

1 **MOTORCYCLE LICENSE AND ENDORSEMENT**

2 **AMENDMENTS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Paul A. Neuenschwander**

6 Senate Sponsor: Jon J. Greiner

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Motor Vehicles Code and the Uniform Driver License Act by
11 amending provisions relating to motorcycle endorsements and class M licenses.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ repeals the class M license;
- 15 ▶ expires all existing class M licenses on June 30, 2008;
- 16 ▶ prohibits the Driver License Division from issuing a motorcycle endorsement to a

17 person who:

- 18 • does not hold an original or provisional class D license, a CDL, or an
- 19 out-of-state equivalent; and
- 20 • if the person is under 19 years of age, has not held a learner permit for two
- 21 months unless the person has completed a motorcycle rider education program;
- 22 ▶ creates the motorcycle learner permit;
- 23 ▶ provides that a motorcycle learner permit entitles the holder of the permit to operate
- 24 a motorcycle subject to certain restrictions;
- 25 ▶ grants the division rulemaking authority to implement rules for the issuance of a
- 26 motorcycle learner permit and the proof requirements for demonstrating that an
- 27 applicant has completed a motorcycle rider education program;
- 28 ▶ requires an applicant to state whether the applicant has had a license suspended,
- 29 cancelled, revoked, disqualified, or denied in the last ten, rather than six, years; and

30 ▶ makes technical changes.

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill takes effect July 1, 2008.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **41-6a-521**, as last amended by Laws of Utah 2007, Chapter 261

38 **53-3-105**, as last amended by Laws of Utah 2007, Chapters 53, 261, and 296

39 **53-3-106**, as last amended by Laws of Utah 2007, Chapter 261

40 **53-3-202**, as last amended by Laws of Utah 2006, Chapter 201

41 **53-3-204**, as last amended by Laws of Utah 2006, Chapters 46, 201, and 293

42 **53-3-205**, as last amended by Laws of Utah 2007, Chapters 60 and 173

43 **53-3-207**, as last amended by Laws of Utah 2007, Chapters 60 and 329

44 **53-3-214**, as last amended by Laws of Utah 2006, Chapter 189

45 **53-3-216**, as last amended by Laws of Utah 2006, Chapter 189

46 **53-3-223**, as last amended by Laws of Utah 2007, Chapter 261

47 **53-3-231**, as last amended by Laws of Utah 2007, Chapter 261

48 **53-3-407**, as last amended by Laws of Utah 2006, Chapter 293

49 **53-3-905**, as last amended by Laws of Utah 1994, Chapter 12

50 ENACTS:

51 **53-3-210.6**, Utah Code Annotated 1953



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

54 Section 1. Section **41-6a-521** is amended to read:

55 **41-6a-521. Revocation hearing for refusal -- Appeal.**

56 (1) (a) A person who has been notified of the Driver License Division's intention to
57 revoke the person's license under Section 41-6a-520 is entitled to a hearing.

58 (b) A request for the hearing shall be made in writing within ten calendar days after the
59 day on which notice is provided.

60 (c) Upon request in a manner specified by the Driver License Division, the Driver
61 License Division shall grant to the person an opportunity to be heard within 29 days after the
62 date of arrest.

63 (d) If the person does not make a request for a hearing before the Driver License
64 Division under this Subsection (1), the person's privilege to operate a motor vehicle in the state
65 is revoked beginning on the 30th day after the date of arrest for a period of:

66 (i) 18 months unless Subsection (1)(d)(ii) applies; or

67 (ii) 24 months if the person has had a previous:

68 (A) license sanction for an offense that occurred within the previous ten years from the
69 date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or
70 53-3-232; or

71 (B) conviction for an offense that occurred within the previous ten years from the date
72 of arrest under Section 41-6a-502 or a statute previously in effect in this state that would
73 constitute a violation of Section 41-6a-502.

74 (2) (a) Except as provided in Subsection (2)(b), if a hearing is requested by the person,
75 the hearing shall be conducted by the Driver License Division in the county in which the offense
76 occurred.

77 (b) The Driver License Division may hold a hearing in some other county if the Driver
78 License Division and the person both agree.

79 (3) The hearing shall be documented and shall cover the issues of:

80 (a) whether a peace officer had reasonable grounds to believe that a person was
81 operating a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 41-6a-530, 53-3-231,
82 or 53-3-232; and

83 (b) whether the person refused to submit to the test or tests under Section 41-6a-520.

84 (4) (a) In connection with the hearing, the division or its authorized agent:

85 (i) may administer oaths and may issue subpoenas for the attendance of witnesses and

86 the production of relevant books and papers; and

87 (ii) shall issue subpoenas for the attendance of necessary peace officers.

88 (b) The Driver License Division shall pay witness fees and mileage from the
89 Transportation Fund in accordance with the rates established in Section 78-46-28.

90 (5) (a) If after a hearing, the Driver License Division determines that the person was
91 requested to submit to a chemical test or tests and refused to submit to the test or tests, or if the
92 person fails to appear before the Driver License Division as required in the notice, the Driver
93 License Division shall revoke the person's license or permit to operate a motor vehicle in Utah
94 beginning on the date the hearing is held for a period of:

95 (i) 18 months unless Subsection (5)(a)(ii) applies; or

96 (ii) 24 months if the person has had a previous:

97 (A) license sanction for an offense that occurred within the previous ten years from the
98 date of arrest under Section 41-6a-517, 41-6a-520, 41-6a-530, 53-3-223, 53-3-231, or
99 53-3-232; or

100 (B) conviction for an offense that occurred within the previous ten years from the date
101 of arrest under Section 41-6a-502 or a statute previously in effect in this state that would
102 constitute a violation of Section 41-6a-502.

103 (b) The Driver License Division shall also assess against the person, in addition to any
104 fee imposed under Subsection 53-3-205~~(13)~~(12), a fee under Section 53-3-105, which shall be
105 paid before the person's driving privilege is reinstated, to cover administrative costs.

106 (c) The fee shall be cancelled if the person obtains an unappealed court decision
107 following a proceeding allowed under Subsection (2) that the revocation was improper.

108 (6) (a) Any person whose license has been revoked by the Driver License Division
109 under this section following an administrative hearing may seek judicial review.

110 (b) Judicial review of an informal adjudicative proceeding is a trial.

