

Representative Christopher N. Herrod proposes the following substitute bill:

DRIVER LICENSE QUALIFICATION AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill amends driver license and driving privilege card provisions.

Highlighted Provisions:

This bill:

- ▶ repeals the use of a temporary identification number (ITIN) issued by the Internal Revenue Service for purposes of obtaining a driving privilege card issued by the Driver License Division;
- ▶ expires all driving privilege cards on December 31, 2011;
- ▶ prohibits the Driver License Division from issuing a driving privilege card; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an effective date.

This bill coordinates with H.B. 116, Utah Immigration Accountability and Enforcement Amendments, by making substantive and technical amendments.

Utah Code Sections Affected:

AMENDS:



- 26 **32B-1-102 (Effective 07/01/11)**, as enacted by Laws of Utah 2010, Chapter 276
- 27 **32B-1-406 (Effective 07/01/11)**, as enacted by Laws of Utah 2010, Chapter 276
- 28 **41-1a-110**, as last amended by Laws of Utah 2008, Chapter 322
- 29 **41-1a-1220**, as last amended by Laws of Utah 2008, Chapter 322
- 30 **41-12a-806**, as last amended by Laws of Utah 2008, Chapter 322
- 31 **46-1-2**, as last amended by Laws of Utah 2009, Chapter 315
- 32 **53-3-102**, as last amended by Laws of Utah 2009, Chapters 45, 315, and 356
- 33 **53-3-205**, as last amended by Laws of Utah 2010, Chapter 95
- 34 **53-3-207 (Effective 07/01/11)**, as last amended by Laws of Utah 2010, Chapter 276
- 35 **53-3-214**, as last amended by Laws of Utah 2009, Chapter 315
- 36 **53-3-221**, as last amended by Laws of Utah 2008, Chapters 322 and 382
- 37 **58-37c-10**, as last amended by Laws of Utah 2008, Chapter 322
- 38 **63G-11-102**, as last amended by Laws of Utah 2010, Chapter 281
- 39 **76-10-526**, as last amended by Laws of Utah 2010, Chapter 62

Utah Code Sections Affected by Coordination Clause:

- 41 **63G-12-203**, Utah Code Annotated 1953
- 42 **63G-12-205**, Utah Code Annotated 1953
- 43 **76-9-1004**, Utah Code Annotated 1953

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

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

- 57 (b) liquor.
- 58 (4) (a) "Alcoholic product" means a product that:
- 59 (i) contains at least .5% of alcohol by volume; and
- 60 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
- 61 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol
- 62 in an amount equal to or greater than .5% of alcohol by volume.
- 63 (b) "Alcoholic product" includes an alcoholic beverage.
- 64 (c) "Alcoholic product" does not include any of the following common items that
- 65 otherwise come within the definition of an alcoholic product:
- 66 (i) except as provided in Subsection (4)(d), an extract;
- 67 (ii) vinegar;
- 68 (iii) cider;
- 69 (iv) essence;
- 70 (v) tincture;
- 71 (vi) food preparation; or
- 72 (vii) an over-the-counter medicine.
- 73 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
- 74 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 75 (5) "Alcohol training and education seminar" means a seminar that is:
- 76 (a) required by Chapter 5, Part 4, Alcohol Training and Education Act; and
- 77 (b) described in Section 62A-15-401.
- 78 (6) "Banquet" means an event:
- 79 (a) that is held at one or more designated locations approved by the commission in or
- 80 on the premises of a:
- 81 (i) hotel;
- 82 (ii) resort facility;
- 83 (iii) sports center; or
- 84 (iv) convention center;
- 85 (b) for which there is a contract:
- 86 (i) between a person operating a facility listed in Subsection (6)(a) and another person;
- 87 and

88 (ii) under which the person operating a facility listed in Subsection (6)(a) is required to
89 provide an alcoholic product at the event; and

90 (c) at which food and alcoholic products may be sold, offered for sale, or furnished.

91 (7) (a) Subject to Subsection (7)(b), "bar" means a counter or similar structure:

92 (i) at which an alcoholic product is:

93 (A) stored; or

94 (B) dispensed; or

95 (ii) from which an alcoholic product is served.

96 (b) For purposes of a full-service restaurant license or a limited-service restaurant
97 license, "bar structure" means a surface or structure on the premises of a restaurant if on or at
98 any place of the surface or structure an alcoholic product is:

99 (i) stored; or

100 (ii) dispensed.

101 (8) (a) Subject to Subsection (8)(d), "beer" means a product that:

102 (i) contains at least .5% of alcohol by volume, but not more than 4% of alcohol by
103 volume or 3.2% by weight; and

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

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

106 (c) "Beer" includes a product that:

107 (i) contains alcohol in the percentages described in Subsection (8)(a); and

108 (ii) is referred to as:

109 (A) beer;

110 (B) ale;

111 (C) porter;

112 (D) stout;

113 (E) lager; or

114 (F) a malt or malted beverage.

115 (d) "Beer" does not include a flavored malt beverage.

116 (9) "Beer retailer" means a business:

117 (a) that is engaged, primarily or incidentally, in the retail sale of beer to a patron,
118 whether for consumption on or off the business premises; and

- 119 (b) to whom a license is issued:
- 120 (i) for an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-premise
121 Beer Retailer Local Authority; or
- 122 (ii) for an on-premise beer retailer, in accordance with Chapter 5, Retail License Act,
123 and Chapter 6, Part 7, On-premise Beer Retailer License.
- 124 (10) "Beer wholesaling license" means a license:
- 125 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 126 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more
127 retail licensees or off-premise beer retailers.
- 128 (11) "Billboard" means a public display used to advertise, including:
- 129 (a) a light device;
- 130 (b) a painting;
- 131 (c) a drawing;
- 132 (d) a poster;
- 133 (e) a sign;
- 134 (f) a signboard; or
- 135 (g) a scoreboard.
- 136 (12) "Brewer" means a person engaged in manufacturing:
- 137 (a) beer;
- 138 (b) heavy beer; or
- 139 (c) a flavored malt beverage.
- 140 (13) "Brewery manufacturing license" means a license issued in accordance with
141 Chapter 11, Part 5, Brewery Manufacturing License.
- 142 (14) "Certificate of approval" means a certificate of approval obtained from the
143 department under Subsection 32B-11-201(4).
- 144 (15) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by
145 a bus company to a group of persons pursuant to a common purpose:
- 146 (a) under a single contract;
- 147 (b) at a fixed charge in accordance with the bus company's tariff; and
- 148 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
149 motor vehicle, and a driver to travel together to one or more specified destinations.

- 150 (16) "Church" means a building:
151 (a) set apart for worship;
152 (b) in which religious services are held;
153 (c) with which clergy is associated; and
154 (d) that is tax exempt under the laws of this state.
- 155 (17) (a) "Club license" means a license issued in accordance with Chapter 5, Retail
156 License Act, and Chapter 6, Part 4, Club License.
- 157 (b) "Club license" includes:
158 (i) a dining club license;
159 (ii) an equity club license;
160 (iii) a fraternal club license; or
161 (iv) a social club license.
- 162 (18) "Commission" means the Alcoholic Beverage Control Commission created in
163 Section 32B-2-201.
- 164 (19) "Commissioner" means a member of the commission.
- 165 (20) "Community location" means:
166 (a) a public or private school;
167 (b) a church;
168 (c) a public library;
169 (d) a public playground; or
170 (e) a public park.
- 171 (21) "Community location governing authority" means:
172 (a) the governing body of the community location; or
173 (b) if the commission does not know who is the governing body of a community
174 location, a person who appears to the commission to have been given on behalf of the
175 community location the authority to prohibit an activity at the community location.
- 176 (22) "Convention center" means a facility that is:
177 (a) in total at least 30,000 square feet; and
178 (b) otherwise defined as a "convention center" by the commission by rule.
- 179 (23) For purposes of a full-service restaurant license or limited-service restaurant
180 license:

181 (a) subject to Subsection (23)(b), "counter" means a surface or structure in a dining
182 area of a restaurant where seating is provided to a patron for service of food; and

183 (b) "counter" does not include a surface or structure if on or at any point of the surface
184 or structure an alcoholic product is:

185 (i) stored; or

186 (ii) dispensed.

187 (24) "Department" means the Department of Alcoholic Beverage Control created in
188 Section 32B-2-203.

189 (25) "Department compliance officer" means an individual who is:

190 (a) an auditor or inspector; and

191 (b) employed by the department.

192 (26) "Department sample" means liquor that is placed in the possession of the
193 department for testing, analysis, and sampling.

194 (27) "Dining club license" means a license issued in accordance with Chapter 5, Retail
195 License Act, and Chapter 6, Part 4, Club License, that is designated by the commission as a
196 dining club license.

197 (28) "Director," unless the context requires otherwise, means the director of the
198 department.

199 (29) "Disciplinary proceeding" means an adjudicative proceeding permitted under this
200 title:

201 (a) against a person subject to administrative action; and

202 (b) that is brought on the basis of a violation of this title.

203 (30) For purposes of a full-service restaurant license or a limited-service restaurant
204 license, "dispense" means:

205 (a) drawing of an alcoholic product:

206 (i) from an area where it is stored; or

207 (ii) as provided in Subsection 32B-6-205(12)(b)(ii) or 32B-6-305(12)(b)(ii); and

208 (b) using the alcoholic product described in Subsection (29)(a) on the premises of the
209 restaurant to mix or prepare an alcoholic product to be furnished to a patron of the restaurant.

