

**AMENDMENTS TO DRIVER LICENSE AND
IDENTIFICATION CARDS**

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: Sheldon L. Killpack

LONG TITLE

General Description:

This bill modifies the Public Safety Code by amending driver license and identification card provisions.

Highlighted Provisions:

This bill:

▶ requires the Driver License Division to make rules for acceptable documentation of an applicant's identity, Utah residence address, proof of legal presence, and proof of citizenship of a country other than the United States;

▶ provides that for purposes of obtaining a driver license or identification card issued by the Driver License Division, as a substitute for a Social Security number or a temporary identification number (ITIN), an applicant may provide proof that the applicant:

- is a citizen of another country;
- does not qualify for a Social Security number; and
- is legally present in the United States, as authorized under federal law;

▶ provides that an applicant must show documentation of a Utah residence address in a form acceptable under rules made by the division in order to obtain a driver license or identification card;

▶ provides that an original license or a renewal to an original license or an identification card obtained without using a Social Security number or ITIN expires on the date of the expiration of the applicant's foreign visa, permit, or other

document granting legal presence in the United States or on the normal expiration date whichever is sooner;

- ▶ changes the period an identification card is valid and reduces the time that it may be extended from ten to five years;
- ▶ prohibits the Driver License Division from granting an extension to a driver license or identification card for an applicant that did not provide a Social Security number or ITIN to obtain a driver license or identification card; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2005.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

53-3-104, as last amended by Chapter 85, Laws of Utah 2001

53-3-205, as last amended by Chapter 222, Laws of Utah 2004

53-3-214, as renumbered and amended by Chapter 234, Laws of Utah 1993

53-3-804, as last amended by Chapter 30, Laws of Utah 2003

53-3-807, as last amended by Chapter 30, Laws of Utah 2003

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

Section 1. Section **53-3-104** is amended to read:

53-3-104. Division duties.

The division shall:

- (1) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
make rules:

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

traveling public;

(b) for acceptable documentation of an applicant's identity, Utah residence address, proof of legal presence, proof of citizenship of a country other than the United States, and other proof or documentation required under this chapter;

~~[(b)]~~ (c) regarding the restrictions to be imposed on a person driving a motor vehicle with a temporary learner permit; and

~~[(c)]~~ (d) for exemptions from licensing requirements as authorized in this chapter;

(2) examine each applicant according to the class of license applied for;

(3) license motor vehicle drivers;

(4) file every application for a license received by it and shall maintain indices

containing:

(a) all applications denied and the reason each was denied;

(b) all applications granted; and

(c) the name of every licensee whose license has been suspended, disqualified, or revoked by the division and the reasons for the action;

(5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this chapter;

(6) file all accident reports and abstracts of court records of convictions received by it under state law;

(7) maintain a record of each licensee showing his convictions and the traffic accidents in which he has been involved where a conviction has resulted;

(8) consider the record of a licensee upon an application for renewal of a license and at other appropriate times;

(9) search the license files, compile, and furnish a report on the driving record of any person licensed in the state in accordance with Section 53-3-109;

(10) develop and implement a record system as required by Section 41-6-48.5;

(11) in accordance with Section 53A-13-208, establish:

(a) procedures and standards to certify teachers of driver education classes to administer

knowledge and skills tests;

(b) minimal standards for the tests; and

(c) procedures to enable school districts to administer or process any tests for students to receive a class D operator's license;

(12) in accordance with Section 53-3-510, establish:

(a) procedures and standards to certify licensed instructors of commercial driver training school courses to administer the skills test;

(b) minimal standards for the test; and

(c) procedures to enable licensed commercial driver training schools to administer or process skills tests for students to receive a class D operator's license; and

(13) provide administrative support to the Driver License Medical Advisory Board created in Section 53-3-303.

Section 2. 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 provisional class D license or 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~~ Except as provided under Subsection (8)(f), 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] Except as provided under Subsection (8)(f), 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] Except as provided under Subsection (8)(f), 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.

(f) An original license or a renewal to an original license obtained using proof under Subsection (9)(a)(i)(E)(III) expires on the date of the expiration of the applicant's foreign visa, permit, or other document granting legal presence in the United States or on the date provided under this Subsection (8), whichever is sooner.

