

**DRIVER LICENSE QUALIFICATION
AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Glenn A. Donnelson

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

- expires all driving privilege cards on December 31, 2008;
- increases from six to ten years the time period for which an applicant for a driver license must report a license suspension, cancellation, revocation, disqualification, or denial;

- prohibits the Driver License Division from issuing a driving privilege card; and

- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:



28 AMENDS:

29 **53-3-205**, as last amended by Laws of Utah 2007, Chapters 60 and 173

30 **53-3-207**, as last amended by Laws of Utah 2007, Chapters 60 and 329

31 **53-3-214**, as last amended by Laws of Utah 2006, Chapter 189



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

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

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

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

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

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

- 45 (a) not more than three attempts to pass both the knowledge and the skills tests for a
46 class D license within six months of the date of the application;
- 47 (b) a learner permit if needed pending completion of the application and testing
48 process; and

49 (c) an original class D license and license certificate after all tests are passed.
50 (3) An application and fee for an original class M license entitle the applicant to:

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

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

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

59 (b) a motorcycle learner permit if needed after the motorcycle knowledge test is
60 passed; and

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

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

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

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

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

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

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

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

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

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

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

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

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

87 (e) A license and any endorsement to the license held by a person ordered to active
88 duty and stationed outside Utah in any of the armed forces of the United States, which expires
89 during the time period the person is stationed outside of the state, is valid until 90 days after the

90 person has been discharged or has left the service, unless:

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

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

94 (f) An original license or a renewal or a duplicate to an original license obtained using
95 proof under Subsection (9)(a)(i)(E)~~[(H)]~~ (II) expires on the date of the expiration of the
96 applicant's foreign visa, permit, or other document granting legal presence in the United States
97 or on the date provided under this Subsection (8), whichever is sooner.

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

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

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

104 ~~[(ii) (g) A driving privilege card issued or renewed [under Section 53-3-207] by the
105 division expires on [the birth date of the applicant in the first year following the year that the
106 driving privilege card was issued or renewed] December 31, 2008.~~

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

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

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

115 (i) provide the applicant's:

116 (A) full legal name;

117 (B) birth date;

118 (C) gender;

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

121 (E) (I) Social Security number; or
122 [~~(H) temporary identification number (ITIN) issued by the Internal Revenue Service for~~
123 ~~a person who does not qualify for a Social Security number; or]~~
124 [~~(HH)~~ (II) (Aa) proof that the applicant is a citizen of a country other than the United
125 States;
126 (Bb) proof that the applicant does not qualify for a Social Security number; and
127 (Cc) proof of legal presence in the United States, as authorized under federal law; and
128 (F) Utah residence address as documented by a form acceptable under rules made by
129 the division under Section 53-3-104, unless the application is for a temporary CDL issued
130 under Subsection 53-3-407(2)(b);
131 (ii) provide a description of the applicant;
132 (iii) state whether the applicant has previously been licensed to drive a motor vehicle
133 and, if so, when and by what state or country;
134 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,
135 disqualified, or denied in the last [~~six~~] ten years, or whether the applicant has ever had any
136 license application refused, and if so, the date of and reason for the suspension, cancellation,
137 revocation, disqualification, denial, or refusal;
138 (v) state whether the applicant intends to make an anatomical gift under Title 26,
139 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (16);
140 (vi) state whether the applicant is required to register as a sex offender under Section
141 77-27-21.5;
142 (vii) state whether the applicant is a military veteran and does or does not authorize
143 sharing the information with the state Department of Veterans' Affairs;
144 (viii) provide all other information the division requires; and
145 (ix) sign the application which signature may include an electronic signature as defined
146 in Section 46-4-102.
147 (b) Each applicant shall have a Utah residence address, unless the application is for a
148 temporary CDL issued under Subsection 53-3-407(2)(b).
149 (c) The division shall maintain on its computerized records an applicant's:
150 (i) (A) Social Security number; or
151 [~~(B) temporary identification number (ITIN); or]~~

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

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

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

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

160 (a) current license certificate;

161 (b) birth certificate;

162 (c) Selective Service registration; or

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

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

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

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

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

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

179 (15) A person who applies for an original license or renewal of a license agrees that the
180 person's license is subject to any suspension or revocation authorized under this title or Title
181 41, Motor Vehicles.

