

1 **LAWFUL PRESENCE VERIFICATION FOR**
2 **ISSUANCE OF A DRIVER LICENSE OR**
3 **IDENTIFICATION CARD**

4 2009 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Curtis S. Bramble**

7 House Sponsor: Rebecca D. Lockhart

8
9 **LONG TITLE**

10 **Committee Note:**

11 The Immigration Interim Committee recommended this bill.

12 **General Description:**

13 This bill modifies provisions of the Uniform Driver License Act.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ provides definitions;
- 17 ▶ defines and creates a limited-term license certificate, limited-term CDL, and
- 18 limited-term identification card;

19 ▶ provides that an applicant for a license certificate, limited-term license certificate,

20 commercial driver license, limited-term CDL, identification card, or limited-term

21 identification card shall provide evidence of lawful presence in the United States;

22 ▶ provides that an applicant for a license certificate, limited-term license certificate,

23 commercial driver license, limited-term CDL, identification card, or limited-term

24 identification card shall provide documentary evidence of the applicant's valid

25 Social Security number or other acceptable documentation approved by the

26 division;

- 27 ▶ provides that an applicant for a driver license, CDL, or identification card shall be



28 granted a limited-term license certificate, limited-term CDL, or limited-term identification card
29 if the applicant's evidence of lawful presence in the United States is established by certain
30 documents;

- 31 ▶ grants the Driver License Division rulemaking authority to establish:
 - 32 • rules specifying the acceptable documents for evidence of a valid Social
 - 33 Security number and establishing proof of citizenship in the United States; and
 - 34 • procedures for the storage and maintenance of the information provided by an
 - 35 applicant for a driver license, CDL, or identification card;
- 36 ▶ repeals the Driver License Division's authority to issue a nonresident CDL to a
- 37 resident of a foreign jurisdiction in certain circumstances; and
- 38 ▶ makes certain technical changes.

39 **Monies Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 This bill provides effective dates.

43 **Utah Code Sections Affected:**

44 AMENDS:

- 45 **46-1-2**, as last amended by Laws of Utah 2008, Chapter 47
- 46 **53-3-102**, as last amended by Laws of Utah 2008, Chapter 322
- 47 **53-3-104**, as last amended by Laws of Utah 2008, Chapter 382
- 48 **53-3-205**, as last amended by Laws of Utah 2008, Chapters 304 and 382
- 49 **53-3-207**, as last amended by Laws of Utah 2008, Chapters 304 and 322
- 50 **53-3-214**, as last amended by Laws of Utah 2008, Chapter 304
- 51 **53-3-407**, as last amended by Laws of Utah 2008, Chapter 304
- 52 **53-3-410**, as last amended by Laws of Utah 2006, Chapter 293
- 53 **53-3-413**, as last amended by Laws of Utah 2007, Chapter 53
- 54 **53-3-804**, as last amended by Laws of Utah 2007, Chapters 60 and 173
- 55 **53-3-806**, as last amended by Laws of Utah 2003, Chapters 30 and 309
- 56 **53-3-807**, as last amended by Laws of Utah 2008, Chapter 355
- 57 **63G-11-102 (Effective 07/01/09)**, as enacted by Laws of Utah 2008, Chapter 26

58 REPEALS:

59 **53-3-409**, as renumbered and amended by Laws of Utah 1993, Chapter 234



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

62 Section 1. Section **46-1-2** is amended to read:

63 **46-1-2. Definitions.**

64 As used in this chapter:

65 (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer,
66 whose identity is personally known to the notary or proven on the basis of satisfactory
67 evidence, has admitted, in the presence of the notary, to voluntarily signing a document for the
68 document's stated purpose.

69 (2) "Commission" means:

70 (a) to empower to perform notarial acts; and

71 (b) the written authority to perform those acts.

72 (3) "Copy certification" means a notarial act in which a notary certifies that a
73 photocopy is an accurate copy of a document that is neither a public record nor publicly
74 recorded.

75 (4) "Electronic signature" has the same meaning as provided under Section 46-4-102.

76 (5) "Jurat" means a notarial act in which a notary certifies that a signer, whose identity
77 is personally known to the notary or proven on the basis of satisfactory evidence, has made, in
78 the notary's presence, a voluntary signature and taken an oath or affirmation vouching for the
79 truthfulness of the signed document.

80 (6) "Notarial act" and "notarization" mean any act that a notary is empowered to
81 perform under this section.

82 (7) "Notarial certificate" means the part of or attachment to a notarized document for
83 completion by the notary and bearing the notary's signature and seal.

84 (8) "Notary" means any person commissioned to perform notarial acts under this
85 chapter.

86 (9) "Oath" or "affirmation" means a notarial act in which a notary certifies that a person
87 made a vow or affirmation in the presence of the notary on penalty of perjury.

88 (10) "Official misconduct" means a notary's performance of any act prohibited or
89 failure to perform any act mandated by this chapter or by any other law in connection with a

90 notarial act.

91 (11) "Personal knowledge of identity" means familiarity with an individual resulting
92 from interactions with that individual over a period of time sufficient to eliminate every
93 reasonable doubt that the individual has the identity claimed.

94 (12) (a) "Satisfactory evidence of identity" means identification of an individual based
95 on:

96 (i) valid personal identification with the individual's photograph, signature, and
97 physical description issued by the United States government, any state within the United States,
98 or a foreign government;

99 (ii) a valid passport issued by any nation; or

100 (iii) the oath or affirmation of a credible person who is personally known to the notary
101 and who personally knows the individual.

102 (b) "Satisfactory evidence of identity" does not include:

103 (i) a driving privilege card under Subsection 53-3-207~~(9)~~(10); or

104 (ii) another document that is not considered valid for identification.