210 (31) "Distillery manufacturing license" means a license issued in accordance with
211 Chapter 11, Part 4, Distillery Manufacturing License.

212 (32) "Distressed merchandise" means an alcoholic product in the possession of the
213 department that is saleable, but for some reason is unappealing to the public.

214 (33) "Educational facility" includes:

- 215 (a) a nursery school;
- 216 (b) an infant day care center; and
- 217 (c) a trade and technical school.

218 (34) "Equity club license" means a license issued in accordance with Chapter 5, Retail
219 License Act, and Chapter 6, Part 4, Club License, that is designated by the commission as an
220 equity club license.

221 (35) "Event permit" means:

- 222 (a) a single event permit; or
- 223 (b) a temporary beer event permit.

224 (36) (a) "Flavored malt beverage" means a beverage:

- 225 (i) that contains at least .5% alcohol by volume;
- 226 (ii) that is treated by processing, filtration, or another method of manufacture that is not
227 generally recognized as a traditional process in the production of a beer as described in 27
228 C.F.R. Sec. 25.55;
- 229 (iii) to which is added a flavor or other ingredient containing alcohol, except for a hop
230 extract; and

- 231 (iv) (A) for which the producer is required to file a formula for approval with the
232 federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55; or
233 (B) that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.

234 (b) "Flavored malt beverage" is considered liquor for purposes of this title.

235 (37) "Fraternal club license" means a license issued in accordance with Chapter 5,
236 Retail License Act, and Chapter 6, Part 4, Club License, that is designated by the commission
237 as a fraternal club license.

238 (38) "Full-service restaurant license" means a license issued in accordance with
239 Chapter 5, Retail License Act, and Chapter 6, Part 2, Full-service Restaurant License.

240 (39) (a) "Furnish" means by any means to provide with, supply, or give an individual
241 an alcoholic product, by sale or otherwise.

242 (b) "Furnish" includes to:

- 243 (i) serve;
- 244 (ii) deliver; or
- 245 (iii) otherwise make available.
- 246 (40) "Guest" means an individual who meets the requirements of Subsection
- 247 32B-6-407(9).
- 248 (41) "Health care practitioner" means:
- 249 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 250 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 251 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 252 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapist
- 253 Practice Act;
- 254 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
- 255 Nurse Practice Act;
- 256 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
- 257 Practice Act;
- 258 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
- 259 Therapy Practice Act;
- 260 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 261 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
- 262 Professional Practice Act;
- 263 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 264 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical
- 265 Practice Act;
- 266 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
- 267 Hygienist Practice Act; and
- 268 (m) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.
- 269 (42) (a) "Heavy beer" means a product that:
- 270 (i) contains more than 4% alcohol by volume; and
- 271 (ii) is obtained by fermentation, infusion, or decoction of malted grain.
- 272 (b) "Heavy beer" is considered liquor for the purposes of this title.
- 273 (43) "Hotel" is as defined by the commission by rule.

274 (44) "Identification card" means an identification card issued under Title 53, Chapter 3,
275 Part 8, Identification Card Act.

276 (45) "Industry representative" means an individual who is compensated by salary,
277 commission, or other means for representing and selling an alcoholic product of a
278 manufacturer, supplier, or importer of liquor.

279 (46) "Industry representative sample" means liquor that is placed in the possession of
280 the department for testing, analysis, and sampling by a local industry representative on the
281 premises of the department to educate the local industry representative of the quality and
282 characteristics of the product.

283 (47) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing
284 of an alcoholic product is prohibited by:

- 285 (a) law; or
- 286 (b) court order.

287 (48) "Intoxicated" means that a person:

288 (a) is significantly impaired as to the person's mental or physical functions as a result of
289 the use of:

- 290 (i) an alcoholic product;
- 291 (ii) a controlled substance;
- 292 (iii) a substance having the property of releasing toxic vapors; or
- 293 (iv) a combination of Subsections (48)(a)(i) through (iii); and

294 (b) exhibits plain and easily observed outward manifestations of behavior or physical
295 signs produced by the over consumption of an alcoholic product.

296 (49) "Investigator" means an individual who is:

- 297 (a) a department compliance officer; or
- 298 (b) a nondepartment enforcement officer.

299 (50) "Invitee" is as defined in Section 32B-8-102.

300 (51) "License" means:

- 301 (a) a retail license;
- 302 (b) a license issued in accordance with Chapter 11, Manufacturing and Related
303 Licenses Act;

304 (c) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;

305 or

306 (d) a license issued in accordance with Chapter 13, Beer Wholesaling License Act.

307 (52) "Licensee" means a person who holds a license.

308 (53) "Limited-service restaurant license" means a license issued in accordance with
309 Chapter 5, Retail License Act, and Chapter 6, Part 3, Limited-service Restaurant License.

310 (54) "Limousine" means a motor vehicle licensed by the state or a local authority, other
311 than a bus or taxicab:

312 (a) in which the driver and a passenger are separated by a partition, glass, or other
313 barrier;

314 (b) that is provided by a business entity to one or more individuals at a fixed charge in
315 accordance with the business entity's tariff; and

316 (c) to give the one or more individuals the exclusive use of the limousine and a driver
317 to travel to one or more specified destinations.

318 (55) (a) (i) "Liquor" means a liquid that:

319 (A) is:

320 (I) alcohol;

321 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;

322 (III) a combination of liquids a part of which is spirituous, vinous, or fermented; or

323 (IV) other drink or drinkable liquid; and

324 (B) (I) contains at least .5% alcohol by volume; and

325 (II) is suitable to use for beverage purposes.

326 (ii) "Liquor" includes:

327 (A) heavy beer;

328 (B) wine; and

329 (C) a flavored malt beverage.

330 (b) "Liquor" does not include beer.

331 (56) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.

332 (57) "Liquor warehousing license" means a license that is issued:

333 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and

334 (b) to a person, other than a licensed manufacturer, who engages in the importation for
335 storage, sale, or distribution of liquor regardless of amount.

336 (58) "Local authority" means:

337 (a) for premises that are located in an unincorporated area of a county, the governing
338 body of a county; or

339 (b) for premises that are located in an incorporated city or a town, the governing body
340 of the city or town.

341 (59) "Lounge or bar area" is as defined by rule made by the commission.

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

344 (61) "Member" means an individual who, after paying regular dues, has full privileges
345 in an equity club licensee or fraternal club licensee.

346 (62) (a) "Military installation" means a base, air field, camp, post, station, yard, center,
347 or homeport facility for a ship:

348 (i) (A) under the control of the United States Department of Defense; or
349 (B) of the National Guard;

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

351 (iii) including a leased facility.

352 (b) "Military installation" does not include a facility used primarily for:

353 (i) civil works;

354 (ii) a rivers and harbors project; or

355 (iii) a flood control project.

356 (63) "Minor" means an individual under the age of 21 years.

357 (64) "Nondepartment enforcement agency" means an agency that:

358 (a) (i) is a state agency other than the department; or

359 (ii) is an agency of a county, city, or town; and

360 (b) has a responsibility to enforce one or more provisions of this title.

361 (65) "Nondepartment enforcement officer" means an individual who is:

362 (a) a peace officer, examiner, or investigator; and

363 (b) employed by a nondepartment enforcement agency.

364 (66) (a) "Off-premise beer retailer" means a beer retailer who is:

365 (i) licensed in accordance with Chapter 7, Part 2, Off-premise Beer Retailer Local
366 Authority; and

367 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
368 premises.

369 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.

370 (67) "On-premise banquet license" means a license issued in accordance with Chapter
371 5, Retail License Act, and Chapter 6, Part 6, On-premise Banquet License.

372 (68) "On-premise beer retailer" means a beer retailer who is:

373 (a) authorized to sell, offer for sale, or furnish beer under a license issued in
374 accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-premise Beer
375 License; and

376 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
377 premises, regardless of whether the beer retailer sells beer for consumption off the licensed
378 premises.

379 (69) "Package" means any of the following containing an alcoholic product:

380 (a) a container;

381 (b) a bottle;

382 (c) a vessel; or

383 (d) other receptacle.

384 (70) "Package agency" means a retail liquor location operated:

385 (a) under an agreement with the department; and

386 (b) by a person:

387 (i) other than the state; and

388 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package
389 Agency, to sell packaged liquor for consumption off the premises of the package agency.

390 (71) "Package agent" means a person who holds a package agency.

391 (72) "Patron" means an individual to whom food, beverages, or services are sold,
392 offered for sale, or furnished, or who consumes an alcoholic product including:

393 (a) a customer;

394 (b) a member;

395 (c) a guest;

396 (d) an attendee of a banquet or event;

397 (e) an individual who receives room service;

- 398 (f) a resident of a resort;
- 399 (g) a public customer under a resort spa sublicense, as defined in Section 32B-8-102;
- 400 or
- 401 (h) an invitee.
- 402 (73) "Permittee" means a person issued a permit under:
- 403 (a) Chapter 9, Event Permit Act; or
- 404 (b) Chapter 10, Special Use Permit Act.
- 405 (74) "Person subject to administrative action" means:
- 406 (a) a licensee;
- 407 (b) a permittee;
- 408 (c) a manufacturer;
- 409 (d) a supplier;
- 410 (e) an importer;
- 411 (f) an out-of-state brewer holding a certificate of approval; or
- 412 (g) staff of:
- 413 (i) a person listed in Subsections (74)(a) through (g); or
- 414 (ii) a package agent.
- 415 (75) "Premises" means a building, enclosure, or room used in connection with the
- 416 storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,
- 417 unless otherwise defined in this title or rules made by the commission.
- 418 (76) "Prescription" means an order issued by a health care practitioner when:
- 419 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
- 420 to prescribe a controlled substance, other drug, or device for medicinal purposes;
- 421 (b) the order is made in the course of that health care practitioner's professional
- 422 practice; and
- 423 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 424 (77) (a) "Private event" means a specific social, business, or recreational event:
- 425 (i) for which an entire room, area, or hall is leased or rented in advance by an identified
- 426 group; and
- 427 (ii) that is limited in attendance to people who are specifically designated and their
- 428 guests.

