{deleted text} shows text that was in SB0138 but was deleted in SB0138S01.

inserted text shows text that was not in SB0138 but was inserted into SB0138S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Senator Stephen H. Urguhart proposes the following substitute bill:

DRIVER LICENSE QUALIFICATION AMENDMENTS

2011 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponso	r:
_	

LONG TITLE

General Description:

This bill {amends} modifies the Public Safety Code by amending provisions relating to driver license {and driving privilege card provisions} qualifications.

Highlighted Provisions:

This bill:

- \ \{\text{repeals the use of a temporary identification number (ITIN) issued by the Internal Revenue Service for purposes of obtaining\}\text{requires every applicant for} a driving privilege card \{\text{issued by}\}\text{to submit fingerprints with an application to} \text{ the Driver License Division;}
- ► {expires all} requires a person that renews a driving privilege {cards on December 31, 2011;
- prohibits card to submit fingerprints to the Driver License Division if the person

has not previously submitted fingerprints to the division;

- <u>provides that the Driver License Division shall submit fingerprints for each applicant or cardholder to the Bureau of Criminal Identification;</u>
- <u>requires the Bureau of Criminal Identification to:</u>
 - compare driving privilege card applicant or cardholder fingerprints with certain
 criminal databases; and
 - maintain a separate file of driving privilege applicant and cardholder fingerprints;
- <u>requires</u> the Driver License Division {from issuing a driving privilege card}<u>to:</u>
 - impose the fees that the Bureau of Criminal Identification is authorized to collect for certain services; and
 - remit the fees collected to the Bureau of Criminal Identification; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill {provides an effective date} takes effect on July 1, 2011.

Utah Code Sections Affected:

AMENDS:

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$\{\text{32B-1-102}\((\text{Effective 07/01/11}\)\), as enacted by Laws of Utah 2010, Chapter 276

32B-1-406\((\text{Effective 07/01/11}\)\)\, as enacted by Laws of Utah 2010, Chapter 276

41-1a-110, as last amended by Laws of Utah 2008, Chapter 322

41-1a-1220, as last amended by Laws of Utah 2008, Chapter 322

41-12a-806, as last amended by Laws of Utah 2009, Chapter 322

46-1-2\)\(\frac{53-3-105}{53-3-106}\)\, as last amended by Laws of Utah 2009, Chapter \(\frac{415}{45}\)\(\frac{45}{53-3-102}\)\(\frac{53-3-106}{53-3-205}\)\, as last amended by Laws of Utah 2009, Chapters \(\frac{45}{45}\)\(\frac{315}{315}\)\(\frac{113}{2}\)

53-3-207\((\text{Effective 07/01/11}\)\)\, as last amended by Laws of Utah 2010, Chapter 95

\(\frac{53-3-214}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-214}\)\(\frac{53-10-202}{53-3-21
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53-3-221, as last amended by Laws of Utah 2008, Chapters 322 and 382
58-37c-10, as last amended by Laws of Utah 2008, Chapter 322
63G-11-102, as last amended by Laws of Utah 2010, Chapter 281
76-10-526, as last amended by Laws of Utah 2010, Chapter 62} ENACTS:
53-3-205.5, Utah Code Annotated 1953

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

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

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

The following fees apply under this chapter:

- (1) An original class D license application under Section 53-3-205 is \$25.
- (2) An original provisional license application for a class D license under Section 53-3-205 is \$30.
- (3) An original application for a motorcycle endorsement under Section 53-3-205 is \$9.50.
 - (4) An original application for a taxicab endorsement under Section 53-3-205 is \$7.
 - (5) A learner permit application under Section 53-3-210.5 is \$15.
- (6) A renewal of a class D license under Section 53-3-214 is \$25 unless Subsection(10) applies.
- (7) A renewal of a provisional license application for a class D license under Section 53-3-214 is \$25.
 - (8) A renewal of a motorcycle endorsement under Section 53-3-214 is \$9.50.
 - (9) A renewal of a taxicab endorsement under Section 53-3-214 is \$7.
- (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is \$13.
- (11) An extension of a class D license under Section 53-3-214 is \$20 unless Subsection(15) applies.
- (12) An extension of a provisional license application for a class D license under Section 53-3-214 is \$20.
 - (13) An extension of a motorcycle endorsement under Section 53-3-214 is \$9.50.

- (14) An extension of a taxicab endorsement under Section 53-3-214 is \$7.
- (15) An extension of a class D license for a person 65 and older under Section 53-3-214 is \$11.
- (16) An original or renewal application for a commercial class A, B, or C license or an original or renewal of a provisional commercial class A or B license under Part 4, Uniform Commercial Driver License Act, is:
 - (a) \$40 for the knowledge test; and
 - (b) \$60 for the skills test.
- (17) Each original CDL endorsement for passengers, hazardous material, double or triple trailers, or tankers is \$7.
- (18) An original CDL endorsement for a school bus under Part 4, Uniform Commercial Driver License Act, is \$7.
- (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License Act, is \$7.
 - (20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$20.
 - (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.
 - (21) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.
 - (22) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$18.
 - (23) (a) A license reinstatement application under Section 53-3-205 is \$30.
- (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or combination of alcohol and any drug-related offense is \$35 in addition to the fee under Subsection (23)(a).
- (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under Part 4, Uniform Commercial Driver License Act, is \$170.
 - (b) This administrative fee is in addition to the fees under Subsection (23).
- (25) (a) An administrative fee for providing the driving record of a driver under Section 53-3-104 or 53-3-420 is \$6.
- (b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county, state, or federal agency.

- (26) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.
- (27) (a) Except as provided under Subsections (27)(b) and (c), an identification card application under Section 53-3-808 is \$18.
- (b) An identification card application under Section 53-3-808 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$13.
- (c) A fee may not be charged for an identification card application if the person applying:
 - (i) has not been issued a Utah driver license;
 - (ii) is indigent; and
 - (iii) is at least 18 years of age.
- (28) In addition to any license application fees collected under this chapter, the division shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.

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

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

- (1) There is created within the Transportation Fund a restricted account known as the "Department of Public Safety Restricted Account."
 - (2) The account consists of money generated from the following revenue sources:
 - (a) all money received under this chapter;
- (b) administrative fees received according to the fee schedule authorized under this chapter and Section 63J-1-504; and
 - (c) any appropriations made to the account by the Legislature.
 - (3) (a) The account shall earn interest.
 - (b) All interest earned on account money shall be deposited in the account.
- (4) The expenses of the department in carrying out this chapter shall be provided for by legislative appropriation from this account.
- (5) The amount in excess of \$45 of the fees collected under Subsection 53-3-105(24) shall be appropriated by the Legislature from this account to the department to implement the provisions of Section 53-1-117, except that of the amount in excess of \$45, \$40 shall be

deposited in the State Laboratory Drug Testing Account created in Section 26-1-34.

- (6) All money received under Subsection 41-6a-1406(6)(b)(ii) shall be appropriated by the Legislature from this account to the department to implement the provisions of Section 53-1-117.
- (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000 annually from the account to the state medical examiner appointed under Section 26-4-4 for use in carrying out duties related to highway crash deaths under Subsection 26-4-7(1).
- {(8)}(8) The division shall remit the fees collected under Subsection 53-3-105(28) to the Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.

[(8)] (9) Appropriations to the department from the account are nonlapsing.

\{53-10-202. Criminal identification -- Duties of bureau.

The bureau shall:

- (1) procure and file information relating to identification and activities of persons who:
 - (a) are fugitives from justice;
- (b) are wanted or missing;
- (c) have been arrested for or convicted of a crime under the laws of any state or nation; and
- (d) are believed to be involved in racketeering, organized crime, or a dangerous offense;
- (2) establish a statewide uniform crime reporting system that shall include:
- (a) statistics concerning general categories of criminal activities;
- (b) statistics concerning crimes that exhibit evidence of prejudice based on race, religion, ancestry, national origin, ethnicity, or other categories that the division finds appropriate; and
 - (c) other statistics as required by the Federal Bureau of Investigation;
- (3) make a complete and systematic record and index of the information obtained under this part;
- (4) subject to the restrictions in this part, establish policy concerning the use and dissemination of data obtained under this part;
 - (5) publish an annual report concerning the extent, fluctuation, distribution, and nature

of crime in Utah; (6) establish a statewide central register for the identification and location of missing persons, which may include: (a) identifying data including fingerprints of each missing person; (b) identifying data of any missing person who is reported as missing to a law enforcement agency having jurisdiction; (c) dates and circumstances of any persons requesting or receiving information from the register; and (d) any other information, including blood types and photographs found necessary in furthering the purposes of this part; (7) publish a quarterly directory of missing persons for distribution to persons or entities likely to be instrumental in the identification and location of missing persons; (8) list the name of every missing person with the appropriate nationally maintained missing persons lists; (9) establish and operate a 24-hour communication network for reports of missing persons and reports of sightings of missing persons; (10) coordinate with the National Center for Missing and Exploited Children and other agencies to facilitate the identification and location of missing persons and the identification of unidentified persons and bodies; (11) receive information regarding missing persons, as provided in Sections 26-2-27 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section 41-1a-1401: (12) adopt systems of identification, including the fingerprint system, to be used by the division to facilitate law enforcement; (13) assign a distinguishing number or mark of identification to any pistol or revolver, as provided in Section 76-10-520; and (14) check certain criminal records databases for information regarding motor vehicle salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons, and inform the Motor Vehicle Enforcement Division when new entries are made for certain criminal offenses for motor vehicle salespersons in accordance with the requirements of

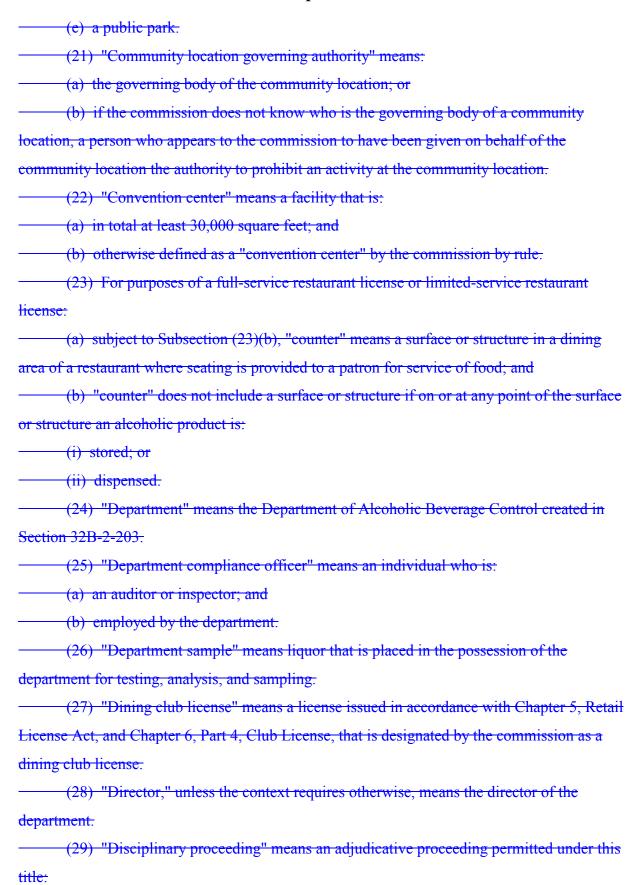
Section 41-3-205.5.

