either:
- 70 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state
- 71 of a person's privileges to drive a commercial motor vehicle;
- 72 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
- 73 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
- 74 391; or
- 75 (c) the loss of qualification that automatically follows conviction of an offense listed in
- 76 49 C.F.R. Part 383.51.
- 77 (10) "Division" means the Driver License Division of the department created in
- 78 Section 53-3-103.
- 79 (11) "Drive" means:
- 80 (a) to operate or be in physical control of a motor vehicle upon a highway; and
- 81 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
- 82 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
- 83 the state.
- 84 (12) (a) "Driver" means any person who drives, or is in actual physical control of a
- 85 motor vehicle in any location open to the general public for purposes of vehicular traffic.
- 86 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
- 87 who is required to hold a CDL under Part 4 or federal law.
- 88 (13) "Extension" means a renewal completed exclusively by mail.
- 89 (14) "Farm tractor" means every motor vehicle designed and used primarily as a farm

90 implement for drawing plows, mowing machines, and other implements of husbandry.

91 (15) "Highway" means the entire width between property lines of every way or place of
92 any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

93 (16) "License" means the privilege to drive a motor vehicle.

94 (17) "License certificate" means the evidence of the privilege issued under this chapter
95 to drive a motor vehicle.

96 (18) "Motorboat" has the same meaning as provided under Section 73-18-2.

97 (19) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
98 saddle for the use of the rider and designed to travel with not more than three wheels in contact
99 with the ground.

100 [~~(20) "Nonresident" means a person who:~~]

101 [~~(a) is not a resident of this state; and~~]

102 [~~(b) (i) has not engaged in any gainful occupation in this state for an aggregate period
103 of 60 days in the preceding 12 months; or~~]

104 [~~(ii) is temporarily assigned by his employer to work in Utah.~~]

105 [~~(21)~~] (20) (a) "Owner" means a person other than a lienholder having an interest in the
106 property or title to a vehicle.

107 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to
108 a security interest in another person but excludes a lessee under a lease not intended as security.

109 [~~(22)~~] (21) "Renewal" means to validate a license certificate so that it expires at a later
110 date.

111 (22) (a) "Resident" means an individual who:

112 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
113 regardless of domicile, remains in this state for an aggregate period of six months or more
114 during any calendar year;

115 (ii) engages in a trade, profession, or occupation in this state, or who accepts
116 employment in other than seasonal work in this state, and who does not commute into the state;

117 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
118 license certificate or motor vehicle registration; or

119 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended
120 to nonresidents, including going to school, or placing children in school without paying

121 nonresident tuition or fees.

122 (b) "Resident" does not include any of the following:

123 (i) a member of the military, temporarily stationed in this state;

124 (ii) an out-of-state student, as classified by an institution of higher education,

125 regardless of whether the student engages in any type of employment in this state; ~~H~~ [or] ~~h~~

126 (iii) a person domiciled in another state or country, who is temporarily assigned in this

127 state, assigned by or representing an employer, religious or private organization, or a

128 governmental entity ~~H~~ ; OR

128a (iv) AN IMMEDIATE FAMILY MEMBER WHO RESIDES WITH OR A HOUSEHOLD MEMBER OF A
 128b PERSON LISTED IN SUBSECTIONS (22)(b)(i) THROUGH (22)(b)(iii) ~~h~~ .

129 (23) "Reportable violation" means an offense required to be reported to the division as
 130 determined by the division and includes those offenses against which points are assessed under
 131 Section 53-3-221.

132 (24) "Revocation" means the termination by action of the division of a licensee's
 133 privilege to drive a motor vehicle.

134 (25) "School bus" means every publicly or privately owned motor vehicle designed for
 135 transporting ten or more passengers and operated for the transportation of children to or from
 136 school or school activities.

137 (26) "Suspension" means the temporary withdrawal by action of the division of a
 138 licensee's privilege to drive a motor vehicle.

139 (27) "Taxicab" means any class D motor vehicle transporting any number of
 140 passengers for hire and that is subject to state or federal regulation as a taxi.

Legislative Review Note

as of 2-3-04 4:44 PM

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

Office of Legislative Research and General Counsel

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

Some individuals may be delayed in qualifying for a driver's license certificate. It is not possible to determine the costs associated with such a delay.

Office of the Legislative Fiscal Analyst