429 (b) "Private event" does not include an event to which the general public is invited,
430 whether for an admission fee or not.

431 (78) ~~[(a)]~~ "Proof of age" means:

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

433 ~~[(ii)]~~ (b) an identification that:

434 ~~[(A)]~~ (i) is substantially similar to an identification card;

435 ~~[(B)]~~ (ii) is issued in accordance with the laws of a state other than Utah in which the
436 identification is issued;

437 ~~[(C)]~~ (iii) includes date of birth; and

438 ~~[(D)]~~ (iv) has a picture affixed;

439 ~~[(iii)]~~ (c) a valid driver license certificate that:

440 ~~[(A)]~~ (i) includes date of birth;

441 ~~[(B)]~~ (ii) has a picture affixed; and

442 ~~[(C)]~~ (iii) is issued:

443 ~~[(F)]~~ (A) under Title 53, Chapter 3, Uniform Driver License Act; or

444 ~~[(H)]~~ (B) in accordance with the laws of the state in which it is issued;

445 ~~[(iv)]~~ (d) a military identification card that:

446 ~~[(A)]~~ (i) includes date of birth; and

447 ~~[(B)]~~ (ii) has a picture affixed; or

448 ~~[(v)]~~ (e) a valid passport.

449 ~~[(b) "Proof of age" does not include a driving privilege card issued in accordance with
450 Section 53-3-207.]~~

451 (79) (a) "Public building" means a building or permanent structure that is:

452 (i) owned or leased by:

453 (A) the state; or

454 (B) a local government entity; and

455 (ii) used for:

456 (A) public education;

457 (B) transacting public business; or

458 (C) regularly conducting government activities.

459 (b) "Public building" does not include a building owned by the state or a local

460 government entity when the building is used by a person, in whole or in part, for a proprietary
461 function.

462 (80) "Public conveyance" means a conveyance to which the public or a portion of the
463 public has access to and a right to use for transportation, including an airline, railroad, bus,
464 boat, or other public conveyance.

465 (81) (a) "Record" means information that is:

466 (i) inscribed on a tangible medium; or

467 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.

468 (b) "Record" includes:

469 (i) a book;

470 (ii) a book of account;

471 (iii) a paper;

472 (iv) a contract;

473 (v) an agreement;

474 (vi) a document; or

475 (vii) a recording in any medium.

476 (82) "Residence" means a person's principal place of abode within Utah.

477 (83) "Resident," in relation to a resort, is as defined in Section 32B-8-102.

478 (84) "Resort" is as defined in Section 32B-8-102.

479 (85) "Resort facility" is as defined by the commission by rule.

480 (86) "Resort license" means a license issued in accordance with Chapter 5, Retail
481 License Act, and Chapter 8, Resort License Act.

482 (87) "Restaurant" means a business location:

483 (a) at which a variety of foods are prepared;

484 (b) at which complete meals are served to the general public; and

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

486 (88) "Retail license" means one of the following licenses issued under this title:

487 (a) a full-service restaurant license;

488 (b) a limited-service restaurant license;

489 (c) a club license;

490 (d) an airport lounge license;

491 (e) an on-premise banquet license; or

492 (f) an on-premise beer license.

493 (89) "Room service" means furnishing an alcoholic product to a person in a guest room

494 of a:

495 (a) hotel; or

496 (b) resort facility.

497 (90) "Serve" means to place an alcoholic product before an individual.

498 (91) (a) "School" means a building used primarily for the general education of minors.

499 (b) "School" does not include an educational facility.

500 (92) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
501 consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered,
502 delivered for value, or by a means or under a pretext is promised or obtained, whether done by
503 a person as a principal, proprietor, or as staff, unless otherwise defined in this title or the rules
504 made by the commission.

505 (93) "Sexually oriented entertainer" means a person who while in a state of seminudity
506 appears at or performs:

507 (a) for the entertainment of one or more patrons;

508 (b) on the premises of:

509 (i) a social club licensee; or

510 (ii) a tavern;

511 (c) on behalf of or at the request of the licensee described in Subsection (93)(b);

512 (d) on a contractual or voluntary basis; and

513 (e) whether or not the person is designated as:

514 (i) an employee;

515 (ii) an independent contractor;

516 (iii) an agent of the licensee; or

517 (iv) a different type of classification.

518 (94) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3,
519 Single Event Permit.

520 (95) "Small brewer" means a brewer who manufactures less than 60,000 barrels of
521 beer, heavy beer, and flavored malt beverages per year.

522 (96) "Social club license" means a license issued in accordance with Chapter 5, Retail
523 License Act, and Chapter 6, Part 4, Club License, that is designated by the commission as a
524 social club license.

525 (97) "Special use permit" means a permit issued in accordance with Chapter 10,
526 Special Use Permit Act.

527 (98) (a) "Spirituous liquor" means liquor that is distilled.

528 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by
529 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

530 (99) "Sports center" is as defined by the commission by rule.

531 (100) (a) "Staff" means an individual who engages in activity governed by this title:

532 (i) on behalf of a business, including a package agent, licensee, permittee, or certificate
533 holder;

534 (ii) at the request of the business, including a package agent, licensee, permittee, or
535 certificate holder; or

536 (iii) under the authority of the business, including a package agent, licensee, permittee,
537 or certificate holder.

538 (b) "Staff" includes:

539 (i) an officer;

540 (ii) a director;

541 (iii) an employee;

542 (iv) personnel management;

543 (v) an agent of the licensee, including a managing agent;

544 (vi) an operator; or

545 (vii) a representative.

546 (101) "State of nudity" means:

547 (a) the appearance of:

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

549 (ii) a human genital;

550 (iii) a human pubic area; or

551 (iv) a human anus; or

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

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

554 (ii) a human genital;

555 (iii) a human pubic area; or

556 (iv) a human anus.

557 (102) "State of seminudity" means a state of dress in which opaque clothing covers no
558 more than:

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

561 (b) the human genitals, pubic area, and anus:

562 (i) with no less than the following at its widest point:

563 (A) four inches coverage width in the front of the human body; and

564 (B) five inches coverage width in the back of the human body; and

565 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.

566 (103) (a) "State store" means a facility for the sale of packaged liquor:

567 (i) located on premises owned or leased by the state; and

568 (ii) operated by a state employee.

569 (b) "State store" does not include:

570 (i) a package agency;

571 (ii) a licensee; or

572 (iii) a permittee.

573 (104) For purposes of a full-service restaurant license or a limited-service restaurant
574 license:

575 (a) "Storage area" means an area on licensed premises where the licensee stores an
576 alcoholic product.

577 (b) "Store" means to place or maintain in a location an alcoholic product from which a
578 person draws to prepare an alcoholic product to be furnished to a patron of the restaurant,
579 except as provided in Subsection 32B-6-205(12)(b)(ii) or 32B-6-305(12)(b)(ii).

580 (105) "Sublicense" is as defined in Section 32B-8-102.

581 (106) "Supplier" means a person who sells an alcoholic product to the department.

582 (107) "Tavern" means an on-premise beer retailer who is:

583 (a) issued a license by the commission in accordance with Chapter 5, Retail License

584 Act, and Chapter 6, Part 7, On-premise Beer Retailer License; and

585 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
586 On-premise Beer Retailer License.

587 (108) "Temporary beer event permit" means a permit issued in accordance with
588 Chapter 9, Part 4, Temporary Beer Event Permit.

589 (109) "Temporary domicile" means the principal place of abode within Utah of a
590 person who does not have a present intention to continue residency within Utah permanently or
591 indefinitely.

592 (110) "Unsaleable liquor merchandise" means a package that:

593 (a) is unsaleable because the package is:

594 (i) unlabeled;

595 (ii) leaky;

596 (iii) damaged;

597 (iv) difficult to open; or

598 (v) partly filled;

599 (b) (i) has faded labels or defective caps or corks;

600 (ii) has contents that are:

601 (A) cloudy;

602 (B) spoiled; or

603 (C) chemically determined to be impure; or

604 (iii) contains:

605 (A) sediment; or

606 (B) a foreign substance; or

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

608 (111) (a) "Wine" means an alcoholic product obtained by the fermentation of the
609 natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not
610 another ingredient is added.

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

613 (112) "Winery manufacturing license" means a license issued in accordance with
614 Chapter 11, Part 3, Winery Manufacturing License.

615 Section 2. Section **32B-1-406 (Effective 07/01/11)** is amended to read:

616 **32B-1-406 (Effective 07/01/11). Acceptance of identification.**

617 (1) An authorized person may accept as evidence of the legal age of the individual
618 presenting the following:

619 (a) proof of age; or

620 (b) if a statement of age is required under Section 32B-1-405:

621 (i) proof of age; and

622 (ii) a statement of age.