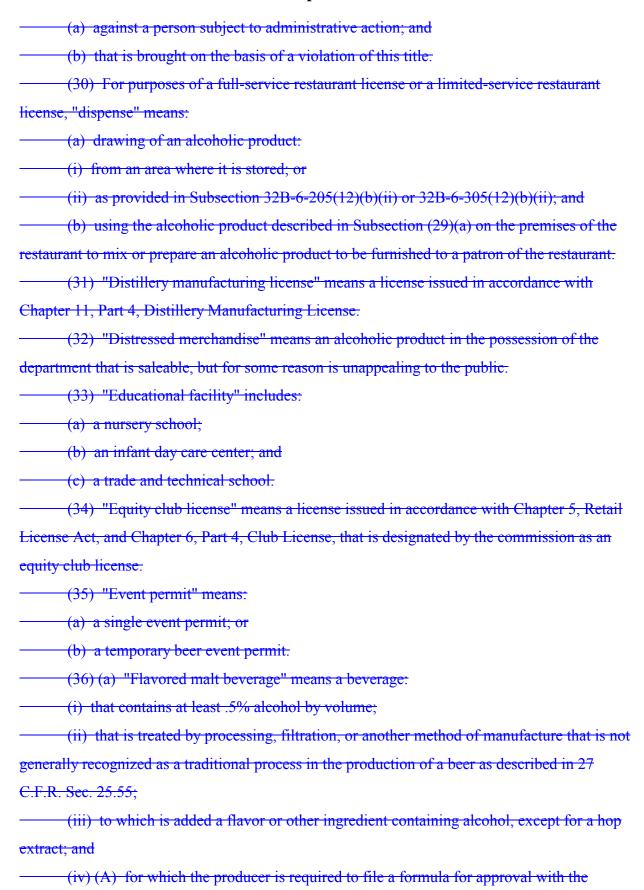
Section 1. Section 32B-1-102 (Effective 07/01/11) is amended to read:
32B-1-102 (Effective 07/01/11). Definitions.
As used in this title:
(1) "Airport lounge" means a business location:
(a) at which an alcoholic product is sold at retail for consumption on the premises; and
(b) that is located at an international airport with a United States Customs office on the
premises of the international airport.
(2) "Airport lounge license" means a license issued in accordance with Chapter 5,
Retail License Act, and Chapter 6, Part 5, Airport Lounge License.
(3) "Alcoholic beverage" means the following:
(a) beer; or
(b) liquor.
(4) (a) "Alcoholic product" means a product that:
(i) contains at least .5% of alcohol by volume; and
(ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol
in an amount equal to or greater than .5% of alcohol by volume.
(b) "Alcoholic product" includes an alcoholic beverage.
(c) "Alcoholic product" does not include any of the following common items that
otherwise come within the definition of an alcoholic product:
(i) except as provided in Subsection (4)(d), an extract;
(ii) vinegar;
(iii) cider;
(iv) essence;
(v) tincture;
(vi) food preparation; or
(vii) an over-the-counter medicine.
(d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
when it is used as a flavoring in the manufacturing of an alcoholic product.
(5) "Alcohol training and education seminar" means a seminar that is:
(a) required by Chapter 5, Part 4, Alcohol Training and Education Act; and

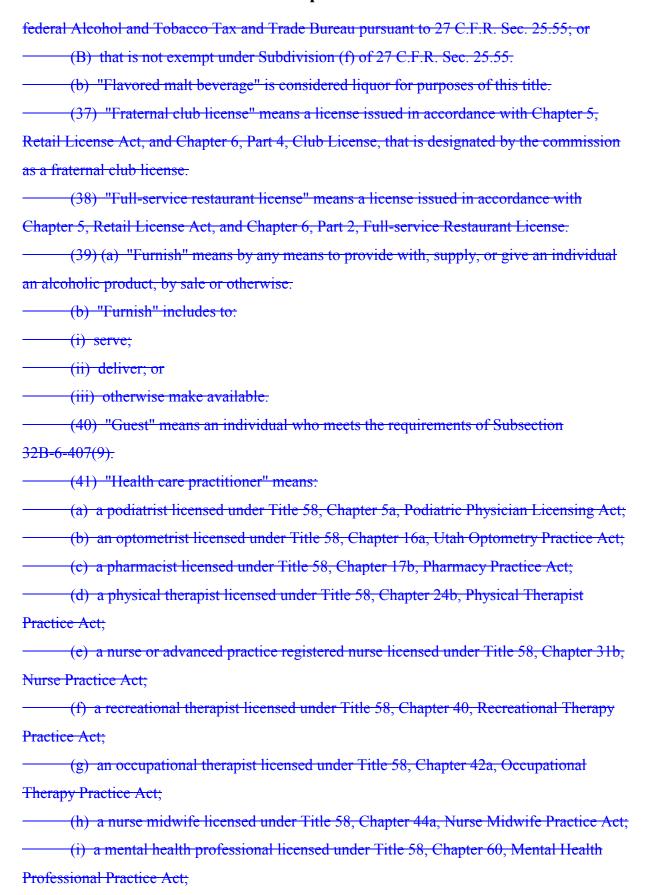
(b) described in Section 62A-15-401.
(6) "Banquet" means an event:
(a) that is held at one or more designated locations approved by the commission in o
on the premises of a:
(i) hotel;
(ii) resort facility;
(iii) sports center; or
(iv) convention center;
(b) for which there is a contract:
(i) between a person operating a facility listed in Subsection (6)(a) and another person
and
(ii) under which the person operating a facility listed in Subsection (6)(a) is required
provide an alcoholic product at the event; and
(c) at which food and alcoholic products may be sold, offered for sale, or furnished.
(7) (a) Subject to Subsection (7)(b), "bar" means a counter or similar structure:
(i) at which an alcoholic product is:
(A) stored; or
(B) dispensed; or
(ii) from which an alcoholic product is served.
(b) For purposes of a full-service restaurant license or a limited-service restaurant
license, "bar structure" means a surface or structure on the premises of a restaurant if on or a
any place of the surface or structure an alcoholic product is:
(i) stored; or
(ii) dispensed.
(8) (a) Subject to Subsection (8)(d), "beer" means a product that:
(i) contains at least .5% of alcohol by volume, but not more than 4% of alcohol by
volume or 3.2% by weight; and
(ii) is obtained by fermentation, infusion, or decoction of malted grain.
(b) "Beer" may or may not contain hops or other vegetable products.
(c) "Beer" includes a product that:
(i) contains alcohol in the percentages described in Subsection (8)(a): and

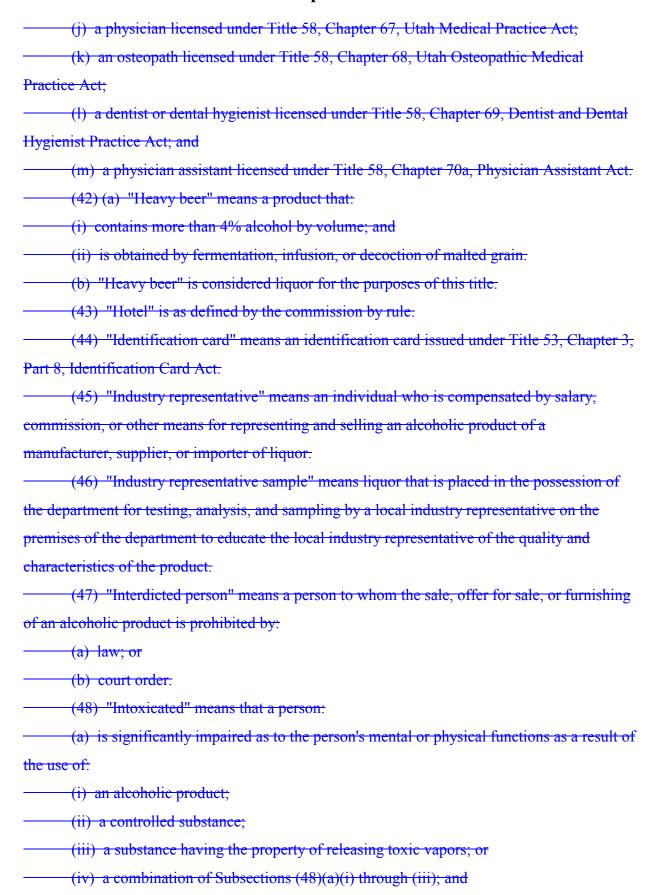
(ii) is referred to as:
(A) beer;
(B) ale;
(C) porter;
(D) stout;
(E) lager; or
(F) a malt or malted beverage.
(d) "Beer" does not include a flavored malt beverage.
(9) "Beer retailer" means a business:
(a) that is engaged, primarily or incidentally, in the retail sale of beer to a patron,
whether for consumption on or off the business premises; and
(b) to whom a license is issued:
(i) for an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-premise
Beer Retailer Local Authority; or
(ii) for an on-premise beer retailer, in accordance with Chapter 5, Retail License Act
and Chapter 6, Part 7, On-premise Beer Retailer License.
(10) "Beer wholesaling license" means a license:
(a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
(b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more
retail licensees or off-premise beer retailers.
(11) "Billboard" means a public display used to advertise, including:
(a) a light device;
(b) a painting;
(c) a drawing;
(d) a poster;
(e) a sign;
(f) a signboard; or
(g) a scoreboard.
(12) "Brewer" means a person engaged in manufacturing:
(a) beer;
(b) heavy beer; or

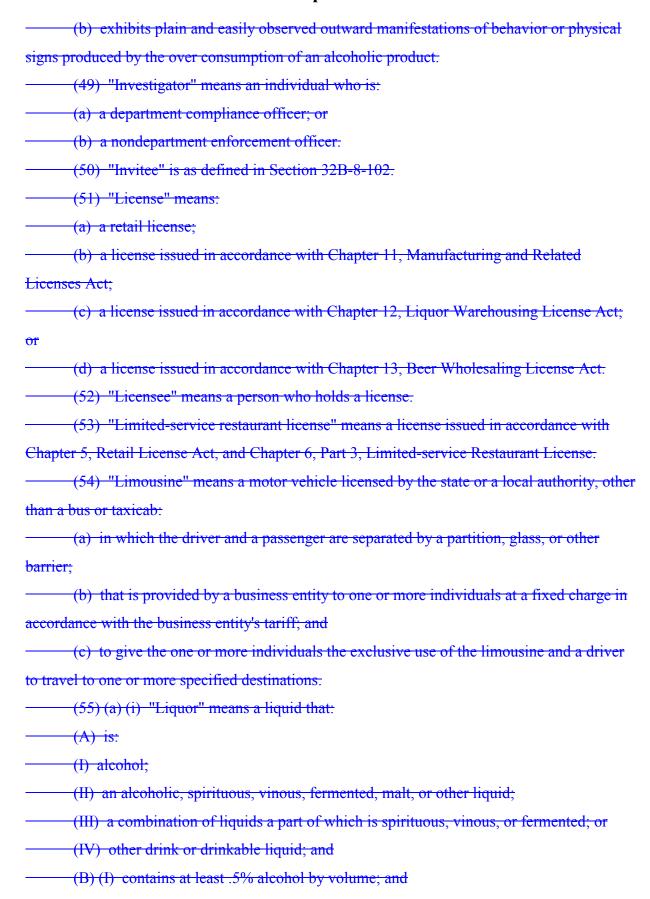
(c) a flavored malt beverage.
(13) "Brewery manufacturing license" means a license issued in accordance with
Chapter 11, Part 5, Brewery Manufacturing License.
(14) "Certificate of approval" means a certificate of approval obtained from the
department under Subsection 32B-11-201(4).
(15) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by
a bus company to a group of persons pursuant to a common purpose:
(a) under a single contract;
(b) at a fixed charge in accordance with the bus company's tariff; and
(c) to give the group of persons the exclusive use of the passenger bus, coach, or other
motor vehicle, and a driver to travel together to one or more specified destinations.
(16) "Church" means a building:
(a) set apart for worship;
(b) in which religious services are held;
(c) with which clergy is associated; and
(d) that is tax exempt under the laws of this state.
(17) (a) "Club license" means a license issued in accordance with Chapter 5, Retail
License Act, and Chapter 6, Part 4, Club License.
(b) "Club license" includes:
(i) a dining club license;
(ii) an equity club license;
(iii) a fraternal club license; or
(iv) a social club license.
(18) "Commission" means the Alcoholic Beverage Control Commission created in
Section 32B-2-201.
(19) "Commissioner" means a member of the commission.
(20) "Community location" means:
(a) a public or private school;
(b) a church;
(c) a public library;
(d) a public playground; or







