

Senator Curtis S. Bramble proposes the following substitute bill:

DRIVER LICENSE QUALIFICATION AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ requires every applicant for a driving privilege card to submit fingerprints with an application to the Driver License Division;
- ▶ requires a person that renews a driving privilege card to submit fingerprints to the Driver License Division if the person has not previously submitted fingerprints to the division;
- ▶ provides that the Driver License Division shall submit fingerprints for each applicant or cardholder to the Bureau of Criminal Identification;
- ▶ requires the Bureau of Criminal Identification to:
 - compare driving privilege card applicant or cardholder fingerprints with certain criminal databases; and
 - maintain a separate file of driving privilege applicant and cardholder fingerprints;
- ▶ requires the Driver License Division to:



- 26 • impose the fees that the Bureau of Criminal Identification is authorized to
- 27 collect for certain services; and
- 28 • remit the fees collected to the Bureau of Criminal Identification; and
- 29 ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill takes effect on July 1, 2011.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **53-3-105**, as last amended by Laws of Utah 2009, Chapter 45

37 **53-3-106**, as last amended by Laws of Utah 2009, Chapters 113 and 183

38 **53-3-205**, as last amended by Laws of Utah 2010, Chapter 95

39 **53-10-202**, as last amended by Laws of Utah 2010, Chapter 291

40 ENACTS:

41 **53-3-205.5**, Utah Code Annotated 1953



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

44 Section 1. Section **53-3-105** is amended to read:

45 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
46 **and identification cards.**

47 The following fees apply under this chapter:

- 48 (1) An original class D license application under Section 53-3-205 is \$25.
- 49 (2) An original provisional license application for a class D license under Section
50 53-3-205 is \$30.
- 51 (3) An original application for a motorcycle endorsement under Section 53-3-205 is
52 \$9.50.
- 53 (4) An original application for a taxicab endorsement under Section 53-3-205 is \$7.
- 54 (5) A learner permit application under Section 53-3-210.5 is \$15.
- 55 (6) A renewal of a class D license under Section 53-3-214 is \$25 unless Subsection
56 (10) applies.

57 (7) A renewal of a provisional license application for a class D license under Section
58 53-3-214 is \$25.

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

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

61 (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
62 \$13.

63 (11) An extension of a class D license under Section 53-3-214 is \$20 unless Subsection
64 (15) applies.

65 (12) An extension of a provisional license application for a class D license under
66 Section 53-3-214 is \$20.

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

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

69 (15) An extension of a class D license for a person 65 and older under Section
70 53-3-214 is \$11.

71 (16) An original or renewal application for a commercial class A, B, or C license or an
72 original or renewal of a provisional commercial class A or B license under Part 4, Uniform
73 Commercial Driver License Act, is:

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

75 (b) \$60 for the skills test.

76 (17) Each original CDL endorsement for passengers, hazardous material, double or
77 triple trailers, or tankers is \$7.

78 (18) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
79 Driver License Act, is \$7.

80 (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver
81 License Act, is \$7.

82 (20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$20.

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

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

85 (22) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$18.

86 (23) (a) A license reinstatement application under Section 53-3-205 is \$30.

87 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or

88 combination of alcohol and any drug-related offense is \$35 in addition to the fee under
89 Subsection (23)(a).

90 (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or
91 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
92 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
93 Part 4, Uniform Commercial Driver License Act, is \$170.

94 (b) This administrative fee is in addition to the fees under Subsection (23).

95 (25) (a) An administrative fee for providing the driving record of a driver under
96 Section 53-3-104 or 53-3-420 is \$6.

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

99 (26) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

100 (27) (a) Except as provided under Subsections (27)(b) and (c), an identification card
101 application under Section 53-3-808 is \$18.

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

104 (c) A fee may not be charged for an identification card application if the person
105 applying:

106 (i) has not been issued a Utah driver license;

107 (ii) is indigent; and

108 (iii) is at least 18 years of age.

109 (28) In addition to any license application fees collected under this chapter, the division
110 shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the
111 fees that the Bureau of Criminal Identification is authorized to collect for the services the
112 Bureau of Criminal Identification provides under Section 53-3-205.5.