623 (2) A statement of age, if properly completed, signed, and filed in accordance with
624 Section 32B-1-405, may be offered as a defense in a case when there is at issue the legality of:

625 (a) selling, offering for sale, or furnishing an alcoholic product to the individual who
626 signed the statement of age;

627 (b) admitting the individual who signed the statement of age into a restricted area; or

628 (c) allowing the individual who signed the statement of age to be employed in

629 employment that under this title may not be obtained by a minor.

630 ~~[(3) An authorized person may not accept a driving privilege card issued in accordance~~
631 ~~with Section 53-3-207 as evidence of the legal age of an individual.]~~

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

633 **41-1a-110. Authority of division to suspend or revoke registration, certificate of**
634 **title, license plate, or permit.**

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

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

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

641 (c) a registered vehicle has been dismantled;

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

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

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

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

651 (2) ~~(a)~~ The division shall revoke the registration of a vehicle if the division receives
652 notification by the:

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

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

656 ~~(B)~~ (ii) is under an administrative action taken by the Department of Public Safety for
657 operating a registered motor vehicle in violation of Section 41-12a-301; or

658 ~~(ii)~~ (b) designated agent that the owner of a motor vehicle:

659 ~~(A)~~ (i) has failed to provide satisfactory proof of owner's or operator's security to the
660 designated agent after the second notice provided under Section 41-12a-804; or

661 ~~(B)~~ (ii) provided a false or fraudulent statement to the designated agent.

662 ~~(b) The division shall notify the Driver License Division if the division revokes the~~
663 ~~registration of a vehicle under Subsection (2)(a)(ii)(A).]~~

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

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

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

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

671 **41-1a-1220. Registration reinstatement fee.**

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

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

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

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

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

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

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

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

686 **41-12a-806. Restricted Account -- Creation -- Funding -- Interest -- Purposes.**

687 (1) There is created within the Transportation Fund a restricted account known as the
688 "Uninsured Motorist Identification Restricted Account."

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

690 (a) money received by the state under Section 41-1a-1218, the uninsured motorist
691 identification fee;

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

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

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

695 (b) All interest earned on account money shall be deposited into the account.

696 (4) Money shall be appropriated from the account by the Legislature to:

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

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

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

702 Section 6. Section **46-1-2** is amended to read:

703 **46-1-2. Definitions.**

704 As used in this chapter:

705 (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer,

706 whose identity is personally known to the notary or proven on the basis of satisfactory

707 evidence, has admitted, in the presence of the notary, to voluntarily signing a document for the

708 document's stated purpose.

709 (2) "Commission" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

739 (ii) a valid passport issued by any nation; or
740 (iii) the oath or affirmation of a credible person who is personally known to the notary
741 and who personally knows the individual.

742 (b) "Satisfactory evidence of identity" does not include[~~:(i) a driving privilege card~~
743 ~~under Subsection 53-3-207(10); or (ii) another~~] a document that is not considered valid for
744 identification.

745 Section 7. Section **53-3-102** is amended to read:

746 **53-3-102. Definitions.**

747 As used in this chapter:

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

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

752 (3) "Commercial driver license" or "CDL" means a license:

753 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
754 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
755 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
756 commercial motor vehicle; and

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

759 (4) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor
760 vehicles designed or used to transport passengers or property if the motor vehicle:

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

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

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

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

768 (i) equipment owned and operated by the United States Department of Defense when
769 driven by any active duty military personnel and members of the reserves and national guard on

770 active duty including personnel on full-time national guard duty, personnel on part-time
771 training, and national guard military technicians and civilians who are required to wear military
772 uniforms and are subject to the code of military justice;

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

776 (iii) firefighting and emergency vehicles; and

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

779 (5) "Conviction" means any of the following:

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

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

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

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

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

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

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

792 (8) "Disqualification" means either:

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

795 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
796 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
797 391; or

798 (c) the loss of qualification that automatically follows conviction of an offense listed in
799 49 C.F.R. Part 383.51.

800 (9) "Division" means the Driver License Division of the department created in Section

801 53-3-103.

802 (10) "Drive" means:

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

804 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
805 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
806 the state.

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

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

811 [~~(12) "Driving privilege card" means the evidence of the privilege granted and issued
812 under this chapter to drive a motor vehicle to a person whose privilege was obtained without
813 providing evidence of lawful presence in the United States.~~]

814 [~~(13)~~ (12) "Extension" means a renewal completed in a manner specified by the
815 division.

816 [~~(14)~~ (13) "Farm tractor" means every motor vehicle designed and used primarily as a
817 farm implement for drawing plows, mowing machines, and other implements of husbandry.

818 [~~(15)~~ (14) "Highway" means the entire width between property lines of every way or
819 place of any nature when any part of it is open to the use of the public, as a matter of right, for
820 traffic.

821 [~~(16)~~ (15) "Identification card" means an identification card issued under this chapter
822 to a person whose card was obtained by providing evidence of lawful presence in the United
823 States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

824 [~~(17)~~ (16) "Indigent" means that a person's income falls below the federal poverty
825 guideline issued annually by the U.S. Department of Health and Human Services in the Federal
826 Register.

827 [~~(18)~~ (17) "License" means the privilege to drive a motor vehicle.

828 [~~(19)~~ (18) (a) "License certificate" means the evidence of the privilege issued under
829 this chapter to drive a motor vehicle.

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

831 (i) regular license certificate;

832 (ii) limited-term license certificate;
833 [~~(iii) driving privilege card;~~
834 [~~(iv)~~] (iii) CDL license certificate; and
835 [~~(v)~~] (iv) limited-term CDL license certificate.
836 [~~(20)~~] (19) "Limited-term commercial driver license" or "limited-term CDL" means a
837 license:

838 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
839 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
840 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
841 commercial motor vehicle; and

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

844 [~~(21)~~] (20) "Limited-term identification card" means an identification card issued under
845 this chapter to a person whose card was obtained by providing evidence of lawful presence in
846 the United States with one of the document requirements described in Subsection
847 53-3-804(2)(i)(ii).

848 [~~(22)~~] (21) "Limited-term license certificate" means the evidence of the privilege
849 granted and issued under this chapter to drive a motor vehicle to a person whose privilege was
850 obtained providing evidence of lawful presence in the United States with one of the document
851 requirements described in Subsection 53-3-205(8)(a)(ii)(B).

852 [~~(23)~~] (22) "Motorboat" has the same meaning as provided under Section 73-18-2.

853 [~~(24)~~] (23) "Motorcycle" means every motor vehicle, other than a tractor, having a seat
854 or saddle for the use of the rider and designed to travel with not more than three wheels in
855 contact with the ground.

856 [~~(25)~~] (24) "Office of Recovery Services" means the Office of Recovery Services,
857 created in Section 62A-11-102.

858 [~~(26)~~] (25) (a) "Owner" means a person other than a lienholder having an interest in the
859 property or title to a vehicle.

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

862 [~~(27)~~] (26) "Regular license certificate" means the evidence of the privilege issued

863 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence
864 of lawful presence in the United States with one of the document requirements described in
865 Subsection 53-3-205(8)(a)(ii)(A).

866 [~~28~~] (27) "Renewal" means to validate a license certificate so that it expires at a later
867 date.

868 [~~29~~] (28) "Reportable violation" means an offense required to be reported to the
869 division as determined by the division and includes those offenses against which points are
870 assessed under Section 53-3-221.

871 [~~30~~] (29) (a) "Resident" means an individual who:

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

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

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

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

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

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

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

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

889 (iv) an immediate family member who resides with or a household member of a person
890 listed in Subsections [~~30~~] (29)(b)(i) through (iii).

891 [~~31~~] (30) "Revocation" means the termination by action of the division of a licensee's
892 privilege to drive a motor vehicle.

893 [~~32~~] (31) (a) "School bus" means a commercial motor vehicle used to transport

894 pre-primary, primary, or secondary school students to and from home and school, or to and
895 from school sponsored events.

896 (b) "School bus" does not include a bus used as a common carrier as defined in Section
897 59-12-102.

898 [~~(32)~~] (32) "Suspension" means the temporary withdrawal by action of the division of a
899 licensee's privilege to drive a motor vehicle.

900 [~~(34)~~] (33) "Taxicab" means any class D motor vehicle transporting any number of
901 passengers for hire and that is subject to state or federal regulation as a taxi.

902 Section 8. Section **53-3-205** is amended to read:

903 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
904 **Expiration dates of licenses and endorsements -- Information required -- Previous**
905 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
906 **Fee required -- License agreement.**

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

909 (a) made upon a form furnished by the division; and

910 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

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

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

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

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

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

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

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

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

924 (4) An application and fees for a commercial class A, B, or C license entitle the

925 applicant to:

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

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

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

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

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

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

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

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

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

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

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

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

955 (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by

956 the division; or

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

958 (f) A limited-term license certificate or a renewal to a limited-term license certificate
959 expires:

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

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

965 (g) A driving privilege card issued or renewed [~~under Section 53-3-207 expires on the~~
966 ~~birth date of the applicant in the first year following the year that the driving privilege card was~~
967 ~~issued or renewed~~] by the division expires on December 31, 2011.