105 Section 2. Section **53-3-102** is amended to read:

106 **53-3-102. Definitions.**

107 As used in this chapter:

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

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

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

114 (4) "Commercial driver license" or "CDL" means a license;

115 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
116 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
117 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
118 commercial motor vehicle[-]; and

119 (b) that was obtained by providing evidence of lawful presence in the United States
120 with one of the document requirements described in Subsection 53-3-410(1)(i)(i).

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

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

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

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

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

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

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

138 (iii) firefighting and emergency vehicles; and

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

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

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

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

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

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

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

150 (7) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
151 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,

152 do not apply.

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

154 (9) "Disqualification" means either:

155 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state
156 of a person's privileges to drive a commercial motor vehicle;

157 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
158 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
159 391; or

160 (c) the loss of qualification that automatically follows conviction of an offense listed in
161 49 C.F.R. Part 383.51.

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

164 (11) "Drive" means:

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

166 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
167 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
168 the state.

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

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

173 (13) "Driving privilege card" means the evidence of the privilege granted and issued
174 under this chapter to drive a motor vehicle to a person whose privilege was obtained without
175 ~~[using a Social Security number]~~ providing evidence of lawful presence in the United States.

176 (14) "Extension" means a renewal completed in a manner specified by the division.

177 (15) "Farm tractor" means every motor vehicle designed and used primarily as a farm
178 implement for drawing plows, mowing machines, and other implements of husbandry.

179 (16) "Highway" means the entire width between property lines of every way or place of
180 any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

181 (17) "Identification card" means an identification card issued under this chapter to a
182 person whose card was obtained by providing evidence of lawful presence in the United States

183 with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

184 [~~17~~] (18) "License" means the privilege to drive a motor vehicle.

185 [~~18~~] (19) (a) "License certificate" means the evidence of the privilege issued under
186 this chapter to drive a motor vehicle.

187 (b) "License certificate" evidence includes a:

188 (i) regular license certificate;

189 (ii) limited-term license certificate;

190 (iii) driving privilege card;

191 (iv) CDL license certificate; and

192 (v) limited-term CDL license certificate.

193 (20) "Limited-term commercial driver license" or "limited-term CDL" means a license:

194 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.

195 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,

196 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of

197 commercial motor vehicle; and

198 (b) that was obtained by providing evidence of lawful presence in the United States

199 with one of the document requirements described in Subsection 53-3-410(1)(i)(ii).

200 (21) "Limited-term identification card" means an identification card issued under this

201 chapter to a person whose card was obtained by providing evidence of lawful presence in the

202 United States with one of the document requirements described in Subsection

203 53-3-804(2)(i)(ii).

204 (22) "Limited-term license certificate" means the evidence of the privilege granted and

205 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained

206 providing evidence of lawful presence in the United States with one of the document

207 requirements described in Subsection 53-3-205(8)(a)(ii)(B).

208 [~~19~~] (23) "Motorboat" has the same meaning as provided under Section 73-18-2.

209 [~~20~~] (24) "Motorcycle" means every motor vehicle, other than a tractor, having a seat

210 or saddle for the use of the rider and designed to travel with not more than three wheels in

211 contact with the ground.

212 [~~21~~] (25) "Office of Recovery Services" means the Office of Recovery Services,

213 created in Section 62A-11-102.

214 ~~[(22)]~~ (26) (a) "Owner" means a person other than a lienholder having an interest in the
215 property or title to a vehicle.

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

218 (27) "Regular license certificate" means the evidence of the privilege issued under this
219 chapter to drive a motor vehicle whose privilege was obtained by providing evidence of lawful
220 presence in the United States with one of the document requirements described in Subsection
221 53-3-205(8)(a)(ii)(A).

222 ~~[(23)]~~ (28) "Renewal" means to validate a license certificate so that it expires at a later
223 date.

224 ~~[(24)]~~ (29) "Reportable violation" means an offense required to be reported to the
225 division as determined by the division and includes those offenses against which points are
226 assessed under Section 53-3-221.

227 ~~[(25)]~~ (30) (a) "Resident" means an individual who:

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

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

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

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

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

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

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

242 (iii) a person domiciled in another state or country, who is temporarily assigned in this
243 state, assigned by or representing an employer, religious or private organization, or a
244 governmental entity; or

245 (iv) an immediate family member who resides with or a household member of a person
246 listed in Subsections ~~[(25)]~~ (30)(b)(i) through (iii).

247 ~~[(26)]~~ (31) "Revocation" means the termination by action of the division of a licensee's
248 privilege to drive a motor vehicle.

249 ~~[(27)]~~ (32) (a) "School bus" means a commercial motor vehicle used to transport
250 pre-primary, primary, or secondary school students to and from home and school, or to and
251 from school sponsored events.

252 (b) "School bus" does not include a bus used as a common carrier as defined in Section
253 59-12-102.

254 ~~[(28)]~~ (33) "Suspension" means the temporary withdrawal by action of the division of a
255 licensee's privilege to drive a motor vehicle.

256 ~~[(29)]~~ (34) "Taxicab" means any class D motor vehicle transporting any number of
257 passengers for hire and that is subject to state or federal regulation as a taxi.

