

Representative David Ure proposes the following substitute bill:

**PUBLIC SAFETY DRIVING PRIVILEGE AND
IDENTIFICATION CARD AMENDMENTS**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Curtis S. Bramble

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 residency, Utah residence address, proof of legal presence, and proof of citizenship;
- ▶ prohibits the Driver License Division from issuing a driver license, driving privilege card, or identification card to a person who is not a Utah resident;
- ▶ defines driving privilege card as the evidence of the privilege granted to drive a motor vehicle;
- ▶ requires the Driver License Division to:
 - only issue a driving privilege card to a person who did not use a Social Security number to obtain a driving privilege; and
 - distinguish a driving privilege card from a license certificate by:
 - use a format, color, font, or other means to clearly distinguish the driving privilege card from other driver licenses; and



- 26 • clearly display on the front of driving privilege card a phrase substantially
- 27 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR
- 28 IDENTIFICATION";
- 29 ▶ prohibits a governmental entity from accepting a driving privilege card as proof of
- 30 personal identification;
- 31 ▶ requires the Driver License Division to distinguish an identification card that is
- 32 issued to a person who did not use a Social Security number to obtain the
- 33 identification card;
- 34 ▶ provides that a driver license certificate expires on the person's next birthday after
- 35 July 1, 2005 if:
- 36 • the driver license was obtained without using a Social Security number; and
- 37 • the driver license certificate or driving privilege card is not distinguished in
- 38 certain ways by the division;
- 39 ▶ provides that a driving privilege card expires on the birth date of the applicant each
- 40 year; and
- 41 ▶ make technical changes.

42 **Monies Appropriated in this Bill:**

43 None

44 **Other Special Clauses:**

45 This bill provides an immediate effective date.

46 **Utah Code Sections Affected:**

47 AMENDS:

48 **53-3-104**, as last amended by Chapter 85, Laws of Utah 2001

49 **53-3-204**, as last amended by Chapter 30, Laws of Utah 2003

50 **53-3-205**, as last amended by Chapter 222, Laws of Utah 2004

51 **53-3-207**, as last amended by Chapter 144, Laws of Utah 2004

52 **53-3-804**, as last amended by Chapter 30, Laws of Utah 2003

53 **53-3-806**, as last amended by Chapters 30 and 309, Laws of Utah 2003



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

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

57 **53-3-104. Division duties.**

58 The division shall:

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

61 (a) for examining applicants for a license, as necessary for the safety and welfare of the
62 traveling public;

63 (b) for acceptable documentation of an applicant's identity, Utah resident status, Utah
64 residence address, proof of legal presence, proof of citizenship, and other proof or
65 documentation required under this chapter;

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

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

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

70 (3) license motor vehicle drivers;

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

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

74 (b) all applications granted; and

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

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

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

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

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

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

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



- 88 (11) in accordance with Section 53A-13-208, establish:
- 89 (a) procedures and standards to certify teachers of driver education classes to
- 90 administer knowledge and skills tests;
- 91 (b) minimal standards for the tests; and
- 92 (c) procedures to enable school districts to administer or process any tests for students
- 93 to receive a class D operator's license;
- 94 (12) in accordance with Section 53-3-510, establish:
- 95 (a) procedures and standards to certify licensed instructors of commercial driver
- 96 training school courses to administer the skills test;
- 97 (b) minimal standards for the test; and
- 98 (c) procedures to enable licensed commercial driver training schools to administer or
- 99 process skills tests for students to receive a class D operator's license; and
- 100 (13) provide administrative support to the Driver License Medical Advisory Board
- 101 created in Section 53-3-303.

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

103 **53-3-204. Persons who may not be licensed.**

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

- 105 (i) is younger than 16 years of age;
- 106 (ii) has not completed a course in driver training approved by the commissioner; or
- 107 (iii) if the person is a minor, has not completed the driving requirement under Section

108 53-3-211[-]; or

109 (iv) is not a resident of the state of Utah.

