

DRIVING PRIVILEGE CARD AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley M. Daw

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions relating to the driving privilege card.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ prohibits a person authorized by law to sell or otherwise handle alcoholic beverages or products from accepting a driving privilege card as evidence of the legal age of the person;
- ▶ requires the Motor Vehicle Division to notify the Driver License Division if the Motor Vehicle Division revokes a vehicle registration for failing to provide evidence of owner's or operator's security as required under the Uninsured Motorist Identification Database Program;
- ▶ requires the Driver License Division to suspend a driving privilege card holder's driving privilege card if the division receives notice that the driving privilege card holder's vehicle registration has been revoked for failing to provide evidence of owner's or operator's security as required under the Uninsured Motorist Identification Database Program;
- ▶ prohibits a driving privilege card from being used as providing proof of a person's age for any government required purpose;
- ▶ provides that a person that engages in the transfer, distribution, or furnishing of



28 certain precursor chemicals may not accept a driving privilege card as proof of identification
29 from a purchaser that purchases certain controlled substance precursors;

30 ▶ provides that a dealer of firearms may not accept a driving privilege card for the
31 purpose of establishing personal identification and residence to receive a firearm;

32 and

33 ▶ makes technical changes.

34 **Monies Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 This bill takes effect on July 1, 2008.

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **32A-1-105**, as last amended by Laws of Utah 2007, Chapter 284

41 **32A-1-304**, as last amended by Laws of Utah 2002, Chapter 161

42 **41-1a-110**, as last amended by Laws of Utah 2000, Chapter 345

43 **41-1a-1220**, as last amended by Laws of Utah 2000, Chapter 345

44 **41-12a-806**, as last amended by Laws of Utah 2000, Chapter 345

45 **53-3-102 (Effective 07/01/08)**, as last amended by Laws of Utah 2007, Chapter 338

46 **53-3-207**, as last amended by Laws of Utah 2007, Chapters 60 and 329

47 **53-3-221 (Effective 07/01/08)**, as last amended by Laws of Utah 2007, Chapters 53 and

48 338

49 **58-37c-10**, as repealed and reenacted by Laws of Utah 1992, Chapter 155

50 **76-10-526**, as last amended by Laws of Utah 2004, Chapter 360

51

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

53 Section 1. Section **32A-1-105** is amended to read:

54 **32A-1-105. Definitions.**

55 As used in this title:

56 (1) "Airport lounge" means a place of business licensed to sell alcoholic beverages, at
57 retail, for consumption on its premises located at an international airport with a United States
58 Customs office on the premises of the international airport.

59 (2) "Alcoholic beverages" means "beer" and "liquor" as the terms are defined in this
60 section.

61 (3) (a) "Alcoholic products" means all products that:

62 (i) contain:

63 (A) at least 63/100 of 1% of alcohol by volume; or

64 (B) at least 1/2 of 1% by weight; and

65 (ii) are obtained by fermentation, infusion, decoction, brewing, distillation, or any other

66 process that uses any liquid or combinations of liquids, whether drinkable or not, to create

67 alcohol in an amount greater than the amount prescribed in Subsection (3)(a)(i).

68 (b) "Alcoholic products" does not include any of the following common items that

69 otherwise come within the definition of alcoholic products:

70 (i) extracts;

71 (ii) vinegars;

72 (iii) ciders;

73 (iv) essences;

74 (v) tinctures;

75 (vi) food preparations; or

76 (vii) over-the-counter drugs and medicines.

77 (4) "Bar" means a counter or similar structure:

78 (a) at which alcoholic beverages are:

79 (i) stored; or

80 (ii) dispensed; or

81 (b) from which alcoholic beverages are served.

82 (5) (a) "Beer" means any product that:

83 (i) contains 63/100 of 1% of alcohol by volume or 1/2 of 1% of alcohol by weight, but
84 not more than 4% of alcohol by volume or 3.2% by weight; and

85 (ii) is obtained by fermentation, infusion, or decoction of any malted grain.

86 (b) Beer may or may not contain hops or other vegetable products.

87 (c) Beer includes a product that:

88 (i) contains alcohol in the percentages described in Subsection (5)(a); and

89 (ii) is referred to as:

90 (A) malt liquor;

91 (B) malted beverages; or

92 (C) malt coolers.

93 (6) (a) "Beer retailer" means a business that is:

94 (i) engaged, primarily or incidentally, in the retail sale of beer to patrons, whether for
95 consumption on or off the business premises; and

96 (ii) licensed to sell beer by:

97 (A) the commission;

98 (B) a local authority; or

99 (C) both the commission and a local authority.

100 (b) (i) "Off-premise beer retailer" means a business that is engaged in the retail sale of
101 beer to patrons for consumption off the beer retailer's premises.

102 (ii) "Off-premise beer retailer" does not include an on-premise beer retailer.

103 (c) "On-premise beer retailer" means a business that is engaged in the sale of beer to
104 patrons for consumption on the beer retailer's premises, regardless of whether the business sells
105 beer for consumption off the beer retailer's premises.

106 (7) "Billboard" means any public display used to advertise including:

107 (a) a light device;

108 (b) a painting;

109 (c) a drawing;

110 (d) a poster;

111 (e) a sign;

112 (f) a signboard; or

113 (g) a scoreboard.

114 (8) "Brewer" means any person engaged in manufacturing beer.

115 (9) "Cash bar" means the service of alcoholic beverages:

116 (a) at:

117 (i) a banquet; or

118 (ii) a temporary event for which a permit is issued under this title; and

119 (b) if an attendee at the banquet or temporary event is charged for the alcoholic
120 beverage.

121 (10) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by
122 a bus company to a group of persons pursuant to a common purpose:

- 123 (a) under a single contract;
- 124 (b) at a fixed charge in accordance with the bus company's tariff; and
- 125 (c) for the purpose of giving the group of persons the exclusive use of the bus and a
126 driver to travel together to a specified destination or destinations.

127 (11) "Church" means a building:

- 128 (a) set apart for the purpose of worship;
- 129 (b) in which religious services are held;
- 130 (c) with which clergy is associated; and
- 131 (d) which is tax exempt under the laws of this state.

132 (12) "Club" and "private club" means any of the following organized primarily for the
133 benefit of its members:

- 134 (a) a social club;
- 135 (b) a recreational association;
- 136 (c) a fraternal association;
- 137 (d) an athletic association; or
- 138 (e) a kindred association.

139 (13) "Commission" means the Alcoholic Beverage Control Commission.

