

SB0025S01 compared with SB0025

~~{deleted text}~~ shows text that was in SB0025 but was deleted in SB0025S01.

inserted text shows text that was not in SB0025 but was inserted into SB0025S01.

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Senator Kevin T. Van Tassell proposes the following substitute bill:

DRIVER LICENSE AND IDENTIFICATION CARD

AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. Van Tassell

House Sponsor: _____

LONG TITLE

~~{Committee Note:~~

~~_____ The Transportation Interim Committee recommended this bill.~~

~~{General Description:~~

This bill modifies the Traffic Code and the Uniform Driver License Act by amending provisions relating to driver license and identification cards.

Highlighted Provisions:

This bill:

~~{ → } repeals the requirement that a peace officer take a motor vehicle operator's Utah license certificate or permit and issue a temporary license certificate effective for only 29 days from the date of arrest if the operator of the vehicle has been arrested~~

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~~for certain alcohol or drug related offenses;~~

~~repeals the provision that prohibits the state from participating in the implementation on the REAL ID Act and provides that the Driver License Division may implement the REAL ID Act;~~

- ‡ ▶ prohibits a person from holding both an unexpired Utah license certificate and an unexpired Utah identification card;
- ▶ provides that if certain persons hold an unexpired Utah license certificate and an unexpired Utah identification card, the person shall surrender either the Utah license certificate or the Utah identification card within certain time frames, or the Driver License Division shall cancel the person's Utah identification card;
- ▶ provides that certain limited-term license certificates or identification cards expire on the date of issuance in the first year following the year that the limited-term license certificate or identification card was issued;
- ▶ authorizes the Driver License Division to extend certain license certificates by electronic means or other means determined by the division; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2012.

Utah Code Sections Affected:

AMENDS:

~~{ 41-6a-520, as last amended by Laws of Utah 2006, Chapter 341~~

~~53-3-104.5, as enacted by Laws of Utah 2010, Chapter 253~~

‡ 53-3-204, as last amended by Laws of Utah 2009, Chapter 356

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

53-3-214, as last amended by Laws of Utah 2009, Chapter 315

53-3-215, as renumbered and amended by Laws of Utah 1993, Chapter 234

~~{ 53-3-223, as last amended by Laws of Utah 2011, Third Special Session, Chapter 1~~

~~53-3-226, as last amended by Laws of Utah 2005, Chapter 2~~

~~53-3-231, as last amended by Laws of Utah 2011, Chapter 312~~

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~~53-3-418, as last amended by Laws of Utah 2009, Chapter 40~~

‡ 53-3-803, as renumbered and amended by Laws of Utah 1993, Chapter 234

53-3-804, as last amended by Laws of Utah 2011, Chapters 152 and 415

53-3-807, as last amended by Laws of Utah 2011, Chapter 366

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

Section 1. Section ~~{41-6a-520}~~53-3-204 is amended to read:

~~{~~~~41-6a-520. Implied consent to chemical tests for alcohol or drug -- Number of tests -- Refusal -- Warning, report.~~

~~(1) (a) A person operating a motor vehicle in this state is considered to have given the person's consent to a chemical test or tests of the person's breath, blood, urine, or oral fluids for the purpose of determining whether the person was operating or in actual physical control of a motor vehicle while:~~

~~(i) having a blood or breath alcohol content statutorily prohibited under Section 41-6a-502, 41-6a-530, 53-3-231, or 53-3-232;~~

~~(ii) under the influence of alcohol, any drug, or combination of alcohol and any drug under Section 41-6a-502; or~~

~~(iii) having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517.~~

~~(b) A test or tests authorized under this Subsection (1) must be administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of a motor vehicle while in violation of any provision under Subsections (1)(a)(i) through (iii).~~

~~(c) (i) The peace officer determines which of the tests are administered and how many of them are administered.~~

~~(ii) If a peace officer requests more than one test, refusal by a person to take one or more requested tests, even though the person does submit to any other requested test or tests, is a refusal under this section.~~