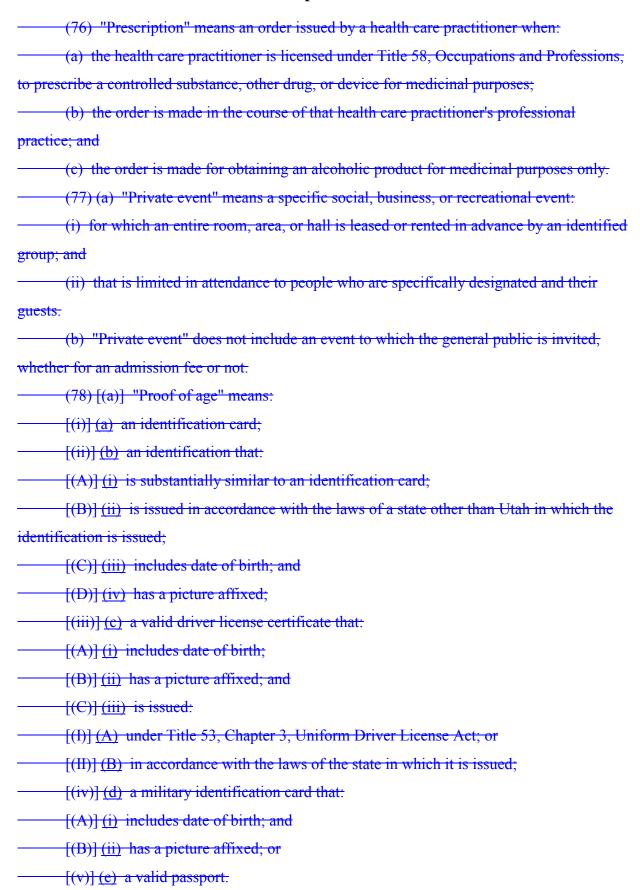




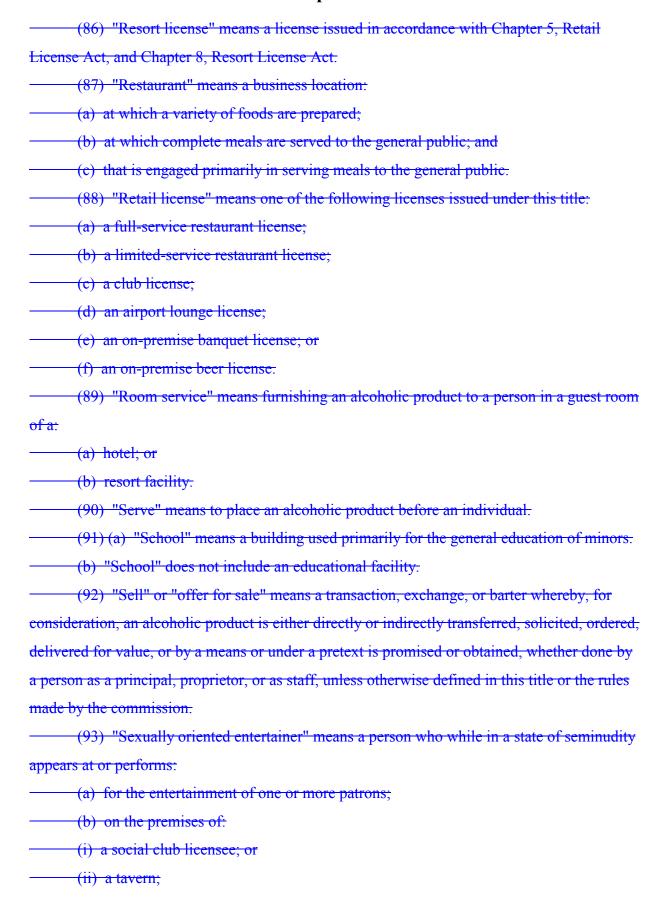
(II) is suitable to use for beverage purposes.
(ii) "Liquor" includes:
(A) heavy beer;
(B) wine; and
(C) a flavored malt beverage.
(b) "Liquor" does not include beer.
(56) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
(57) "Liquor warehousing license" means a license that is issued:
(a) in accordance with Chapter 12, Liquor Warehousing License Act; and
(b) to a person, other than a licensed manufacturer, who engages in the importation for
storage, sale, or distribution of liquor regardless of amount.
(58) "Local authority" means:
(a) for premises that are located in an unincorporated area of a county, the governing
body of a county; or
(b) for premises that are located in an incorporated city or a town, the governing body
of the city or town.
(59) "Lounge or bar area" is as defined by rule made by the commission.
(60) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment,
otherwise make an alcoholic product for personal use or for sale or distribution to others.
(61) "Member" means an individual who, after paying regular dues, has full privileges
in an equity club licensee or fraternal club licensee.
(62) (a) "Military installation" means a base, air field, camp, post, station, yard, center
or homeport facility for a ship:
(i) (A) under the control of the United States Department of Defense; or
(B) of the National Guard;
(ii) that is located within the state; and
(iii) including a leased facility.
(b) "Military installation" does not include a facility used primarily for:
(i) civil works;
(ii) a rivers and harbors project; or
(iii) a flood control project.

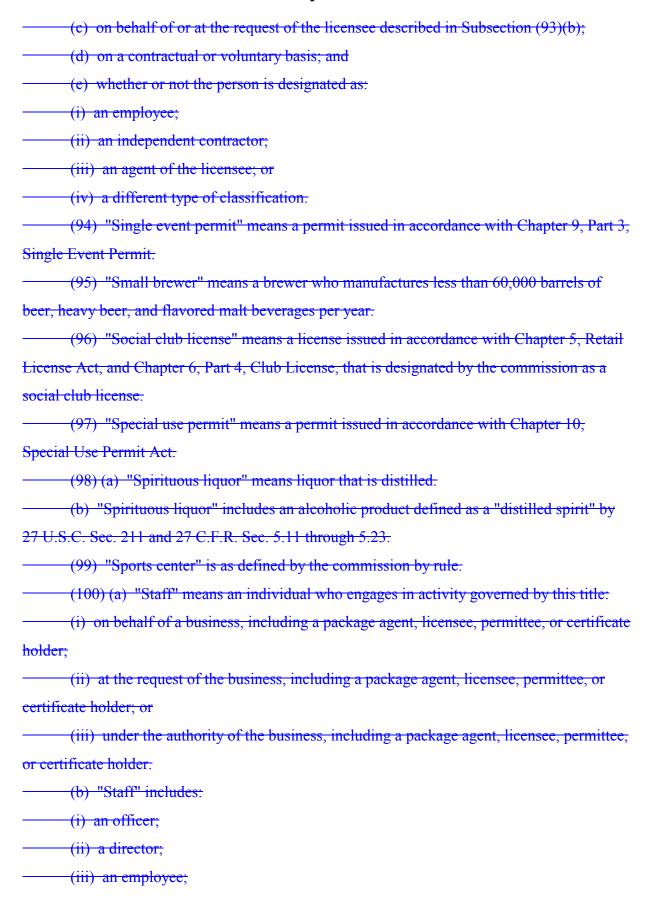
(63) "Minor" means an individual under the age of 21 years.
(64) "Nondepartment enforcement agency" means an agency that:
(a) (i) is a state agency other than the department; or
(ii) is an agency of a county, city, or town; and
(b) has a responsibility to enforce one or more provisions of this title.
(65) "Nondepartment enforcement officer" means an individual who is:
(a) a peace officer, examiner, or investigator; and
(b) employed by a nondepartment enforcement agency.
(66) (a) "Off-premise beer retailer" means a beer retailer who is:
(i) licensed in accordance with Chapter 7, Part 2, Off-premise Beer Retailer Local
Authority; and
(ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
premises.
(b) "Off-premise beer retailer" does not include an on-premise beer retailer.
(67) "On-premise banquet license" means a license issued in accordance with Chapter
5, Retail License Act, and Chapter 6, Part 6, On-premise Banquet License.
(68) "On-premise beer retailer" means a beer retailer who is:
(a) authorized to sell, offer for sale, or furnish beer under a license issued in
accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-premise Beer
License; and
(b) engaged in the sale of beer to a patron for consumption on the beer retailer's
premises, regardless of whether the beer retailer sells beer for consumption off the licensed
premises.
(69) "Package" means any of the following containing an alcoholic product:
(a) a container;
(b) a bottle;
(c) a vessel; or
(d) other receptacle.
(70) "Package agency" means a retail liquor location operated:
(a) under an agreement with the department; and
(b) by a person:

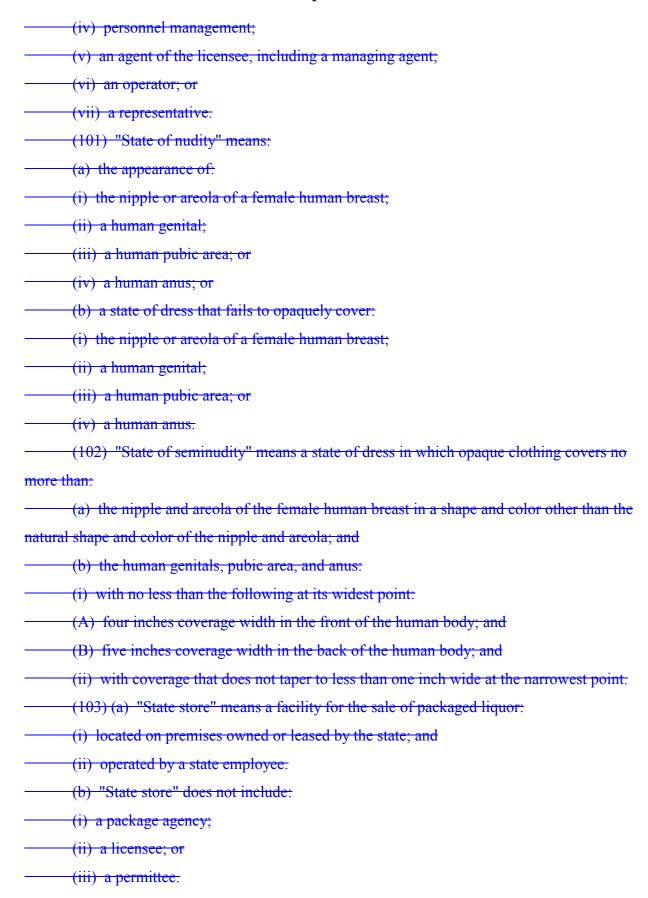
(i) other than the state; and
(ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Packag
Agency, to sell packaged liquor for consumption off the premises of the package agency.
(71) "Package agent" means a person who holds a package agency.
(72) "Patron" means an individual to whom food, beverages, or services are sold,
offered for sale, or furnished, or who consumes an alcoholic product including:
(a) a customer;
(b) a member;
(c) a guest;
(d) an attendee of a banquet or event;
(e) an individual who receives room service;
(f) a resident of a resort;
(g) a public customer under a resort spa sublicense, as defined in Section 32B-8-102;
or
(h) an invitee.
(73) "Permittee" means a person issued a permit under:
(a) Chapter 9, Event Permit Act; or
(b) Chapter 10, Special Use Permit Act.
(74) "Person subject to administrative action" means:
(a) a licensee;
(b) a permittee;
(c) a manufacturer;
(d) a supplier;
(e) an importer;
(f) an out-of-state brewer holding a certificate of approval; or
(g) staff of:
(i) a person listed in Subsections (74)(a) through (g); or
(ii) a package agent.
(75) "Premises" means a building, enclosure, or room used in connection with the
storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,
unless otherwise defined in this title or rules made by the commission.