140 (14) "Department" means the Department of Alcoholic Beverage Control.

141 (15) "Distressed merchandise" means any alcoholic beverage in the possession of the
142 department that is saleable, but for some reason is unappealing to the public.

143 (16) "Guest" means a person accompanied by an active member or visitor of a club
144 who enjoys only those privileges derived from the host for the duration of the visit to the club.

145 (17) (a) "Heavy beer" means any product that:

- 146 (i) contains more than 4% alcohol by volume; and
- 147 (ii) is obtained by fermentation, infusion, or decoction of any malted grain.

148 (b) "Heavy beer" is considered "liquor" for the purposes of this title.

149 (18) "Hosted bar" means the service of alcoholic beverages:

- 150 (a) without charge; and
- 151 (b) at a:

152 (i) banquet; or
153 (ii) privately hosted event.
154 (19) "Identification card" means the identification card issued under Title 53, Chapter
155 3, Part 8, Identification Card Act.

156 (20) "Interdicted person" means a person to whom the sale, gift, or provision of an
157 alcoholic beverage is prohibited by:

- 158 (a) law; or
- 159 (b) court order.

160 (21) "Intoxicated" means that to a degree that is unlawful under Section 76-9-701 a
161 person is under the influence of:

- 162 (a) an alcoholic beverage;
- 163 (b) a controlled substance;
- 164 (c) a substance having the property of releasing toxic vapors; or
- 165 (d) a combination of Subsections (21)(a) through (c).

166 (22) "Licensee" means any person issued a license by the commission to sell,
167 manufacture, store, or allow consumption of alcoholic beverages on premises owned or
168 controlled by the person.

169 (23) "Limousine" means any motor vehicle licensed by the state or a local authority,
170 other than a bus or taxicab:

- 171 (a) in which the driver and passengers are separated by a partition, glass, or other
172 barrier; and
- 173 (b) that is provided by a company to an individual or individuals at a fixed charge in
174 accordance with the company's tariff for the purpose of giving the individual or individuals the
175 exclusive use of the limousine and a driver to travel to a specified destination or destinations.

176 (24) (a) "Liquor" means alcohol, or any alcoholic, spirituous, vinous, fermented, malt,
177 or other liquid, or combination of liquids, a part of which is spirituous, vinous, or fermented,
178 and all other drinks, or drinkable liquids that contain more than 1/2 of 1% of alcohol by volume
179 and is suitable to use for beverage purposes.

180 (b) "Liquor" does not include any beverage defined as a beer, malt liquor, or malted
181 beverage that has an alcohol content of less than 4% alcohol by volume.

182 (25) "Local authority" means:

183 (a) the governing body of the county if the premises are located in an unincorporated
184 area of a county; or

185 (b) the governing body of the city or town if the premises are located in an incorporated
186 city or a town.

187 (26) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or
188 otherwise make an alcoholic product for personal use or for sale or distribution to others.

189 (27) "Member" means a person who, after paying regular dues, has full privileges of a
190 club under this title.

191 (28) (a) "Military installation" means a base, air field, camp, post, station, yard, center,
192 or homeport facility for any ship:

193 (i) (A) under the control of the United States Department of Defense; or

194 (B) of the National Guard;

195 (ii) that is located within the state; and

196 (iii) including any leased facility.

197 (b) "Military installation" does not include any facility used primarily for:

198 (i) civil works;

199 (ii) rivers and harbors projects; or

200 (iii) flood control projects.

201 (29) "Minor" means any person under the age of 21 years.

202 (30) "Nude," "nudity," or "state of nudity" means:

203 (a) the appearance of:

204 (i) the nipple or areola of a female human breast;

205 (ii) a human genital;

206 (iii) a human pubic area; or

207 (iv) a human anus; or

208 (b) a state of dress that fails to opaquely cover:

209 (i) the nipple or areola of a female human breast;

210 (ii) a human genital;

211 (iii) a human pubic area; or

212 (iv) a human anus.

213 (31) "Outlet" means a location other than a state store or package agency where

214 alcoholic beverages are sold pursuant to a license issued by the commission.

215 (32) "Package" means any of the following containing liquor:

216 (a) a container;

217 (b) a bottle;

218 (c) a vessel; or

219 (d) other receptacle.

220 (33) "Package agency" means a retail liquor location operated under a contractual

221 agreement with the department, by a person other than the state, who is authorized by the

222 commission to sell package liquor for consumption off the premises of the agency.

223 (34) "Package agent" means any person permitted by the commission to operate a

224 package agency pursuant to a contractual agreement with the department to sell liquor from

225 premises that the package agent shall provide and maintain.

226 (35) "Permittee" means any person issued a permit by the commission to perform acts

227 or exercise privileges as specifically granted in the permit.

228 (36) "Person" means any individual, partnership, firm, corporation, limited liability

229 company, association, business trust, or other form of business enterprise, including a receiver

230 or trustee, and the plural as well as the singular number, unless the intent to give a more limited

231 meaning is disclosed by the context.

232 (37) "Premises" means any building, enclosure, room, or equipment used in connection

233 with the sale, storage, service, manufacture, distribution, or consumption of alcoholic products,

234 unless otherwise defined in this title or in the rules adopted by the commission.

235 (38) "Prescription" means a writing in legal form, signed by a physician or dentist and

236 given to a patient for obtaining an alcoholic beverage for medicinal purposes only.

237 (39) (a) "Privately hosted event" or "private social function" means a specific social,

238 business, or recreational event for which an entire room, area, or hall has been leased or rented,

239 in advance by an identified group, and the event or function is limited in attendance to people

240 who have been specifically designated and their guests.

241 (b) "Privately hosted event" and "private social function" does not include events or

242 functions to which the general public is invited, whether for an admission fee or not.

243 (40) (a) "Proof of age" means:

244 [~~(a)~~] (i) an identification card;

245 ~~(b)~~ (ii) an identification that:
 246 ~~(i)~~ (A) is substantially similar to an identification card;
 247 ~~(i)~~ (B) is issued in accordance with the laws of a state other than Utah in which the
 248 identification is issued;
 249 ~~(iii)~~ (C) includes date of birth; and
 250 ~~(iv)~~ (D) has a picture affixed;
 251 ~~(e)~~ (iii) a valid driver license certificate that:
 252 ~~(i)~~ (A) includes date of birth;
 253 ~~(i)~~ (B) has a picture affixed; and
 254 ~~(iii)~~ (C) is issued:
 255 ~~(A)~~ (I) under Title 53, Chapter 3, Uniform Driver License Act; or
 256 ~~(B)~~ (II) in accordance with the laws of the state in which it is issued;
 257 ~~(d)~~ (iv) a military identification card that:
 258 ~~(i)~~ (A) includes date of birth; and
 259 ~~(i)~~ (B) has a picture affixed; or
 260 ~~(e)~~ (v) a valid passport.