258 Section 3. Section **53-3-104** is amended to read:

259 **53-3-104. Division duties.**

260 The division shall:

261 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
262 make rules:

263 (a) for examining applicants for a license, as necessary for the safety and welfare of the
264 traveling public;

265 (b) for acceptable documentation of an applicant's identity, Social Security number,
266 Utah resident status, Utah residence address, proof of legal presence, ~~[proof of citizenship of a~~
267 ~~country other than]~~ proof of citizenship in the United States, and other proof or documentation
268 required under this chapter;

269 (c) regarding the restrictions to be imposed on a person driving a motor vehicle with a
270 temporary learner permit or learner permit; ~~[and]~~

271 (d) for exemptions from licensing requirements as authorized in this chapter; and

272 (e) establishing procedures for the storage and maintenance of applicant information
273 provided in accordance with Section 53-3-205, 53-3-410, or 53-3-804;

274 (2) examine each applicant according to the class of license applied for;

275 (3) license motor vehicle drivers;

276 (4) file every application for a license received by it and shall maintain indices
277 containing:
278 (a) all applications denied and the reason each was denied;
279 (b) all applications granted; and
280 (c) the name of every licensee whose license has been suspended, disqualified, or
281 revoked by the division and the reasons for the action;
282 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with
283 this chapter;
284 (6) file all accident reports and abstracts of court records of convictions received by it
285 under state law;
286 (7) maintain a record of each licensee showing the licensee's convictions and the traffic
287 accidents in which the licensee has been involved where a conviction has resulted;
288 (8) consider the record of a licensee upon an application for renewal of a license and at
289 other appropriate times;
290 (9) search the license files, compile, and furnish a report on the driving record of any
291 person licensed in the state in accordance with Section 53-3-109;
292 (10) develop and implement a record system as required by Section 41-6a-604;
293 (11) in accordance with Section 53A-13-208, establish:
294 (a) procedures and standards to certify teachers of driver education classes to
295 administer knowledge and skills tests;
296 (b) minimal standards for the tests; and
297 (c) procedures to enable school districts to administer or process any tests for students
298 to receive a class D operator's license;
299 (12) in accordance with Section 53-3-510, establish:
300 (a) procedures and standards to certify licensed instructors of commercial driver
301 training school courses to administer the skills test;
302 (b) minimal standards for the test; and
303 (c) procedures to enable licensed commercial driver training schools to administer or
304 process skills tests for students to receive a class D operator's license; and
305 (13) provide administrative support to the Driver License Medical Advisory Board
306 created in Section 53-3-303.

307 Section 4. Section **53-3-205** is amended to read:

308 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
309 **Expiration dates of licenses and endorsements -- Information required -- Previous**
310 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
311 **Fee required -- License agreement.**

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

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

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

318 (a) not more than three attempts to pass both the knowledge and the skills tests for a
319 class D license within six months of the date of the application;

320 (b) a learner permit if needed pending completion of the application and testing
321 process; and

322 (c) an original class D license and license certificate after all tests are passed.

323 (3) An application and fee for a motorcycle or taxicab endorsement entitle the
324 applicant to:

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

327 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

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

329 (4) An application and fees for a commercial class A, B, or C license entitle the
330 applicant to:

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

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

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

337 (5) An application and fee for a CDL endorsement entitle the applicant to:

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

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

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

344 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
345 expires on the birth date of the applicant in the fifth year following the year the license
346 certificate was issued.

347 (b) Except as provided under Subsections (7)(f), (g), (h), and (i), a renewal or an
348 extension to a license expires on the birth date of the licensee in the fifth year following the
349 expiration date of the license certificate renewed or extended.

350 (c) Except as provided under Subsections (7)(f), (g), and (i), a duplicate license expires
351 on the same date as the last license certificate issued.

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

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

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

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

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

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

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

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

371 (f) A limited-term license certificate or a renewal to a limited-term license certificate
372 expires:

373 (i) on the expiration date of the period of time of the individual's authorized stay in the
374 United States or on the date provided under this Subsection (7), whichever is sooner; or

375 (ii) on the birth date of the applicant in the first year following the year that the
376 limited-term license certificate was issued if there is no definite end to the individual's period
377 of authorized stay.

378 ~~[(ii)] (g) A driving privilege card issued or renewed under Section 53-3-207 expires on~~
379 ~~the birth date of the applicant in the first year following the year that the driving privilege card~~
380 ~~was issued or renewed.~~

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

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

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

389 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative
390 Procedures Act, for requests for agency action, each applicant shall:

391 (i) provide the applicant's:

392 (A) full legal name;

393 (B) birth date;

394 (C) gender;

395 ~~[(D) between July 1, 2002 and July 1, 2007, race in accordance with the categories~~
396 ~~established by the United States Census Bureau;]~~

397 ~~[(E)] (D) (I) documentary evidence of the applicant's valid Social Security number;~~

398 ~~(II) written proof that the applicant is ineligible to receive a Social Security number;~~

399 ~~[(F)] (III) temporary identification number (ITIN) issued by the Internal Revenue~~

400 Service for a person who;

401 (Aa) does not qualify for a Social Security number; [or] and

402 ~~[(Hh) (Aa) proof that the applicant is a citizen of a country other than the United~~

403 ~~States;]~~

404 ~~[(Bb) proof that the applicant does not qualify for a Social Security number; and]~~

405 ~~[(Cc) proof of legal presence in the United States, as authorized under federal law; and]~~

406 (Bb) is applying for a driving privilege card; or

407 (IV) other documentary evidence approved by the division; and

408 ~~[(Ff)]~~ (E) Utah residence address as documented by a form or forms acceptable under

409 rules made by the division under Section 53-3-104, unless the application is for a temporary

410 CDL issued under Subsection 53-3-407(2)(b);

411 (ii) provide evidence of the applicant's lawful presence in the United States by

412 providing documentary evidence:

413 (A) that a person is:

414 (I) a United States Citizen;

415 (II) a national; or

416 (III) a legal permanent resident alien; or

417 (B) of the applicant's:

418 (I) unexpired immigrant or nonimmigrant visa status for admission into the United

419 States;

420 (II) pending or approved application for asylum in the United States;