111 (c) Venue is in the district court in the county in which the offense occurred.

112 Section 2. Section **53-3-105** is amended to read:

113 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**

114 **and identification cards.**

115 The following fees apply under this chapter:

116 (1) An original class D license application under Section 53-3-205 is \$25.

117 [~~(2) An original class M license application under Section 53-3-205 is \$27.50.~~]

118 [~~(3)~~ (2) An original provisional license application for a class D license under Section
119 53-3-205 is \$30.

120 [~~(4) An original provisional license application for a class M license under Section
121 53-3-205 is \$32.50.~~]

122 [~~(5)~~ (3) An original application for a motorcycle endorsement under Section 53-3-205
123 is \$9.50.

124 [~~(6)~~ (4) An original application for a taxicab endorsement under Section 53-3-205 is
125 \$7.

126 [~~(7)~~ (5) A learner permit application under Section 53-3-210.5 is \$15.

127 [~~(8)~~ (6) A renewal of a class D license under Section 53-3-214 is \$25 unless
128 Subsection [~~(14)~~ (10) applies.

129 [~~(9) A renewal of a class M license under Section 53-3-214 is \$27.50.~~]

130 [~~(10)~~ (7) A renewal of a provisional license application for a class D license under
131 Section 53-3-214 is \$25.

132 [~~(11) A renewal of a provisional license application for a class M license under Section
133 53-3-214 is \$27.50.~~]

134 [~~(12)~~ (8) A renewal of a motorcycle endorsement under Section 53-3-214 is \$9.50.

135 [~~(13)~~ (9) A renewal of a taxicab endorsement under Section 53-3-214 is \$7.

136 [~~(14)~~ (10) A renewal of a class D license for a person 65 and older under Section
137 53-3-214 is \$13.

138 [~~(15)~~ (11) An extension of a class D license under Section 53-3-214 is \$20 unless
139 Subsection [~~(21)~~ (15) applies.

140 [~~(16) An extension of a class M license under Section 53-3-214 is \$22.50.~~]

141 [~~(17)~~ (12) An extension of a provisional license application for a class D license under

142 Section 53-3-214 is \$20.

143 ~~[(18) An extension of a provisional license application for a class M license under~~
144 ~~Section 53-3-214 is \$22.50.]~~

145 ~~[(19) (13) An extension of a motorcycle endorsement under Section 53-3-214 is \$9.50.~~

146 ~~[(20) (14) An extension of a taxicab endorsement under Section 53-3-214 is \$7.~~

147 ~~[(21) (15) An extension of a class D license for a person 65 and older under Section~~
148 ~~53-3-214 is \$11.~~

149 ~~[(22) (16) An original or renewal application for a commercial class A, B, or C license~~
150 ~~or an original or renewal of a provisional commercial class A or B license under Part 4, Uniform~~
151 ~~Commercial Driver License Act, is:~~

152 ~~(a) \$40 for the knowledge test; and~~

153 ~~(b) \$60 for the skills test.~~

154 ~~[(23) (17) Each original CDL endorsement for passengers, hazardous material, double~~
155 ~~or triple trailers, or tankers is \$7.~~

156 ~~[(24) (18) An original CDL endorsement for a school bus under Part 4, Uniform~~
157 ~~Commercial Driver License Act, is \$7.~~

158 ~~[(25) (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver~~
159 ~~License Act, is \$7.~~

160 ~~[(26) (20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is~~
161 ~~\$20.~~

162 ~~(b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.~~

163 ~~[(27) (21) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.~~

164 ~~[(28) (22) A duplicate class A, B, C, or D[, or M] license certificate under Section~~
165 ~~53-3-215 is \$18.~~

166 ~~[(29) (23) (a) A license reinstatement application under Section 53-3-205 is \$30.~~

167 ~~(b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or~~
168 ~~combination of alcohol and any drug-related offense is \$35 in addition to the fee under~~
169 ~~Subsection [(29) (23)(a).~~

170 ~~[(30)]~~ (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or
171 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
172 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under Part
173 4, Uniform Commercial Driver License Act, is \$170.

174 (b) This administrative fee is in addition to the fees under Subsection ~~[(29)]~~ (23).

175 ~~[(31)]~~ (25) (a) An administrative fee for providing the driving record of a driver under
176 Section 53-3-104 or 53-3-420 is \$6.

177 (b) The division may not charge for a report furnished under Section 53-3-104 to a
178 municipal, county, state, or federal agency.

179 ~~[(32)]~~ (26) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

180 ~~[(33)]~~ (27) (a) Except as provided under Subsection ~~[(34)]~~ (27)(b), an identification
181 card application under Section 53-3-808 is \$18.

182 ~~[(34)]~~ (b) An identification card application under Section 53-3-808 for a person with a
183 disability, as defined in 42 U.S.C. Sec. 12102, is \$13.

184 Section 3. Section **53-3-106** is amended to read:

185 **53-3-106. Disposition of revenues under this chapter -- Restricted account**
186 **created -- Uses as provided by appropriation -- Nonlapsing.**

187 (1) There is created within the Transportation Fund a restricted account known as the
188 "Department of Public Safety Restricted Account."

189 (2) The account consists of monies generated from the following revenue sources:

190 (a) all monies received under this chapter;

191 (b) administrative fees received according to the fee schedule authorized under this
192 chapter and Section 63-38-3.2; and

193 (c) any appropriations made to the account by the Legislature.

194 (3) (a) The account shall earn interest.

195 (b) All interest earned on account monies shall be deposited in the account.

196 (4) The expenses of the department in carrying out this chapter shall be provided for by
197 legislative appropriation from this account.

198 (5) The amount in excess of \$45 of the fees collected under Subsection
 199 53-3-105~~(30)~~(24) shall be appropriated by the Legislature from this account to the department
 200 to implement the provisions of Section 53-1-117, except that of the amount in excess of \$45,
 201 \$40 shall be deposited in the State Laboratory Drug Testing ~~[restricted]~~ Account created in
 202 Section 26-1-34.

203 (6) All monies received under Subsection 41-6a-1406(6)(b)(ii) shall be appropriated by
 204 the Legislature from this account to the department to implement the provisions of Section
 205 53-1-117.

206 (7) Appropriations to the department from the account are nonlapsing.