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

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

973 (i) provide the applicant's:

974 (A) full legal name;

975 (B) birth date;

976 (C) gender;

977 (D) (I) documentary evidence of the applicant's valid Social Security number;

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

979 [~~(III) temporary identification number (ITIN) issued by the Internal Revenue Service~~
980 ~~for a person who:~~

981 [~~(Aa) does not qualify for a Social Security number; and]~~

982 [~~(Bb) is applying for a driving privilege card; or]~~

983 [~~(IV)] (III) other documentary evidence approved by the division; and~~

984 (E) Utah residence address as documented by a form or forms acceptable under rules
985 made by the division under Section 53-3-104, unless the application is for a temporary CDL
986 issued under Subsection 53-3-407(2)(b);

- 987 (ii) provide evidence of the applicant's lawful presence in the United States by
988 providing documentary evidence:
- 989 (A) that a person is:
- 990 (I) a United States citizen;
- 991 (II) a national; or
- 992 (III) a legal permanent resident alien; or
- 993 (B) of the applicant's:
- 994 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
995 States;
- 996 (II) pending or approved application for asylum in the United States;
- 997 (III) admission into the United States as a refugee;
- 998 (IV) pending or approved application for temporary protected status in the United
999 States;
- 1000 (V) approved deferred action status; or
- 1001 (VI) pending application for adjustment of status to legal permanent resident or
1002 conditional resident;
- 1003 (iii) provide a description of the applicant;
- 1004 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
1005 and, if so, when and by what state or country;
- 1006 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
1007 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
1008 application refused, and if so, the date of and reason for the suspension, cancellation,
1009 revocation, disqualification, denial, or refusal;
- 1010 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
1011 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 1012 (vii) state whether the applicant is required to register as a sex offender under Section
1013 77-27-21.5;
- 1014 (viii) state whether the applicant is a military veteran and does or does not authorize
1015 sharing the information with the state Department of Veterans' Affairs;
- 1016 (ix) provide all other information the division requires; and
- 1017 (x) sign the application which signature may include an electronic signature as defined

1018 in Section 46-4-102.

1019 (b) Each applicant shall have a Utah residence address, unless the application is for a
1020 temporary CDL issued under Subsection 53-3-407(2)(b).

1021 (c) Each applicant shall provide evidence of lawful presence in the United States in
1022 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

1023 (d) The division shall maintain on its computerized records an applicant's:

1024 (i) (A) Social Security number; or

1025 [~~(B) temporary identification number (ITIN); or~~]

1026 [~~(C)~~ (B) other number assigned by the division if Subsection (8)(a)(i)(D)[~~(IV)~~](III)
1027 applies; and

1028 (ii) indication whether the applicant is required to register as a sex offender under
1029 Section 77-27-21.5.

1030 (9) The division shall require proof of every applicant's name, birthdate, and birthplace
1031 by at least one of the following means:

1032 (a) current license certificate;

1033 (b) birth certificate;

1034 (c) Selective Service registration; or

1035 (d) other proof, including church records, family Bible notations, school records, or
1036 other evidence considered acceptable by the division.

1037 (10) (a) Except as provided in Subsection (10)(b), when an applicant receives a license
1038 in another class, all previous license certificates shall be surrendered and canceled.

1039 (b) A disqualified commercial license may not be canceled unless it expires before the
1040 new license certificate is issued.

1041 (11) (a) When an application is received from a person previously licensed in another
1042 state to drive a motor vehicle, the division shall request a copy of the driver's record from the
1043 other state.

1044 (b) When received, the driver's record becomes part of the driver's record in this state
1045 with the same effect as though entered originally on the driver's record in this state.

1046 (12) An application for reinstatement of a license after the suspension, cancellation,
1047 disqualification, denial, or revocation of a previous license shall be accompanied by the
1048 additional fee or fees specified in Section 53-3-105.

1049 (13) A person who has an appointment with the division for testing and fails to keep
1050 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee
1051 under Section 53-3-105.

1052 (14) A person who applies for an original license or renewal of a license agrees that the
1053 person's license is subject to any suspension or revocation authorized under this title or Title
1054 41, Motor Vehicles.

1055 (15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by
1056 the licensee in accordance with division rule.

1057 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
1058 Management Act, the division may, upon request, release to an organ procurement
1059 organization, as defined in Section 26-28-102, the names and addresses of all persons who
1060 under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.

1061 (ii) An organ procurement organization may use released information only to:

1062 (A) obtain additional information for an anatomical gift registry; and

1063 (B) inform licensees of anatomical gift options, procedures, and benefits.

1064 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and
1065 Management Act, the division may release to the Department of Veterans' Affairs the names
1066 and addresses of all persons who indicate their status as a veteran under Subsection (8)(a)(viii).

1067 (17) The division and its employees are not liable, as a result of false or inaccurate
1068 information provided under Subsection (8)(a)(vi) or(viii), for direct or indirect:

1069 (a) loss;

1070 (b) detriment; or

1071 (c) injury.

1072 (18) A person who knowingly fails to provide the information required under
1073 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

1074 Section 9. Section **53-3-207 (Effective 07/01/11)** is amended to read:

1075 **53-3-207 (Effective 07/01/11). License certificates issued to drivers by class of**
1076 **motor vehicle -- Contents -- Release of anatomical gift information -- Temporary licenses**
1077 **or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

1078 (1) As used in this section:

1079 (a) "driving privilege" means the privilege granted under this chapter to drive a motor

1080 vehicle;

1081 (b) "governmental entity" means the state and its political subdivisions as defined in
1082 this Subsection (1);

1083 (c) "political subdivision" means any county, city, town, school district, public transit
1084 district, community development and renewal agency, special improvement or taxing district,
1085 local district, special service district, an entity created by an interlocal agreement adopted under
1086 Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
1087 corporation; and

1088 (d) "state" means this state, and includes any office, department, agency, authority,
1089 commission, board, institution, hospital, college, university, children's justice center, or other
1090 instrumentality of the state.

1091 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a
1092 regular license certificate[;] or a limited-term license certificate[; ~~or a driving privilege card~~]
1093 indicating the type or class of motor vehicle the person may drive.

1094 (b) A person may not drive a class of motor vehicle unless granted the privilege in that
1095 class.

1096 (3) (a) Every regular license certificate[;] or limited-term license certificate[; ~~or driving~~
1097 ~~privilege card~~] shall bear:

- 1098 (i) the distinguishing number assigned to the person by the division;
- 1099 (ii) the name, birth date, and Utah residence address of the person;
- 1100 (iii) a brief description of the person for the purpose of identification;
- 1101 (iv) any restrictions imposed on the license under Section 53-3-208;
- 1102 (v) a photograph of the person;
- 1103 (vi) a photograph or other facsimile of the person's signature; and
- 1104 (vii) an indication whether the person intends to make an anatomical gift under Title
1105 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the [~~driving privilege~~] license is
1106 extended under Subsection 53-3-214(3).

1107 (b) A new license certificate issued by the division may not bear the person's Social
1108 Security number.

1109 (c) (i) The regular license certificate[;] or limited-term license certificate[; ~~or driving~~
1110 ~~privilege card~~] shall be of an impervious material, resistant to wear, damage, and alteration.

1111 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the regular
1112 license certificate[;] or limited-term license certificate[; ~~or driving privilege card~~] shall be as
1113 prescribed by the commissioner.

1114 (iii) The commissioner may also prescribe the issuance of a special type of limited
1115 regular license certificate[;] or limited-term license certificate[; ~~or driving privilege card~~] under
1116 Subsection 53-3-220(4).

1117 (4) (a) (i) The division, upon determining after an examination that an applicant is
1118 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a
1119 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term
1120 license certificate.

1121 (ii) The receipt serves as a temporary regular license certificate or limited-term license
1122 certificate allowing the person to drive a motor vehicle while the division is completing its
1123 investigation to determine whether the person is entitled to be granted a driving privilege.

1124 (b) The receipt shall be in the person's immediate possession while driving a motor
1125 vehicle, and it is invalid when the person's regular license certificate or limited-term license
1126 certificate has been issued or when, for good cause, the privilege has been refused.

1127 (c) The division shall indicate on the receipt a date after which it is not valid as a
1128 temporary license.

1129 [~~(d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a receipt
1130 that serves as a temporary driving privilege card or other temporary permit to an applicant for a
1131 driving privilege card.~~]

1132 [~~(ii) The division may issue a learner permit issued in accordance with Section
1133 53-3-210.5 to an applicant for a driving privilege card.~~]

1134 (5) (a) The division shall distinguish learner permits, temporary permits, regular
1135 license certificates, and limited-term license certificates[; ~~and driving privilege cards~~] issued to
1136 any person younger than 21 years of age by use of plainly printed information or the use of a
1137 color or other means not used for other regular license certificates[;] or limited-term license
1138 certificates[; ~~or driving privilege cards~~].

1139 (b) The division shall distinguish a regular license certificate[;] or limited-term license
1140 certificate[; ~~or driving privilege card~~] issued to any person:

1141 (i) younger than 21 years of age by use of a portrait-style format not used for other

1142 regular license certificates[;] or limited-term license certificates[; ~~or driving privilege cards~~
1143 and by plainly printing the date the regular license certificate[;] or limited-term license
1144 certificate[; ~~or driving privilege card~~] holder is 21 years of age, which is the legal age for
1145 purchasing an alcoholic beverage or alcoholic product under Section 32B-14-403; and

1146 (ii) younger than 19 years of age, by plainly printing the date the regular license
1147 certificate[;] or limited-term license certificate[; ~~or driving privilege card~~] holder is 19 years of
1148 age, which is the legal age for purchasing tobacco products under Section 76-10-104.