421 (III) admission into the United States as a refugee;

422 (IV) pending or approved application for temporary protected status in the United

423 States;

424 (V) approved deferred action status; or

425 (VI) pending application for adjustment of status to legal permanent resident or

426 conditional resident;

427 ~~[(Hh)]~~ (iii) provide a description of the applicant;

428 ~~[(Ii)]~~ (iv) state whether the applicant has previously been licensed to drive a motor

429 vehicle and, if so, when and by what state or country;

430 ~~[(Jj)]~~ (v) state whether the applicant has ever had any license suspended, cancelled,

431 revoked, disqualified, or denied in the last ten years, or whether the applicant has ever had any
 432 license application refused, and if so, the date of and reason for the suspension, cancellation,
 433 revocation, disqualification, denial, or refusal;

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

436 ~~[(vi)]~~ (vii) state whether the applicant is required to register as a sex offender under
 437 Section 77-27-21.5;

438 ~~[(vii)]~~ (viii) state whether the applicant is a military veteran and does or does not
 439 authorize sharing the information with the state Department of Veterans' Affairs;

440 ~~[(viii)]~~ (ix) provide all other information the division requires; and

441 ~~[(ix)]~~ (x) sign the application which signature may include an electronic signature as
 442 defined in Section 46-4-102.

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

445 (c) Each applicant shall provide evidence of lawful presence in the United States in
 446 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

447 ~~[(e)]~~ (d) The division shall maintain on its computerized records an applicant's:

448 (i) (A) Social Security number;

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

450 (C) other number assigned by the division if Subsection (8)(a)(i)~~[(E)]~~~~[(H)]~~[(D)][(IV)]

451 applies; and

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

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

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

458 (a) current license certificate;

459 (b) birth certificate;

460 (c) Selective Service registration; or

461 (d) other proof, including church records, family Bible notations, school records, or

462 other evidence considered acceptable by the division.

463 (10) ~~When~~ (a) Except as provided in Subsection (10)(b), when an applicant receives
464 a license in another class, all previous license certificates shall be surrendered and canceled.

465 ~~However, a]~~

466 (b) A disqualified commercial license may not be canceled unless it expires before the
467 new license certificate is issued.

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

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

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

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

479 (14) A person who applies for an original license or renewal of a license agrees that the
480 person's license is subject to any suspension or revocation authorized under this title or Title
481 41, Motor Vehicles.

482 (15) (a) The indication of intent under Subsection (8)(a)~~(v)~~(vi) shall be authenticated
483 by the licensee in accordance with division rule.

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

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

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

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

491 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and
492 Management Act, the division may release to the Department of Veterans' Affairs the names

493 and addresses of all persons who indicate their status as a veteran under Subsection
494 (8)(a)[~~(vii)~~](viii).

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

- 497 (a) loss;
- 498 (b) detriment; or
- 499 (c) injury.

500 (18) A person who knowingly fails to provide the information required under
501 Subsection (8)(a)[~~(vi)~~](vii) is guilty of a class A misdemeanor.

502 Section 5. Section **53-3-207** is amended to read:

503 **53-3-207. License certificates or driving privilege cards issued to drivers by class**
504 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**
505 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

506 (1) As used in this section:

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

509 (b) "governmental entity" means the state and its political subdivisions as defined in
510 this Subsection (1);

511 (c) "political subdivision" means any county, city, town, school district, public transit
512 district, community development and renewal agency, special improvement or taxing district,
513 local district, special service district, an entity created by an interlocal agreement adopted under
514 Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
515 corporation; and

516 (d) "state" means this state, and includes any office, department, agency, authority,
517 commission, board, institution, hospital, college, university, children's justice center, or other
518 instrumentality of the state.

519 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a
520 regular license certificate, a limited-term license certificate, or a driving privilege card
521 indicating the type or class of motor vehicle the person may drive.

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

524 (3) (a) Every regular license certificate, limited-term license certificate, or driving
525 privilege card shall bear:

- 526 (i) the distinguishing number assigned to the person by the division;
- 527 (ii) the name, birth date, and Utah residence address of the person;
- 528 (iii) a brief description of the person for the purpose of identification;
- 529 (iv) any restrictions imposed on the license under Section 53-3-208;
- 530 (v) a photograph of the person;
- 531 (vi) a photograph or other facsimile of the person's signature; and
- 532 (vii) an indication whether the person intends to make an anatomical gift under Title
533 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended
534 under Subsection 53-3-214(3).

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

537 (c) (i) The regular license certificate, limited-term license certificate, or driving
538 privilege card shall be of an impervious material, resistant to wear, damage, and alteration.

539 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the regular
540 license certificate, limited-term license certificate, or driving privilege card shall be as
541 prescribed by the commissioner.

542 (iii) The commissioner may also prescribe the issuance of a special type of limited
543 regular license certificate, limited-term license certificate, or driving privilege card under
544 Subsection 53-3-220(4) [~~and may authorize the issuance of a renewed or duplicate license
545 certificate or driving privilege card without a picture if the applicant is not then living in the
546 state~~].

547 (4) (a) (i) The division, upon determining after an examination that an applicant is
548 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a
549 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term
550 license certificate.

551 (ii) The receipt serves as a temporary regular license certificate or limited-term license
552 certificate allowing the person to drive a motor vehicle while the division is completing its
553 investigation to determine whether the person is entitled to be granted a driving privilege.

554 (b) The receipt shall be in the person's immediate possession while driving a motor

555 vehicle, and it is invalid when the person's regular license certificate or limited-term license
556 certificate has been issued or when, for good cause, the privilege has been refused.

557 (c) The division shall indicate on the receipt a date after which it is not valid as a
558 [~~license certificate~~] temporary license.