182 (16) (a) The indication of intent under Subsection (9)(a)(v) shall be authenticated by

183 the licensee in accordance with division rule.

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

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

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

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

191 (17) Notwithstanding Title 63, Chapter 2, Government Records Access and
192 Management Act, the division may release to the Department of Veterans' Affairs the names
193 and addresses of all persons who indicate their status as a veteran under Subsection (9)(a)(vii).

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

196 (a) loss;

197 (b) detriment; or

198 (c) injury.

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

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

202 **53-3-207. License certificates issued to drivers by class of motor vehicle --**
203 **Contents -- Release of anatomical gift information -- Temporary licenses -- Minors'**
204 **licenses, cards, and permits -- Violation.**

205 (1) As used in this section:

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

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

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

212 (d) "political subdivision" means any county, city, town, school district, public transit
213 district, community development and renewal agency, special improvement or taxing district,

214 local district, special service district, an entity created by an interlocal agreement adopted under
215 Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
216 corporation; and

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

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

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

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

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

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

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

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

230 (v) a photograph of the person;

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

232 (vii) an indication whether the person intends to make an anatomical gift under Title
233 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the [~~driving privilege~~] license is
234 extended under Subsection 53-3-214(3).

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

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

239 (ii) Except as provided under Subsection [~~(4)~~] (5)(b), the size, form, and color of the
240 license certificate [~~or driving privilege card~~] shall be as prescribed by the commissioner.

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

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

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

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

255 (c) The division shall indicate on the receipt a date after which it is not valid as a
256 license certificate [~~or driving privilege card~~].

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

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

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

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

270 [~~(6) (a) The division shall only issue a driving privilege card to a person whose~~
271 ~~privilege was obtained without using a Social Security number as required under Subsection~~
272 ~~53-3-205(9).]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

304 (2) (a) Except as provided under Subsections (2)(b) and (3), upon application for
305 renewal of a license, provisional license, and any endorsement to a license, the division shall
306 reexamine each applicant as if for an original license and endorsement to the license, if

307 applicable.

308 (b) The division may waive any [~~or all portions~~] portion of the test designed to
309 demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor
310 vehicle.

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

315 (i) no suspensions;

316 (ii) no revocations;

317 (iii) no conviction for reckless driving under Section 41-6a-528; and

318 (iv) no more than four reportable violations in the preceding five years.

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

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

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

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

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

328 (C) whose original license was obtained using proof under Subsection

329 53-3-205(9)(a)(i)(E)[~~(H)~~] (II); or

330 (D) whose original license was issued with an expiration date under Subsection
331 53-3-205(8)(h).

332 (c) The division shall allow extensions:

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

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

335 (iii) for only one extension.

336 Section 4. **Effective date.**

337 If approved by two-thirds of all the members elected to each house, this bill takes effect

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

341 Section 5. **Revisor instructions.**

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

Legislative Review Note
as of 10-3-07 4:12 PM

Office of Legislative Research and General Counsel

H.B. 239 - Driver License Qualification Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

It is estimated that provisions in the bill will reduce state revenues by approximately \$325,300 in FY 2008 and \$975,900 in FY 2009 and each fiscal year thereafter. The reduced workload will amount to net estimated savings at the Department of Public Safety of \$15,600 in FY 2008 and \$97,700 in FY 2009 and each fiscal year thereafter.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
Transportation Fund Restricted	(\$15,600)	(\$97,700)	(\$97,700)	(\$325,300)	(\$975,900)	(\$975,900)
Total	(\$15,600)	(\$97,700)	(\$97,700)	(\$325,300)	(\$975,900)	(\$975,900)

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.