

DRIVER LICENSE QUALIFICATION

AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Glenn A. Donnelson

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ repeals the use of a temporary identification number (ITIN) issued by the Internal Revenue Service for purposes of obtaining a driving privilege card issued by the Driver License Division;

- ▶ expires all driving privilege cards on December 31, 2006;
- ▶ increases from six to ten years the time period for which an applicant for a driver license must report a license suspension, cancellation, revocation, disqualification, or denial;

- ▶ prohibits the Driver License Division from issuing a driving privilege card; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:



AMENDS:

53-3-205, as last amended by Chapters 20 and 34, Laws of Utah 2005

53-3-207, as last amended by Chapter 20, Laws of Utah 2005

53-3-214, as last amended by Chapters 2 and 34, Laws of Utah 2005

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 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

59 passed; and

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

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

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

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

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

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

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

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

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

76 (8) (a) Except as provided under Subsections (8)(f) and (g), an original license expires
77 on the birth date of the applicant in the fifth year following the year the license certificate was
78 issued.

79 (b) Except as provided under Subsections (8)(f) and (g), a renewal or an extension to a
80 license expires on the birth date of the licensee in the fifth year following the expiration date of
81 the license certificate renewed or extended.

82 (c) Except as provided under Subsections (8)(f) and (g), a duplicate license expires on
83 the same date as the last license certificate issued.

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

86 (e) A license and any endorsement to the license held by a person ordered to active
87 duty and stationed outside Utah in any of the armed forces of the United States, which expires
88 during the time period the person is stationed outside of the state, is valid until 90 days after the
89 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 or a duplicate to an original license obtained using proof under Subsection (9)(a)(i)(E)~~[(HH)]~~ (II) 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.

(g) (i) An original license or a renewal or a duplicate to an original license expires on the next birth date of the applicant or licensee beginning on July 1, 2005 if~~[(A)]~~ the license was obtained ~~[without]~~ using a ~~[Social Security]~~ ~~Ĥ~~→ [temporary identification (ITIN) number] temporary identification number (ITIN) ←Ĥ [as required under Subsection (9); and] issued by the Internal Revenue Service for a person who does not qualify for a Social Security number.

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

(ii) A driving privilege card issued or renewed ~~[under Section 53-3-207]~~ by the division expires on ~~[the birth date of the applicant in the first year following the year that the driving privilege card was issued or renewed]~~ December 31, 2006.

~~[(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).]~~

(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

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

121 ~~[(HH)]~~ (II) (Aa) proof that the applicant is a citizen of a country other than the United
122 States;
123 (Bb) proof that the applicant does not qualify for a Social Security number; and
124 (Cc) proof of legal presence in the United States, as authorized under federal law; and
125 (F) Utah residence address as documented by a form acceptable under rules made by
126 the division under Section 53-3-104;
127 (ii) provide a description of the applicant;
128 (iii) state whether the applicant has previously been licensed to drive a motor vehicle
129 and, if so, when and by what state or country;
130 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,
131 disqualified, or denied in the last ~~[six]~~ ten years, or whether the applicant has ever had any
132 license application refused, and if so, the date of and reason for the suspension, cancellation,
133 revocation, disqualification, denial, or refusal;
134 (v) state whether the applicant intends to make an anatomical gift under Title 26,
135 Chapter 28, Uniform Anatomical Gift Act, in compliance with Subsection (16);
136 (vi) provide all other information the division requires; and
137 (vii) sign the application which signature may include an electronic signature as
138 defined in Section 46-4-102.
139 (b) The division shall maintain on its computerized records an applicant's:
140 (i) Social Security number; or
141 ~~[(ii) temporary identification number (ITIN); or]~~
142 ~~[(iii)]~~ (ii) other number assigned by the division if Subsection (9)(a)(i)(E)~~[(HH)]~~ (II)
143 applies.
144 (c) An applicant may not be denied a license for refusing to provide race information
145 required under Subsection (9)(a)(i)(D).
146 (10) The division shall require proof of every applicant's name, birthdate, and
147 birthplace by at least one of the following means:
148 (a) current license certificate;
149 (b) birth certificate;
150 (c) Selective Service registration; or
151 (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 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 or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

(v) a photograph of the person;

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

(vii) an indication whether the person intends to make an anatomical gift under Title 26, Chapter 28, Uniform Anatomical Gift Act, unless the ~~[driving privilege]~~ license is extended under Subsection 53-3-214(3).

(b) A new license certificate issued by the division may not bear the person's Social Security number.

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

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

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

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

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

(b) The receipt shall be in the person's immediate possession while driving a motor vehicle, and it is invalid when the person's license certificate ~~[or driving privilege card]~~ 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 ~~[or driving privilege card]~~.

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

(b) The division shall distinguish a license certificate ~~[or driving privilege card]~~ issued to any person:

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

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

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

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

~~[(i) use of a format, color, font, or other means; and]~~

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

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

~~[(8) (6) The division shall issue temporary license certificates [or temporary driving privilege cards] of the same nature, except as to duration, as the license certificates [or driving privilege cards] that they temporarily replace, as are necessary to implement applicable provisions of [this section and] Section 53-3-223.~~

(7) Beginning on the effective date of this section, the division may not issue a driving privilege card.

~~[(9) (8) A governmental entity may not accept a driving privilege card as proof of personal identification.~~

~~[(10) (9) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.~~

~~[(11) (10) Except as provided under this section, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a:~~

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

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

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 41-6a-528; 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;

(B) 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)~~[(H)]~~(II).

(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. **Effective date.**

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

Section 5. **Revisor instructions.**

It is the intent of the Legislature that, in preparing the Utah Code database for publication, the Office of Legislative Research and General Counsel shall delete "the effective date of this section" where it appears in ~~H~~→ [this bill] Subsection 53-3-207(7) ←~~H~~ and replace it with the actual date on which the bill takes effect.

Legislative Review Note
as of 12-1-05 2:59 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0064

Driver License Qualification Amendments*23-Jan-06**9:30 AM*

State Impact

It is estimated that revenues to the Transportation Fund Restricted Department of Public Safety Restricted Account will have a net reduction up to \$473,400 beginning FY 2007.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
Restricted Funds	\$0	\$0	(\$473,400)	(\$473,400)
TOTAL	\$0	\$0	(\$473,400)	(\$473,400)

Individual and Business Impact

Certain individuals will no longer be able to obtain a driving privilege card.

Office of the Legislative Fiscal Analyst