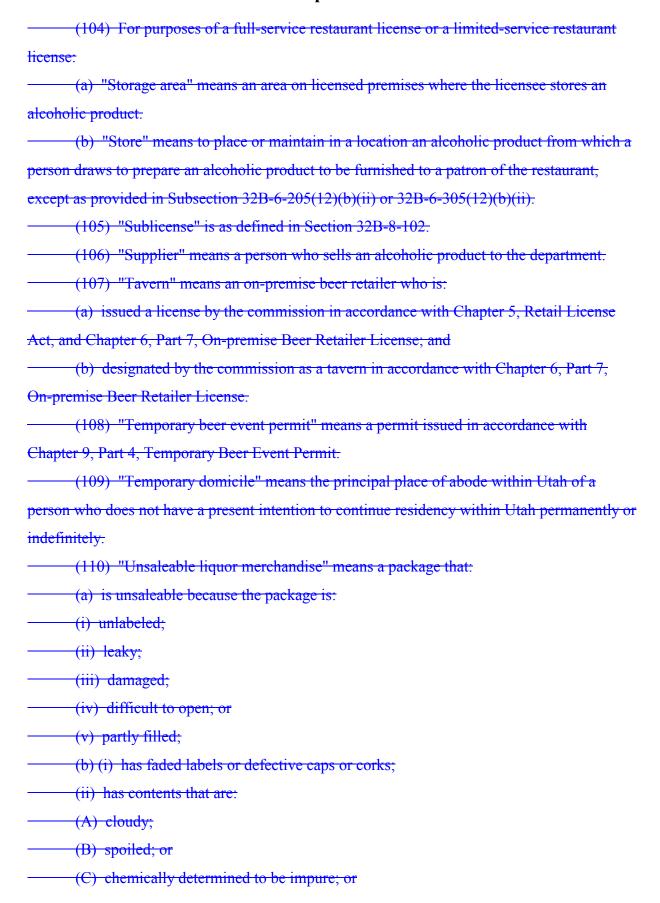


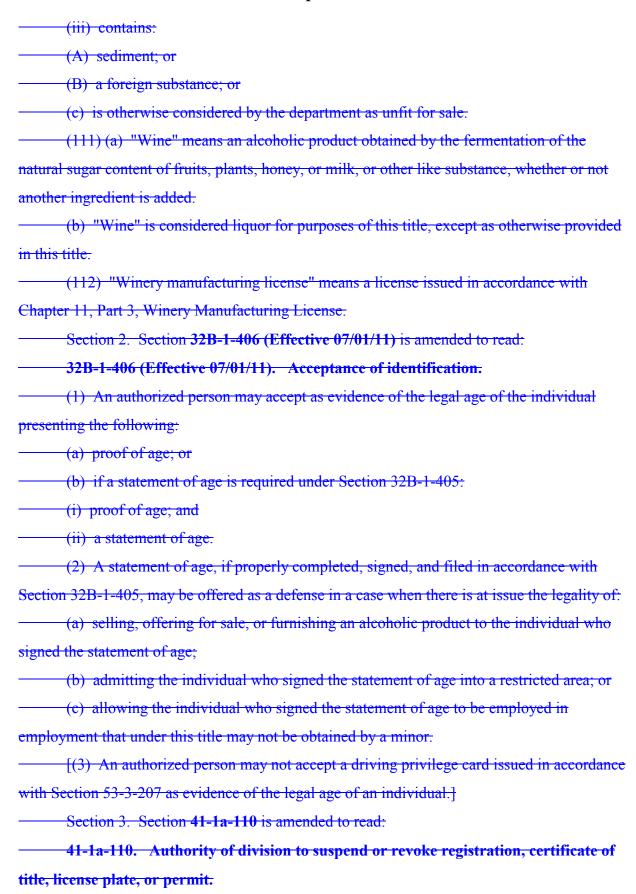
[(b) "Proof of age" does not include a driving privilege card issued in accordance w	itl
Section 53-3-207.]	
(79) (a) "Public building" means a building or permanent structure that is:	
(i) owned or leased by:	
(A) the state; or	
(B) a local government entity; and	
(ii) used for:	
(A) public education;	
(B) transacting public business; or	
(C) regularly conducting government activities.	
(b) "Public building" does not include a building owned by the state or a local	
government entity when the building is used by a person, in whole or in part, for a proprieta	ıry
function.	
(80) "Public conveyance" means a conveyance to which the public or a portion of the	1e
public has access to and a right to use for transportation, including an airline, railroad, bus,	
boat, or other public conveyance.	
(81) (a) "Record" means information that is:	
(i) inscribed on a tangible medium; or	
(ii) stored in an electronic or other medium and is retrievable in a perceivable form.	-
(b) "Record" includes:	
(i) a book;	
(ii) a book of account;	
(iii) a paper;	
(iv) a contract;	
(v) an agreement;	
(vi) a document; or	
(vii) a recording in any medium.	
(82) "Residence" means a person's principal place of abode within Utah.	
(83) "Resident," in relation to a resort, is as defined in Section 32B-8-102.	
(84) "Resort" is as defined in Section 32B-8-102.	
(85) "Resort facility" is as defined by the commission by rule.	