261 (b) "Proof of age" does not include a driving privilege card issued in accordance with
 262 Section 53-3-207.

263 (41) (a) "Public building" means any building or permanent structure owned or leased
 264 by the state, a county, or local government entity that is used for:

- 265 (i) public education;
- 266 (ii) transacting public business; or
- 267 (iii) regularly conducting government activities.

268 (b) "Public building" does not mean or refer to any building owned by the state or a
 269 county or local government entity when the building is used by anyone, in whole or in part, for
 270 proprietary functions.

271 (42) "Representative" means an individual who is compensated by salary, commission,
 272 or any other means for representing and selling the alcoholic beverage products of a
 273 manufacturer, supplier, or importer of liquor, wine, or heavy beer.

274 (43) "Residence" means the person's principal place of abode within Utah.

275 (44) "Restaurant" means any business establishment:

276 (a) where a variety of foods is prepared and complete meals are served to the general
277 public;

278 (b) located on a premises having adequate culinary fixtures for food preparation and
279 dining accommodations; and

280 (c) that is engaged primarily in serving meals to the general public.

281 (45) "Retailer" means any person engaged in the sale or distribution of alcoholic
282 beverages to the consumer.

283 (46) (a) "Sample" includes:

284 (i) a department sample; and

285 (ii) an industry representative sample.

286 (b) "Department sample" means liquor, wine, and heavy beer that has been placed in
287 the possession of the department for testing, analysis, and sampling.

288 (c) "Industry representative sample" means liquor, wine, and heavy beer that has been
289 placed in the possession of the department for testing, analysis, and sampling by local industry
290 representatives on the premises of the department to educate the local industry representatives
291 of the quality and characteristics of the product.

292 (47) (a) "School" means any building used primarily for the general education of
293 minors.

294 (b) "School" does not include:

295 (i) a nursery school;

296 (ii) an infant day care center; or

297 (iii) a trade or technical school.

298 (48) "Sell," "sale," and "to sell" means any transaction, exchange, or barter whereby,
299 for any consideration, an alcoholic beverage is either directly or indirectly transferred, solicited,
300 ordered, delivered for value, or by any means or under any pretext is promised or obtained,
301 whether done by a person as a principal, proprietor, or as an agent, servant, or employee, unless
302 otherwise defined in this title or the rules made by the commission.

303 (49) "Seminude," "seminudity," or "state of seminudity" means a state of dress in
304 which opaque clothing covers no more than:

305 (a) the nipple and areola of the female human breast in a shape and color other than the
306 natural shape and color of the nipple and areola; and

- 307 (b) the human genitals, pubic area, and anus:
- 308 (i) with no less than the following at its widest point:
- 309 (A) four inches coverage width in the front of the human body; and
- 310 (B) five inches coverage width in the back of the human body; and
- 311 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 312 (50) "Sexually oriented entertainer" means a person who while in a state of seminudity
- 313 appears at or performs:
- 314 (a) for the entertainment of one or more patrons;
- 315 (b) on the premises of:
- 316 (i) a class D private club as defined in Subsection 32A-5-101(3); or
- 317 (ii) a tavern;
- 318 (c) on behalf of or at the request of the licensee described in Subsection (50)(b);
- 319 (d) on a contractual or voluntary basis; and
- 320 (e) whether or not the person is designated:
- 321 (i) an employee of the licensee described in Subsection (50)(b);
- 322 (ii) an independent contractor of the licensee described in Subsection (50)(b);
- 323 (iii) an agent of the licensee described in Subsection (50)(b); or
- 324 (iv) otherwise of the licensee described in Subsection (50)(b).
- 325 (51) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer
- 326 and heavy beer per year.
- 327 (52) (a) "Spirituous liquor" means liquor that is distilled.
- 328 (b) "Spirituous liquor" includes an alcohol product defined as a "distilled spirit" by 27
- 329 U.S.C. 211 and 27 C.F.R. Sections 5.11 through 5.23.
- 330 (53) (a) "State label" means the official label designated by the commission affixed to
- 331 all liquor containers sold in the state.
- 332 (b) "State label" includes the department identification mark and inventory control
- 333 number.
- 334 (54) (a) "State store" means a facility for the sale of package liquor:
- 335 (i) located on premises owned or leased by the state; and
- 336 (ii) operated by state employees.
- 337 (b) "State store" does not apply to any:

- 338 (i) licensee;
- 339 (ii) permittee; or
- 340 (iii) package agency.
- 341 (55) "Supplier" means any person selling alcoholic beverages to the department.
- 342 (56) (a) "Tavern" means any business establishment that is:
- 343 (i) engaged primarily in the retail sale of beer to public patrons for consumption on the
- 344 establishment's premises; and
- 345 (ii) licensed to sell beer under Chapter 10, Part 2, On-Premise Beer Retailer Licenses.
- 346 (b) "Tavern" includes the following if the revenue from the sale of beer exceeds the
- 347 revenue of the sale of food, although food need not be sold in the establishment:
- 348 (i) a beer bar;
- 349 (ii) a parlor;
- 350 (iii) a lounge;
- 351 (iv) a cabaret; or
- 352 (v) a nightclub.
- 353 (57) "Temporary domicile" means the principal place of abode within Utah of a person
- 354 who does not have a present intention to continue residency within Utah permanently or
- 355 indefinitely.
- 356 (58) "Unsaleable liquor merchandise" means merchandise that:
- 357 (a) is unsaleable because the merchandise is:
- 358 (i) unlabeled;
- 359 (ii) leaky;
- 360 (iii) damaged;
- 361 (iv) difficult to open; or
- 362 (v) partly filled;
- 363 (b) is in a container:
- 364 (i) having faded labels or defective caps or corks;
- 365 (ii) in which the contents are:
- 366 (A) cloudy;
- 367 (B) spoiled; or
- 368 (C) chemically determined to be impure; or

369 (iii) that contains:

370 (A) sediment; or

371 (B) any foreign substance; or

372 (c) is otherwise considered by the department as unfit for sale.

373 (59) "Visitor" means an individual that in accordance with Section 32A-5-107 holds
374 limited privileges in a private club by virtue of a visitor card.