1149 (6) The division shall distinguish a limited-term license certificate by clearly indicating
1150 on the document:

1151 (a) that it is temporary; and

1152 (b) its expiration date.

1153 [~~(7) (a) The division shall only issue a driving privilege card to a person whose
1154 privilege was obtained without providing evidence of lawful presence in the United States as
1155 required under Subsection 53-3-205(8).]~~

1156 [~~(b) The division shall distinguish a driving privilege card from a license certificate
1157 by:]~~

1158 [~~(i) use of a format, color, font, or other means; and]~~

1159 [~~(ii) clearly displaying on the front of the driving privilege card a phrase substantially
1160 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".]~~

1161 [~~(8) (7) The provisions of Subsection (5)(b) do not apply to a learner permit,
1162 temporary permit, or any other temporary permit or receipt issued by the division.~~

1163 [~~(9) (8) The division shall issue temporary license certificates of the same nature,
1164 except as to duration, as the license certificates that they temporarily replace, as are necessary
1165 to implement applicable provisions of this section and Section 53-3-223.~~

1166 (9) Beginning on July 1, 2011, the division may not issue a driving privilege card.

1167 (10) (a) A governmental entity may not accept a driving privilege card as proof of
1168 personal identification.

1169 (b) A driving privilege card may not be used as a document providing proof of a
1170 person's age for any government required purpose.

1171 (11) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.

1172 (12) Unless otherwise provided, the provisions, requirements, classes, endorsements,

1173 fees, restrictions, and sanctions under this code apply to a:

1174 (a) driving privilege in the same way as a license or limited-term license issued under
1175 this chapter; and

1176 (b) limited-term license certificate [~~or driving privilege card~~] in the same way as a
1177 regular license certificate issued under this chapter.

1178 Section 10. Section **53-3-214** is amended to read:

1179 **53-3-214. Renewal -- Fees required -- Extension without examination.**

1180 (1) (a) The holder of a valid license may renew the holder's license and any
1181 endorsement to the license by applying:

1182 (i) at any time within six months before the license expires; or

1183 (ii) more than six months prior to the expiration date if the applicant furnishes proof
1184 that the applicant will be absent from the state during the six-month period prior to the
1185 expiration of the license.

1186 (b) The application for a renewal of, extension of, or any endorsement to a license shall
1187 be accompanied by a fee under Section 53-3-105.

1188 (2) (a) Except as provided under Subsections (2)(b) and (3), upon application for
1189 renewal of a regular license certificate, provisional license, and any endorsement to a regular
1190 license certificate, the division shall reexamine each applicant as if for an original license and
1191 endorsement to the license, if applicable.

1192 (b) Except as provided under Subsection (2)(c), upon application for renewal of a
1193 limited-term license certificate, limited-term provisional license certificate, and any
1194 endorsement to a limited-term license certificate, the division shall:

1195 (i) reexamine each applicant as if for an original limited-term license certificate and
1196 endorsement to the limited-term license certificate, if applicable; and

1197 (ii) verify through valid documentary evidence that the status by which the individual
1198 originally qualified for the limited-term license certificate has been extended by the United
1199 States Citizenship and Immigration Services or other authorized agency of the United States
1200 Department of Homeland Security.

1201 (c) The division may waive any or all portions of the test designed to demonstrate the
1202 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

1203 (3) (a) Except as provided under Subsections (3)(b) and (c), the division may extend a

1204 regular license certificate, any endorsement to the regular license certificate, a provisional
1205 license, and any endorsement to a provisional license for five years without examination for
1206 licensees whose driving records for the five years immediately preceding the determination of
1207 eligibility for extension show:

- 1208 (i) no suspensions;
- 1209 (ii) no revocations;
- 1210 (iii) no conviction for reckless driving under Section 41-6a-528; and
- 1211 (iv) no more than four reportable violations in the preceding five years.

1212 (b) Except as provided in Subsection (3)(g), after the expiration of a regular license
1213 certificate, a new regular license certificate and any endorsement to a regular license certificate
1214 may not be issued until the person has again passed the tests under Section 53-3-206 and paid
1215 the required fee.

1216 (c) After the expiration of a limited-term license certificate, a new limited-term license
1217 certificate and any endorsement to a limited-term license certificate may not be issued until the
1218 person has:

- 1219 (i) again passed the tests under Section 53-3-206 and paid the required fee; and
- 1220 (ii) presented documentary evidence that the status by which the individual originally
1221 qualified for the limited-term license certificate has been extended by the United States
1222 Citizenship and Immigration Services or other authorized agency of the United States
1223 Department of Homeland Security.

1224 (d) A person 65 years of age or older shall take and pass the eye examination specified
1225 in Section 53-3-206.

1226 (e) An extension may not be granted to any person:

- 1227 (i) who is identified by the division as having a medical impairment that may represent
1228 a hazard to public safety;
- 1229 (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial

1230 Driver License Act; or

1231 (iii) who is holding a limited-term license certificate~~[-or]~~.

1232 ~~[(iv) who is holding a driving privilege card issued in accordance with Section~~
1233 ~~53-3-207.]~~

1234 (f) The division shall allow extensions:

1235 (i) by mail or Internet at the appropriate extension fee rate under Section 53-3-105;

1236 (ii) only if the applicant qualifies under this section; and

1237 (iii) for only one extension.

1238 (g) The division may waive any or all portions of the test designed to demonstrate the

1239 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

1240 Section 11. Section **53-3-221** is amended to read:

1241 **53-3-221. Offenses which may result in denial, suspension, disqualification, or**
1242 **revocation of license without hearing -- Additional grounds for suspension -- Point system**
1243 **for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.**

1244 (1) By following the emergency procedures in Title 63G, Chapter 4, Administrative
1245 Procedures Act, the division may immediately deny, suspend, disqualify, or revoke the license
1246 of any person without hearing and without receiving a record of the person's conviction of
1247 crime when the division has been notified or has reason to believe the person:

1248 (a) has committed any offenses for which mandatory suspension or revocation of a
1249 license is required upon conviction under Section 53-3-220;

1250 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an
1251 accident resulting in death or injury to any other person, or serious property damage;

1252 (c) is incompetent to drive a motor vehicle or is afflicted with mental or physical
1253 infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle upon the
1254 highways;

1255 (d) has committed a serious violation of the motor vehicle laws of this state;

1256 (e) has knowingly acquired, used, displayed, or transferred an item that purports to be
1257 an authentic driver license certificate issued by a governmental entity if the item is not an
1258 authentic driver license certificate or has permitted an unlawful use of the license as prohibited
1259 under Section 53-3-229; or

1260 (f) has been convicted of serious offenses against traffic laws governing the movement
1261 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard
1262 for the safety of other persons on the highways.

1263 (2) (a) The division may suspend the license of a person under Subsection (1) when the
1264 person has failed to comply with the terms stated on a traffic citation issued in this state, except
1265 this Subsection (2) does not apply to highway weight limit violations or violations of law

1266 governing the transportation of hazardous materials.

1267 (b) This Subsection (2) applies to parking and standing violations only if a court has
1268 issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy
1269 the terms of the citation.

1270 (c) (i) This Subsection (2) may not be exercised unless notice of the pending
1271 suspension of the driving privilege has been sent at least 10 days previously to the person at the
1272 address provided to the division.

1273 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not
1274 contain any evidence of a suspension that occurred as a result of failure to comply with the
1275 terms stated on a traffic citation.

1276 (3) (a) The division may suspend the license of a person under Subsection (1) when the
1277 division has been notified by a court that the person has an outstanding unpaid fine, an
1278 outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a
1279 court.

1280 (b) The suspension remains in effect until the division is notified by the court that the
1281 order has been satisfied.

1282 (c) After clearance by the division, a report authorized by Section 53-3-104 may not
1283 contain any evidence of the suspension.

1284 (4) The division shall make rules establishing a point system as provided for in this
1285 Subsection (4).

1286 (a) (i) The division shall assign a number of points to each type of moving traffic
1287 violation as a measure of its seriousness.

1288 (ii) The points shall be based upon actual relationships between types of traffic
1289 violations and motor vehicle traffic accidents.

1290 (b) Every person convicted of a traffic violation shall have assessed against the person's
1291 driving record the number of points that the division has assigned to the type of violation of
1292 which the person has been convicted, except that the number of points assessed shall be
1293 decreased by 10% if on the abstract of the court record of the conviction the court has graded
1294 the severity of violation as minimum, and shall be increased by 10% if on the abstract the court
1295 has graded the severity of violation as maximum.

1296 (c) (i) A separate procedure for assessing points for speeding offenses shall be

1297 established by the division based upon the severity of the offense.

1298 (ii) The severity of a speeding violation shall be graded as:

1299 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;

1300 (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per
1301 hour; and

1302 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

1303 (iii) Consideration shall be made for assessment of no points on minimum speeding
1304 violations, except for speeding violations in school zones.

1305 (d) (i) Points assessed against a person's driving record shall be deleted for violations
1306 occurring before a time limit set by the division.

1307 (ii) The time limit may not exceed three years.

1308 (iii) The division may also delete points to reward violation-free driving for periods of
1309 time set by the division.

1310 (e) (i) By publication in two newspapers having general circulation throughout the
1311 state, the division shall give notice of the number of points it has assigned to each type of
1312 traffic violation, the time limit set by the division for the deletion of points, and the point level
1313 at which the division will generally take action to deny or suspend under this section.