~~(d) (i) A person who has been requested under this section to submit to a chemical test or tests of the person's breath, blood, or urine, or oral fluids may not select the test or tests to be administered.~~

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~~—— (ii) The failure or inability of a peace officer to arrange for any specific chemical test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.~~

~~—— (2) (a) A peace officer requesting a test or tests shall warn a person that refusal to submit to the test or tests may result in revocation of the person's license to operate a motor vehicle, a five or 10 year prohibition of driving with any measurable or detectable amount of alcohol in the person's body depending on the person's prior driving history, and a three-year prohibition of driving without an ignition interlock device if the person:~~

~~—— (i) has been placed under arrest;~~

~~—— (ii) has then been requested by a peace officer to submit to any one or more of the chemical tests under Subsection (1); and~~

~~—— (iii) refuses to submit to any chemical test requested.~~

~~—— (b) (i) Following the warning under Subsection (2)(a), if the person does not immediately request that the chemical test or tests as offered by a peace officer be administered, a peace officer shall, on behalf of the Driver License Division and within 24 hours of the arrest, give notice of the Driver License Division's intention to revoke the person's privilege or license to operate a motor vehicle:~~

~~—— (ii) When a peace officer gives the notice on behalf of the Driver License Division, the peace officer shall: (A) take the Utah license certificate or permit, if any, of the operator; (B) issue a temporary license certificate effective for only 29 days from the date of arrest; and (C) supply to the operator, in a manner specified by the Driver License Division, basic information regarding how to obtain a hearing before the Driver License Division.~~

~~—— [(c) A citation issued by a peace officer may, if provided in a manner specified by the Driver License Division, also serve as the temporary license certificate.]~~

~~—— [(d)] (c) As a matter of procedure, the peace officer shall submit a signed report, within 10 calendar days after the day on which notice is provided under Subsection (2)(b), that:~~

~~—— (i) the peace officer had grounds to believe the arrested person was in violation of any provision under Subsections (1)(a)(i) through (iii); and~~

~~—— (ii) the person had refused to submit to a chemical test or tests under Subsection (1).~~

~~—— (3) Upon the request of the person who was tested, the results of the test or tests shall~~

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~~be made available to the person.~~

~~—— (4) (a) The person to be tested may, at the person's own expense, have a physician of the person's own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.~~

~~—— (b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.~~

~~—— (c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.~~

~~—— (5) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician, or other person present as a condition for the taking of any test.~~

~~—— Section 2. Section ~~53-3-104.5~~ is amended to read:~~

~~—— ~~53-3-104.5. Limitations on implementing REAL ID Act.~~~~

~~—— (1) As used in this section, "REAL ID Act" means the federal REAL ID Act of 2005 [enacted by the United States Congress as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, Pub. L. No.] P.L. 109-13, Division B, 119 Stat. 302.~~

~~—— [(2) The Legislature finds that the United States Congress' enactment of the REAL ID Act into law:]~~

~~—— [(a) is inimical to the security and well-being of the people of this state;]~~

~~—— [(b) will cause unneeded expense and inconvenience to the people of this state; and]~~

~~—— [(c) was adopted in violation of the principles of federalism contained in the Tenth Amendment to the United States Constitution.]~~

~~—— [(3) (a) The state may not participate in the implementation of the REAL ID Act.]~~

~~—— [(b) The division:]~~

~~—— [(i) may not implement the provisions of the REAL ID Act; and]~~

~~—— [(ii) shall report to the governor any attempt by an agency or an agent of the United States Department of Homeland Security to secure the implementation of the REAL ID Act.]~~

~~—— [(4) This section does not preclude the division from complying with provisions of the REAL ID Act that are already:]~~

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~~— [(a) adopted by administrative rule; or]~~

~~— [(b) authorized under this code.]~~

~~— (2) The division:~~

~~— (a) may implement the provisions of the REAL ID Act and the provisions of 6 C.F.R. Part 37; and~~