207 Section 4. Section **53-3-202** is amended to read:

208 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

209 (1) A person may not drive a motor vehicle on a highway in this state unless the person
 210 is:

211 (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the
 212 division under this chapter;

213 (b) driving an official United States Government class D motor vehicle with a valid
 214 United States Government driver permit or license for that type of vehicle;

215 (c) driving a road roller, road machinery, or any farm tractor or implement of husbandry
 216 temporarily drawn, moved, or propelled on the highways;

217 (d) a nonresident who is at least 16 years of age and younger than 18 years of age who
 218 has in ~~[his]~~ the nonresident's immediate possession a valid license certificate issued to ~~[him]~~ the
 219 nonresident in ~~[his]~~ the nonresident's home state or country and is driving ~~[as a class D or M~~
 220 driver;] in the class or classes identified on the home state license certificate, except those
 221 persons referred to in Part 6, Drivers' License Compact, of this chapter;

222 (e) a nonresident who is at least 18 years of age and who has in ~~[his]~~ the nonresident's
 223 immediate possession a valid license certificate issued to ~~[him]~~ the nonresident in ~~[his]~~ the
 224 nonresident's home state or country if driving in the class or classes identified on the home state
 225 license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this

226 chapter;

227 (f) driving under a temporary learner permit, instruction permit, practice permit, or
228 learner permit in accordance with Section 53-3-210, 53-3-210.5, or 53A-13-208;

229 (g) driving with a temporary license certificate issued in accordance with Section
230 53-3-207; or

231 (h) exempt under Title 41, Chapter 22, Off-highway Vehicles.

232 (2) A person may not drive or, while within the passenger compartment of a motor
233 vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a
234 motor vehicle upon a highway unless the person:

235 (a) holds a valid license issued under this chapter for the type or class of motor vehicle
236 being towed; or

237 (b) is exempted under either Subsection (1)(b) or (1)(c).

238 (3) A person may not drive a motor vehicle as a taxicab on a highway of this state
239 unless the person has a taxicab endorsement issued by the division on his license certificate.

240 (4) (a) A person may not operate an electric assisted bicycle as defined under Section
241 41-6a-102 unless the person has a valid [~~class M or~~] class D license issued under this chapter.

242 (b) Subsection (4)(a) is an exception to the provisions of Section 53-3-104.

243 (5) A person who violates this section is guilty of a class C misdemeanor.

244 Section 5. Section **53-3-204** is amended to read:

245 **53-3-204. Persons who may not be licensed.**

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

247 (i) is younger than 16 years of age;

248 (ii) has not completed a course in driver training approved by the commissioner;

249 (iii) if the person is a minor, has not completed the driving requirement under Section
250 53-3-211;

251 (iv) is not a resident of the state, unless the person is issued a temporary CDL under
252 Subsection 53-3-407(2)(b); or

253 (v) if the person is 17 years of age or younger, has not held a learner permit issued

254 under Section 53-3-210.5 for six months.

255 (b) Subsections (1)(a)(i), (ii), and (iii) do not apply to a person:

256 (i) who has been licensed before July 1, 1967; or

257 (ii) who is 16 years of age or older making application for a license who has been
258 licensed in another state or country~~[-or]~~.

259 [~~(iii) who is applying for a permit under Section 53-3-210 or 53A-13-208.]~~

260 [~~(c) Subsection (1)(a)(v) does not apply to a person applying for a provisional class D~~
261 ~~license certificate before February 1, 2007 if the person has been issued a temporary learner~~
262 ~~permit or practice permit under Section 53-3-210.]~~

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

264 (a) whose license has been suspended, denied, cancelled, or disqualified during the
265 period of suspension, denial, cancellation, or disqualification;

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

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

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

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

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

273 (ii) Section 53-3-231.

274 (3) (a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle
275 endorsement to a person who:

276 (i) has not been granted an original or provisional class D license, a CDL, or an
277 out-of-state equivalent to an original or provisional class D license or a CDL; and

278 (ii) if the person is under 19 years of age, has not held a motorcycle learner permit for
279 two months unless Subsection (3)(b) applies.

280 (b) The division may waive the two month motorcycle learner permit holding period
281 requirement under Subsection (3)(a)(ii) if the person proves to the satisfaction of the division

282 that the person has completed a motorcycle rider education program that meets the
283 requirements under Section 53-3-903.

284 (c) The division may grant a motorcycle endorsement to a person under 19 years of age
285 who has not held a motorcycle learner permit for two months if the person was issued a
286 motorcycle endorsement or a class M license prior to July 1, 2008.

287 ~~[(3)]~~ (4) The division may grant a class D ~~[or M]~~ license to a person whose commercial
288 license is disqualified under Part 4, Uniform Commercial Driver License Act, if the person is not
289 otherwise sanctioned under this chapter.

290 Section 6. Section **53-3-205** is amended to read:

291 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
292 **Expiration dates of licenses and endorsements -- Information required -- Previous licenses**
293 **surrendered -- Driving record transferred from other states -- Reinstatement -- Fee**
294 **required -- License agreement.**

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

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

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

- 300 (a) not more than three attempts to pass both the knowledge and the skills tests for a
301 class D license within six months of the date of the application;
- 302 (b) a learner permit if needed pending completion of the application and testing process;
- 303 and
- 304 (c) an original class D license and license certificate after all tests are passed.

305 ~~[(3) An application and fee for an original class M license entitle the applicant to:]~~

306 ~~[(a) not more than three attempts to pass both the knowledge and skills tests for a class~~
307 ~~M license within six months of the date of the application;]~~

308 ~~[(b) a motorcycle learner permit if needed after the knowledge test is passed; and]~~

309 ~~[(c) an original class M license and license certificate after all tests are passed.]~~

310 ~~[(4)]~~ (3) An application and fee for a motorcycle or taxicab endorsement entitle the
311 applicant to:

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

314 (b) a motorcycle learner permit ~~[if needed]~~ after the motorcycle knowledge test is
315 passed; and

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

317 ~~[(5)]~~ (4) An application and fees for a commercial class A, B, or C license entitle the
318 applicant to:

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

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

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

325 ~~[(6)]~~ (5) An application and fee for a CDL endorsement entitle the applicant to:

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

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

329 ~~[(7)]~~ (6) If a CDL applicant does not pass a knowledge test, skills test, or an
330 endorsement test within the number of attempts provided in Subsection ~~[(5)]~~ (4) or ~~[(6)]~~ (5),
331 each test may be taken two additional times within the six months for the fee provided in
332 Section 53-3-105.

