

DRIVER LICENSE QUALIFICATION

AMENDMENTS

2007 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, 2007;
- ▶ 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 189, 201, 293 and 331, Laws of Utah 2006

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

53-3-214, as last amended by Chapter 189, Laws of Utah 2006

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 the skills tests for a class D license within six months of the date of the application;

(b) a learner permit if needed pending completion of the application and testing process; 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 motorcycle 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) Except as provided under Subsections (8)(f), (g), and (h), an original license expires on the birth date of the applicant in the fifth year following the year the license certificate was issued.

(b) Except as provided under Subsections (8)(f), (g), and (h), 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) Except as provided under Subsections (8)(f) and (g), 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:

(i) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or

(ii) 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)~~[(H)]~~(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 number as required under Subsection (9); and]~~ temporary identification number (ITIN) 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, 2007.

~~[(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).]~~

(h) An original license or a renewal to an original license expires on the birth date of the applicant in the first year following the year that the license was issued if the applicant is required to register as a sex offender under Section 77-27-21.5.

(9) (a) In addition to the information required by Title 63, Chapter 46b, Administrative Procedures Act, for requests for agency action, 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

121 established by the United States Census Bureau;

122 (E) (I) Social Security number; or

123 ~~[(H) temporary identification number (ITIN) issued by the Internal Revenue Service for~~

124 ~~a person who does not qualify for a Social Security number; or]~~

125 ~~[(H)]~~ (II) (Aa) proof that the applicant is a citizen of a country other than the United

126 States;

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

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

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

130 the division under Section 53-3-104, unless the application is for a temporary CDL issued

131 under Subsection 53-3-407(2)(b);

132 (ii) provide a description of the applicant;

133 (iii) state whether the applicant has previously been licensed to drive a motor vehicle

134 and, if so, when and by what state or country;

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

136 disqualified, or denied in the last ~~[six]~~ ten years, or whether the applicant has ever had any

137 license application refused, and if so, the date of and reason for the suspension, cancellation,

138 revocation, disqualification, denial, or refusal;

139 (v) state whether the applicant intends to make an anatomical gift under Title 26,

140 Chapter 28, Uniform Anatomical Gift Act, in compliance with Subsection (16);

141 (vi) state whether the applicant is required to register as a sex offender under Section

142 77-27-21.5;

143 (vii) state whether the applicant is a military veteran and does or does not authorize

144 sharing the information with the state Division of Veterans' Affairs;

145 (viii) provide all other information the division requires; and

146 (ix) sign the application which signature may include an electronic signature as defined

147 in Section 46-4-102.

148 (b) Each applicant shall have a Utah residence address, unless the application is for a

149 temporary CDL issued under Subsection 53-3-407(2)(b).

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

151 (i) (A) Social Security number; or

152 [~~(B)~~ temporary identification number (ITIN); or]

153 [~~(C)~~] (B) other number assigned by the division if Subsection (9)(a)(i)(E)[~~(H)~~](II)

154 applies; and

155 (ii) indication whether the applicant is required to register as a sex offender under
156 Section 77-27-21.5.

157 (d) An applicant may not be denied a license for refusing to provide race information
158 required under Subsection (9)(a)(i)(D).

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

161 (a) current license certificate;

162 (b) birth certificate;

163 (c) Selective Service registration; or

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

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

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

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

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

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

180 (15) A person who applies for an original license or renewal of a license agrees that the
181 person's license is subject to any suspension or revocation authorized under this title or Title
182 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) Notwithstanding Title 63, Chapter 2, Government Records Access and Management Act, the division may release to the Division of Veterans' Affairs the names and addresses of all persons who indicate their status as a veteran under Subsection (9)(a)(vii).

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

(a) loss;

(b) detriment; or

(c) injury.

(19) A person who knowingly fails to provide the information required under Subsection (9)(a)(vi) is guilty of a class A misdemeanor.

Section 2. Section **53-3-207** is amended to read:

53-3-207. License certificates or driving privilege cards 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]~~

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

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

280 ~~[(8)]~~ (6) The division shall issue temporary license certificates ~~[or temporary driving~~
281 ~~privilege cards]~~ of the same nature, except as to duration, as the license certificates ~~[or driving~~
282 ~~privilege cards]~~ that they temporarily replace, as are necessary to implement applicable
283 provisions of this section and Section 53-3-223.

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

286 ~~[(9)]~~ (8) A governmental entity may not accept a driving privilege card as proof of
287 personal identification.

288 ~~[(10)]~~ (9) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.

289 ~~[(11)]~~ (10) Except as provided under this section, the provisions, requirements, classes,
290 endorsements, fees, restrictions, and sanctions under this code apply to a:

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

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

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

295 **53-3-214. Renewal -- Fees required -- Extension without examination.**

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

298 (i) at any time within six months before the license expires; or

299 (ii) more than six months prior to the expiration date if the applicant furnishes proof
300 that ~~[he]~~ the applicant will be absent from the state during the six-month period prior to the
301 expiration of the license.

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

304 (2) (a) Except as provided under Subsections (2)(b) and (3), upon application for
305 renewal of a license, provisional license, and any endorsement to a license, the division shall
306 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]~~ portion 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, Uniform Commercial Driver License Act;

(C) whose original license was obtained using proof under Subsection 53-3-205(9)(a)(i)(E)~~(H)~~(II); or

(D) whose original license was issued with an expiration date under Subsection 53-3-205(8)(h).

(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

338 upon approval by the governor, or the day following the constitutional time limit of Utah
339 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
340 the date of veto override.

341 Section 5. **Revisor instructions.**

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

Legislative Review Note
as of **11-16-06 8:47 AM**

Office of Legislative Research and General Counsel

H.B. 220 - Driver License Qualification Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

It is estimated that provisions in the bill will reduce restricted state revenues by approximately \$637,000 annually beginning FY 2008. The reduced workload will amount to net estimated savings at the Department of Public Safety of \$64,200 in FY 2008 and \$80,000 each year thereafter.

	FY 2007	FY 2008	FY 2009	FY 2007	FY 2008	FY 2009
	<u>Approp.</u>	<u>Approp.</u>	<u>Approp.</u>	<u>Revenue</u>	<u>Revenue</u>	<u>Revenue</u>
Transportation Fund Restricted	\$0	(\$64,200)	(\$80,000)	\$0	(\$637,000)	(\$637,000)
Total	\$0	(\$64,200)	(\$80,000)	\$0	(\$637,000)	(\$637,000)

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/29/2007, 11:25:15 AM, Lead Analyst: Ricks, G.

Office of the Legislative Fiscal Analyst