

VETERANS AFFAIRS AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: David L. Thomas

LONG TITLE

General Description:

This bill creates a mechanism for collection of information on veterans to assist the division in creating a database of Utah veterans and appropriates \$100,000 to the division for statewide outreach and assistance for veterans.

Highlighted Provisions:

This bill:

- ▶ allows the Driver License Division to collect information regarding veteran status and transmit it to the Division of Veterans' Affairs; and
- ▶ appropriates \$100,000 to the division for statewide outreach and assistance.

Monies Appropriated in this Bill:

This bill appropriates:

- ▶ \$100,000 from the General Fund for fiscal year 2006-07 only, to the Division of Veterans' Affairs.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

53-3-804, as last amended by Chapters 20 and 34, Laws of Utah 2005

53-3-805, as last amended by Chapter 144, Laws of Utah 2004



28 71-8-3, as repealed and reenacted by Chapter 134, Laws of Utah 2000



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

31 Section 1. Section 53-3-205 is amended to read:

32 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
33 **Expiration dates of licenses and endorsements -- Information required -- Previous**
34 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
35 **Fee required -- License agreement.**

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

- 38 (a) made upon a form furnished by the division; and
- 39 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

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

- 42 (a) not more than three attempts to pass both the knowledge and skills tests for a class
- 43 D license within six months of the date of the application;
- 44 (b) a learner permit if needed after the knowledge test is passed; and
- 45 (c) an original class D license and license certificate after all tests are passed.

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

- 47 (a) not more than three attempts to pass both the knowledge and skills tests for a class
- 48 M license within six months of the date of the application;
- 49 (b) a learner permit if needed after the knowledge test is passed; and
- 50 (c) an original class M license and license certificate after all tests are passed.

51 (4) An application and fee for a motorcycle or taxicab endorsement entitle the
52 applicant to:

- 53 (a) not more than three attempts to pass both the knowledge and skills tests within six
- 54 months of the date of the application;
- 55 (b) a motorcycle learner permit if needed after the motorcycle knowledge test is
- 56 passed; and
- 57 (c) a motorcycle or taxicab endorsement when all tests are passed.

58 (5) An application and fees for a commercial class A, B, or C license entitle the

59 applicant to:

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

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

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

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

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

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

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

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

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

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

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

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

89 (f) An original license or a renewal to an original license obtained using proof under

90 Subsection (9)(a)(i)(E)(III) expires on the date of the expiration of the applicant's foreign visa,
91 permit, or other document granting legal presence in the United States or on the date provided
92 under this Subsection (8), whichever is sooner.

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

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

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

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

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

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

108 (i) provide the applicant's:

109 (A) full legal name;

110 (B) birth date;

111 (C) gender;

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

114 (E) (I) Social Security number;

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

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

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

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

120 (F) Utah residence address as documented by a form acceptable under rules made by

121 the division under Section 53-3-104;

122 (ii) provide a description of the applicant;

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

125 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,
126 disqualified, or denied in the last six years, or whether the applicant has ever had any license
127 application refused, and if so, the date of and reason for the suspension, cancellation,
128 revocation, disqualification, denial, or refusal;

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

131 (vi) state whether the applicant is a military veteran and does or does not authorize
132 sharing the information with the state Division of Veterans' Affairs;

133 [~~(vi)~~] (vii) provide all other information the division requires; and

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

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

137 (i) Social Security number;

138 (ii) temporary identification number (ITIN); or

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

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

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

144 (a) current license certificate;

145 (b) birth certificate;

146 (c) Selective Service registration; or

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

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

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

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

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

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

163 (15) A person who applies for an original license or renewal of a license agrees that the
164 person's license is subject to any suspension or revocation authorized under this title or Title
165 41, Motor Vehicles.

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

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

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

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

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

175 (17) Notwithstanding Title 63, Chapter 2, Government Records Access and
176 Management Act, the division may release to the Division of Veterans' Affairs the names and
177 addresses of all persons who indicate their status as a veteran under Subsection (9)(a)(vi).

178 [~~(17)~~] (18) The division and its employees are not liable, as a result of false or
179 inaccurate information provided under Subsection (9)(a)(v) or (vi), for direct or indirect:

180 (a) loss;

181 (b) detriment; or

182 (c) injury.