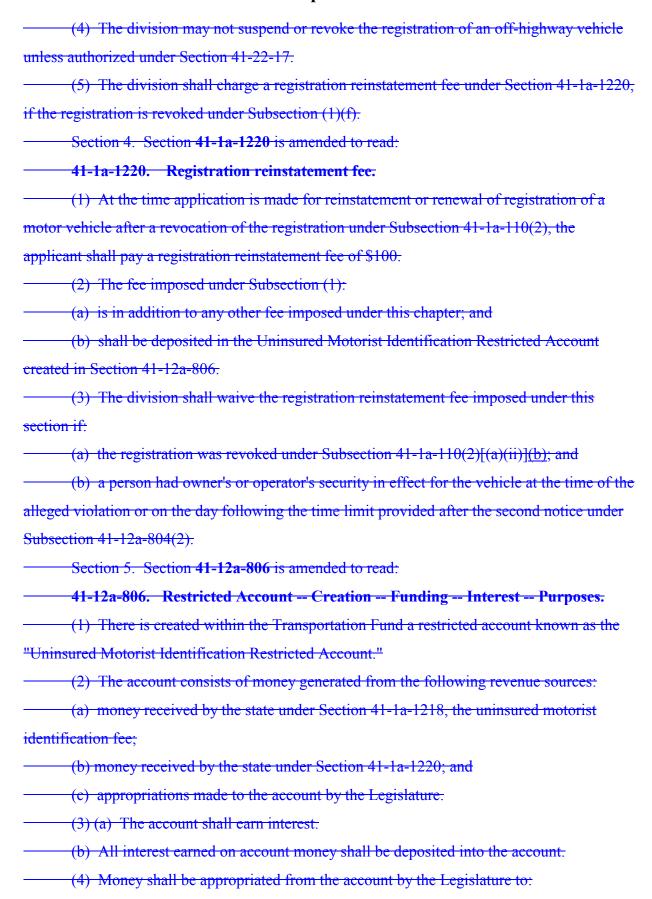


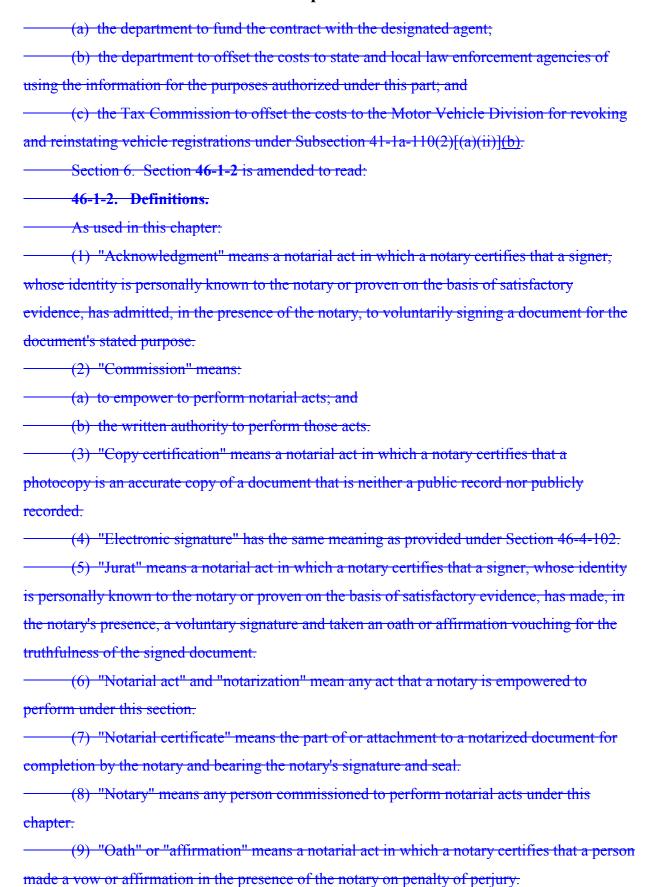


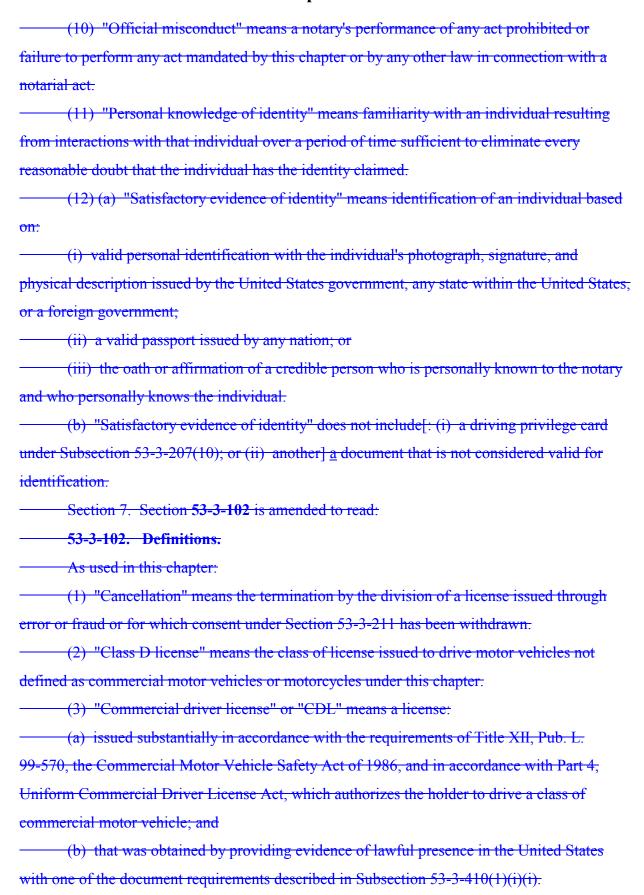


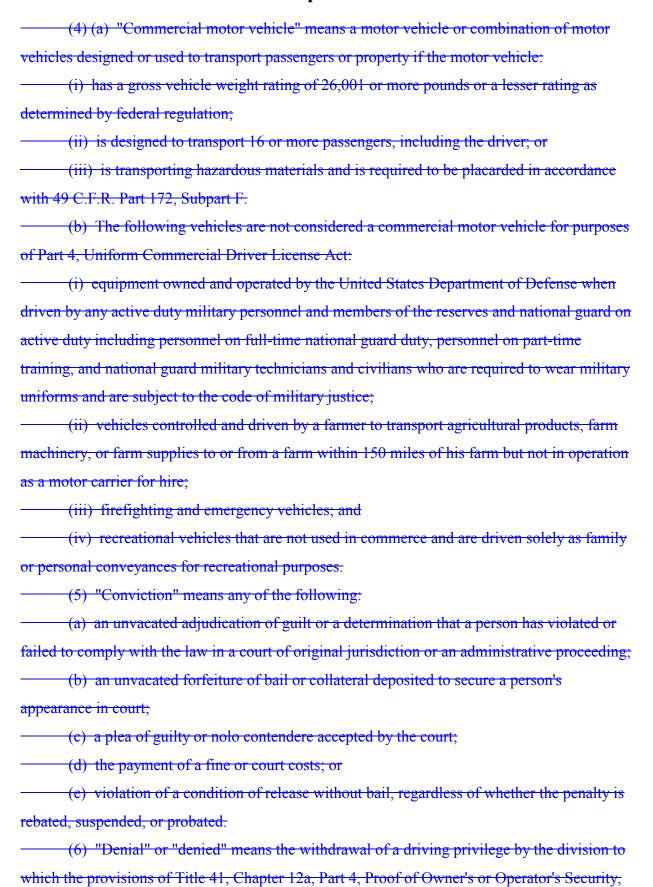
(1) Except as provided in Subsections (3) and (4), the division may suspend or revoke a registration, certificate of title, license plate, or permit if: (a) the division is satisfied that a registration, certificate of title, license plate, or permit was fraudulently procured or erroneously issued; (b) the division determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways; (c) a registered vehicle has been dismantled; (d) the division determines that the required fee has not been paid and the fee is not paid upon reasonable notice and demand; (e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle other than the one for which issued; (f) the division determines that the owner has committed any offense under this chapter involving the registration, certificate of title, registration card, license plate, registration decal, or permit; or (g) the division receives notification by the Department of Transportation that the owner has committed any offence under Title 72, Chapter 9, Motor Carrier Safety Act. (2) [(a)] The division shall revoke the registration of a vehicle if the division receives notification by the: [(i)] (a) Department of Public Safety that a person: [(A)] (i) has been convicted of operating a registered motor vehicle in violation of Section 41-12a-301 or 41-12a-303.2; or [(B)] (ii) is under an administrative action taken by the Department of Public Safety for operating a registered motor vehicle in violation of Section 41-12a-301; or (ii) (b) designated agent that the owner of a motor vehicle: [(A)] (i) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after the second notice provided under Section 41-12a-804; or [(B)] (ii) provided a false or fraudulent statement to the designated agent. [(b) The division shall notify the Driver License Division if the division revokes the registration of a vehicle under Subsection (2)(a)(ii)(A).] (3) The division may not suspend or revoke the registration of a vessel or outboard

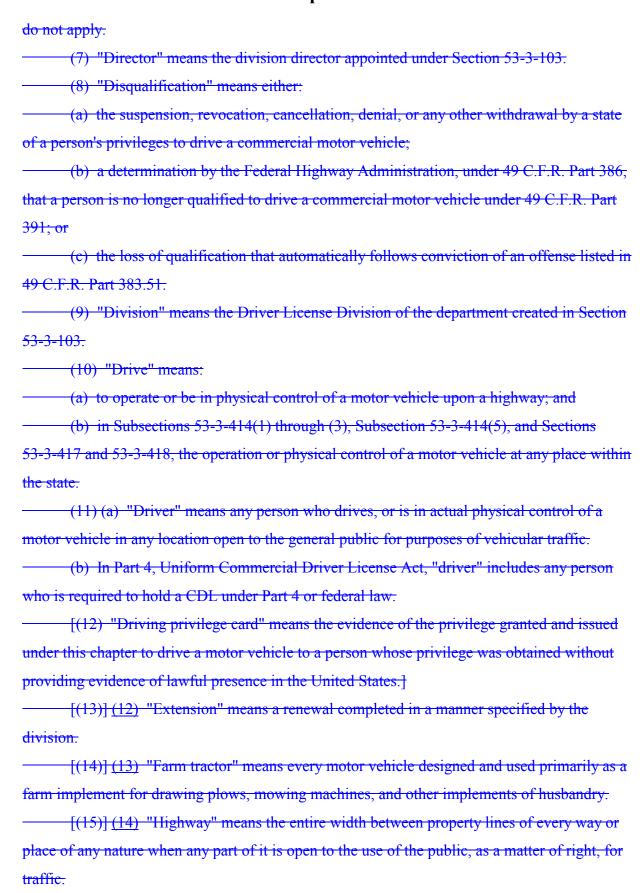
motor unless authorized under Section 73-18-7.3.

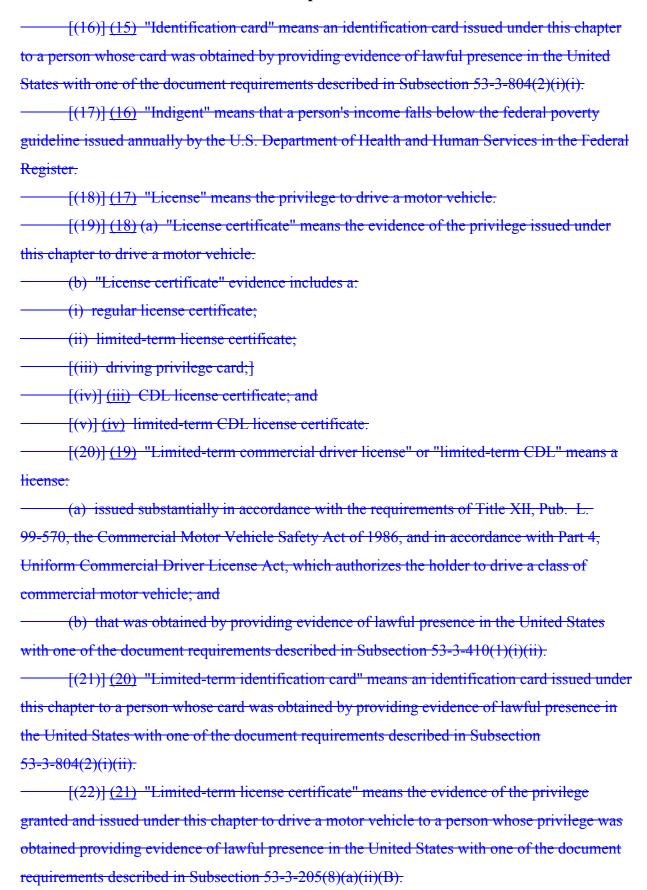












- -[(23)] (22) "Motorboat" has the same meaning as provided under Section 73-18-2. [(24)] (23) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground. [(25)] (24) "Office of Recovery Services" means the Office of Recovery Services, created in Section 62A-11-102. [(26)] (25) (a) "Owner" means a person other than a lienholder having an interest in the property or title to a vehicle. (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security. [(27)] (26) "Regular license certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(A). [(28)] (27) "Renewal" means to validate a license certificate so that it expires at a later date. [(29)] (28) "Reportable violation" means an offense required to be reported to the division as determined by the division and includes those offenses against which points are assessed under Section 53-3-221. [(30)] (29) (a) "Resident" means an individual who: (i) has established a domicile in this state, as defined in Section 41-1a-202, or regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year; (ii) engages in a trade, profession, or occupation in this state, or who accepts employment in other than seasonal work in this state, and who does not commute into the state; (iii) declares himself to be a resident of this state by obtaining a valid Utah driver license certificate or motor vehicle registration; or (iv) declares himself a resident of this state to obtain privileges not ordinarily extended to nonresidents, including going to school, or placing children in school without paying nonresident tuition or fees.
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(b) "Resident" does not include any of the following:

- (i) a member of the military, temporarily stationed in this state; (ii) an out-of-state student, as classified by an institution of higher education, regardless of whether the student engages in any type of employment in this state; (iii) a person domiciled in another state or country, who is temporarily assigned in this state, assigned by or representing an employer, religious or private organization, or a governmental entity; or (iv) an immediate family member who resides with or a household member of a person listed in Subsections [(30)] (29)(b)(i) through (iii). [(31)] (30) "Revocation" means the termination by action of the division of a licensee's privilege to drive a motor vehicle. [(32)] (31) (a) "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students to and from home and school, or to and from school sponsored events. (b) "School bus" does not include a bus used as a common carrier as defined in Section 59-12-102. [(33)] (32) "Suspension" means the temporary withdrawal by action of the division of a licensee's privilege to drive a motor vehicle. [(34)] (33) "Taxicab" means any class D motor vehicle transporting any number of passengers for hire and that is subject to state or federal regulation as a taxi.
 - Section 8 Section 3. Section 53-3-205 is amended to read:
- 53-3-205. Application for license or endorsement -- Fee required -- Tests --Expiration dates of licenses and endorsements -- Information required -- Previous licenses surrendered -- Driving record transferred from other states -- Reinstatement --Fee required -- License agreement.
- (1) An application for any original license, provisional license, or endorsement shall be:
 - (a) made upon a form furnished by the division; and
 - (b) accompanied by a nonrefundable fee set under Section 53-3-105.
- (2) An application and fee for an original provisional class D license or an original class D license entitle the applicant to:
 - (a) not more than three attempts to pass both the knowledge and the skills tests for a

class D license within six months of the date of the application;

- (b) a learner permit if needed pending completion of the application and testing process; and
 - (c) an original class D license and license certificate after all tests are passed.
- (3) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:
- (a) not more than three attempts to pass both the knowledge and skills tests within six months of the date of the application;
 - (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
 - (c) a motorcycle or taxicab endorsement when all tests are passed.
- (4) An application and fees for a commercial class A, B, or C license entitle the applicant to:
- (a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months of the date of the application;
- (b) a commercial driver instruction permit if needed after the knowledge test is passed; and
- (c) an original commercial class A, B, or C license and license certificate when all applicable tests are passed.
 - (5) An application and fee for a CDL endorsement entitle the applicant to:
- (a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months of the date of the application; and
 - (b) a CDL endorsement when all tests are passed.
- (6) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement test within the number of attempts provided in Subsection (4) or (5), each test may be taken two additional times within the six months for the fee provided in Section 53-3-105.
- (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license expires on the birth date of the applicant in the fifth year following the year the license certificate was issued.
- (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension to a license expires on the birth date of the licensee in the fifth year following the expiration date of the license certificate renewed or extended.