110 (b) [~~Subsection~~] Subsections (1)(a)(i), (ii) and (iii) [~~does~~] do not apply to a person:

- 111 (i) who has been licensed before July 1, 1967;
- 112 (ii) who is 16 years of age or older making application for a license who has been
- 113 licensed in another state or country; or
- 114 (iii) who is applying for a permit under Section 53-3-210 or 53A-13-208.

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

116 (a) whose license has been suspended, denied, cancelled, or disqualified during the

117 period of suspension, denial, cancellation, or disqualification;

118 (b) whose privilege has been revoked, except as provided in Section 53-3-225;

119 (c) who has previously been adjudged mentally incompetent and who has not at the
120 time of application been restored to competency as provided by law;

121 (d) who is required by this chapter to take an examination unless the person
122 successfully passes the examination; or

123 (e) whose driving privileges have been denied or suspended under:

124 (i) Section 78-3a-506 by an order of the juvenile court; or

125 (ii) Section 53-3-231.

126 (3) The division may grant a class D or M license to a person whose commercial
127 license is disqualified under Part 4 of this chapter if the person is not otherwise sanctioned
128 under this chapter.

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

130 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
131 **Expiration dates of licenses and endorsements -- Information required -- Previous**
132 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
133 **Fee required -- License agreement.**

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

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

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

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

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

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

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

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

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

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

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

149 (4) An application and fee for a motorcycle or taxicab endorsement entitle the

150 applicant to:

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

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

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

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

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

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

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

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

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

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

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

171 (8) (a) ~~[An]~~ Except as provided under Subsection (8)(f), an original license expires on
172 the birth date of the applicant in the fifth year following the year the license certificate was
173 issued.

174 (b) ~~[A]~~ Except as provided under Subsection (8)(f), a renewal or an extension to a
175 license expires on the birth date of the licensee in the fifth year following the expiration date of
176 the license certificate renewed or extended.

177 (c) ~~[A]~~ Except as provided under Subsection (8)(f), a duplicate license expires on the
178 same date as the last license certificate issued.

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

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

187 (f) (i) An original license or a renewal or a duplicate to an original license expires on
188 the next birth date of the applicant or licensee beginning on July 1, 2005 if:

189 (A) the license was obtained without using a Social Security number as required under
190 Subsection (9); and

191 (B) the license certificate or driving privilege card is not clearly distinguished as
192 required under Subsection 53-3-207(6).

193 (ii) A driving privilege card issued or renewed under Section 53-3-207 expires on the
194 birth date of the applicant in the first year following the year that the driving privilege card was
195 issued or renewed.

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

199 (i) provide the applicant's:

200 (A) full legal name;

201 (B) birth date;

202 (C) gender;

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

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

207 (F) Utah residence address of the applicant;

208 (ii) provide a description of the applicant;

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

211 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,

212 disqualified, or denied in the last six years, or whether the applicant has ever had any license
213 application refused, and if so, the date of and reason for the suspension, cancellation,
214 revocation, disqualification, denial, or refusal;

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

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

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

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

221 (i) Social Security number; or

222 (ii) temporary identification number (ITIN).

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

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

227 (a) current license certificate;

228 (b) birth certificate;

229 (c) Selective Service registration; or

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

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

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

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

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

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

246 (15) A person who applies for an original license or renewal of a license agrees that the
247 person's license is subject to any suspension or revocation authorized under this title or Title
248 41, Motor Vehicles.

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

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

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

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

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

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

260 (a) loss;

261 (b) detriment; or

262 (c) injury.