333 ~~[(8)]~~ (7) (a) Except as provided under Subsections ~~[(8)]~~ (7)(f), (g), and (h), an original
334 license expires on the birth date of the applicant in the fifth year following the year the license
335 certificate was issued.

336 (b) Except as provided under Subsections ~~[(8)]~~ (7)(f), (g), ~~[and]~~ (h), and (i), a renewal
337 or an extension to a license expires on the birth date of the licensee in the fifth year following

338 the expiration date of the license certificate renewed or extended.

339 (c) Except as provided under Subsections [~~(8)~~] (7)(f) [~~and~~], (g), and (i), a duplicate
340 license expires on the same date as the last license certificate issued.

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

343 (e) A license and any endorsement to the license held by a person ordered to active duty
344 and stationed outside Utah in any of the armed forces of the United States, which expires during
345 the time period the person is stationed outside of the state, is valid until 90 days after the person
346 has been discharged or has left the service, unless:

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

349 (ii) the licensee updates the information or photograph on the license certificate.

350 (f) An original license or a renewal to an original license obtained using proof under
351 Subsection [~~(9)~~] (8)(a)(i)(E)(III) expires on the date of the expiration of the applicant's foreign
352 visa, permit, or other document granting legal presence in the United States or on the date
353 provided under this Subsection [~~(8)~~] (7), whichever is sooner.

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

356 (A) the license was obtained without using a Social Security number as required under
357 Subsection [~~(9)~~] (8); and

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

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

363 (iii) The expiration dates provided under Subsections [~~(8)~~] (7)(g)(i) and (ii) do not
364 apply to an original license or driving privilege card or to the renewal of an original license or
365 driving privilege card with an expiration date provided under Subsection [~~(8)~~] (7)(f).

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

369 (i) An original class M license or a renewal, duplicate, or extension to an original class
370 M license expires on June 30, 2008.

371 [~~9~~] (8) (a) In addition to the information required by Title 63, Chapter 46b,
372 Administrative Procedures Act, for requests for agency action, each applicant shall:

373 (i) provide the applicant's:

374 (A) full legal name;

375 (B) birth date;

376 (C) gender;

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

379 (E) (I) Social Security number;

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

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

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

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

385 (F) Utah residence address as documented by a form acceptable under rules made by
386 the division under Section 53-3-104, unless the application is for a temporary CDL issued under
387 Subsection 53-3-407(2)(b);

388 (ii) provide a description of the applicant;

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

391 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,
392 disqualified, or denied in the last [~~six~~] ten years, or whether the applicant has ever had any
393 license application refused, and if so, the date of and reason for the suspension, cancellation,

394 revocation, disqualification, denial, or refusal;

395 (v) state whether the applicant intends to make an anatomical gift under Title 26,
396 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection [~~16~~] (15);

397 (vi) state whether the applicant is required to register as a sex offender under Section
398 77-27-21.5;

399 (vii) state whether the applicant is a military veteran and does or does not authorize
400 sharing the information with the state Department of Veterans' Affairs;

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

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

404 (b) Each applicant shall have a Utah residence address, unless the application is for a
405 temporary CDL issued under Subsection 53-3-407(2)(b).

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

407 (i) (A) Social Security number;

408 (B) temporary identification number (ITIN); or

409 (C) other number assigned by the division if Subsection [~~9~~] (8)(a)(i)(E)(III) applies;

410 and

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

413 (d) An applicant may not be denied a license for refusing to provide race information
414 required under Subsection [~~9~~] (8)(a)(i)(D).

415 [~~10~~] (9) The division shall require proof of every applicant's name, birthdate, and
416 birthplace by at least one of the following means:

417 (a) current license certificate;

418 (b) birth certificate;

419 (c) Selective Service registration; or

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

422 ~~[(11)]~~ (10) When an applicant receives a license in another class, all previous license
423 certificates shall be surrendered and canceled. However, a disqualified commercial license may
424 not be canceled unless it expires before the new license certificate is issued.

425 ~~[(12)]~~ (11) (a) When an application is received from a person previously licensed in
426 another state to drive a motor vehicle, the division shall request a copy of the driver's record
427 from the other state.

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

430 ~~[(13)]~~ (12) An application for reinstatement of a license after the suspension,
431 cancellation, disqualification, denial, or revocation of a previous license shall be accompanied by
432 the additional fee or fees specified in Section 53-3-105.

433 ~~[(14)]~~ (13) A person who has an appointment with the division for testing and fails to
434 keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the
435 fee under Section 53-3-105.

436 ~~[(15)]~~ (14) A person who applies for an original license or renewal of a license agrees
437 that the person's license is subject to any suspension or revocation authorized under this title or
438 Title 41, Motor Vehicles.

439 ~~[(16)]~~ (15) (a) The indication of intent under Subsection ~~[(9)]~~ (8)(a)(v) shall be
440 authenticated by the licensee in accordance with division rule.

441 (b) (i) Notwithstanding Title 63, Chapter 2, Government Records Access and
442 Management Act, the division may, upon request, release to an organ procurement
443 organization, as defined in Section 26-28-102, the names and addresses of all persons who
444 under Subsection ~~[(9)]~~ (8)(a)(v) indicate that they intend to make an anatomical gift.

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

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

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

448 ~~[(17)]~~ (16) Notwithstanding Title 63, Chapter 2, Government Records Access and
449 Management Act, the division may release to the Department of Veterans' Affairs the names and

450 addresses of all persons who indicate their status as a veteran under Subsection [~~(9)~~] (8)(a)(vii).

451 [~~(18)~~] (17) The division and its employees are not liable, as a result of false or
452 inaccurate information provided under Subsection [~~(9)~~] (8)(a)(v) or (vii), for direct or indirect:

- 453 (a) loss;
- 454 (b) detriment; or
- 455 (c) injury.

456 [~~(19)~~] (18) A person who knowingly fails to provide the information required under
457 Subsection [~~(9)~~] (8)(a)(vi) is guilty of a class A misdemeanor.

