

DRIVER LICENSE AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill modifies the Uniform Driver License Act by amending provisions relating to certain driver license expiration dates.

Highlighted Provisions:

This bill:

► provides that a regular license certificate and any endorsement to the regular license certificate which expires during the time period a person is working outside of the state, is valid until 90 days after the person's assignment has been changed or terminated if the person is:

- a civilian employee of the United States State Department or United States Department of Defense and is stationed outside of the United States; or

- an immediate family member or dependent of a person who is a civilian employee of the United States State Department or United States Department of Defense and is residing outside of the United States; and

► makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **53-3-205**, as last amended by Laws of Utah 2011, Chapters 152, 190, 415, and 428



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

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

33 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
34 **Expiration dates of licenses and endorsements -- Information required -- Previous**
35 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
36 **Fee required -- License agreement.**

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

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

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

- 43 (a) not more than three attempts to pass both the knowledge and the skills tests for a
44 class D license within six months of the date of the application;
- 45 (b) a learner permit if needed pending completion of the application and testing
46 process; and
- 47 (c) an original class D license and license certificate after all tests are passed.

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

- 50 (a) not more than three attempts to pass both the knowledge and skills tests within six
51 months of the date of the application;
- 52 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
- 53 (c) a motorcycle or taxicab endorsement when all tests are passed.

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

- 56 (a) not more than two attempts to pass a knowledge test and not more than two
57 attempts to pass a skills test within six months of the date of the application;
- 58 (b) a commercial driver instruction permit if needed after the knowledge test is passed;

59 and

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

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

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

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

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

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

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

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

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

79 (e) (i) A regular license certificate and any endorsement to the regular license
80 certificate held by a person [~~ordered to active duty and stationed outside Utah in any of the~~
81 ~~armed forces of the United States or by an immediate family member or dependent who is~~
82 ~~residing outside of the state~~] described in Subsection (7)(e)(ii), which expires during the time
83 period the person is stationed outside of the state, is valid until 90 days after the person's orders
84 have been terminated [~~or~~], the person has been discharged, or the person's assignment has been
85 changed or terminated, unless:

86 [(i)] (A) the license is suspended, disqualified, denied, or has been cancelled or
87 revoked by the division; or

88 [(ii)] (B) the licensee updates the information or photograph on the license certificate.

89 (ii) The provisions in Subsection (7)(e)(i) apply to a person:

90 (A) ordered to active duty and stationed outside of Utah in any of the armed forces of
91 the United States;

92 (B) who is an immediate family member or dependent of a person described in
93 Subsection (7)(e)(ii)(A) and is residing outside of Utah;

94 (C) who is a civilian employee of the United States State Department or United States
95 Department of Defense and is stationed outside of the United States; or

96 (D) who is an immediate family member or dependent of a person described in
97 Subsection (7)(e)(ii)(C) and is residing outside of the United States.

98 (f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a
99 renewal to a limited-term license certificate expires:

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

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

105 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
106 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth
107 year following the year that the limited-term license certificate was issued.

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

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

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

116 (i) provide the applicant's:

117 (A) full legal name;

118 (B) birth date;

119 (C) gender;

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

- 121 (II) written proof that the applicant is ineligible to receive a Social Security number;
- 122 (III) temporary identification number (ITIN) issued by the Internal Revenue Service for
- 123 a person who:
 - 124 (Aa) does not qualify for a Social Security number; and
 - 125 (Bb) is applying for a driving privilege card; or
 - 126 (IV) other documentary evidence approved by the division;
 - 127 (E) Utah residence address as documented by a form or forms acceptable under rules
 - 128 made by the division under Section 53-3-104, unless the application is for a temporary CDL
 - 129 issued under Subsection 53-3-407(2)(b); and
 - 130 (F) submit fingerprints and a photograph in accordance with Section 53-3-205.5 if the
 - 131 person is applying for a driving privilege card;
 - 132 (ii) provide evidence of the applicant's lawful presence in the United States by
 - 133 providing documentary evidence:
 - 134 (A) that a person is:
 - 135 (I) a United States citizen;
 - 136 (II) a United States national; or
 - 137 (III) a legal permanent resident alien; or
 - 138 (B) of the applicant's:
 - 139 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
 - 140 States;
 - 141 (II) pending or approved application for asylum in the United States;
 - 142 (III) admission into the United States as a refugee;
 - 143 (IV) pending or approved application for temporary protected status in the United
 - 144 States;
 - 145 (V) approved deferred action status;
 - 146 (VI) pending application for adjustment of status to legal permanent resident or
 - 147 conditional resident; or
 - 148 (VII) conditional permanent resident alien status;
 - 149 (iii) provide a description of the applicant;
 - 150 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
 - 151 and, if so, when and by what state or country;

152 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
153 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
154 application refused, and if so, the date of and reason for the suspension, cancellation,
155 revocation, disqualification, denial, or refusal;

156 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
157 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

158 (vii) state whether the applicant is required to register as a sex offender under Section
159 77-27-21.5;

160 (viii) state whether the applicant is a veteran of the United States military, provide
161 verification that the applicant was honorably discharged from the United States military, and
162 state whether the applicant does or does not authorize sharing the information with the state
163 Department of Veterans' Affairs;

164 (ix) provide all other information the division requires; and

165 (x) sign the application which signature may include an electronic signature as defined
166 in Section 46-4-102.

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

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

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

172 (i) (A) Social Security number;

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

174 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

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

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

179 (a) current license certificate;

180 (b) birth certificate;

181 (c) Selective Service registration; or

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

183 other evidence considered acceptable by the division.

184 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
185 higher class than what the applicant originally was issued:

186 (i) the license application shall be treated as an original application; and

187 (ii) license and endorsement fees shall be assessed under Section 53-3-105.

188 (b) An applicant that receives a downgraded license in a lower license class during an
189 existing license cycle that has not expired:

190 (i) may be issued a duplicate license with a lower license classification for the
191 remainder of the existing license cycle; and

192 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
193 duplicate license is issued under Subsection (10)(b)(i).

194 (c) An applicant who has received a downgraded license in a lower license class under
195 Subsection (10)(b):

196 (i) may, when eligible, receive a duplicate license in the highest class previously issued
197 during a license cycle that has not expired for the remainder of the existing license cycle; and

198 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
199 duplicate license is issued under Subsection (10)(c)(i).

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

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

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

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

211 (14) A person who applies for an original license or renewal of a license agrees that the
212 person's license is subject to any suspension or revocation authorized under this title or Title
213 41, Motor Vehicles.

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

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

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

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

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

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

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

228 (a) loss;

229 (b) detriment; or

230 (c) injury.

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

Legislative Review Note
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Office of Legislative Research and General Counsel