375 (60) "Warehouser" means any person, other than a licensed manufacturer, engaged in
376 the importation for sale, storage, or distribution of liquor regardless of amount.

377 (61) "Wholesaler" means any person engaged in the importation for sale, or in the sale
378 of beer in wholesale or jobbing quantities to retailers, other than a small brewer selling beer
379 manufactured by that brewer.

380 (62) (a) "Wine" means any alcoholic beverage obtained by the fermentation of the
381 natural sugar content of fruits, plants, honey, or milk, or any other like substance, whether or
382 not other ingredients are added.

383 (b) "Wine" is considered "liquor" for purposes of this title, except as otherwise
384 provided in this title.

385 Section 2. Section **32A-1-304** is amended to read:

386 **32A-1-304. Acceptance of identification -- Evidence.**

387 (1) A person authorized by law to sell or otherwise handle alcoholic beverages or
388 products may accept as evidence of the legal age of the person presenting the following:

389 (a) proof of age; or

390 (b) if a statement of age is required under Subsection 32A-1-303(1):

391 (i) proof of age; and

392 (ii) a statement of age obtained under Section 32A-1-303.

393 (2) A statement of age described in Section 32A-1-303, if properly completed, signed,
394 and filed in accordance with Section 32A-1-303, may be offered as a defense in any case where
395 there is at issue the legality of:

396 (a) selling or otherwise furnishing an alcoholic beverage or product to the person who
397 signed the statement of age; or

398 (b) allowing the person who signed the statement of age to be employed in any
399 employment that under this title may not be obtained by a minor.

400 (3) A person authorized by law to sell or otherwise handle alcoholic beverages or
401 products may not accept a driving privilege card issued in accordance with Section 53-3-207 as
402 evidence of the legal age of the person.

403 ~~(3)~~ (4) A person may not be subject to a penalty for a violation of this part if it is
404 proved to the commission or the court hearing the matter that the person charged with the
405 violation acted in good faith.

406 Section 3. Section **41-1a-110** is amended to read:

407 **41-1a-110. Authority of division to suspend or revoke registration, certificate of**
408 **title, license plate, or permit.**

409 (1) Except as provided in Subsections (3) and (4), the division may suspend or revoke
410 a registration, certificate of title, license plate, or permit if:

411 (a) the division is satisfied that a registration, certificate of title, license plate, or permit
412 was fraudulently procured or erroneously issued;

413 (b) the division determines that a registered vehicle is mechanically unfit or unsafe to
414 be operated or moved upon the highways;

415 (c) a registered vehicle has been dismantled;

416 (d) the division determines that the required fee has not been paid and the fee is not
417 paid upon reasonable notice and demand;

418 (e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle
419 other than the one for which issued;

420 (f) the division determines that the owner has committed any offense under this chapter
421 involving the registration, certificate of title, registration card, license plate, registration decal,
422 or permit; or

423 (g) the division receives notification by the Department of Transportation that the
424 owner has committed any offence under Title 72, Chapter 9, Motor Carrier Safety Act.

425 (2) (a) The division shall revoke the registration of a vehicle if the division receives
426 notification by the:

427 ~~(a)~~ (i) Department of Public Safety that a person:

428 ~~(i)~~ (A) has been convicted of operating a registered motor vehicle in violation of
429 Section 41-12a-301 or 41-12a-303.2; or

430 ~~(i)~~ (B) is under an administrative action taken by the Department of Public Safety for

431 operating a registered motor vehicle in violation of Section 41-12a-301; or
432 ~~[(b)]~~ (ii) designated agent that the owner of a motor vehicle:
433 ~~[(i)]~~ (A) has failed to provide satisfactory proof of owner's or operator's security to the
434 designated agent after the second notice provided under Section 41-12a-804; or
435 ~~[(i)]~~ (B) provided a false or fraudulent statement to the designated agent.

436 (b) The division shall notify the Driver License Division if the division revokes the
437 registration of a vehicle under Subsection (2)(a)(ii)(A).

438 (3) The division may not suspend or revoke the registration of a vessel or outboard
439 motor unless authorized under Section 73-18-7.3.

440 (4) The division may not suspend or revoke the registration of an off-highway vehicle
441 unless authorized under Section 41-22-17.

442 (5) The division shall charge a registration reinstatement fee under Section 41-1a-1220,
443 if the registration is revoked under Subsection (1)(f).

444 Section 4. Section **41-1a-1220** is amended to read:

445 **41-1a-1220. Registration reinstatement fee.**

446 (1) At the time application is made for reinstatement or renewal of registration of a
447 motor vehicle after a revocation of the registration under Subsection 41-1a-110(2), the
448 applicant shall pay a registration reinstatement fee of \$100.

449 (2) The fee imposed under Subsection (1):

450 (a) is in addition to any other fee imposed under this chapter; and

451 (b) shall be deposited in the Uninsured Motorist Identification Restricted Account
452 created in Section 41-12a-806.

453 (3) The division shall waive the registration reinstatement fee imposed under this
454 section if:

455 (a) the registration was revoked under Subsection 41-1a-110(2)~~[(b)]~~(a)(ii); and

456 (b) a person had owner's or operator's security in effect for the vehicle at the time of the
457 alleged violation or on the day following the time limit provided after the second notice under
458 Subsection 41-12a-804(2).

459 Section 5. Section **41-12a-806** is amended to read:

460 **41-12a-806. Restricted Account -- Creation -- Funding -- Interest -- Purposes.**

461 (1) There is created within the Transportation Fund a restricted account known as the

462 "Uninsured Motorist Identification Restricted Account."

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

464 (a) monies received by the state under Section 41-1a-1218, the uninsured motorist
465 identification fee;

466 (b) monies received by the state under Section 41-1a-1220; and

467 (c) appropriations made to the account by the Legislature.

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

469 (b) All interest earned on account monies shall be deposited into the account.

470 (4) Monies shall be appropriated from the account by the Legislature to:

471 (a) the department to fund the contract with the designated agent;

472 (b) the department to offset the costs to state and local law enforcement agencies of
473 using the information for the purposes authorized under this part; and

474 (c) the Tax Commission to offset the costs to the Motor Vehicle Division for revoking
475 and reinstating vehicle registrations under Subsection 41-1a-110(2)(~~b~~)(a)(ii).

476 Section 6. Section **53-3-102 (Effective 07/01/08)** is amended to read:

477 **53-3-102 (Effective 07/01/08). Definitions.**

478 As used in this chapter:

479 (1) "Cancellation" means the termination by the division of a license issued through
480 error or fraud or for which consent under Section 53-3-211 has been withdrawn.