559 (d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a receipt
560 that serves as a temporary driving privilege card or other temporary permit to an applicant for a
561 driving privilege card.

562 (ii) The division may issue a learner permit issued in accordance with Section
563 53-3-210.5 to an applicant for a driving privilege card.

564 (5) (a) The division shall distinguish learner permits, temporary permits, regular
565 license certificates, limited-term license certificates, and driving privilege cards issued to any
566 person younger than 21 years of age by use of plainly printed information or the use of a color
567 or other means not used for other regular license certificates, limited-term license certificates,
568 or driving privilege cards.

569 (b) The division shall distinguish a regular license certificate, limited-term license
570 certificate, or driving privilege card issued to any person:

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

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

579 (6) The division shall distinguish a limited-term license certificate by clearly indicating
580 on the document:

581 (a) that it is temporary; and

582 (b) its expiration date.

583 [(6)] (7) (a) The division shall only issue a driving privilege card to a person whose
584 privilege was obtained without [~~using a Social Security number~~] providing evidence of lawful
585 presence in the United States as required under Subsection 53-3-205(8).

586 (b) The division shall distinguish a driving privilege card from a license certificate by:
587 (i) use of a format, color, font, or other means; and
588 (ii) clearly displaying on the front of the driving privilege card a phrase substantially
589 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

590 [~~(7)~~] (8) The provisions of Subsection (5)(b) do not apply to a learner permit,
591 temporary permit, or any other temporary permit or receipt issued by the division.

592 [~~(8)~~] (9) The division shall issue temporary license certificates of the same nature,
593 except as to duration, as the license certificates that they temporarily replace, as are necessary
594 to implement applicable provisions of this section and Section 53-3-223.

595 [~~(9)~~] (10) (a) A governmental entity may not accept a driving privilege card as proof of
596 personal identification.

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

599 [~~(10)~~] (11) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.

600 [~~(11)~~] (12) Unless otherwise provided, the provisions, requirements, classes,
601 endorsements, fees, restrictions, and sanctions under this code apply to a:

602 (a) driving privilege in the same way as a license or limited-term license issued under
603 this chapter; and

604 (b) limited-term license certificate or driving privilege card in the same way as a
605 regular license certificate issued under this chapter.

606 Section 6. Section **53-3-214** is amended to read:

607 **53-3-214. Renewal -- Fees required -- Extension without examination.**

608 (1) (a) The holder of a valid license may renew [~~his~~] the holder's license and any
609 endorsement to the license by applying:

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

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

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

616 (2) (a) Except as provided under Subsections (2)(b) and (3), upon application for

617 renewal of a regular license certificate, provisional license, and any endorsement to a regular
618 license certificate, the division shall reexamine each applicant as if for an original license and
619 endorsement to the license, if applicable.

620 (b) Except as provided under Subsection (2)(c), upon application for renewal of a
621 limited-term license certificate, limited-term provisional license certificate, and any
622 endorsement to a limited-term license certificate, the division shall:

623 (i) reexamine each applicant as if for an original limited-term license certificate and
624 endorsement to the limited-term license certificate, if applicable; and

625 (ii) verify through valid documentary evidence that the status by which the individual
626 originally qualified for the limited-term license certificate has been extended by the United
627 States Citizenship and Immigration Services or other authorized agency of the United States
628 Department of Homeland Security.

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

631 (3) (a) Except as provided under ~~[Subsection (3)(b)]~~ Subsections (3)(b) and (c), the
632 division ~~[shall]~~ may extend a regular license[;] certificate, any endorsement to the regular
633 license certificate, a provisional license, and any endorsement to a provisional license for five
634 years without examination for licensees whose driving records for the five years immediately
635 preceding the determination of eligibility for extension show:

636 (i) no suspensions;

637 (ii) no revocations;

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

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

640 (b) ~~[(i) After]~~ Except as provided in Subsection (3)(g), after the expiration of a regular
641 license certificate, a new regular license certificate and any endorsement to a regular license
642 certificate may not be issued until the person has again passed the tests under Section 53-3-206
643 and paid the required fee.

644 (c) After the expiration of a limited-term license certificate, a new limited-term license
645 certificate and any endorsement to a limited-term license certificate may not be issued until the
646 person has:

647 (i) again passed the tests under Section 53-3-206 and paid the required fee; and

648 (ii) presented documentary evidence that the status by which the individual originally
 649 qualified for the limited-term license certificate has been extended by the United States
 650 Citizenship and Immigration Services or other authorized agency of the United States
 651 Department of Homeland Security.

652 [~~(ii)~~] (d) A person 65 years of age or older shall take and pass the eye examination
 653 specified in Section 53-3-206.

654 [~~(iii)~~] (e) An extension may not be granted to any person:

655 [~~(A)~~] (i) who is identified by the division as having a medical impairment that may
 656 represent a hazard to public safety;

657 [~~(B)~~] (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform
 658 Commercial Driver License Act;

659 [~~(C)~~ ~~whose original license was obtained using proof under Subsection~~
 660 ~~53-3-205(8)(a)(i)(E)(III); or]~~

661 [~~(D)~~ ~~whose original license was issued with an expiration date under Subsection~~
 662 ~~53-3-205(7)(h).]~~

663 (iii) who is holding a limited-term license certificate; or

664 (iv) who is holding a driving privilege card issued in accordance with Section
 665 53-3-207.

666 [~~(e)~~] (f) The division shall allow extensions:

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

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

669 (iii) for only one extension.

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

672 Section 7. Section **53-3-407** is amended to read:

673 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**
 674 **administer skills test.**

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

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

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

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

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

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

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

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

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

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

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

695 (C) has complied with all requirements of 49 C.F.R. Part 383, Subparts G and H.