1314 (ii) The division may not change any of the information provided above regarding
1315 points without first giving new notice in the same manner.

1316 (5) (a) (i) Upon denying or suspending the license of a person under this section, the
1317 division shall immediately notify the licensee in a manner specified by the division and afford
1318 him an opportunity for a hearing in the county where the licensee resides.

1319 (ii) The hearing shall be documented, and the division or its authorized agent may
1320 administer oaths, may issue subpoenas for the attendance of witnesses and the production of
1321 relevant books and papers, and may require a reexamination of the licensee.

1322 (iii) One or more members of the division may conduct the hearing, and any decision
1323 made after a hearing before any number of the members of the division is as valid as if made
1324 after a hearing before the full membership of the division.

1325 (iv) After the hearing the division shall either rescind its order of denial or suspension,
1326 extend the denial or suspension of the license, or revoke the license.

1327 (b) The denial or suspension of the license remains in effect pending qualifications

1328 determined by the division regarding a person:

1329 (i) whose license has been denied or suspended following reexamination;

1330 (ii) who is incompetent to drive a motor vehicle;

1331 (iii) who is afflicted with mental or physical infirmities that might make him dangerous

1332 on the highways; or

1333 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.

1334 (6) (a) Subject to Subsection (6)(d), the division shall suspend a person's license when

1335 the division receives notice from the Office of Recovery Services that the Office of Recovery

1336 Services has ordered the suspension of the person's license.

1337 (b) A suspension under Subsection (6)(a) shall remain in effect until the division

1338 receives notice from the Office of Recovery Services that the Office of Recovery Services has

1339 rescinded the order of suspension.

1340 (c) After an order of suspension is rescinded under Subsection (6)(b), a report

1341 authorized by Section 53-3-104 may not contain any evidence of the suspension.

1342 (d) (i) If the division suspends a person's license under this Subsection (6), the division

1343 shall, upon application, issue a temporary limited driver license to the person if that person

1344 needs a driver license for employment, education, or child visitation.

1345 (ii) The temporary limited driver license described in this section:

1346 (A) shall provide that the person may operate a motor vehicle only for the purpose of

1347 driving to or from the person's place of employment, education, or child visitation;

1348 (B) shall prohibit the person from driving a motor vehicle for any purpose other than a

1349 purpose described in Subsection (6)(d)(ii)(A); and

1350 (C) shall expire 90 days after the day on which the temporary limited driver license is

1351 issued.

1352 (iii) (A) During the period beginning on the day on which a temporary limited driver

1353 license is issued under this Subsection (6), and ending on the day that the temporary limited

1354 driver license expires, the suspension described in this Subsection (6) only applies if the person

1355 who is suspended operates a motor vehicle for a purpose other than employment, education, or

1356 child visitation.

1357 (B) Upon expiration of a temporary limited driver license described in this Subsection

1358 (6)(d):

1359 (I) a suspension described in Subsection (6)(a) shall be in full effect until the division
1360 receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

1361 (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any
1362 reason.

1363 (iv) The division is not required to issue a limited driver license to a person under this
1364 Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver
1365 license.

1366 (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
1367 Administrative Rulemaking Act, to implement the provisions of this part.

1368 (7) (a) The division may suspend or revoke the license of any resident of this state
1369 upon receiving notice of the conviction of that person in another state of an offense committed
1370 there that, if committed in this state, would be grounds for the suspension or revocation of a
1371 license.

1372 (b) The division may, upon receiving a record of the conviction in this state of a
1373 nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws
1374 of this state, forward a certified copy of the record to the motor vehicle administrator in the
1375 state where the person convicted is a resident.

1376 (8) (a) The division may suspend or revoke the license of any nonresident to drive a
1377 motor vehicle in this state for any cause for which the license of a resident driver may be
1378 suspended or revoked.

1379 (b) Any nonresident who drives a motor vehicle upon a highway when the person's
1380 license has been suspended or revoked by the division is guilty of a class C misdemeanor.

1381 (9) (a) The division may not deny or suspend the license of any person for a period of
1382 more than one year except:

1383 (i) for failure to comply with the terms of a traffic citation under Subsection (2);

1384 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges
1385 under Section 53-3-219;

1386 (iii) when extending a denial or suspension upon receiving certain records or reports
1387 under Subsection 53-3-220(2);

1388 (iv) for failure to give and maintain owner's or operator's security under Section
1389 41-12a-411; or

1390 (v) when the division suspends the license under Subsection (6).

1391 (b) The division may suspend the license of a person under Subsection (2) until the
1392 person shows satisfactory evidence of compliance with the terms of the traffic citation.

1393 (10) (a) By following the emergency procedures in Title 63G, Chapter 4,
1394 Administrative Procedures Act, the division may immediately suspend the license of any
1395 person without hearing and without receiving a record of the person's conviction for a crime
1396 when the division has reason to believe that the person's license was granted by the division
1397 through error or fraud or that the necessary consent for the license has been withdrawn or is
1398 terminated.

1399 (b) The procedure upon suspension is the same as under Subsection (5), except that
1400 after the hearing the division shall either rescind its order of suspension or cancel the license.

1401 (11) (a) The division, having good cause to believe that a licensed driver is
1402 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified
1403 by the division of at least five days to the licensee require him to submit to an examination.

1404 (b) Upon the conclusion of the examination the division may suspend or revoke the
1405 person's license, permit him to retain the license, or grant a license subject to a restriction
1406 imposed in accordance with Section 53-3-208.

1407 (c) Refusal or neglect of the licensee to submit to an examination is grounds for
1408 suspension or revocation of the licensee's license.

1409 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section
1410 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in
1411 this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed
1412 limit and did not result in an accident, unless authorized in a manner specified by the division
1413 by the individual whose report is being requested.

1414 (b) The provisions of Subsection (12)(a) do not apply for:

1415 (i) a CDL license holder; or

1416 (ii) a violation that occurred in a commercial motor vehicle.

1417 (13) (a) By following the emergency procedures in Title 63G, Chapter 4,
1418 Administrative Procedures Act, the division may immediately suspend the license of a person
1419 if it has reason to believe that the person is the owner of a motor vehicle for which security is
1420 required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and

1421 Operators Act, and has driven the motor vehicle or permitted it to be driven within this state
1422 without the security being in effect.

1423 ~~[(b) The division may immediately suspend a driving privilege card holder's driving~~
1424 ~~privilege card if the division receives notification from the Motor Vehicle Division that:]~~

1425 ~~[(i) the driving privilege card holder is the registered owner of a vehicle; and]~~

1426 ~~[(ii) the driving privilege card holder's vehicle registration has been revoked under~~
1427 ~~Subsection 41-1a-110(2)(a)(ii)(A).]~~

1428 ~~[(e)]~~ (b) Section 41-12a-411 regarding the requirement of proof of owner's or operator's
1429 security applies to persons whose driving privileges are suspended under this Subsection (13).

1430 ~~[(d)]~~ (c) If the division exercises the right of immediate suspension granted under this
1431 Subsection (13), the notice and hearing provisions of Subsection (5) apply.

1432 ~~[(e)]~~ (d) A person whose license suspension has been sustained or whose license has
1433 been revoked by the division under this Subsection (13) may file a request for agency action
1434 requesting a hearing.

1435 (14) Any suspension or revocation of a person's license under this section also
1436 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License
1437 Act, of this chapter.

1438 Section 12. Section **58-37c-10** is amended to read:

1439 **58-37c-10. Reporting and recordkeeping.**

1440 (1) Any person who engages in a regulated transaction, unless excepted under the
1441 provisions of Subsections 58-37c-8(3) and (4), shall submit a report with respect to such
1442 transaction and shall maintain records of inventories in accordance with rules adopted by the
1443 division.

1444 (2) The division shall provide reporting forms upon which regulated transactions shall
1445 be reported.

1446 (3) The division shall furnish copies of reports of transactions under this section to
1447 appropriate law enforcement agencies.

1448 (4) The division shall adopt rules regulating:

1449 (a) records which shall be maintained and reports which shall be submitted by
1450 regulated distributors and regulated purchasers with respect to listed controlled substance
1451 precursors obtained, distributed, and held in inventory;

1452 (b) records which shall be maintained and reports which shall be submitted by
1453 regulated distributors and regulated purchasers with respect to extraordinary or unusual
1454 regulated transactions and a requirement that in such cases the report must be received at least
1455 three working days prior to transfer of the listed controlled substance precursor;

1456 (c) identification which must be presented by a purchaser of any listed controlled
1457 substance precursor before the sale or transfer can be completed and recordkeeping
1458 requirements related to such identification presented;

1459 (d) filing by each licensee the identification of all locations where any listed controlled
1460 substance precursor is held in inventory or stored and amending such filing when any change in
1461 location is made;

1462 (e) reports and actions which must be taken by a regulated distributor or regulated
1463 purchaser in the event of any theft, loss, or shortage of a listed controlled substance precursor;

1464 (f) reports and actions which must be taken by a regulated distributor relating to a
1465 regulated transaction with an out-of-state purchaser;

1466 (g) reports and actions which must be taken by a regulated purchaser relating to a
1467 regulated transaction with an out-of-state distributor; and

1468 (h) regulated transactions to the extent such regulation is reasonable and necessary to
1469 protect the public health, safety, or welfare.