481 (2) "Class D license" means the class of license issued to drive motor vehicles not
482 defined as commercial motor vehicles or motorcycles under this chapter.

483 (3) "Class M license" means the class of license issued to drive a motorcycle as defined
484 under this chapter.

485 (4) "Commercial driver license" or "CDL" means a license issued substantially in
486 accordance with the requirements of Title XII, Pub. L. 99-570, the Commercial Motor Vehicle
487 Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act,
488 which authorizes the holder to drive a class of commercial motor vehicle.

489 (5) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor
490 vehicles designed or used to transport passengers or property if the motor vehicle:

491 (i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as
492 determined by federal regulation;

493 (ii) is designed to transport 16 or more passengers, including the driver; or

494 (iii) is transporting hazardous materials and is required to be placarded in accordance
495 with 49 C.F.R. Part 172, Subpart F.

496 (b) The following vehicles are not considered a commercial motor vehicle for purposes
497 of Part 4, Uniform Commercial Driver License Act:

498 (i) equipment owned and operated by the United States Department of Defense when
499 driven by any active duty military personnel and members of the reserves and national guard on
500 active duty including personnel on full-time national guard duty, personnel on part-time
501 training, and national guard military technicians and civilians who are required to wear military
502 uniforms and are subject to the code of military justice;

503 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
504 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation
505 as a motor carrier for hire;

506 (iii) firefighting and emergency vehicles; and

507 (iv) recreational vehicles that are not used in commerce and are driven solely as family
508 or personal conveyances for recreational purposes.

509 (6) "Conviction" means any of the following:

510 (a) an unvacated adjudication of guilt or a determination that a person has violated or
511 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

512 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's
513 appearance in court;

514 (c) a plea of guilty or nolo contendere accepted by the court;

515 (d) the payment of a fine or court costs; or

516 (e) violation of a condition of release without bail, regardless of whether the penalty is
517 rebated, suspended, or probated.

518 (7) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
519 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,
520 do not apply.

521 (8) "Director" means the division director appointed under Section 53-3-103.

522 (9) "Disqualification" means either:

523 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state

524 of a person's privileges to drive a commercial motor vehicle;

525 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
526 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
527 391; or

528 (c) the loss of qualification that automatically follows conviction of an offense listed in
529 49 C.F.R. Part 383.51.

530 (10) "Division" means the Driver License Division of the department created in
531 Section 53-3-103.

532 (11) "Drive" means:

533 (a) to operate or be in physical control of a motor vehicle upon a highway; and

534 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
535 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
536 the state.

537 (12) (a) "Driver" means any person who drives, or is in actual physical control of a
538 motor vehicle in any location open to the general public for purposes of vehicular traffic.

539 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
540 who is required to hold a CDL under Part 4 or federal law.

541 (13) "Driving privilege card" means the evidence of the privilege granted and issued
542 under this chapter to drive a motor vehicle to a person whose privilege was obtained without
543 using a Social Security number.

544 [~~(13)~~] (14) "Extension" means a renewal completed in a manner specified by the
545 division.

546 [~~(14)~~] (15) "Farm tractor" means every motor vehicle designed and used primarily as a
547 farm implement for drawing plows, mowing machines, and other implements of husbandry.

548 [~~(15)~~] (16) "Highway" means the entire width between property lines of every way or
549 place of any nature when any part of it is open to the use of the public, as a matter of right, for
550 traffic.

551 [~~(16)~~] (17) "License" means the privilege to drive a motor vehicle.

552 [~~(17)~~] (18) "License certificate" means the evidence of the privilege issued under this
553 chapter to drive a motor vehicle.

554 [~~(18)~~] (19) "Motorboat" has the same meaning as provided under Section 73-18-2.

555 [~~(19)~~] (20) "Motorcycle" means every motor vehicle, other than a tractor, having a seat
556 or saddle for the use of the rider and designed to travel with not more than three wheels in
557 contact with the ground.

558 [~~(20)~~] (21) "Office of Recovery Services" means the Office of Recovery Services,
559 created in Section 62A-11-102.

560 [~~(21)~~] (22) (a) "Owner" means a person other than a lienholder having an interest in the
561 property or title to a vehicle.

562 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to
563 a security interest in another person but excludes a lessee under a lease not intended as security.

564 [~~(22)~~] (23) "Renewal" means to validate a license certificate so that it expires at a later
565 date.

566 [~~(23)~~] (24) "Reportable violation" means an offense required to be reported to the
567 division as determined by the division and includes those offenses against which points are
568 assessed under Section 53-3-221.

569 [~~(24)~~] (25) (a) "Resident" means an individual who:

570 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
571 regardless of domicile, remains in this state for an aggregate period of six months or more
572 during any calendar year;

573 (ii) engages in a trade, profession, or occupation in this state, or who accepts
574 employment in other than seasonal work in this state, and who does not commute into the state;

575 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
576 license certificate or motor vehicle registration; or

577 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended
578 to nonresidents, including going to school, or placing children in school without paying
579 nonresident tuition or fees.

580 (b) "Resident" does not include any of the following:

581 (i) a member of the military, temporarily stationed in this state;

582 (ii) an out-of-state student, as classified by an institution of higher education,
583 regardless of whether the student engages in any type of employment in this state;

584 (iii) a person domiciled in another state or country, who is temporarily assigned in this
585 state, assigned by or representing an employer, religious or private organization, or a

586 governmental entity; or

587 (iv) an immediate family member who resides with or a household member of a person
588 listed in Subsections ~~[(24)]~~ (25)(b)(i) through (iii).

589 ~~[(25)]~~ (26) "Revocation" means the termination by action of the division of a licensee's
590 privilege to drive a motor vehicle.

591 ~~[(26)]~~ (27) (a) "School bus" means a commercial motor vehicle used to transport
592 pre-primary, primary, or secondary school students to and from home and school, or to and
593 from school sponsored events.

594 (b) "School bus" does not include a bus used as a common carrier as defined in Section
595 59-12-102.

596 ~~[(27)]~~ (28) "Suspension" means the temporary withdrawal by action of the division of a
597 licensee's privilege to drive a motor vehicle.

598 ~~[(28)]~~ (29) "Taxicab" means any class D motor vehicle transporting any number of
599 passengers for hire and that is subject to state or federal regulation as a taxi.