263 Section 4. Section **53-3-207** is amended to read:

264 **53-3-207. License certificates issued to drivers by class of motor vehicle --**
265 **Contents -- Release of anatomical gift information -- Temporary licenses -- Minors'**
266 **licenses and permits -- Violation.**

267 (1) As used in this section:

268 (a) "driving privilege" means the privilege granted under this chapter to drive a motor
269 vehicle;

270 (b) "driving privilege card" means the evidence of the privilege granted and issued
271 under this chapter to drive a motor vehicle;

272 (c) "governmental entity" means the state and its political subdivisions as defined in
273 this Subsection (1);

274 (d) "political subdivision" means any county, city, town, school district, public transit
275 district, redevelopment agency, special improvement or taxing district, special district, an entity
276 created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation
277 Act, or other governmental subdivision or public corporation; and

278 (e) "state" means this state, and includes any office, department, agency, authority,
279 commission, board, institution, hospital, college, university, children's justice center, or other
280 instrumentality of the state.

281 ~~[(+)]~~ (2) (a) The division shall issue to every person privileged to drive a motor vehicle,
282 a license certificate or a driving privilege card indicating the type or class of motor vehicle the
283 ~~[licensee]~~ person may drive.

284 (b) A person may not drive a class of motor vehicle unless ~~[licensed]~~ granted the
285 privilege in that class.

286 ~~[(2)]~~ (3) (a) Every license certificate or driving privilege card shall bear:

287 (i) the distinguishing number assigned to the ~~[licensee]~~ person by the division;

288 (ii) the name, birth date, and Utah residence address of the ~~[licensee]~~ person;

289 (iii) a brief description of the ~~[licensee]~~ person for the purpose of identification;

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

291 (v) a photograph of the ~~[licensee]~~ person;

292 (vi) a photograph or other facsimile of the ~~[licensee's]~~ person's signature; and

293 (vii) an indication whether the ~~[licensee]~~ person intends to make an anatomical gift

294 under Title 26, Chapter 28, Uniform Anatomical Gift Act, unless the ~~[licensee]~~ driving privilege
295 is extended under Subsection 53-3-214(3).

296 (b) A new license certificate issued by the division may not bear the ~~[licensee's]~~
297 person's Social Security number.

298 (c) (i) The license or driving privilege card certificate shall be of an impervious
299 material, resistant to wear, damage, and alteration.

300 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the license
301 certificate or driving privilege card shall be as prescribed by the commissioner.

302 (iii) The commissioner may also prescribe the issuance of a special type of limited
303 license certificate or driving privilege card under Subsection 53-3-220(4) and may authorize
304 the issuance of a renewed or duplicate license certificate or driving privilege card without a

305 picture if the applicant is not then living in the state.

306 ~~[(3)]~~ (4) (a) (i) The division upon determining after an examination that an applicant is
307 mentally and physically qualified to be granted a ~~[license]~~ driving privilege may issue to an
308 applicant a receipt for the fee.

309 (ii) The receipt serves as a temporary license certificate or temporary driving privilege
310 card allowing ~~[him]~~ the person to drive a motor vehicle while the division is completing its
311 investigation to determine whether ~~[he]~~ the person is entitled to be ~~[licensed]~~ granted a driving
312 privilege.

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

316 (c) The division shall indicate on the receipt a date after which it is not valid as a
317 license certificate or driving privilege card.

318 ~~[(4)]~~ (5) (a) The division shall distinguish learner permits, temporary permits, ~~[and]~~
319 license certificates, and driving privilege cards issued to any person younger than 21 years of
320 age by use of plainly printed information or the use of a color or other means not used for other
321 license certificates or driving privilege cards.

322 (b) The division shall distinguish a license certificate or driving privilege card issued to
323 any person:

324 (i) younger than 21 years of age by use of a portrait-style format not used for other
325 license certificates or driving privilege card and by plainly printing the date the license
326 certificate or driving privilege card holder is 21 years of age, which is the legal age for
327 purchasing an alcoholic beverage or product under Section 32A-12-203; and

328 (ii) younger than 19 years of age, by plainly printing the date the license certificate or
329 driving privilege card holder is 19 years of age, which is the legal age for purchasing tobacco
330 products under Section 76-10-104.