1470 ~~[(5) A person who engages in a regulated transaction may not accept a driving privilege~~
1471 ~~card issued in accordance with Section 53-3-207 as proof of identification as required under~~
1472 ~~Subsection (4)(c).]~~

1473 Section 13. Section **63G-11-102** is amended to read:

1474 **63G-11-102. Creation of identity documents -- Issuance to citizens, nationals, and**
1475 **legal permanent resident aliens -- Exceptions.**

1476 (1) The following entities may create, publish, or otherwise manufacture an
1477 identification document, identification card, or identification certificate and possess an
1478 engraved plate or other device for the printing of an identification document:

1479 (a) a federal, state, or local government agency for employee identification, which is
1480 designed to identify the bearer as an employee;

1481 (b) a federal, state, or local government agency for purposes authorized or required by
1482 law or a legitimate purpose consistent with the duties of the agency, including such documents

1483 as voter identification cards, identification cards, passports, birth certificates, and Social
1484 Security cards; and

1485 (c) a public school or state or private educational institution to identify the bearer as an
1486 administrator, faculty member, student, or employee.

1487 (2) The name of the issuing entity shall be clearly printed upon the face of the
1488 identification document.

1489 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity
1490 providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall issue
1491 the document, card, or certificate only to:

1492 (a) a United States citizen;

1493 (b) a national; or

1494 (c) a legal permanent resident alien.

1495 (4) (a) Subsection (3) does not apply to an applicant for an identification document
1496 who presents, in person, valid documentary evidence of the applicant's:

1497 (i) unexpired immigrant or nonimmigrant visa status for admission into the United
1498 States;

1499 (ii) pending or approved application for asylum in the United States;

1500 (iii) admission into the United States as a refugee;

1501 (iv) pending or approved application for temporary protected status in the United
1502 States;

1503 (v) approved deferred action status; or

1504 (vi) pending application for adjustment of status to legal permanent resident or
1505 conditional resident.

1506 (b) (i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c)
1507 identification document to an applicant who satisfies the requirements of Subsection (4)(a).

1508 (ii) Except as otherwise provided by federal law, the document is valid only:

1509 (A) during the period of time of the individual's authorized stay in the United States; or

1510 (B) for one year from the date of issuance if there is no definite end to the individual's
1511 period of authorized stay.

1512 (iii) An entity issuing an identification document under this Subsection (4) shall clearly
1513 indicate on the document:

1514 (A) that it is temporary; and

1515 (B) its expiration date.

1516 (c) An individual may renew a document issued under this Subsection (4) only upon
1517 presentation of valid documentary evidence that the status by which the individual originally
1518 qualified for the identification document has been extended by the United States Citizenship
1519 and Immigration Services or other authorized agency of the United States Department of
1520 Homeland Security.

1521 (5) (a) Subsection (3) does not apply to an identification document issued under
1522 Subsection (1)(c) that:

1523 (i) is only valid for use on the educational institution's campus or facility; and

1524 (ii) includes a statement of the restricted use conspicuously printed upon the face of the
1525 identification document.

1526 (b) Subsection (3) does not apply to a license certificate~~[-, driving privilege card,]~~ or
1527 identification card issued or renewed under Title 53, Chapter 3, Uniform Driver License Act.

1528 (c) Subsection (3) does not apply to a public transit pass issued by a public transit
1529 district as defined in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:

1530 (i) is only valid for use on the public transit system; and

1531 (ii) includes a statement of the restricted use conspicuously printed on the face of the
1532 public transit pass.

1533 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or
1534 national origin.

1535 Section 14. Section **76-10-526** is amended to read:

1536 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**
1537 **Exemption for concealed firearm permit holders.**

1538 (1) For purposes of this section, "valid permit to carry a concealed firearm" does not
1539 include a temporary permit issued pursuant to Section 53-5-705.

1540 (2) ~~(a)~~ To establish personal identification and residence in this state for purposes of
1541 this part, a dealer shall require an individual receiving a firearm to present one photo
1542 identification on a form issued by a governmental agency of the state.

1543 ~~(b) A dealer may not accept a driving privilege card issued in accordance with Section~~
1544 ~~53-3-207 as proof of identification for the purpose of establishing personal identification and~~

1545 ~~residence in this state as required under this Subsection (2).]~~

1546 (3) A criminal history background check is required for the sale of a firearm by a
1547 licensed firearm dealer in the state.

1548 (4) (a) An individual, except a dealer, purchasing a firearm from a dealer shall consent
1549 in writing to a criminal background check, on a form provided by the bureau.

1550 (b) The form shall contain the following information:

1551 (i) the dealer identification number;

1552 (ii) the name and address of the individual receiving the firearm;

1553 (iii) the date of birth, height, weight, eye color, and hair color of the individual
1554 receiving the firearm; and

1555 (iv) the Social Security number or any other identification number of the individual
1556 receiving the firearm.

1557 (5) (a) The dealer shall send the form required by Subsection (4) to the bureau
1558 immediately upon its completion.

1559 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has
1560 provided the bureau with the information in Subsection (4) and has received approval from the
1561 bureau under Subsection (7).

1562 (6) The dealer shall make a request for criminal history background information by
1563 telephone or other electronic means to the bureau and shall receive approval or denial of the
1564 inquiry by telephone or other electronic means.

1565 (7) When the dealer calls for or requests a criminal history background check, the
1566 bureau shall:

1567 (a) review the criminal history files, including juvenile court records, to determine if
1568 the individual is prohibited from purchasing, possessing, or transferring a firearm by state or
1569 federal law;

1570 (b) inform the dealer that:

1571 (i) the records indicate the individual is so prohibited; or

1572 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;

1573 (c) provide the dealer with a unique transaction number for that inquiry; and

1574 (d) provide a response to the requesting dealer during the call for a criminal
1575 background, or by return call, or other electronic means, without delay, except in case of

1576 electronic failure or other circumstances beyond the control of the bureau, the bureau shall
1577 advise the dealer of the reason for the delay and give the dealer an estimate of the length of the
1578 delay.

1579 (8) (a) The bureau may not maintain any records of the criminal history background
1580 check longer than 20 days from the date of the dealer's request if the bureau determines that the
1581 individual receiving the gun is not prohibited from purchasing, possessing, or transferring the
1582 firearm under state or federal law.

1583 (b) However, the bureau shall maintain a log of requests containing the dealer's federal
1584 firearms number, the transaction number, and the transaction date for a period of 12 months.

1585 (9) If the criminal history background check discloses information indicating that the
1586 individual attempting to purchase the firearm is prohibited from purchasing, possessing, or
1587 transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction
1588 where the person resides.

1589 (10) If an individual is denied the right to purchase a firearm under this section, the
1590 individual may review the individual's criminal history information and may challenge or
1591 amend the information as provided in Section 53-10-108.

1592 (11) The bureau shall make rules as provided in Title 63G, Chapter 3, Utah
1593 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all
1594 records provided by the division pursuant to this part are in conformance with the requirements
1595 of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

1596 (12) (a) (i) A dealer shall collect a criminal history background check fee related to the
1597 sale of a firearm under this section, which is \$7.50.

1598 (ii) This fee remains in effect until changed by the bureau through the process under
1599 Section 63J-1-504.

1600 (b) (i) The dealer shall forward at one time all fees collected for criminal history
1601 background checks performed during the month to the bureau by the last day of the month
1602 following the sale of a firearm.

1603 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover
1604 the cost of administering and conducting the criminal history background check program.

1605 (13) An individual with a concealed firearm permit issued pursuant to Title 53, Chapter
1606 5, Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee

1607 required in this section for the purchase of a firearm if:

1608 (a) the individual presents the individual's concealed firearm permit to the dealer prior
1609 to purchase of the firearm; and

1610 (b) the dealer verifies with the division that the individual's concealed firearm permit is
1611 valid.

1612 Section 15. **Effective date.**

1613 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2011.

1614 (2) The amendments to the following sections take effect on January 1, 2012:

1615 (a) Section 32B-1-102;

1616 (b) Section 32B-1-406;

1617 (c) Section 41-1a-110;

1618 (d) Section 41-1a-1220;

1619 (e) Section 41-12a-806;

1620 (f) Section 46-1-2;

1621 (g) Section 53-3-102;

1622 (h) Section 53-3-221;

1623 (i) Section 58-37c-10;

1624 (j) Section 63G-11-102; and

1625 (k) Section 76-10-526.

1626 Section 16. **Coordinating S.B. 138 with H.B. 116 -- Substantive and technical**
1627 **amendments.**

1628 If this S.B. 138 and H.B. 116, Utah Immigration Accountability and Enforcement
1629 Amendments, both pass, it is the intent of the Legislature that:

1630 (1) Subsections 63G-12-205(1)(i) and 76-9-1004(4) enacted in H.B. 116 do not take
1631 effect; and

1632 (2) the Office of Legislative Research and General Counsel, in preparing the Utah
1633 Code database for publication:

1634 (a) modify Subsection 63G-12-203(1) to read as follows:

1635 "(1) To the extent feasible, the department shall coordinate the implementation of the
1636 program with other existing state and federal laws that relate to immigration and labor,
1637 including laws pertaining to reporting citizenship status."; and

1638 (b) modify Subsection 63G-12-205(1)(h)(ii) to read as follows:
1639 " (ii) provide evidence satisfactory to the department that the undocumented individual
1640 has no medical debt that is past due and agrees to have no medical debt that is past due during
1641 the term of the permit."