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

601 **53-3-207. License certificates or driving privilege cards issued to drivers by class**
602 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**
603 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

604 (1) As used in this section:

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

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

609 ~~[(c)]~~ (b) "governmental entity" means the state and its political subdivisions as defined
610 in this Subsection (1);

611 ~~[(d)]~~ (c) "political subdivision" means any county, city, town, school district, public
612 transit district, community development and renewal agency, special improvement or taxing
613 district, local district, special service district, an entity created by an interlocal agreement
614 adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental
615 subdivision or public corporation; and

616 ~~[(e)]~~ (d) "state" means this state, and includes any office, department, agency,

617 authority, commission, board, institution, hospital, college, university, children's justice center,
618 or other instrumentality of the state.

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

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

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

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

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

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

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

629 (v) a photograph of the person;

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

631 (vii) an indication whether the person intends to make an anatomical gift under Title
632 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended
633 under Subsection 53-3-214(3).

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

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

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

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

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

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

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

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

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

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

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

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

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

668 (6) (a) The division shall only issue a driving privilege card to a person whose privilege
669 was obtained without using a Social Security number as required under Subsection
670 53-3-205(9).

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

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

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

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

677 (8) The division shall issue temporary license certificates or temporary driving
678 privilege cards of the same nature, except as to duration, as the license certificates or driving

679 privilege cards that they temporarily replace, as are necessary to implement applicable
680 provisions of this section and Section 53-3-223.

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

683 (b) A driving privilege card may not be used as a document providing proof of a
684 person's age for any government required purpose.

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

686 (11) [~~Except as provided under this section,~~] Unless otherwise provided, the
687 provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this
688 code apply to a:

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

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

692 Section 8. Section **53-3-221 (Effective 07/01/08)** is amended to read:

693 **53-3-221 (Effective 07/01/08). Offenses which may result in denial, suspension,**
694 **disqualification, or revocation of license without hearing -- Additional grounds for**
695 **suspension -- Point system for traffic violations -- Notice and hearing -- Reporting of**
696 **traffic violation procedures.**

697 (1) By following the emergency procedures in Title 63, Chapter 46b, Administrative
698 Procedures Act, the division may immediately deny, suspend, disqualify, or revoke the license
699 of any person without hearing and without receiving a record of the person's conviction of
700 crime when the division has been notified or has reason to believe the person:

701 (a) has committed any offenses for which mandatory suspension or revocation of a
702 license is required upon conviction under Section 53-3-220;

703 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an
704 accident resulting in death or injury to any other person, or serious property damage;

705 (c) is incompetent to drive a motor vehicle or is afflicted with mental or physical
706 infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle upon the
707 highways;

708 (d) has committed a serious violation of the motor vehicle laws of this state;

709 (e) has knowingly acquired, used, displayed, or transferred an item that purports to be

710 an authentic driver license certificate issued by a governmental entity if the item is not an
711 authentic driver license certificate or has permitted an unlawful use of the license as prohibited
712 under Section 53-3-229; or

713 (f) has been convicted of serious offenses against traffic laws governing the movement
714 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard
715 for the safety of other persons on the highways.

716 (2) (a) The division may suspend the license of a person under Subsection (1) when the
717 person has failed to comply with the terms stated on a traffic citation issued in this state, except
718 this Subsection (2) does not apply to highway weight limit violations or violations of law
719 governing the transportation of hazardous materials.

720 (b) This Subsection (2) applies to parking and standing violations only if a court has
721 issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy
722 the terms of the citation.

723 (c) (i) This Subsection (2) may not be exercised unless notice of the pending
724 suspension of the driving privilege has been sent at least ten days previously to the person at
725 the address provided to the division.

726 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not
727 contain any evidence of a suspension that occurred as a result of failure to comply with the
728 terms stated on a traffic citation.

729 (3) (a) The division may suspend the license of a person under Subsection (1) when the
730 division has been notified by a court that the person has an outstanding unpaid fine, an
731 outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a
732 court.

733 (b) The suspension remains in effect until the division is notified by the court that the
734 order has been satisfied.

735 (c) After clearance by the division, a report authorized by Section 53-3-104 may not
736 contain any evidence of the suspension.

737 (4) The division shall make rules establishing a point system as provided for in this
738 Subsection (4).

739 (a) (i) The division shall assign a number of points to each type of moving traffic
740 violation as a measure of its seriousness.

741 (ii) The points shall be based upon actual relationships between types of traffic
742 violations and motor vehicle traffic accidents.

743 (b) Every person convicted of a traffic violation shall have assessed against his driving
744 record the number of points that the division has assigned to the type of violation of which the
745 person has been convicted, except that the number of points assessed shall be decreased by
746 10% if on the abstract of the court record of the conviction the court has graded the severity of
747 violation as minimum, and shall be increased by 10% if on the abstract the court has graded the
748 severity of violation as maximum.

749 (c) (i) A separate procedure for assessing points for speeding offenses shall be
750 established by the division based upon the severity of the offense.

751 (ii) The severity of a speeding violation shall be graded as:

752 (A) "minimum" for exceeding the posted speed limit by up to ten miles per hour;

753 (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per
754 hour; and

755 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

756 (iii) Consideration shall be made for assessment of no points on minimum speeding
757 violations, except for speeding violations in school zones.

758 (d) (i) Points assessed against a person's driving record shall be deleted for violations
759 occurring before a time limit set by the division.

760 (ii) The time limit may not exceed three years.

761 (iii) The division may also delete points to reward violation-free driving for periods of
762 time set by the division.

763 (e) (i) By publication in two newspapers having general circulation throughout the
764 state, the division shall give notice of the number of points it has assigned to each type of
765 traffic violation, the time limit set by the division for the deletion of points, and the point level
766 at which the division will generally take action to deny or suspend under this section.

767 (ii) The division may not change any of the information provided above regarding
768 points without first giving new notice in the same manner.

769 (5) (a) (i) Upon denying or suspending the license of a person under this section, the
770 division shall immediately notify the licensee in a manner specified by the division and afford
771 him an opportunity for a hearing in the county where the licensee resides.

772 (ii) The hearing shall be documented, and the division or its authorized agent may
773 administer oaths, may issue subpoenas for the attendance of witnesses and the production of
774 relevant books and papers, and may require a reexamination of the licensee.

775 (iii) One or more members of the division may conduct the hearing, and any decision
776 made after a hearing before any number of the members of the division is as valid as if made
777 after a hearing before the full membership of the division.

778 (iv) After the hearing the division shall either rescind its order of denial or suspension,
779 extend the denial or suspension of the license, or revoke the license.