458 Section 7. Section **53-3-207** is amended to read:

459 **53-3-207. License certificates or driving privilege cards issued to drivers by class**
460 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**
461 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

462 (1) As used in this section:

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

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

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

469 (d) "political subdivision" means any county, city, town, school district, public transit
470 district, community development and renewal agency, special improvement or taxing district,
471 local district, special service district, an entity created by an interlocal agreement adopted under
472 Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
473 corporation; and

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

477 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a

478 license certificate or a driving privilege card indicating the type or class of motor vehicle the
479 person may drive.

480 (b) A person may not drive a class of motor vehicle unless granted the privilege in that
481 class.

482 (3) (a) Every license certificate or driving privilege card shall bear:

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

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

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

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

487 (v) a photograph of the person;

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

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

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

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

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

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

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

505 (ii) The receipt serves as a temporary license certificate or temporary driving privilege

506 card allowing the person to drive a motor vehicle while the division is completing its
507 investigation to determine whether the person is entitled to be granted a driving privilege.

508 (b) The receipt shall be in the person's immediate possession while driving a motor
509 vehicle, and it is invalid when the person's license certificate or driving privilege card has been
510 issued or when, for good cause, the privilege has been refused.

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

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

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

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

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

526 (6) (a) The division shall only issue a driving privilege card to a person whose privilege
527 was obtained without using a Social Security number as required under Subsection
528 53-3-205[~~(9)~~](8).

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

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

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

533 (7) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary

534 permit, or any other temporary permit or receipt issued by the division.

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

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

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

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

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

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

547 Section 8. Section **53-3-210.6** is enacted to read:

548 **53-3-210.6. Motorcycle learner permit.**

549 (1) The division, upon receiving an application for a motorcycle learner permit, may
550 issue a motorcycle learner permit effective for six months to an applicant who:

551 (a) holds an original or provisional class D license, a CDL, or an out-of-state equivalent
552 of an original or provisional class D license or a CDL; and

553 (b) has passed the motorcycle knowledge test.

554 (2) A motorcycle learner permit entitles an applicant to operate a motorcycle on a
555 highway subject to the restrictions in Subsection (3).

556 (3) (a) For the first two months from the date a motorcycle learner permit is issued, the
557 operator of a motorcycle holding the motorcycle learner permit may not operate a motorcycle:

558 (i) on a highway with a posted speed limit of more than 60 miles per hour;

559 (ii) with any passengers; or

560 (iii) during the nighttime hours after 10 p.m. and before 6 a.m.

561 (b) For the third through sixth months from the date a motorcycle learner permit is

562 issued, the operator of a motorcycle holding the motorcycle learner permit may operate a
563 motorcycle without any restrictions imposed under this Subsection (3).

564 (c) It is an affirmative defense to a charge that a person who has been issued a
565 motorcycle learner permit is operating a motorcycle in violation of the restrictions under
566 Subsection (3)(a) if the person is operating the motorcycle:

567 (i) for the operator's employment, including the trip to and from the operator's residence
568 and the operator's employment;

569 (ii) on assignment of a rancher or farmer and the operator is engaged in an agricultural
570 operation; or

571 (iii) in an emergency.

572 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
573 division shall make rules governing the issuance of a motorcycle learner permit and establishing
574 the proof requirements for an applicant to demonstrate that the applicant has completed a
575 motorcycle rider education program.

576 Section 9. Section **53-3-214** is amended to read:

577 **53-3-214. Renewal -- Fees required -- Extension without examination.**

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

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

581 (ii) more than six months prior to the expiration date if the applicant furnishes proof
582 that he will be absent from the state during the six-month period prior to the expiration of the
583 license.

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

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

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

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

- 596 (i) no suspensions;
- 597 (ii) no revocations;
- 598 (iii) no conviction for reckless driving under Section 41-6a-528; and
- 599 (iv) no more than four reportable violations in the preceding five years.

600 (b) (i) After the expiration of a license, a new license certificate and any endorsement to
601 a license certificate may not be issued until the person has again passed the tests under Section
602 53-3-206 and paid the required fee.

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

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

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

608 (B) holding a CDL issued under Part 4, Uniform Commercial Driver License Act;

609 (C) whose original license was obtained using proof under Subsection
610 53-3-205[~~(9)~~](8)(a)(i)(E)(III); or

611 (D) whose original license was issued with an expiration date under Subsection
612 53-3-205[~~(8)~~](7)(h).

613 (c) The division shall allow extensions:

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

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

616 (iii) for only one extension.

617 Section 10. Section **53-3-216** is amended to read:

618 **53-3-216. Change of address -- Duty of licensee to notify division within ten days**
619 **-- Change of name -- Proof necessary -- Method of giving notice by division.**

620 (1) If a person, after applying for or receiving a license, moves from the address named
621 in the application or in the license certificate issued to him, the person shall within ten days of
622 moving, notify the division in a manner specified by the division of his new address and the
623 number of any license certificate held by him.

624 (2) If a person requests to change the surname on the applicant's license, the division
625 shall issue a substitute license with the new name upon receiving an application and fee for a
626 duplicate license and any of the following proofs of the applicant's full legal name:

- 627 (a) an original or certified copy of the applicant's marriage certificate;
- 628 (b) a certified copy of a court order under Title 42, Chapter 1, Change of Name,
629 showing the name change;
- 630 (c) an original or certified copy of a birth certificate issued by a government agency;
- 631 (d) a certified copy of a divorce decree or annulment granted the applicant that specifies
632 the name change requested; or
- 633 (e) a certified copy of a divorce decree that does not specify the name change requested
634 together with:
 - 635 (i) an original or certified copy of the applicant's birth certificate;
 - 636 (ii) the applicant's marriage license;
 - 637 (iii) a driver license record showing use of a maiden name; or
 - 638 (iv) other documentation the division finds acceptable.

639 (3) (a) Except as provided in Subsection (3)(c), if a person has applied for and received
640 a license certificate and is currently required to register as a sex offender under Section
641 77-27-21.5:

- 642 (i) the person's original license or renewal to an original license expires on the next birth
643 date of the licensee beginning on July 1, 2006;
- 644 (ii) the person shall surrender the person's license to the division on or before the
645 licensee's next birth date beginning on July 1, 2006; and

646 (iii) the person may apply for a license certificate with an expiration date identified in
647 Subsection 53-3-205~~(8)~~(7)(h) by:

648 (A) furnishing proper documentation to the division as provided in Section 53-3-205;
649 and

650 (B) paying the fee for a license required under Section 53-3-105.