- (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on the same date as the last license certificate issued.
- (d) An endorsement to a license expires on the same date as the license certificate regardless of the date the endorsement was granted.
- (e) A regular license certificate and any endorsement to the regular license certificate held by a person ordered to active duty and stationed outside Utah in any of the armed forces of the United States or by an immediate family member or dependent who is residing outside of the state, which expires during the time period the person is stationed outside of the state, is valid until 90 days after the person's orders have been terminated or the person has been discharged, unless:
- (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or
 - (ii) the licensee updates the information or photograph on the license certificate.
- (f) A limited-term license certificate or a renewal to a limited-term license certificate expires:
- (i) on the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided under this Subsection (7), whichever is sooner; or
- (ii) on the birth date of the applicant in the first year following the year that the limited-term license certificate was issued if there is no definite end to the individual's period of authorized stay.
- (g) A driving privilege card issued or renewed {{}} under Section 53-3-207 expires on the birth date of the applicant in the first year following the year that the driving privilege card was issued or renewed{{}} by the division expires on December 31, 2011}.
- (h) An original license or a renewal to an original license expires on the birth date of the applicant in the first year following the year that the license was issued if the applicant is required to register as a sex offender under Section 77-27-21.5.
- (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative Procedures Act, for requests for agency action, each applicant shall:
 - (i) provide the applicant's:
 - (A) full legal name;
 - (B) birth date;

- (C) gender;
- (D) (I) documentary evidence of the applicant's valid Social Security number;
- (II) written proof that the applicant is ineligible to receive a Social Security number; {
 or}
- {{}}(III) temporary identification number (ITIN) issued by the Internal Revenue Service for a person who:{{}}
 - {{}}(Aa) does not qualify for a Social Security number; and {{}}
 - (Bb) is applying for a driving privilege card; or
 - (IV) (III) other documentary evidence approved by the division; [and]
- (E) Utah residence address as documented by a form or forms acceptable under rules made by the division under Section 53-3-104, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b); and
- (F) submit fingerprints in accordance with Section 53-3-205.5 if the person is applying for a driving privilege card;
- (ii) provide evidence of the applicant's lawful presence in the United States by providing documentary evidence:
 - (A) that a person is:
 - (I) a United States citizen;
 - (II) a national; or
 - (III) a legal permanent resident alien; or
 - (B) of the applicant's:
- (I) unexpired immigrant or nonimmigrant visa status for admission into the United States;
 - (II) pending or approved application for asylum in the United States;
 - (III) admission into the United States as a refugee;
- (IV) pending or approved application for temporary protected status in the United States;
 - (V) approved deferred action status; or
- (VI) pending application for adjustment of status to legal permanent resident or conditional resident;
 - (iii) provide a description of the applicant;

- (iv) state whether the applicant has previously been licensed to drive a motor vehicle and, if so, when and by what state or country;
- (v) state whether the applicant has ever had any license suspended, cancelled, revoked, disqualified, or denied in the last 10 years, or whether the applicant has ever had any license application refused, and if so, the date of and reason for the suspension, cancellation, revocation, disqualification, denial, or refusal;
- (vi) state whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- (vii) state whether the applicant is required to register as a sex offender under Section 77-27-21.5;
- (viii) state whether the applicant is a military veteran and does or does not authorize sharing the information with the state Department of Veterans' Affairs;
 - (ix) provide all other information the division requires; and
- (x) sign the application which signature may include an electronic signature as defined in Section 46-4-102.
- (b) Each applicant shall have a Utah residence address, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b).
- (c) Each applicant shall provide evidence of lawful presence in the United States in accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
 - (d) The division shall maintain on its computerized records an applicant's:
 - (i) (A) Social Security number; { or}
 - (B) temporary identification number (ITIN); or
- $\{\{\}\}$ other number assigned by the division if Subsection $\{\}\}$ $\{\}\}$ applies; and
- (ii) indication whether the applicant is required to register as a sex offender under Section 77-27-21.5.
- (9) The division shall require proof of every applicant's name, birthdate, and birthplace by at least one of the following means:
 - (a) current license certificate;
 - (b) birth certificate;
 - (c) Selective Service registration; or

- (d) other proof, including church records, family Bible notations, school records, or other evidence considered acceptable by the division.
- (10) (a) Except as provided in Subsection (10)(b), when an applicant receives a license in another class, all previous license certificates shall be surrendered and canceled.
- (b) A disqualified commercial license may not be canceled unless it expires before the new license certificate is issued.
- (11) (a) When an application is received from a person previously licensed in another state to drive a motor vehicle, the division shall request a copy of the driver's record from the other state.
- (b) When received, the driver's record becomes part of the driver's record in this state with the same effect as though entered originally on the driver's record in this state.
- (12) An application for reinstatement of a license after the suspension, cancellation, disqualification, denial, or revocation of a previous license shall be accompanied by the additional fee or fees specified in Section 53-3-105.
- (13) A person who has an appointment with the division for testing and fails to keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105.
- (14) A person who applies for an original license or renewal of a license agrees that the person's license is subject to any suspension or revocation authorized under this title or Title 41, Motor Vehicles.
- (15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by the licensee in accordance with division rule.
- (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-102, the names and addresses of all persons who under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.
 - (ii) An organ procurement organization may use released information only to:
 - (A) obtain additional information for an anatomical gift registry; and
 - (B) inform licensees of anatomical gift options, procedures, and benefits.
- (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans' Affairs the names

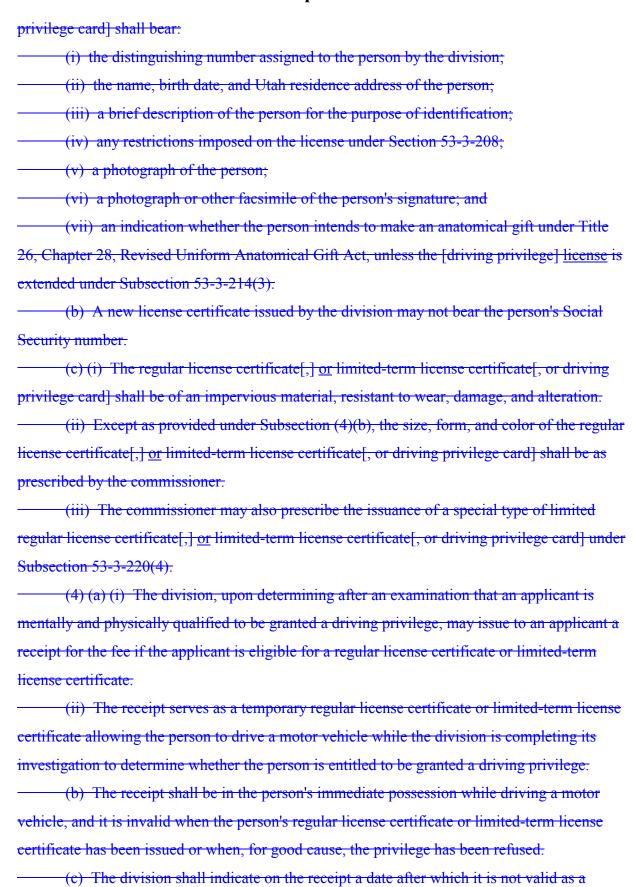
and addresses of all persons who indicate their status as a veteran under Subsection (8)(a)(viii).

- (17) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection (8)(a)(vi) or(viii), for direct or indirect:
 - (a) loss;
 - (b) detriment; or
 - (c) injury.
- (18) A person who knowingly fails to provide the information required under Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

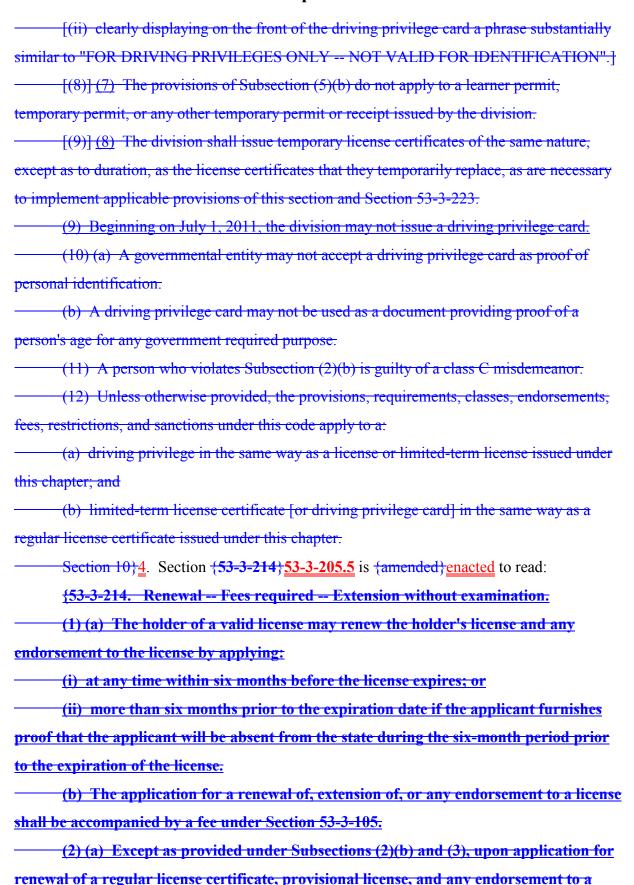
Section {9. Section 53-3-207 (Effective 07/01/11) is amended to read:

53-3-207 (Effective 07/01/11). License certificates issued to drivers by class of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.

- (1) As used in this section:
- (a) "driving privilege" means the privilege granted under this chapter to drive a motor vehicle;
- (b) "governmental entity" means the state and its political subdivisions as defined in this Subsection (1);
- (c) "political subdivision" means any county, city, town, school district, public transit district, community development and renewal agency, special improvement or taxing district, local district, special service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public corporation; and
- (d) "state" means this state, and includes any office, department, agency, authority, commission, board, institution, hospital, college, university, children's justice center, or other instrumentality of the state.
- (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a regular license certificate[,] or a limited-term license certificate[, or a driving privilege card] indicating the type or class of motor vehicle the person may drive.
- (b) A person may not drive a class of motor vehicle unless granted the privilege in that class.
- (3) (a) Every regular license certificate[,] or limited-term license certificate[, or driving



temporary license. f(d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a receipt that serves as a temporary driving privilege card or other temporary permit to an applicant for a driving privilege card. f(ii) The division may issue a learner permit issued in accordance with Section 53-3-210.5 to an applicant for a driving privilege card. (5) (a) The division shall distinguish learner permits, temporary permits, regular license certificates, and limited-term license certificates[, and driving privilege cards] issued to any person younger than 21 years of age by use of plainly printed information or the use of a color or other means not used for other regular license certificates[,] or limited-term license certificates[, or driving privilege cards]. (b) The division shall distinguish a regular license certificate[,] or limited-term license certificate[, or driving privilege card] issued to any person: (i) younger than 21 years of age by use of a portrait-style format not used for other regular license certificates[,] or limited-term license certificates[, or driving privilege cards] and by plainly printing the date the regular license certificate[,] or limited-term license certificate[, or driving privilege card] holder is 21 years of age, which is the legal age for purchasing an alcoholic beverage or alcoholic product under Section 32B-14-403; and (ii) younger than 19 years of age, by plainly printing the date the regular license certificate[,] or limited-term license certificate[, or driving privilege card] holder is 19 years of age, which is the legal age for purchasing tobacco products under Section 76-10-104. (6) The division shall distinguish a limited-term license certificate by clearly indicating on the document: (a) that it is temporary; and (b) its expiration date. (7) (a) The division shall only issue a driving privilege card to a person whose privilege was obtained without providing evidence of lawful presence in the United States as required under Subsection 53-3-205(8).] [(b) The division shall distinguish a driving privilege card from a license certificate by: [(i) use of a format, color, font, or other means; and]



regular license certificate, the division shall reexamine each applicant as if for an original license and endorsement to the license, if applicable. (b) Except as provided under Subsection (2)(c), upon application for renewal of a limited-term license certificate, limited-term provisional license certificate, and any endorsement to a limited-term license certificate, the division shall: (i) reexamine each applicant as if for an original limited-term license certificate and endorsement to the limited-term license certificate, if applicable; and (ii) verify through valid documentary evidence that the status by which the individual originally qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security. (c) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle. (3) (a) Except as provided under Subsections (3)(b) and (c), the division may extend a regular license certificate, any endorsement to the regular license certificate, a provisional license, and any endorsement to a provisional license for five years without examination for licensees whose driving records for the five years immediately preceding the determination of eligibility for extension show: (i) no suspensions; (ii) no revocations; (iii) no conviction for reckless driving under Section 41-6a-528; and (iv) no more than four reportable violations in the preceding five years. (b) Except as provided in Subsection (3)(g), after the expiration of a regular license certificate, a new regular license certificate and any endorsement to a regular license certificate may not be issued until the person has again passed the tests under Section 53-3-206 and paid the required fee. (c) After the expiration of a limited-term license certificate, a new limited-term license certificate and any endorsement to a limited-term license certificate may not be issued until the person has: (i) again passed the tests under Section 53-3-206 and paid the required fee; and

- (ii) presented documentary evidence that the status by which the individual originally qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the **United States Department of Homeland Security.** (d) A person 65 years of age or older shall take and pass the eye examination specified in Section 53-3-206. (e) An extension may not be granted to any person: (i) who is identified by the division as having a medical impairment that may represent a hazard to public safety; (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial Driver License Act; or (iii) who is holding a limited-term license certificate[; or]. (iv) who is holding 53-3-205.5. Fingerprint submission required for driving privilege cardholders. (1) (a) Every applicant for a driving privilege card {issued in accordance with Section} 53-3-207.] (f) shall submit fingerprints with the application to the division. (b) A person that renews a driving privilege card shall submit fingerprints to the division if the person has not previously submitted fingerprints to the division. (2) The division shall {allow extensions: (i) by mail or Internet at the appropriate extension fee rate under Section 53-3-105; (ii) only if the applicant qualifies under this section; and (iii) for only one extension. (g) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle. Section 11. Section 53-3-221\submit fingerprints for each person described in
- (3) The Bureau of Criminal Identification shall check the information submitted by the division for a person under Subsection (2) against the applicable state and regional criminal records databases.