780 (b) The denial or suspension of the license remains in effect pending qualifications
781 determined by the division regarding a person:

782 (i) whose license has been denied or suspended following reexamination;

783 (ii) who is incompetent to drive a motor vehicle;

784 (iii) who is afflicted with mental or physical infirmities that might make him dangerous
785 on the highways; or

786 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.

787 (6) (a) Subject to Subsection (6)(d), the division shall suspend a person's license when
788 the division receives notice from the Office of Recovery Services that the Office of Recovery
789 Services has ordered the suspension of the person's license.

790 (b) A suspension under Subsection (6)(a) shall remain in effect until the division
791 receives notice from the Office of Recovery Services that the Office of Recovery Services has
792 rescinded the order of suspension.

793 (c) After an order of suspension is rescinded under Subsection (6)(b), a report
794 authorized by Section 53-3-104 may not contain any evidence of the suspension.

795 (d) (i) If the division suspends a person's license under this Subsection (6), the division
796 shall, upon application, issue a temporary limited driver license to the person if that person
797 needs a driver license for employment, education, or child visitation.

798 (ii) The temporary limited driver license described in this section:

799 (A) shall provide that the person may operate a motor vehicle only for the purpose of
800 driving to or from the person's place of employment, education, or child visitation;

801 (B) shall prohibit the person from driving a motor vehicle for any purpose other than a
802 purpose described in Subsection (6)(d)(ii)(A); and

803 (C) shall expire 90 days after the day on which the temporary limited driver license is
804 issued.

805 (iii) (A) During the period beginning on the day on which a temporary limited driver
806 license is issued under this Subsection (6), and ending on the day that the temporary limited
807 driver license expires, the suspension described in this Subsection (6) only applies if the person
808 who is suspended operates a motor vehicle for a purpose other than employment, education, or
809 child visitation.

810 (B) Upon expiration of a temporary limited driver license described in this Subsection
811 (6)(d):

812 (I) a suspension described in Subsection (6)(a) shall be in full effect until the division
813 receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

814 (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any
815 reason.

816 (iv) The division is not required to issue a limited driver license to a person under this
817 Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver
818 license.

819 (v) The division shall make rules, in accordance with Title 63, Chapter 46a, Utah
820 Administrative Rulemaking Act, to implement the provisions of this part.

821 (7) (a) The division may suspend or revoke the license of any resident of this state
822 upon receiving notice of the conviction of that person in another state of an offense committed
823 there that, if committed in this state, would be grounds for the suspension or revocation of a
824 license.

825 (b) The division may, upon receiving a record of the conviction in this state of a
826 nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws
827 of this state, forward a certified copy of the record to the motor vehicle administrator in the
828 state where the person convicted is a resident.

829 (8) (a) The division may suspend or revoke the license of any nonresident to drive a
830 motor vehicle in this state for any cause for which the license of a resident driver may be
831 suspended or revoked.

832 (b) Any nonresident who drives a motor vehicle upon a highway when his license has
833 been suspended or revoked by the division is guilty of a class C misdemeanor.

834 (9) (a) The division may not deny or suspend the license of any person for a period of
835 more than one year except:

836 (i) for failure to comply with the terms of a traffic citation under Subsection (2);

837 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges
838 under Section 53-3-219;

839 (iii) when extending a denial or suspension upon receiving certain records or reports
840 under Subsection 53-3-220(2);

841 (iv) for failure to give and maintain owner's or operator's security under Section
842 41-12a-411; or

843 (v) when the division suspends the license under Subsection (6).

844 (b) The division may suspend the license of a person under Subsection (2) until he
845 shows satisfactory evidence of compliance with the terms of the traffic citation.

846 (10) (a) By following the emergency procedures in Title 63, Chapter 46b,
847 Administrative Procedures Act, the division may immediately suspend the license of any
848 person without hearing and without receiving a record of his conviction for a crime when the
849 division has reason to believe that the person's license was granted by the division through
850 error or fraud or that the necessary consent for the license has been withdrawn or is terminated.

851 (b) The procedure upon suspension is the same as under Subsection (5), except that
852 after the hearing the division shall either rescind its order of suspension or cancel the license.

853 (11) (a) The division, having good cause to believe that a licensed driver is
854 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified
855 by the division of at least five days to the licensee require him to submit to an examination.

856 (b) Upon the conclusion of the examination the division may suspend or revoke the
857 person's license, permit him to retain the license, or grant a license subject to a restriction
858 imposed in accordance with Section 53-3-208.

859 (c) Refusal or neglect of the licensee to submit to an examination is grounds for
860 suspension or revocation of his license.

861 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section
862 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in
863 this state if the conviction was for a speed of ten miles per hour or less, above the posted speed
864 limit and did not result in an accident, unless authorized in a manner specified by the division

865 by the individual whose report is being requested.

866 (b) The provisions of Subsection (12)(a) do not apply for:

867 (i) a CDL license holder; or

868 (ii) a violation that occurred in a commercial motor vehicle.

869 (13) (a) By following the emergency procedures in Title 63, Chapter 46b,

870 Administrative Procedures Act, the division may immediately suspend the license of a person

871 if it has reason to believe that the person is the owner of a motor vehicle for which security is

872 required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and

873 Operators Act, and has driven the motor vehicle or permitted it to be driven within this state

874 without the security being in effect.

875 (b) The division may immediately suspend a driving privilege card holder's driving

876 privilege card if the division receives notification from the Motor Vehicle Division that:

877 (i) the driving privilege card holder is the registered owner of a vehicle; and

878 (ii) the driving privilege card holder's vehicle registration has been revoked under

879 Subsection 41-1a-110(2)(a)(ii)(A).

880 [~~(b)~~] (c) Section 41-12a-411 regarding the requirement of proof of owner's or operator's

881 security applies to persons whose driving privileges are suspended under this Subsection (13).

882 [~~(c)~~] (d) If the division exercises the right of immediate suspension granted under this

883 Subsection (13), the notice and hearing provisions of Subsection (5) apply.

884 [~~(d)~~] (e) A person whose license suspension has been sustained or whose license has

885 been revoked by the division under this Subsection (13) may file a request for agency action

886 requesting a hearing.

887 (14) Any suspension or revocation of a person's license under this section also

888 disqualifies any license issued to that person under Part 4, Uniform Driver License Act, of this

889 chapter.