183 Section 2. Section **53-3-804** is amended to read:

184 **53-3-804. Application for identification card -- Required information -- Release**
185 **of anatomical gift information.**

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

187 (a) be a Utah resident;

188 (b) have a Utah residence address; and

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

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

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

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

194 (c) Social Security number;

195 (d) place of birth;

196 (e) height and weight;

197 (f) color of eyes and hair;

198 (g) between July 1, 2002 and July 1, 2007, race in accordance with the categories

199 established by the United States Census Bureau;

200 (h) signature;

201 (i) photograph; [~~and~~]

202 (j) an indication whether the applicant intends to make an anatomical gift under Title

203 26, Chapter 28, Uniform Anatomical Gift Act[-]; and

204 (k) an indication whether the applicant is a military veteran and does or does not
205 authorize sharing the information with the state Division of Veterans' Affairs.

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

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

211 Section 3. Section **53-3-805** is amended to read:

212 **53-3-805. Identification card -- Contents -- Specifications.**

213 (1) The division shall issue an identification card that:

214 (a) provides all the information contained in the application, except the identification
215 card may not bear the applicant's:

- 216 (i) Social Security number; and
- 217 (ii) place of birth;
- 218 (b) contains a photograph of the applicant; and
- 219 (c) contains a facsimile of the applicant's signature.

220 (2) (a) The card shall be of an impervious material, resistant to wear, damage, and
221 alteration.

222 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
223 prescribed by the commissioner.

224 (3) At the applicant's request, the card may include a statement that the applicant has a
225 special medical problem or allergies to certain drugs, for the purpose of medical treatment.

226 (4) (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated
227 by the applicant in accordance with division rule.

228 (b) (i) Notwithstanding Title 63, Chapter 2, Government Records Access and
229 Management Act, the division may, upon request, release to an organ procurement
230 organization, as defined in Section 26-28-2, the names and addresses of all persons who under
231 Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.

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

- 233 (A) obtain additional information for an anatomical gift registry; and
- 234 (B) inform applicants of anatomical gift options, procedures, and benefits.

235 (5) Notwithstanding Title 63, Chapter 2, Government Records Access and
236 Management Act, the division may release to the Division of Veterans' Affairs the names and
237 addresses of all persons who indicate their status as a veteran under Subsection 53-3-804(2)(k).

238 [~~5~~] (6) The division and its employees are not liable, as a result of false or inaccurate
239 information provided under Subsection 53-3-804(2)(j) or (k), for direct or indirect:

- 240 (a) loss;
- 241 (b) detriment; or
- 242 (c) injury.

243 Section 4. Section **71-8-3** is amended to read:

244 **71-8-3. Duties of director -- Services to veterans.**

245 The director shall:

246 (1) be responsible for the administration and the operation or support of the following
247 veteran-related operations:

248 (a) beginning July 1, 2002, Utah State Veterans' Nursing Home and Programs;

249 (b) beginning July 1, 2001, Utah State Veterans' Cemetery and Memorial Park;

250 (c) Veterans' Preference Law as defined in Section 71-10-1;

251 (d) any locally or federally funded programs for homeless veterans within the state; and

252 (e) any federally funded education services for veterans within the state;

253 (2) maintain liaison with local, state, and federal veterans' agencies and with Utah
254 veterans' organizations;

255 (3) provide current information so that veterans, their surviving spouses and family
256 members, and Utah veterans' organizations will be aware of benefits to which they are, or may
257 become, entitled;

258 (4) reach out and assist veterans and their families in applying for benefits and
259 services;

260 [~~(4)~~] (5) develop and maintain a system for determining how many veterans are
261 employed by the various government entities within the state and keeping track of them; and

262 [~~(5)~~] (6) cooperate with other state entities in the receipt of information to create and
263 maintain[; as completely as possible;] a record of veterans in Utah.

264 Section 5. **Appropriation.**

265 There is appropriated \$100,000 from the General Fund for fiscal year 2006-07 only, to
266 the Division of Veterans' Affairs to provide outreach and assistance services for veterans
267 throughout the state.

Legislative Review Note

as of 2-7-06 12:10 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

State Impact

The bill appropriates one-time General Funds of \$100,000 for FY 2007 to the Division of Veterans' Affairs. The Department of Public Safety will require \$9,500 in one-time funds for FY 2007 from the Transportation Fund, Department of Public Safety Restricted Account to implement provisions of the bill.

	<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>
General Fund, One-Time	\$100,000	\$0	\$0	\$0
Transportation Fund Restr	\$9,500	\$0	\$0	\$0
TOTAL	\$109,500	\$0	\$0	\$0

Individual and Business Impact

Veterans and their families will benefit from this outreach assistance.

Office of the Legislative Fiscal Analyst