113 Section 2. Section **53-3-106** is amended to read:

114 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**
115 **-- Uses as provided by appropriation -- Nonlapsing.**

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

118 (2) The account consists of money generated from the following revenue sources:

- 119 (a) all money received under this chapter;
- 120 (b) administrative fees received according to the fee schedule authorized under this
- 121 chapter and Section 63J-1-504; and
- 122 (c) any appropriations made to the account by the Legislature.
- 123 (3) (a) The account shall earn interest.
- 124 (b) All interest earned on account money shall be deposited in the account.
- 125 (4) The expenses of the department in carrying out this chapter shall be provided for by
- 126 legislative appropriation from this account.
- 127 (5) The amount in excess of \$45 of the fees collected under Subsection 53-3-105(24)
- 128 shall be appropriated by the Legislature from this account to the department to implement the
- 129 provisions of Section 53-1-117, except that of the amount in excess of \$45, \$40 shall be
- 130 deposited in the State Laboratory Drug Testing Account created in Section 26-1-34.
- 131 (6) All money received under Subsection 41-6a-1406(6)(b)(ii) shall be appropriated by
- 132 the Legislature from this account to the department to implement the provisions of Section
- 133 53-1-117.
- 134 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000
- 135 annually from the account to the state medical examiner appointed under Section 26-4-4 for
- 136 use in carrying out duties related to highway crash deaths under Subsection 26-4-7(1).
- 137 (8) The division shall remit the fees collected under Subsection 53-3-105(28) to the
- 138 Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal
- 139 Identification provides under Section 53-3-205.5.
- 140 [~~8~~] (9) Appropriations to the department from the account are nonlapsing.
- 141 Section 3. Section **53-3-205** is amended to read:
- 142 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
- 143 **Expiration dates of licenses and endorsements -- Information required -- Previous**
- 144 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
- 145 **Fee required -- License agreement.**
- 146 (1) An application for any original license, provisional license, or endorsement shall
- 147 be:
- 148 (a) made upon a form furnished by the division; and
- 149 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

188 (e) A regular license certificate and any endorsement to the regular license certificate
189 held by a person ordered to active duty and stationed outside Utah in any of the armed forces of
190 the United States or by an immediate family member or dependent who is residing outside of
191 the state, which expires during the time period the person is stationed outside of the state, is
192 valid until 90 days after the person's orders have been terminated or the person has been
193 discharged, unless:

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

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

197 (f) A limited-term license certificate or a renewal to a limited-term license certificate
198 expires:

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

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

204 (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the
205 birth date of the applicant in the first year following the year that the driving privilege card was
206 issued or renewed.

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

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

- 212 (i) provide the applicant's:
- 213 (A) full legal name;
- 214 (B) birth date;
- 215 (C) gender;
- 216 (D) (I) documentary evidence of the applicant's valid Social Security number;
- 217 (II) written proof that the applicant is ineligible to receive a Social Security number;
- 218 (III) temporary identification number (ITIN) issued by the Internal Revenue Service for
- 219 a person who:
- 220 (Aa) does not qualify for a Social Security number; and
- 221 (Bb) is applying for a driving privilege card; or
- 222 (IV) other documentary evidence approved by the division; ~~and~~
- 223 (E) Utah residence address as documented by a form or forms acceptable under rules
- 224 made by the division under Section 53-3-104, unless the application is for a temporary CDL
- 225 issued under Subsection 53-3-407(2)(b); and
- 226 (F) submit fingerprints in accordance with Section 53-3-205.5 if the person is applying
- 227 for a driving privilege card;
- 228 (ii) provide evidence of the applicant's lawful presence in the United States by
- 229 providing documentary evidence:
- 230 (A) that a person is:
- 231 (I) a United States citizen;
- 232 (II) a national; or
- 233 (III) a legal permanent resident alien; or
- 234 (B) of the applicant's:
- 235 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
- 236 States;
- 237 (II) pending or approved application for asylum in the United States;
- 238 (III) admission into the United States as a refugee;
- 239 (IV) pending or approved application for temporary protected status in the United
- 240 States;
- 241 (V) approved deferred action status; or
- 242 (VI) pending application for adjustment of status to legal permanent resident or

- 243 conditional resident;
- 244 (iii) provide a description of the applicant;
- 245 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
246 and, if so, when and by what state or country;
- 247 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
248 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
249 application refused, and if so, the date of and reason for the suspension, cancellation,
250 revocation, disqualification, denial, or refusal;
- 251 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
252 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 253 (vii) state whether the applicant is required to register as a sex offender under Section
254 77-27-21.5;
- 255 (viii) state whether the applicant is a military veteran and does or does not authorize
256 sharing the information with the state Department of Veterans' Affairs;
- 257 (ix) provide all other information the division requires; and
- 258 (x) sign the application which signature may include an electronic signature as defined
259 in Section 46-4-102.
- 260 (b) Each applicant shall have a Utah residence address, unless the application is for a
261 temporary CDL issued under Subsection 53-3-407(2)(b).
- 262 (c) Each applicant shall provide evidence of lawful presence in the United States in
263 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
- 264 (d) The division shall maintain on its computerized records an applicant's:
- 265 (i) (A) Social Security number;
- 266 (B) temporary identification number (ITIN); or
- 267 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
- 268 (ii) indication whether the applicant is required to register as a sex offender under
269 Section 77-27-21.5.
- 270 (9) The division shall require proof of every applicant's name, birthdate, and birthplace
271 by at least one of the following means:
- 272 (a) current license certificate;
- 273 (b) birth certificate;

274 (c) Selective Service registration; or

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

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

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

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

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

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

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

292 (14) A person who applies for an original license or renewal of a license agrees that the
293 person's license is subject to any suspension or revocation authorized under this title or Title
294 41, Motor Vehicles.