331 (6) (a) The division shall only issue a driving privilege card to a person whose privilege
332 was obtained without using a Social Security number as required under Subsection
333 53-3-205(9).

334 (b) The division shall distinguish a driving privilege card from a license certificate by:

335 (i) use of a format, color, font, or other means; and

336 (ii) clearly displaying on the front of the driving privilege card a phrase substantially
337 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

338 ~~[(c)]~~ (7) The provisions of Subsection ~~[(4)]~~ (5)(b) do not apply to a learner permit,
339 temporary permit, or any other temporary permit or receipt issued by the division.

340 ~~[(5)]~~ (8) The division shall issue temporary license certificates or temporary driving
341 privilege cards of the same nature, except as to duration, as the license certificates or driving
342 privilege cards that they temporarily replace, as are necessary to implement applicable
343 provisions of this section and Section 53-3-223.

344 (9) A governmental entity may not accept a driving privilege card as proof of personal
345 identification.

346 ~~[(6)]~~ (10) A person who violates Subsection ~~[(1)]~~ (2)(b) is guilty of a class C
347 misdemeanor.

348 (11) Except as provided under this section, the provisions, requirements, classes,
349 endorsements, fees, restrictions, and sanctions under this code apply to a:

350 (a) driving privilege in the same way as a license issued under this chapter; and

351 (b) driving privilege card in the same way as a license certificate issued under this
352 chapter.

353 (12) Nothing in this section shall be construed to permit any law enforcement agency
354 of this state to enforce federal legal presence provisions to any extent that is not elsewhere
355 provided by law.

356 Section 5. Section **53-3-804** is amended to read:

357 **53-3-804. Application for identification card -- Required information -- Release**
358 **of anatomical gift information.**

359 (1) To apply for an identification card, the applicant shall:

360 (a) be a Utah resident;

361 (b) have a Utah residence address; and

362 (c) appear in person at any license examining station.

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

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

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

- 367 (c) (i) Social Security number; or
368 (ii) temporary identification number (ITIN) issued by the Internal Revenue Service for
369 a person who does not qualify for a Social Security number;
370 (d) place of birth;
371 (e) height and weight;
372 (f) color of eyes and hair;
373 (g) between July 1, 2002 and July 1, 2007, race in accordance with the categories
374 established by the United States Census Bureau;
375 (h) signature;
376 (i) photograph; and
377 (j) an indication whether the applicant intends to make an anatomical gift under Title
378 26, Chapter 28, Uniform Anatomical Gift Act.

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

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

384 Section 6. Section **53-3-806** is amended to read:

385 **53-3-806. Portrait-style format -- Minor's card distinguishable.**

386 (1) The division shall use a portrait-style format for all identification cards, similar to
387 the format used for license certificates issued to a person younger than 21 years of age under
388 Section 53-3-207.

389 (2) The identification card issued to a person younger than 21 years of age shall be
390 distinguished by use of plainly printed information or by the use of a color or other means not
391 used for the identification card issued to a person 21 years of age or older.

392 (3) The division shall distinguish an identification card issued to any person:

393 (a) younger than 21 years of age by plainly printing the date the identification card
394 holder is 21 years of age, which is the legal age for purchasing an alcoholic beverage or product
395 under Section 32A-12-203; and

396 (b) younger than 19 years of age by plainly printing the date the identification card
397 holder is 19 years of age, which is the legal age for purchasing tobacco products under Section

398 76-10-104.

399 (4) (a) The division shall distinguish an identification card obtained without using a
400 Social Security number as required under Subsection 53-3-804(2).

401 (b) The distinction under Subsection (4)(a) may be done with the use of a format,
402 color, font, or other means.

403 (5) A governmental entity may not accept an identification card distinguished under
404 Subsection (4) as proof of personal identification.

405 Section 7. **Effective date.**

406 If approved by two-thirds of all the members elected to each house, this bill takes effect
407 upon approval by the governor, or the day following the constitutional time limit of Utah
408 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
409 the date of veto override.