651 (b) Except as provided in Subsection (3)(c), if a person has applied for and received a
652 license certificate and is subsequently convicted of any offense listed in Subsection
653 77-27-21.5(1)(f), the person shall surrender the license certificate to the division on the person's
654 next birth date following the conviction and may apply for a license certificate with an
655 expiration date identified in Subsection 53-3-205~~(8)~~(7)(h) by:

656 (i) furnishing proper documentation to the division as provided in Section 53-3-205;
657 and

658 (ii) paying the fee for a license required under Section 53-3-105.

659 (c) A person who is unable to comply with the provisions of Subsection (3)(a) or (3)(b)
660 because the person is in the custody of the Department of Corrections or the Division of
661 Juvenile Justice Services, confined in a correctional facility not operated by or under contract
662 with the Department of Corrections, or committed to a state mental facility, shall comply with
663 the provisions of Subsection (3)(a) or (b) within ten days of being released from confinement.

664 (4) (a) If the division is authorized or required to give any notice under this chapter or
665 other law regulating the operation of vehicles, the notice shall, unless otherwise prescribed, be
666 given by:

667 (i) personal delivery to the person to be notified; or

668 (ii) deposit in the United States mail with postage prepaid, addressed to the person at
669 his address as shown by the records of the division.

670 (b) The giving of notice by mail is complete upon the expiration of four days after the
671 deposit of the notice.

672 (c) Proof of the giving of notice in either manner may be made by the certificate of any
673 officer or employee of the division or affidavit of any person older than 18 years of age, naming

674 the person to whom the notice was given and specifying the time, place, and manner of giving
675 the notice.

676 (5) The division may use state mailing or United States Postal Service information to:

677 (a) verify an address on an application or on records of the division; and

678 (b) correct mailing addresses in the division's records.

679 (6) (a) A violation of the provisions of Subsection (1) is an infraction.

680 (b) A person who knowingly fails to surrender a license certificate under Subsection (3)
681 is guilty of a class A misdemeanor.

682 Section 11. Section **53-3-223** is amended to read:

683 **53-3-223. Chemical test for driving under the influence -- Temporary license --**
684 **Hearing and decision -- Suspension and fee -- Judicial review.**

685 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
686 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a certain
687 blood or breath alcohol concentration and driving under the influence of any drug, alcohol, or
688 combination of a drug and alcohol or while having any measurable controlled substance or
689 metabolite of a controlled substance in the person's body in violation of Section 41-6a-517, the
690 peace officer may, in connection with arresting the person, request that the person submit to a
691 chemical test or tests to be administered in compliance with the standards under Section
692 41-6a-520.

693 (b) In this section, a reference to Section 41-6a-502 includes any similar local ordinance
694 adopted in compliance with Subsection 41-6a-510(1).

695 (2) The peace officer shall advise a person prior to the person's submission to a
696 chemical test that a test result indicating a violation of Section 41-6a-502 or 41-6a-517 shall,
697 and the existence of a blood alcohol content sufficient to render the person incapable of safely
698 driving a motor vehicle may, result in suspension or revocation of the person's license to drive a
699 motor vehicle.

700 (3) If the person submits to a chemical test and the test results indicate a blood or
701 breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer

702 makes a determination, based on reasonable grounds, that the person is otherwise in violation of
703 Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of arrest,
704 give notice of the division's intention to suspend the person's license to drive a motor vehicle.

705 (4) (a) When a peace officer gives notice on behalf of the division, the peace officer
706 shall:

707 (i) take the Utah license certificate or permit, if any, of the driver;

708 (ii) issue a temporary license certificate effective for only 29 days from the date of
709 arrest; and

710 (iii) supply to the driver, in a manner specified by the division, basic information
711 regarding how to obtain a prompt hearing before the division.

712 (b) A citation issued by a peace officer may, if provided in a manner specified by the
713 division, also serve as the temporary license certificate.

714 (5) As a matter of procedure, a peace officer shall send to the division within ten
715 calendar days after the day on which notice is provided:

716 (a) the person's license certificate;

717 (b) a copy of the citation issued for the offense;

718 (c) a signed report in a manner specified by the division indicating the chemical test
719 results, if any; and

720 (d) any other basis for the peace officer's determination that the person has violated
721 Section 41-6a-502 or 41-6a-517.

722 (6) (a) Upon request in a manner specified by the division, the division shall grant to the
723 person an opportunity to be heard within 29 days after the date of arrest. The request to be
724 heard shall be made within ten calendar days of the day on which notice is provided under
725 Subsection (5).

726 (b) (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the
727 division in the county in which the arrest occurred.

728 (ii) The division may hold a hearing in some other county if the division and the person
729 both agree.

730 (c) The hearing shall be documented and shall cover the issues of:
731 (i) whether a peace officer had reasonable grounds to believe the person was driving a
732 motor vehicle in violation of Section 41-6a-502 or 41-6a-517;
733 (ii) whether the person refused to submit to the test; and
734 (iii) the test results, if any.
735 (d) (i) In connection with a hearing the division or its authorized agent:
736 (A) may administer oaths and may issue subpoenas for the attendance of witnesses and
737 the production of relevant books and papers; or
738 (B) may issue subpoenas for the attendance of necessary peace officers.
739 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
740 accordance with the rates established in Section 78-46-28.
741 (e) The division may designate one or more employees to conduct the hearing.
742 (f) Any decision made after a hearing before any designated employee is as valid as if
743 made by the division.
744 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
745 grounds to believe that the person was driving a motor vehicle in violation of Section 41-6a-502
746 or 41-6a-517, if the person failed to appear before the division as required in the notice, or if a
747 hearing is not requested under this section, the division shall suspend the person's license or
748 permit to operate a motor vehicle for a period of:
749 (i) 90 days beginning on the 30th day after the date of arrest for a first suspension; or
750 (ii) one year beginning on the 30th day after the date of arrest for a second or
751 subsequent suspension for an offense that occurred within the previous ten years.
752 (b) (i) Notwithstanding the provisions in Subsection (7)(a)(i), the division shall reinstate
753 a person's license prior to completion of the 90 day suspension period imposed under
754 Subsection (7)(a)(i) if the person's charge for a violation of Section 41-6a-502 or 41-6a-517 is
755 reduced or dismissed prior to completion of the suspension period.
756 (ii) The division shall immediately reinstate a person's license upon receiving written
757 verification of the person's dismissal of a charge for a violation of Section 41-6a-502 or

758 41-6a-517.