696 (ii) A temporary CDL issued under this Subsection (2)(b):

697 (A) is valid for 60 days; and

698 (B) may not be renewed or extended.

699 (iii) Except as provided in this section and Subsections 53-3-204(1)(a)(iv),
700 53-3-205(8)(a)(i)[~~(F)~~](E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes,
701 endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL
702 issued under this Subsection (2)(b) in the same way as a commercial driver license issued
703 under this part.

704 (3) Tests required under this section shall be prescribed and administered by the
705 division.

706 (4) The division shall authorize a person, an agency of this or another state, an
707 employer, a private driver training facility or other private institution, or a department, agency,
708 or entity of local government to administer the skills test required under this section if:

709 (a) the test is the same test as prescribed by the division, and is administered in the

710 same manner; and

711 (b) the party authorized under this section to administer the test has entered into an
712 agreement with the state that complies with the requirements of 49 C.F.R., Part 383.75.

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

716 (6) A person authorized under this section to administer the skills test is not criminally
717 or civilly liable for the administration of the test unless he administers the test in a grossly
718 negligent manner.

719 (7) The division shall waive the skills test required under this section if it determines
720 that the applicant meets the requirements of 49 C.F.R., Part 383.77.

721 Section 8. Section **53-3-410** is amended to read:

722 **53-3-410. Applicant information required for CDIP and CDL -- State resident to**
723 **have state CDL.**

724 (1) The application for a CDL, limited-term CDL, or CDIP shall include the following
725 information regarding the applicant:

726 (a) full legal name;

727 (b) current mailing address;

728 (c) Utah residential address, unless the application is for a temporary CDL issued under
729 Subsection 53-3-407(2)(b);

730 (d) physical description, including sex, height, weight, and eye color;

731 (e) date of birth;

732 (f) documentary evidence of the applicant's valid Social Security number~~[, unless the~~
733 ~~application is for a nonresident license]~~;

734 (g) a complete list of all states in which the applicant was issued a driver license in the
735 previous ten years; [~~and~~]

736 (h) the applicant's signature~~[-]; and~~

737 (i) evidence of the applicant's lawful presence in the United States by providing
738 documentary evidence:

739 (i) that a person is:

740 (A) a United States Citizen;

- 741 (B) a national; or
- 742 (C) a legal permanent resident alien; or
- 743 (ii) of the applicant's:
- 744 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
- 745 States;
- 746 (B) pending or approved application for asylum in the United States;
- 747 (C) admission into the United States as a refugee;
- 748 (D) pending or approved application for temporary protected status in the United
- 749 States;
- 750 (E) approved deferred action status; or
- 751 (F) pending application for adjustment of status to legal permanent resident or
- 752 conditional resident.

753 (2) An application under this section shall also include all certifications required by 49
 754 C.F.R., Part 383.71.

755 (3) When the holder of a license under this part changes the holder's name, mailing
 756 address, or residence, the holder shall make application for a duplicate license within 30 days
 757 of the change.

758 (4) A person who has been a resident of this state for 30 consecutive days may not
 759 drive a commercial motor vehicle under the authority of a commercial driver license issued by
 760 another jurisdiction.

761 Section 9. Section **53-3-413** is amended to read:

762 **53-3-413. Issuance of CDL by division -- Driving record -- Expiration date --**
 763 **Renewal -- Hazardous materials provision.**

764 (1) Before the division may grant a CDL, the division shall obtain the driving record
 765 information regarding the applicant through the CDLIS, the NDR, and from each state where
 766 the applicant has been licensed.

767 (2) The division shall notify the CDLIS and provide all information required to ensure
 768 identification of the CDL holder within ten days after:

769 (a) issuing a CDL following application for an original, renewal, transfer, or upgrade of
 770 the CDL; or

771 (b) any change is made to the identifying information of a CDL holder.

772 (3) (a) The expiration date for a CDL is the birth date of the holder in the fifth year
773 following the year of issuance of the CDL.

774 (b) A limited-term CDL expires on:

775 (i) the expiration date of the period of time of the individual's authorized stay in the
776 United States or on the date provided in Subsection (3)(a), whichever is sooner; or

777 (ii) on the birth date of the applicant in the first year following the year that the
778 limited-term CDL was issued if there is no definite end to the individual's period of authorized
779 stay.

780 (c) A CDL held by a person ordered to active duty and stationed outside Utah in any of
781 the armed forces of the United States, which expires during the time period the person is
782 stationed outside of the state, is valid until 90 days after the person has been discharged or has
783 left the service, unless:

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

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

787 (4) (a) The applicant for a renewal of a CDL shall complete the application form
788 required by Section 53-3-410 and provide updated information and required certification.

789 (b) In addition to the requirements under Subsection (4)(a), the applicant for a renewal
790 of a limited-term CDL shall present documentary evidence that the status by which the
791 individual originally qualified for the limited-term CDL has been extended by the United States
792 Citizenship and Immigration Services or other authorized agency of the United States
793 Department of Homeland Security.

794 (5) The division shall distinguish a limited-term CDL by clearly indicating on the
795 document:

796 (a) that it is temporary; and

797 (b) its expiration date.

798 [~~5~~] (6) (a) The division may not issue a hazardous materials endorsement on a CDL
799 unless the applicant meets the security threat assessment standards of the federal
800 Transportation Security Administration.

801 (b) The division shall revoke the hazardous materials endorsement on a CDL upon
802 receiving notice from the federal Transportation Security Administration that the person

803 holding a hazardous materials endorsement does not meet Transportation Security
804 Administration security threat assessment standards.