(9) (a) In addition to the information required by Title 63, Chapter 46b, Administrative Procedures Act, for requests for agency action, each applicant shall have a Utah residence address and each applicant shall:

(i) provide the applicant's:

(A) full legal name;

(B) birth date;

(C) gender;

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

(E) (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) (Aa) proof that the applicant is a citizen of a country other than the United States;

(Bb) proof that the applicant does not qualify for a Social Security number; and

(Cc) proof of legal presence in the United States, as authorized under federal law; and

(F) Utah residence address [~~of the applicant~~] as documented by a form acceptable under rules made by the division under Section 53-3-104;

(ii) 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) sign the application which signature may include an electronic signature as defined in Section 46-4-102.

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

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

(ii) temporary identification number (ITIN)[~~;~~]; or

(iii) other number assigned by the division if Subsection (9)(a)(i)(E)(III) applies.

(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 3. Section **53-3-214** is amended to read:

53-3-214. Renewal -- Fees required -- Extension without examination.

(1) (a) The holder of a valid license may renew his license and any endorsement to the license by applying:

- (i) at any time within six months before the license expires; or
- (ii) more than six months prior to the expiration date if the applicant furnishes proof that he will be absent from the state during the six-month period prior to the expiration of the license.

(b) The application for a renewal of, extension of, or any endorsement to a license shall be accompanied by a fee under Section 53-3-105.

(2) (a) Except as provided under Subsections (2)(b) and (3), upon application for renewal of a license, provisional license, and any endorsement to a license, the division shall reexamine each applicant as if for an original license and endorsement to the license, if applicable.

(b) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

(3) (a) Except as provided under Subsection (3)(b), the division shall extend a license, any endorsement to the license, a provisional license, and any endorsement to a provisional license for five years without examination for licensees whose driving records for the five years immediately preceding the determination of eligibility for extension show:

- (i) no suspensions;
- (ii) no revocations;
- (iii) no conviction for reckless driving under Section 41-6-45; and
- (iv) no more than four reportable violations in the preceding five years.

(b) (i) After the expiration of a license, a new license certificate and any endorsement to a license certificate may not be issued until the person has again passed the tests under Section 53-3-206 and paid the required fee.

(ii) A person 65 years of age or older shall take and pass the eye examination specified in Section 53-3-206.

(iii) An extension may not be granted to any person:

(A) who is identified by the division as having a medical impairment that may represent a hazard to public safety[-];

~~[(iv)] (B) [An extension may not be granted to any person]~~ holding a CDL issued under Part 4 of this chapter[-]; or

(C) whose original license was obtained using proof under Subsection 53-3-205(9)(a)(i)(E)(III).

(c) The division shall allow extensions:

(i) by mail at the appropriate extension fee rate under Section 53-3-105;

(ii) only if the applicant qualifies under this section; and

(iii) for only one extension.

Section 4. 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) (i) true and full legal name; and

(ii) Utah residence address as documented by a form acceptable under rules made by the division under Section 53-3-104;

(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) (A) proof that the applicant is a citizen of a country other than the United States;

(B) proof that the applicant does not qualify for a Social Security number; and

(C) proof of legal presence in the United States, as authorized under federal law;

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

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

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

(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.

(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.

(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 ~~ten~~ 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.

(5) (a) ~~An~~ Except as provided under Subsection (5)(c), 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.

(c) An identification card obtained using proof under Subsection 53-3-804(2)(c)(iii) may not be extended.

(6) ~~An~~ Except as provided in Subsection (7), 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.

(7) An identification card obtained using proof under Subsection 53-3-804(2)(c)(iii) expires on the date of the expiration of the applicant's foreign visa, permit, or other document granting legal presence in the United States or the date provided under Subsection (1), which ever is sooner.

Section 6. **Effective date.**

This bill takes effect on July 1, 2005.

Section 7. **Coordinating H.B. 223 with S.B. 227.**

If this H.B. 223 and S.B. 227, Public Safety Driving Privilege and Identification Card Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication as follows:

(1) the amendments to Sections 53-3-804 and 53-3-807 in S.B. 227 supersede the amendments to Sections 53-3-804 and 53-3-807 in this bill; and

(2) in Section 53-3-205:

(a) renumber Subsection (8)(f) in S.B. 227 to (8)(g) and change the references from "Subsection (8)(f)" to "Subsections (8)(f) and (g)"; and

(b) after Subsection (8)(g)(ii) insert the following:

"(iii) The expiration dates provided under Subsections (8)(g)(i) and (ii) do not apply to an original license or driving privilege card or to the renewal of an original license or driving privilege card with an expiration date provided under Subsection (8)(f)."