759 (iii) The division shall reinstate a person's license no sooner than 60 days beginning on
760 the 30th day after the date of arrest upon receiving written verification of the person's reduction
761 of a charge for a violation of Section 41-6a-502 or 41-6a-517.

762 (iv) If a person's license is reinstated under this Subsection (7)(b), the person is required
763 to pay the license reinstatement fees under Subsections 53-3-105~~(29)~~(23) and ~~(30)~~ (24).

764 (8) (a) The division shall assess against a person, in addition to any fee imposed under
765 Subsection 53-3-205~~(13)~~(12) for driving under the influence, a fee under Section 53-3-105 to
766 cover administrative costs, which shall be paid before the person's driving privilege is reinstated.
767 This fee shall be cancelled if the person obtains an unappealed division hearing or court decision
768 that the suspension was not proper.

769 (b) A person whose license has been suspended by the division under this section
770 following an administrative hearing may file a petition within 30 days after the suspension for a
771 hearing on the matter which, if held, is governed by Section 53-3-224.

772 Section 12. Section **53-3-231** is amended to read:

773 **53-3-231. Person under 21 may not operate a vehicle or motorboat with**
774 **detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing**
775 **and decision -- Suspension of license or operating privilege -- Fees -- Judicial review --**
776 **Referral to local substance abuse authority or program.**

777 (1) (a) As used in this section:

778 (i) "Local substance abuse authority" has the same meaning as provided in Section
779 62A-15-102.

780 (ii) "Substance abuse program" means any substance abuse program licensed by the
781 Department of Human Services or the Department of Health and approved by the local
782 substance abuse authority.

783 (b) Calculations of blood, breath, or urine alcohol concentration under this section shall
784 be made in accordance with the procedures in Subsection 41-6a-502(1).

785 (2) (a) A person younger than 21 years of age may not operate or be in actual physical

786 control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol
787 concentration in the person's body as shown by a chemical test.

788 (b) A person who violates Subsection (2)(a), in addition to any other applicable
789 penalties arising out of the incident, shall have the person's operator license denied or suspended
790 as provided in Subsection (8).

791 (3) (a) When a peace officer has reasonable grounds to believe that a person may be
792 violating or has violated Subsection (2), the peace officer may, in connection with arresting the
793 person for a violation of Section 32A-12-209, request that the person submit to a chemical test
794 or tests to be administered in compliance with the standards under Section 41-6a-520.

795 (b) The peace officer shall advise a person prior to the person's submission to a
796 chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or
797 suspension of the person's license to operate a motor vehicle or a refusal to issue a license.

798 (c) If the person submits to a chemical test and the test results indicate a blood, breath,
799 or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a
800 determination, based on reasonable grounds, that the person is otherwise in violation of
801 Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the
802 arrest, give notice of the division's intention to deny or suspend the person's license to operate a
803 vehicle or refusal to issue a license under this section.

804 (4) When a peace officer gives notice on behalf of the division, the peace officer shall:

805 (a) take the Utah license certificate or permit, if any, of the operator;

806 (b) issue a temporary license certificate effective for only 29 days from the date of
807 arrest if the driver had a valid operator's license; and

808 (c) supply to the operator, in a manner specified by the division, basic information
809 regarding how to obtain a prompt hearing before the division.

810 (5) A citation issued by a peace officer may, if provided in a manner specified by the
811 division, also serve as the temporary license certificate under Subsection (4)(b).

812 (6) As a matter of procedure, a peace officer shall send to the division within ten
813 calendar days after the day on which notice is provided:

- 814 (a) the person's driver license certificate, if any;
- 815 (b) a copy of the citation issued for the offense;
- 816 (c) a signed report in a manner specified by the Driver License Division indicating the
817 chemical test results, if any; and
- 818 (d) any other basis for a peace officer's determination that the person has violated
819 Subsection (2).
- 820 (7) (a) (i) Upon request in a manner specified by the division, the Driver License
821 Division shall grant to the person an opportunity to be heard within 29 days after the date of
822 arrest under Section 32A-12-209.
- 823 (ii) The request shall be made within ten calendar days of the day on which notice is
824 provided.
- 825 (b) (i) Except as provided in Subsection (7)(b)(ii), a hearing, if held, shall be before the
826 division in the county in which the arrest occurred.
- 827 (ii) The division may hold a hearing in some other county if the division and the person
828 both agree.
- 829 (c) The hearing shall be documented and shall cover the issues of:
- 830 (i) whether a peace officer had reasonable grounds to believe the person was operating
831 a motor vehicle or motorboat in violation of Subsection (2)(a);
- 832 (ii) whether the person refused to submit to the test; and
- 833 (iii) the test results, if any.
- 834 (d) In connection with a hearing, the division or its authorized agent may administer
835 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant
836 books and papers and records as defined in Section 46-4-102.
- 837 (e) One or more members of the division may conduct the hearing.
- 838 (f) Any decision made after a hearing before any number of the members of the division
839 is as valid as if made after a hearing before the full membership of the division.
- 840 (8) If, after a hearing, the division determines that a peace officer had reasonable
841 grounds to believe that the person was driving a motor vehicle in violation of Subsection (2)(a),

842 if the person fails to appear before the division as required in the notice, or if the person does
843 not request a hearing under this section, the division shall:

844 (a) deny the person's license for a period of 90 days beginning on the 30th day after the
845 date of arrest for a first offense under Subsection (2)(a);

846 (b) suspend the person's license for a period of one year beginning on the 30th day after
847 the date of arrest for a second or subsequent offense under Subsection (2)(a) within three years
848 of a prior denial or suspension; or

849 (c) deny the person's application for a license or learner's permit until the person is 17
850 years of age or for a period of one year, whichever is longer, if the person has not been issued
851 an operator license.

852 (9) (a) (i) Following denial or suspension the division shall assess against a person, in
853 addition to any fee imposed under Subsection 53-3-205[~~(13)~~](12), a fee under Section
854 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover
855 administrative costs.

856 (ii) This fee shall be canceled if the person obtains an unappealed division hearing or
857 court decision that the suspension was not proper.