805 (c) To obtain an original hazardous materials endorsement or retain a hazardous
806 materials endorsement upon CDL renewal or transfer, the applicant must take and pass the
807 knowledge test for hazardous materials endorsement in addition to any other testing required
808 by the division.

809 (7) Unless otherwise provided, the provisions, requirements, classes, endorsements,
810 fees, restrictions, and sanctions under this code apply to a limited-term CDL in the same way as
811 a CDL issued under this chapter.

812 Section 10. Section **53-3-804** is amended to read:

813 **53-3-804. Application for identification card -- Required information -- Release**
814 **of anatomical gift information.**

815 (1) To apply for an identification card or limited-term identification card, the applicant
816 shall:

817 (a) be a Utah resident;

818 (b) have a Utah residence address; and

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

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

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

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

824 (c) (i) Social Security number; or

825 (ii) written proof that the applicant is ineligible to receive a Social Security number;

826 (d) place of birth;

827 (e) height and weight;

828 (f) color of eyes and hair;

829 ~~[(g) between July 1, 2002 and July 1, 2007, race in accordance with the categories~~
830 ~~established by the United States Census Bureau;]~~

831 ~~[(h)]~~ (g) signature;

832 ~~[(i)]~~ (h) photograph;

833 (i) evidence of the applicant's lawful presence in the United States by providing

834 documentary evidence:

835 (i) that a person is:

836 (A) a United States Citizen;

837 (B) a national; or

838 (C) a legal permanent resident alien; or

839 (ii) of the applicant's:

840 (A) unexpired immigrant or nonimmigrant visa status for admission into the United

841 States;

842 (B) pending or approved application for asylum in the United States;

843 (C) admission into the United States as a refugee;

844 (D) pending or approved application for temporary protected status in the United

845 States;

846 (E) approved deferred action status; or

847 (F) pending application for adjustment of status to legal permanent resident or

848 conditional resident;

849 (j) an indication whether the applicant intends to make an anatomical gift under Title
850 26, Chapter 28, Revised Uniform Anatomical Gift Act;

851 (k) an indication whether the applicant is required to register as a sex offender under
852 Section 77-27-21.5; and

853 (l) an indication whether the applicant is a military veteran and does or does not
854 authorize sharing the information with the state Department of Veterans' Affairs.

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

858 ~~[(4) An applicant may not be denied an identification card for refusing to provide race~~
859 ~~information required under Subsection (2)(g).]~~

860 ~~[(5)]~~ (4) A person who knowingly fails to provide the information required under
861 Subsection (2)(k) is guilty of a class A misdemeanor.

862 Section 11. Section **53-3-806** is amended to read:

863 **53-3-806. Portrait-style format -- Minor's card distinguishable.**

864 (1) The division shall use a portrait-style format for all identification cards, similar to

865 the format used for license certificates issued to a person younger than 21 years of age under
866 Section 53-3-207.

867 (2) The identification card issued to a person younger than 21 years of age shall be
868 distinguished by use of plainly printed information or by the use of a color or other means not
869 used for the identification card issued to a person 21 years of age or older.

870 (3) The division shall distinguish an identification card issued to any person:

871 (a) younger than 21 years of age by plainly printing the date the identification card
872 holder is 21 years of age, which is the legal age for purchasing an alcoholic beverage or product
873 under Section 32A-12-203; and

874 (b) younger than 19 years of age by plainly printing the date the identification card
875 holder is 19 years of age, which is the legal age for purchasing tobacco products under Section
876 76-10-104.

877 (4) The division shall distinguish a limited-term identification card by clearly
878 indicating on the card:

879 (a) that it is temporary; and

880 (b) its expiration date.

881 Section 12. Section **53-3-807** is amended to read:

882 **53-3-807. Expiration -- Address and name change -- Extension for disabled.**

883 (1) (a) An identification card issued on or after July 1, 2006 expires on the birth date of
884 the applicant in the fifth year following the issuance of the identification card.

885 (b) A limited-term identification card expires on:

886 (i) the expiration date of the period of time of the individual's authorized stay in the
887 United States or on the birth date of the applicant in the fifth year following the issuance of the
888 limited-term identification card, whichever is sooner; or

889 (ii) on the birth date of the applicant in the first year following the year that the
890 limited-term identification card was issued if there is no definite end to the individual's period
891 of authorized stay.

892 (2) If a person has applied for and received an identification card and subsequently
893 moves from the address shown on the application or on the card, the person shall within ten
894 days notify the division in a manner specified by the division of the person's new address.

895 (3) If a person has applied for and received an identification card and subsequently

896 changes the person's name under Title 42, Chapter 1, Change of Name, the person:

897 (a) shall surrender the card to the division; and

898 (b) may apply for a new card in the person's new name by:

899 (i) furnishing proper documentation to the division as provided in Section 53-3-804;

900 and

901 (ii) paying the fee required under Section 53-3-105.

902 (4) (a) Except as provided in Subsection (4)(c), if a person has applied for and received

903 an identification card and is currently required to register as a sex offender under Section

904 77-27-21.5:

905 (i) the person's identification card expires annually on the next birth date of the
906 cardholder, on and after July 1, 2006;

907 (ii) the person shall surrender the person's identification card to the division on or
908 before the cardholder's next birth date beginning on July 1, 2006; and

909 (iii) the person may apply for an identification card with an expiration date identified in
910 Subsection (8)(b) by:

911 (A) furnishing proper documentation to the division as provided in Section 53-3-804;

912 and

913 (B) paying the fee for an identification card required under Section 53-3-105.