Subsection (1) to the Bureau of Criminal Identification established in Section 53-10-201.

(4) The Bureau of Criminal Identification shall maintain a separate file of fingerprints

submitted under Subsection (2).

- (5) In addition to any fees imposed under this chapter, the division shall:
- (a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Subsections (3) and (4); and
- (b) remit the fees collected under Subsection (5)(a) to the Bureau of Criminal Identification.

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

- **{53-3-221.** Offenses which may result in denial, suspension, disqualification, or revocation of license without hearing -- Additional grounds for suspension -- Point system for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.
- (1) By following the emergency procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may immediately deny, suspend, disqualify, or revoke the license of any person without hearing and without receiving a record of the person's conviction of crime when the division has been notified or has reason to believe the person:
- (a) has committed any offenses for which mandatory suspension or revocation of a license is required upon conviction under Section 53-3-220;
- (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person, or serious property damage;
- (c) is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle upon the highways;
- (d) has committed a serious violation of the motor vehicle laws of this state;
- (e) has knowingly acquired, used, displayed, or transferred an item that purports to be an authentic driver license certificate issued by a governmental entity if the item is not an authentic driver license certificate or has permitted an unlawful use of the license as prohibited under Section 53-3-229; or
- (f) has been convicted of serious offenses against traffic laws governing the movement of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard for the safety of other persons on the highways.
- (2) (a) The division may suspend the license of a person under Subsection (1) when the

person has failed to comply with the terms stated on a traffic citation issued in this state, except this Subsection (2) does not apply to highway weight limit violations or violations of law governing the transportation of hazardous materials. (b) This Subsection (2) applies to parking and standing violations only if a court has issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy the terms of the citation. (c) (i) This Subsection (2) may not be exercised unless notice of the pending suspension of the driving privilege has been sent at least 10 days previously to the person at the address provided to the division. (ii) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of a suspension that occurred as a result of failure to comply with the terms stated on a traffic citation. (3) (a) The division may suspend the license of a person under Subsection (1) when the division has been notified by a court that the person has an outstanding unpaid fine, an outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a court. (b) The suspension remains in effect until the division is notified by the court that the order has been satisfied. (c) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of the suspension. (4) The division shall make rules establishing a point system as provided for in this Subsection (4). (a) (i) The division shall assign a number of points to each type of moving traffic violation as a measure of its seriousness. (ii) The points shall be based upon actual relationships between types of traffic violations and motor vehicle traffic accidents. (b) Every person 33-10-202. Criminal identification -- Duties of bureau. The bureau shall: (1) procure and file information relating to identification and activities of persons who:

(a) are fugitives from justice;

(b) are wanted or missing;

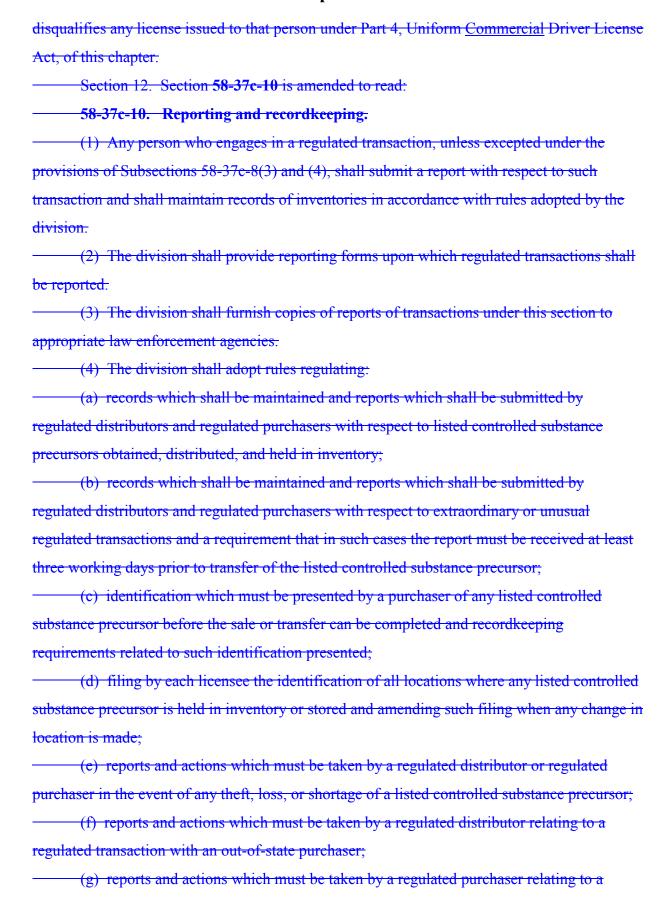
- (c) have been arrested for or convicted of a {traffic violation shall have assessed against the person's driving record the number of points} crime under the laws of any state or nation; and
- (d) are believed to be involved in racketeering, organized crime, or a dangerous offense;
 - (2) establish a statewide uniform crime reporting system that shall include:
 - (a) statistics concerning general categories of criminal activities;
- (b) statistics concerning crimes that exhibit evidence of prejudice based on race, religion, ancestry, national origin, ethnicity, or other categories that the division {has assigned to the type of violation of which the person has been convicted, except that the number of points assessed shall be decreased by 10% if on the abstract of the court record of the conviction the court has graded the severity of violation as minimum, and shall be increased by 10% if on the abstract the court has graded the severity of violation as maximum.
- (c) (i) A separate procedure for assessing points for speeding offenses shall be established by the division based upon the severity of the offense.
- (ii) The severity of a speeding violation shall be graded as:
- (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;
- (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per hour; and
- (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.
- (iii) Consideration shall be made for assessment of no points on minimum speeding violations, except for speeding violations in school zones.
- (d) (i) Points assessed against a person's driving record shall be deleted for violations occurring before a time limit set by the division.
- (ii) The time limit may not exceed three years.
- (iii) The division may also delete points to reward violation-free driving for periods of time set by the division.
- (e) (i) By publication in two newspapers having general circulation throughout the state, the division shall give notice of the number of points it has assigned to each type of traffic violation, the time limit set by the division for the deletion of points, and the point level at which the division will generally take action to deny or suspend under this section.

(ii) The division may not change any} finds appropriate; and (c) other statistics as required by the Federal Bureau of Investigation; (3) make a complete and systematic record and index of the information {provided above regarding points without first giving new notice in the same manner. (5) (a) (i) Upon denying or suspending the license of a person under this section, the division shall immediately notify the licensee in a manner specified by the division and afford him an opportunity for a hearing in the county where the licensee resides. (ii) The hearing shall be documented, and the division or its authorized agent may administer oaths, may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. (iii) One or more members of the division may conduct the hearing, and any decision made after a hearing before any number of the members of the division is as valid as if made after a hearing before the full membership of the division. (iv) After the hearing the division shall either rescind its order of denial or suspension, extend the denial or suspension of the license, or revoke the license. (b) The denial or suspension of the license remains in effect pending qualifications determined by the division regarding a person: (i) whose license has been denied or suspended following reexamination; (ii) who is incompetent to drive a motor vehicle; (iii) who is afflicted with mental or physical infirmities that might make him dangerous on the highways; or (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely. (6) (a) Subject to Subsection (6)(d), the division shall suspend a person's license when the division receives notice from the Office of Recovery Services that the Office of Recovery Services has ordered the suspension of the person's license. (b) A suspension under Subsection (6)(a) shall remain in effect until the division receives notice from the Office of Recovery Services that the Office of Recovery Services has rescinded the order of suspension. (c) After an order of suspension is rescinded under Subsection (6)(b), a report authorized by Section 53-3-104 may not contain any evidence of the suspension. (d) (i) If the division suspends a person's license under this Subsection (6), the division

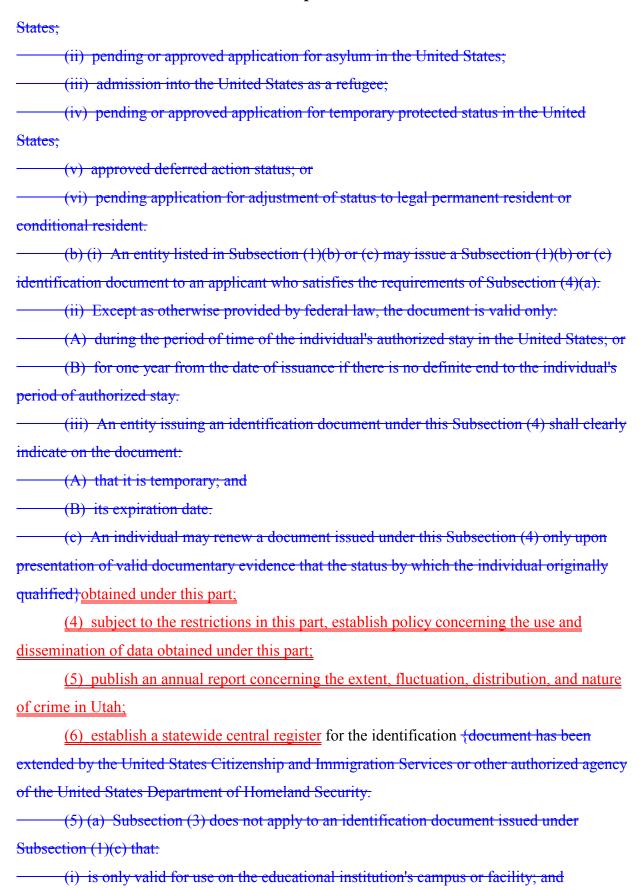
shall, upon application, issue a temporary limited driver license to the person if that person needs a driver license for employment, education, or child visitation. (ii) The temporary limited driver license described in this section: (A) shall provide that the person may operate a motor vehicle only for the purpose of driving to or from the person's place of employment, education, or child visitation; (B) shall prohibit the person from driving a motor vehicle for any purpose other than a purpose described in Subsection (6)(d)(ii)(A); and (C) shall expire 90 days after the day on which the temporary limited driver license is issued. (iii) (A) During the period beginning on the day on which a temporary limited driver license is issued under this Subsection (6), and ending on the day that the temporary limited driver license expires, the suspension described in this Subsection (6) only applies if the person who is suspended operates a motor vehicle for a purpose other than employment, education, or child visitation. (B) Upon expiration of a temporary limited driver license described in this Subsection $\frac{(6)(d)}{(6)}$ (I) a suspension described in Subsection (6)(a) shall be in full effect until the division receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any reason. (iv) The division is not required to issue a limited driver license to a person under this Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver license. (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this part. (7) (a) The division may suspend or revoke the license of any resident of this state upon receiving notice of the conviction of that person in another state of an offense committed there that, if committed in this state, would be grounds for the suspension or revocation of a license. (b) The division may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws

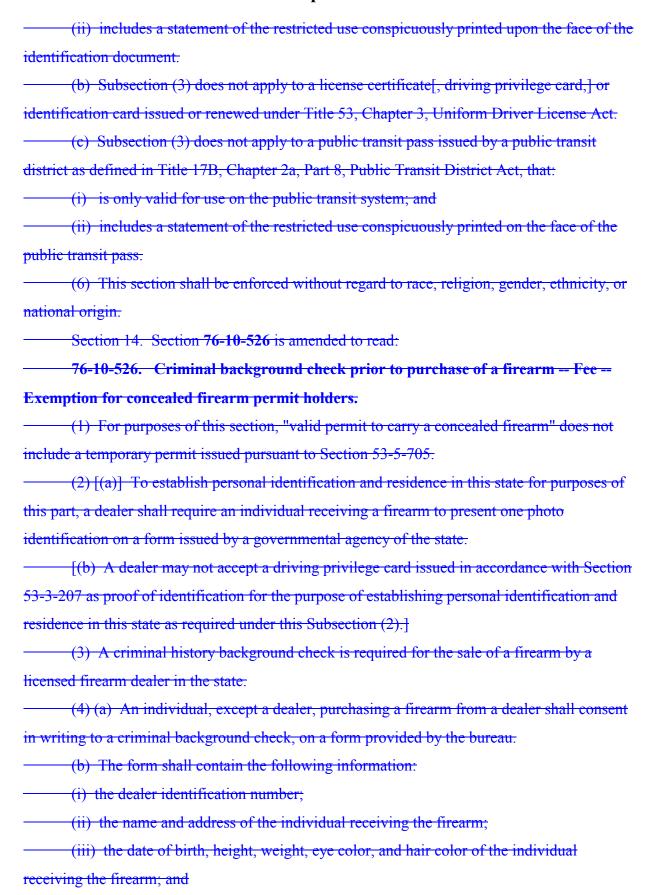
of this state, forward a certified copy of the record to the motor vehicle administrator in the state where the person convicted is a resident. (8) (a) The division may suspend or revoke the license of any nonresident to drive a motor vehicle in this state for any cause for which the license of a resident driver may be suspended or revoked. (b) Any nonresident who drives a motor vehicle upon a highway when the person's license has been suspended or revoked by the division is guilty of a class C misdemeanor. (9) (a) The division may not deny or suspend the license of any person for a period of more than one year except: (i) for failure to comply with the terms of a traffic citation under Subsection (2); (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges under Section 53-3-219; (iii) when extending a denial or suspension upon receiving certain records or reports under Subsection 53-3-220(2): (iv) for failure to give and maintain owner's or operator's security under Section 41-12a-411; or (v) when the division suspends the license under Subsection (6). (b) The division may suspend the license of a person under Subsection (2) until the person shows satisfactory evidence of compliance with the terms of the traffic citation. (10) (a) By following the emergency procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may immediately suspend the license of any person without hearing and without receiving a record of the person's conviction for a crime when the division has reason to believe that the person's license was granted by the division through error or fraud or that the necessary consent for the license has been withdrawn or is terminated. (b) The procedure upon suspension is the same as under Subsection (5), except that after the hearing the division shall either rescind its order of suspension or cancel the license. (11) (a) The division, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified by the division of at least five days to the licensee require him to submit to an examination. (b) Upon the conclusion of the examination the division may suspend or revoke the

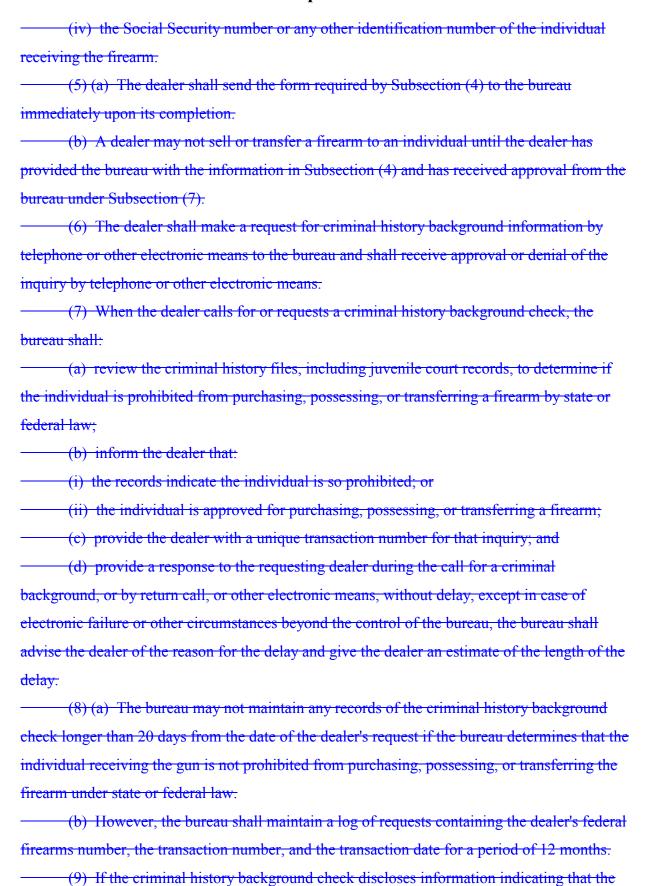
person's license, permit him to retain the license, or grant a license subject to a restriction imposed in accordance with Section 53-3-208. (c) Refusal or neglect of the licensee to submit to an examination is grounds for suspension or revocation of the licensee's license. (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed limit and did not result in an accident, unless authorized in a manner specified by the division by the individual whose report is being requested. (b) The provisions of Subsection (12)(a) do not apply for: (i) a CDL license holder; or (ii) a violation that occurred in a commercial motor vehicle. (13) (a) By following the emergency procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may immediately suspend the license of a person if it has reason to believe that the person is the owner of a motor vehicle for which security is required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has driven the motor vehicle or permitted it to be driven within this state without the security being in effect. (b) The division may immediately suspend a driving privilege card holder's driving privilege card if the division receives notification from the Motor Vehicle Division that: [(i) the driving privilege card holder is the registered owner of a vehicle; and] - [(ii) the driving privilege card holder's vehicle registration has been revoked under Subsection 41-1a-110(2)(a)(ii)(A).] [(c)] (b) Section 41-12a-411 regarding the requirement of proof of owner's or operator's security applies to persons whose driving privileges are suspended under this Subsection (13). [(d)] (c) If the division exercises the right of immediate suspension granted under this Subsection (13), the notice and hearing provisions of Subsection (5) apply. [(e)] (d) A person whose license suspension has been sustained or whose license has been revoked by the division under this Subsection (13) may file a request for agency action requesting a hearing. (14) Any suspension or revocation of a person's license under this section also



regulated transaction with an out-of-state distributor; and (h) regulated transactions to the extent such regulation is reasonable and necessary to protect the public health, safety, or welfare. (5) A person who engages in a regulated transaction may not accept a driving privilege card issued in accordance with Section 53-3-207 as proof of identification as required under Subsection (4)(c).] Section 13. Section 63G-11-102 is amended to read: 63G-11-102. Creation of identity documents -- Issuance to citizens, nationals, and legal permanent resident aliens -- Exceptions. (1) The following entities may create, publish, or otherwise manufacture an identification document, identification card, or identification certificate and possess an engraved plate or other device for the printing of an identification document: (a) a federal, state, or local government agency for employee identification, which is designed to identify the bearer as an employee; (b) a federal, state, or local government agency for purposes authorized or required by law or a legitimate purpose consistent with the duties of the agency, including such documents as voter identification cards, identification cards, passports, birth certificates, and Social Security cards; and (c) a public school or state or private educational institution to identify the bearer as an administrator, faculty member, student, or employee. (2) The name of the issuing entity shall be clearly printed upon the face of the identification document. (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall issue the document, card, or certificate only to: (a) a United States citizen; (b) a national; or (c) a legal permanent resident alien. (4) (a) Subsection (3) does not apply to an applicant for an identification document who presents, in person, valid documentary evidence of the applicant's: (i) unexpired immigrant or nonimmigrant visa status for admission into the United







individual attempting to purchase the firearm is prohibited from purchasing, possessing, or transferring a firearm, the bureau shall inform the} and location of missing persons, which may include:

- (a) identifying data including fingerprints of each missing person;
- (b) identifying data of any missing person who is reported as missing to a law enforcement agency {in the}having jurisdiction{ where the person resides.
- (10) If an individual is denied the right to purchase a firearm under this section, the individual may review the individual's criminal history information and may challenge or amend the information};
- (c) dates and circumstances of any persons requesting or receiving information from the register; and
- (d) any other information, including blood types and photographs found necessary in furthering the purposes of this part;
- (7) publish a quarterly directory of missing persons for distribution to persons or entities likely to be instrumental in the identification and location of missing persons;
- (8) list the name of every missing person with the appropriate nationally maintained missing persons lists;
- (9) establish and operate a 24-hour communication network for reports of missing persons and reports of sightings of missing persons;
- (10) coordinate with the National Center for Missing and Exploited Children and other agencies to facilitate the identification and location of missing persons and the identification of unidentified persons and bodies;
- (11) receive information regarding missing persons, as provided in Sections 26-2-27 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section \{53-10-108.\}41-1a-1401;
- ({11) The bureau shall make rules as provided in Title 63G, Chapter 3, Utah

 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all records provided} 12) adopt systems of identification, including the fingerprint system, to be used by the division {pursuant to this part are in conformance} to facilitate law enforcement;
- (13) assign a distinguishing number or mark of identification to any pistol or revolver, as provided in Section 76-10-520; [and]

(14) check certain criminal records databases for information regarding motor vehicle salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons, and inform the Motor Vehicle Enforcement Division when new entries are made for certain criminal offenses for motor vehicle salespersons in accordance with the requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993). (12) (a) (i) A dealer shall collect a criminal history background check fee related to the sale of a firearm under this section, which is \$7.50. (ii) This fee remains in effect until changed by the bureau through the process under Section 63J-1-504. (b) (i) The dealer shall forward at one time all fees collected for criminal history background checks performed during the month to the bureau by the last day of the month following the sale of a firearm. (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover the cost of administering and conducting the criminal history background check program. (13) An individual with a concealed firearm permit issued pursuant to Title 53, Chapter 5, Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee required in this section for the purchase of a firearm if: (a) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and (b) the dealer verifies with the division that the individual's concealed firearm permit is valid. Section 15} Section 41-3-205.5[-]; and (15) check certain criminal records databases for information regarding driving privilege card applicants or cardholders and maintain a separate file of fingerprints for driving privilege applicants and cardholders in accordance with the requirements of Section 53-3-205.5. Section 6. Effective date. {(1) Except as provided in Subsection (2), this} This bill takes effect on July 1, 2011. (2) The amendments to the following sections take effect on January 1, 2012: (a) Section 32B-1-102; (b) Section 32B-1-406;

(c) Section 41-1a-110; (d) Section 41-1a-1220; (e) Section 41-12a-806; (f) Section 46-1-2; (g) Section 53-3-102; (h) Section 53-3-221; (i) Section 58-37e-10; (j) Section 63G-11-102; and (k) Section 76-10-526.

Legislative Review Note

as of 1-4-11 10:55 AM

Office of Legislative Research and General Counsel}