858 (b) A person whose operator license has been denied, suspended, or postponed by the
859 division under this section following an administrative hearing may file a petition within 30 days
860 after the suspension for a hearing on the matter which, if held, is governed by Section 53-3-224.

861 (10) After reinstatement of an operator license for a first offense under this section, a
862 report authorized under Section 53-3-104 may not contain evidence of the denial or suspension
863 of the person's operator license under this section if the person has not been convicted of any
864 other offense for which the denial or suspension may be extended.

865 (11) (a) In addition to the penalties in Subsection (8), a person who violates Subsection
866 (2)(a) shall:

867 (i) obtain an assessment and recommendation for appropriate action from a substance
868 abuse program, but any associated costs shall be the person's responsibility; or

869 (ii) be referred by the division to the local substance abuse authority for an assessment

870 and recommendation for appropriate action.

871 (b) (i) Reinstatement of the person's operator license or the right to obtain an operator
872 license is contingent upon successful completion of the action recommended by the local
873 substance abuse authority or the substance abuse program.

874 (ii) The local substance abuse authority's or the substance abuse program's
875 recommended action shall be determined by an assessment of the person's alcohol abuse and
876 may include:

877 (A) a targeted education and prevention program;

878 (B) an early intervention program; or

879 (C) a substance abuse treatment program.

880 (iii) Successful completion of the recommended action shall be determined by standards
881 established by the Division of Substance Abuse and Mental Health.

882 (c) At the conclusion of the penalty period imposed under Subsection (2), the local
883 substance abuse authority or the substance abuse program shall notify the division of the
884 person's status regarding completion of the recommended action.

885 (d) The local substance abuse authorities and the substance abuse programs shall
886 cooperate with the division in:

887 (i) conducting the assessments;

888 (ii) making appropriate recommendations for action; and

889 (iii) notifying the division about the person's status regarding completion of the
890 recommended action.

891 (e) (i) The local substance abuse authority is responsible for the cost of the assessment
892 of the person's alcohol abuse, if the assessment is conducted by the local substance abuse
893 authority.

894 (ii) The local substance abuse authority or a substance abuse program selected by a
895 person is responsible for:

896 (A) conducting an assessment of the person's alcohol abuse; and

897 (B) for making a referral to an appropriate program on the basis of the findings of the

898 assessment.

899 (iii) (A) The person who violated Subsection (2)(a) is responsible for all costs and fees
900 associated with the recommended program to which the person selected or is referred.

901 (B) The costs and fees under Subsection (11)(e)(iii)(A) shall be based on a sliding scale
902 consistent with the local substance abuse authority's policies and practices regarding fees for
903 services or determined by the substance abuse program.

904 Section 13. Section **53-3-407** is amended to read:

905 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**
906 **administer skills test.**

907 (1) (a) As used in this section, "CDL driver training school" means a business enterprise
908 conducted by an individual, association, partnership, or corporation that:

909 (i) educates and trains persons, either practically or theoretically, or both, to drive
910 commercial motor vehicles; and

911 (ii) prepares an applicant for an examination under Subsection (2)(a)(ii) or (2)(b)(i)(B).

912 (b) A CDL driver training school may charge a consideration or tuition for the services
913 provided under Subsection (1)(a).

914 (2) (a) Except as provided in Subsection (2)(b), a CDL may be issued only to a person
915 who:

916 (i) is a resident of this state or qualifies as a nonresident under Section 53-3-409;

917 (ii) has passed a test of knowledge and skills for driving a commercial motor vehicle,
918 that complies with minimum standards established by federal regulation in 49 C.F.R., Part 383,
919 Subparts G and H; and

920 (iii) has complied with all requirements of 49 C.F.R., Part 383 and other applicable state
921 laws and federal regulations.

922 (b) (i) A temporary CDL may be issued to a person who:

923 (A) is enrolled in a CDL driver training school located in Utah;

924 (B) has passed a test of knowledge and skills for driving a commercial motor vehicle,
925 that complies with minimum standards established by federal regulation in 49 C.F.R. Part 383,

926 Subparts G and H; and
927 (C) has complied with all requirements of 49 C.F.R. Part 383, Subparts G and H.
928 (ii) A temporary CDL issued under this Subsection (2)(b):
929 (A) is valid for 60 days; and
930 (B) may not be renewed or extended.
931 (iii) Except as provided in this section and Subsections 53-3-204(1)(a)(iv),
932 53-3-205~~(9)~~(8)(a)(i)(F) and ~~(9)~~ (8)(b), and 53-3-410(1)(c), the provisions, requirements,
933 classes, endorsements, fees, restrictions, and sanctions under this code apply to a temporary
934 CDL issued under this Subsection (2)(b) in the same way as a commercial driver license issued
935 under this part.
936 (3) Tests required under this section shall be prescribed and administered by the
937 division.
938 (4) The division shall authorize a person, an agency of this or another state, an
939 employer, a private driver training facility or other private institution, or a department, agency,
940 or entity of local government to administer the skills test required under this section if:
941 (a) the test is the same test as prescribed by the division, and is administered in the same
942 manner; and
943 (b) the party authorized under this section to administer the test has entered into an
944 agreement with the state that complies with the requirements of 49 C.F.R., Part 383.75.
945 (5) A person who has an appointment with the division for testing and fails to keep the
946 appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under
947 Section 53-3-105.
948 (6) A person authorized under this section to administer the skills test is not criminally
949 or civilly liable for the administration of the test unless he administers the test in a grossly
950 negligent manner.
951 (7) The division shall waive the skills test required under this section if it determines
952 that the applicant meets the requirements of 49 C.F.R., Part 383.77.
953 Section 14. Section **53-3-905** is amended to read:

954 **53-3-905. Dedication of fees.**

955 (1) Five dollars of the annual registration fee imposed under Section 41-1a-1206 for
956 each registered motorcycle and \$2.50 of the fee imposed under Section 53-3-105 for an
957 original, renewal, or extension of a [~~class M license or provisional class M license application~~]
958 motorcycle endorsement shall be deposited as dedicated credits in the Transportation Fund to
959 be used by the division for the program.

960 (2) Appropriations to the program are nonlapsing.

961 (3) Appropriations may not be used for assistance to, advocacy of, or lobbying for any
962 legislation unless the legislation would enhance or affect the financial status of the program or
963 the program's continuation.

964 Section 15. **Effective date.**

965 This bill takes effect July 1, 2008.