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

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

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

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

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

304 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and

305 Management Act, the division may release to the Department of Veterans' Affairs the names
306 and addresses of all persons who indicate their status as a veteran under Subsection (8)(a)(viii).

307 (17) The division and its employees are not liable, as a result of false or inaccurate
308 information provided under Subsection (8)(a)(vi) or(viii), for direct or indirect:

309 (a) loss;

310 (b) detriment; or

311 (c) injury.

312 (18) A person who knowingly fails to provide the information required under
313 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

314 Section 4. Section **53-3-205.5** is enacted to read:

315 **53-3-205.5. Fingerprint submission required for driving privilege cardholders.**

316 (1) (a) Every applicant for a driving privilege card shall submit fingerprints with the
317 application to the division.

318 (b) A person that renews a driving privilege card shall submit fingerprints to the
319 division if the person has not previously submitted fingerprints to the division.

320 (2) The division shall submit fingerprints for each person described in Subsection (1)
321 to the Bureau of Criminal Identification established in Section 53-10-201.

322 (3) The Bureau of Criminal Identification shall check the information submitted by the
323 division for a person under Subsection (2) against the applicable state and regional criminal
324 records databases.

325 (4) The Bureau of Criminal Identification shall maintain a separate file of fingerprints
326 submitted under Subsection (2).

327 (5) In addition to any fees imposed under this chapter, the division shall:

328 (a) impose on individuals submitting fingerprints in accordance with this section the
329 fees that the Bureau of Criminal Identification is authorized to collect for the services the
330 Bureau of Criminal Identification provides under Subsections (3) and (4); and

331 (b) remit the fees collected under Subsection (5)(a) to the Bureau of Criminal
332 Identification.

333 Section 5. Section **53-10-202** is amended to read:

334 **53-10-202. Criminal identification -- Duties of bureau.**

335 The bureau shall:

- 336 (1) procure and file information relating to identification and activities of persons who:
337 (a) are fugitives from justice;
338 (b) are wanted or missing;
339 (c) have been arrested for or convicted of a crime under the laws of any state or nation;
340 and
341 (d) are believed to be involved in racketeering, organized crime, or a dangerous
342 offense;
- 343 (2) establish a statewide uniform crime reporting system that shall include:
344 (a) statistics concerning general categories of criminal activities;
345 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,
346 religion, ancestry, national origin, ethnicity, or other categories that the division finds
347 appropriate; and
348 (c) other statistics as required by the Federal Bureau of Investigation;
- 349 (3) make a complete and systematic record and index of the information obtained
350 under this part;
- 351 (4) subject to the restrictions in this part, establish policy concerning the use and
352 dissemination of data obtained under this part;
- 353 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature
354 of crime in Utah;
- 355 (6) establish a statewide central register for the identification and location of missing
356 persons, which may include:
357 (a) identifying data including fingerprints of each missing person;
358 (b) identifying data of any missing person who is reported as missing to a law
359 enforcement agency having jurisdiction;
- 360 (c) dates and circumstances of any persons requesting or receiving information from
361 the register; and
362 (d) any other information, including blood types and photographs found necessary in
363 furthering the purposes of this part;
- 364 (7) publish a quarterly directory of missing persons for distribution to persons or
365 entities likely to be instrumental in the identification and location of missing persons;
- 366 (8) list the name of every missing person with the appropriate nationally maintained

367 missing persons lists;

368 (9) establish and operate a 24-hour communication network for reports of missing
369 persons and reports of sightings of missing persons;

370 (10) coordinate with the National Center for Missing and Exploited Children and other
371 agencies to facilitate the identification and location of missing persons and the identification of
372 unidentified persons and bodies;

373 (11) receive information regarding missing persons, as provided in Sections 26-2-27
374 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section
375 41-1a-1401;

376 (12) adopt systems of identification, including the fingerprint system, to be used by the
377 division to facilitate law enforcement;

378 (13) assign a distinguishing number or mark of identification to any pistol or revolver,
379 as provided in Section 76-10-520; [~~and~~]

380 (14) check certain criminal records databases for information regarding motor vehicle
381 salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons,
382 and inform the Motor Vehicle Enforcement Division when new entries are made for certain
383 criminal offenses for motor vehicle salespersons in accordance with the requirements of
384 Section 41-3-205.5[~~-~~]; and

385 (15) check certain criminal records databases for information regarding driving
386 privilege card applicants or cardholders and maintain a separate file of fingerprints for driving
387 privilege applicants and cardholders in accordance with the requirements of Section
388 53-3-205.5.

389 Section 6. **Effective date.**

390 This bill takes effect on July 1, 2011.