914 (b) Except as provided in Subsection (4)(c), if a person has applied for and received an
915 identification card and is subsequently convicted of any offense listed in Subsection

916 77-27-21.5(1)(n), the person shall surrender the card to the division on the person's next birth

917 date following the conviction and may apply for a new card with an expiration date identified

918 in Subsection (8)(b) by:

919 (i) furnishing proper documentation to the division as provided in Section 53-3-804;

920 and

921 (ii) paying the fee required under Section 53-3-105.

922 (c) A person who is unable to comply with the provisions of Subsection (4)(a) or (4)(b)

923 because the person is in the custody of the Department of Corrections or Division of Juvenile

924 Justice Services, confined in a correctional facility not operated by or under contract with the

925 Department of Corrections, or committed to a state mental facility, shall comply with the

926 provisions of Subsection (4)(a) or (b) within ten days of being released from confinement.

927 (5) A person older than 21 years of age with a disability, as defined under the
928 Americans with Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on
929 an identification card for five years if the person with a disability or an agent of the person with
930 a disability:

931 (a) requests that the division send the application form to obtain the extension or
932 requests an application form in person at the division's offices;

933 (b) completes the application;

934 (c) certifies that the extension is for a person 21 years of age or older with a disability;

935 and

936 (d) returns the application to the division together with the identification card fee
937 required under Section 53-3-105.

938 (6) (a) (i) An identification card may only be extended once, except as prohibited under
939 Subsection (6)(b).

940 (ii) After an extension an application for an identification card must be applied for in
941 person at the division's offices.

942 (b) An identification card issued to a person required to register as a sex offender under
943 Section 77-27-21.5 may not be extended.

944 (7) An identification card issued prior to July 1, 2006 to a person 65 years of age or
945 older does not expire, but continues in effect until the death of that person.

946 (8) Notwithstanding the provisions of this section[~~:(a) an identification card that was~~
947 ~~obtained without using a Social Security number as required under Subsection 53-3-804(2)~~
948 ~~expires on July 1, 2005; and (b)], an identification card expires on the birth date of the
949 applicant in the first year following the year that the identification card was issued if the
950 applicant is required to register as a sex offender under Section 77-27-21.5.~~

951 (9) A person who knowingly fails to surrender an identification card under Subsection
952 (4) is guilty of a class A misdemeanor.

953 Section 13. Section **63G-11-102 (Effective 07/01/09)** is amended to read:

954 **63G-11-102 (Effective 07/01/09). Creation of identity documents -- Issuance to**
955 **citizens, nationals, and legal permanent resident aliens -- Exceptions.**

956 (1) The following entities may create, publish, or otherwise manufacture an
957 identification document, identification card, or identification certificate and possess an

958 engraved plate or other device for the printing of an identification document:

959 (a) a federal, state, or local government agency for employee identification, which is
960 designed to identify the bearer as an employee;

961 (b) a federal, state, or local government agency for purposes authorized or required by
962 law or a legitimate purpose consistent with the duties of the agency, including such documents
963 as voter identification cards, [~~driver licenses,~~] identification cards, passports, birth certificates,
964 and Social Security cards; and

965 (c) a public school or state or private educational institution to identify the bearer as an
966 administrator, faculty member, student, or employee.

967 (2) The name of the issuing entity shall be clearly printed upon the face of the
968 identification document.

969 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity
970 providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall issue
971 the document, card, or certificate only to:

972 (a) a United States citizen;

973 (b) a national; or

974 (c) a legal permanent resident alien.

975 (4) (a) Subsection (3) does not apply to an applicant for an identification document
976 who presents, in person, valid documentary evidence of the applicant's:

977 (i) unexpired immigrant or nonimmigrant visa status for admission into the United
978 States;

979 (ii) pending or approved application for asylum in the United States;

980 (iii) admission into the United States as a refugee;

981 (iv) pending or approved application for temporary protected status in the United
982 States;

983 (v) approved deferred action status; or

984 (vi) pending application for adjustment of status to legal permanent resident or
985 conditional resident.

986 (b) (i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c)
987 identification document to an applicant who satisfies the requirements of Subsection (4)(a).

988 (ii) Except as otherwise provided by federal law, the document is valid only:

989 (A) during the period of time of the individual's authorized stay in the United States; or

990 (B) for one year from the date of issuance if there is no definite end to the individual's

991 period of authorized stay.

992 (iii) An entity issuing an identification document under this Subsection (4) shall clearly

993 indicate on the document:

994 (A) that it is temporary; and

995 (B) its expiration date.

996 (c) An individual may renew a document issued under this Subsection (4) only upon

997 presentation of valid documentary evidence that the status by which the individual originally

998 qualified for the identification document has been extended by the United States Citizenship

999 and Immigration Services or other authorized agency of the United States Department of

1000 Homeland Security.

1001 (5) (a) Subsection (3) does not apply to an identification document issued under

1002 Subsection (1)(c) that is only:

1003 (i) valid for use on the educational institution's campus or facility; and

1004 (ii) includes a statement of the restricted use conspicuously printed upon the face of the

1005 identification document.

1006 (b) Subsection (3) does not apply to a license certificate, driving privilege card, or

1007 identification card issued or renewed under [~~Section 53-3-207~~] Title 53, Chapter 3, Uniform

1008 Driver License Act.

1009 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or

1010 national origin.

1011 **Section 14. Repealer.**

1012 This bill repeals:

1013 Section **53-3-409, Nonresident CDL -- Qualifications.**

1014 **Section 15. Effective date.**

1015 This bill takes effect on January 1, 2010, except that the amendments in Section

1016 63G-11-102 (Effective 07/01/09) take effect on July 1, 2009.

Legislative Review Note
as of 12-18-08 1:25 PM

Office of Legislative Research and General Counsel

Fiscal Note

**S.B. 40 - Lawful Presence Verification for Issuance of a Driver License or
Identification Card**

2009 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.