890 Section 9. Section **58-37c-10** is amended to read:

891 **58-37c-10. Reporting and recordkeeping.**

892 (1) Any person who engages in a regulated transaction, unless excepted under the

893 provisions of Subsections 58-37c-8 (3) and (4), shall submit a report with respect to such

894 transaction and shall maintain records of inventories in accordance with rules adopted by the

895 division.

896 (2) The division shall provide reporting forms upon which regulated transactions shall
897 be reported.

898 (3) The division shall furnish copies of reports of transactions under this section to
899 appropriate law enforcement agencies.

900 (4) The division shall adopt rules regulating:

901 (a) records which shall be maintained and reports which shall be submitted by
902 regulated distributors and regulated purchasers with respect to listed controlled substance
903 precursors obtained, distributed, and held in inventory;

904 (b) records which shall be maintained and reports which shall be submitted by
905 regulated distributors and regulated purchasers with respect to extraordinary or unusual
906 regulated transactions and a requirement that in such cases the report must be received at least
907 three working days prior to transfer of the listed controlled substance precursor;

908 (c) identification which must be presented by a purchaser of any listed controlled
909 substance precursor before the sale or transfer can be completed and recordkeeping
910 requirements related to such identification presented;

911 (d) filing by each licensee the identification of all locations where any listed controlled
912 substance precursor is held in inventory or stored and amending such filing when any change in
913 location is made;

914 (e) reports and actions which must be taken by a regulated distributor or regulated
915 purchaser in the event of any theft, loss, or shortage of a listed controlled substance precursor;

916 (f) reports and actions which must be taken by a regulated distributor relating to a
917 regulated transaction with an out-of-state purchaser;

918 (g) reports and actions which must be taken by a regulated purchaser relating to a
919 regulated transaction with an out-of-state distributor; and

920 (h) regulated transactions to the extent such regulation is reasonable and necessary to
921 protect the public health, safety, or welfare.

922 (5) A person who engages in a regulated transaction may not accept a driving privilege
923 card issued in accordance with Section 53-3-207 as proof of identification as required under
924 Subsection (4)(c).

925 Section 10. Section **76-10-526** is amended to read:

926 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**

927 **Exemption for concealed firearm permit holders.**

928 (1) For purposes of this section, "valid permit to carry a concealed firearm" does not
929 include a temporary permit issued pursuant to Section 53-5-705.

930 (2) (a) To establish personal identification and residence in this state for purposes of
931 this part, a dealer shall require an individual receiving a firearm to present one photo
932 identification on a form issued by a governmental agency of the state.

933 (b) A dealer may not accept a driving privilege card issued in accordance with Section
934 53-3-207 as proof of identification for the purpose of establishing personal identification and
935 residence in this state as required under this Subsection (2).

936 (3) A criminal history background check is required for the sale of a firearm by a
937 licensed firearm dealer in the state.

938 (4) (a) An individual, except a dealer, purchasing a firearm from a dealer shall consent
939 in writing to a criminal background check, on a form provided by the division.

940 (b) The form shall contain the following information:

941 (i) the dealer identification number;

942 (ii) the name and address of the individual receiving the firearm;

943 (iii) the date of birth, height, weight, eye color, and hair color of the individual
944 receiving the firearm; and

945 (iv) the Social Security number or any other identification number of the individual
946 receiving the firearm.

947 (5) (a) The dealer shall send the form required by Subsection (4) to the division
948 immediately upon its completion.

949 (b) No dealer shall sell or transfer any firearm to an individual until the dealer has
950 provided the division with the information in Subsection (4) and has received approval from
951 the division under Subsection (7).

952 (6) The dealer shall make a request for criminal history background information by
953 telephone or other electronic means to the division and shall receive approval or denial of the
954 inquiry by telephone or other electronic means.

955 (7) When the dealer calls for or requests a criminal history background check, the
956 division shall:

957 (a) review the criminal history files, including juvenile court records, to determine if

958 the individual is prohibited from purchasing, possessing, or transferring a firearm by state or
959 federal law;

960 (b) inform the dealer that:

961 (i) the records indicate the individual is so prohibited; or

962 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;

963 (c) provide the dealer with a unique transaction number for that inquiry; and

964 (d) provide a response to the requesting dealer during the call for a criminal

965 background, or by return call, or other electronic means, without delay, except in case of

966 electronic failure or other circumstances beyond the control of the division, the division shall

967 advise the dealer of the reason for the delay and give the dealer an estimate of the length of the

968 delay.

969 (8) (a) The division shall not maintain any records of the criminal history background

970 check longer than 20 days from the date of the dealer's request if the division determines that

971 the individual receiving the gun is not prohibited from purchasing, possessing, or transferring

972 the firearm under state or federal law.

973 (b) However, the division shall maintain a log of requests containing the dealer's

974 federal firearms number, the transaction number, and the transaction date for a period of 12

975 months.

976 (9) If the criminal history background check discloses information indicating that the

977 individual attempting to purchase the firearm is prohibited from purchasing, possessing, or

978 transferring a firearm, the division shall inform the law enforcement agency in the jurisdiction

979 where the person resides.

980 (10) If an individual is denied the right to purchase a firearm under this section, the

981 individual may review his criminal history information and may challenge or amend the

982 information as provided in Section 53-10-108.

983 (11) The division shall make rules as provided in Title 63, Chapter 46a, Utah

984 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all

985 records provided by the division pursuant to this part are in conformance with the requirements

986 of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

987 (12) (a) (i) All dealers shall collect a criminal history background check fee which is

988 \$7.50.

989 (ii) This fee remains in effect until changed by the division through the process under
990 Section 63-38-3.2.

991 (b) (i) The dealer shall forward at one time all fees collected for criminal history
992 background checks performed during the month to the division by the last day of the month
993 following the sale of a firearm.

994 (ii) The division shall deposit the fees in the General Fund as dedicated credits to cover
995 the cost of administering and conducting the criminal history background check program.

996 (13) An individual with a concealed firearm permit issued pursuant to Title 53, Chapter
997 5, Part 7, Concealed Weapon Act, shall be exempt from the background check and
998 corresponding fee required in this section for the purchase of a firearm if:

999 (a) the individual presents his concealed firearm permit to the dealer prior to purchase
1000 of the firearm; and

1001 (b) the dealer verifies with the division that the individual's concealed firearm permit is
1002 valid.

1003 Section 11. **Effective date.**

1004 This bill takes effect on July 1, 2008.

Legislative Review Note
as of 1-29-08 10:06 AM

Office of Legislative Research and General Counsel

H.B. 171 - Driving Privilege Card Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