~~— (b) shall report to the governor future amendments to the REAL ID Act or 6 C.F.R. Part 37 as they appeared on March 4, 2011.~~

~~— Section 3. Section 53-3-204 is amended to read:~~

‡ **53-3-204. Persons who may not be licensed.**

(1) (a) The division may not license a person who:

(i) is younger than 16 years of age;

(ii) has not completed a course in driver training approved by the commissioner;

(iii) if the person is a minor, has not completed the driving requirement under Section 53-3-211;

(iv) is not a resident of the state, unless the person is issued a temporary CDL under Subsection 53-3-407(2)(b); or

(v) if the person is 17 years of age or younger, has not held a learner permit issued under Section 53-3-210.5 for six months.

(b) Subsections (1)(a)(i), (ii), and (iii) do not apply to a person:

(i) who has been licensed before July 1, 1967; or

(ii) who is 16 years of age or older making application for a license who has been licensed in another state or country.

(2) The division may not issue a license certificate to a person:

(a) whose license has been suspended, denied, cancelled, or disqualified during the period of suspension, denial, cancellation, or disqualification;

(b) whose privilege has been revoked, except as provided in Section 53-3-225;

(c) who has previously been adjudged mentally incompetent and who has not at the time of application been restored to competency as provided by law;

(d) who is required by this chapter to take an examination unless the person successfully passes the examination; ~~[or]~~

(e) whose driving privileges have been denied or suspended under:

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(i) Section 78A-6-606 by an order of the juvenile court; or

(ii) Section 53-3-231~~[-];~~ or

(f) beginning on or after July 1, 2012, who holds an unexpired Utah identification card issued under Part 8, Identification Cards, unless:

(i) the Utah identification card is canceled; and

(ii) if the Utah identification card is in the person's possession, the Utah identification card is surrendered to the division.

(3) (a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle endorsement to a person who:

(i) has not been granted an original or provisional class D license, a CDL, or an out-of-state equivalent to an original or provisional class D license or a CDL; and

(ii) if the person is under 19 years of age, has not held a motorcycle learner permit for two months unless Subsection (3)(b) applies.

(b) The division may waive the two month motorcycle learner permit holding period requirement under Subsection (3)(a)(ii) if the person proves to the satisfaction of the division that the person has completed a motorcycle rider education program that meets the requirements under Section 53-3-903.

(c) The division may grant a motorcycle endorsement to a person under 19 years of age who has not held a motorcycle learner permit for two months if the person was issued a motorcycle endorsement prior to July 1, 2008.

(4) The division may grant a class D license to a person whose commercial license is disqualified under Part 4, Uniform Commercial Driver License Act, if the person is not otherwise sanctioned under this chapter.

Section ~~{4}~~2. Section **53-3-205** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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certificate was issued.

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

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

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

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

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

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

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

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

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

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

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

(h) An original license or a renewal to an original license expires on the birth date of

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the applicant in the first year following the year that the license was issued if the applicant is required to register as a sex offender under Section 77-27-21.5.

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

(i) provide [~~the applicant's~~]:

(A) the applicant's full legal name;

(B) the applicant's birth date;

(C) the applicant's gender;

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

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

(III) the applicant's temporary identification number (ITIN) issued by the Internal

Revenue Service for a person who:

(Aa) does not qualify for a Social Security number; and

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

(IV) other documentary evidence approved by the division;

(E) the applicant's Utah residence address as documented by a form or forms

acceptable under rules made by the division under Section 53-3-104, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b); and

(F) [~~submit~~] fingerprints and a photograph in accordance with Section 53-3-205.5 if the person is applying for a driving privilege card;

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

(A) that a person is:

(I) a United States citizen;

(II) a United States national; or

(III) a legal permanent resident alien; or

(B) of the applicant's:

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

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

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

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

(V) approved deferred action status;

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

(VII) conditional permanent resident alien status;

(iii) provide a description of the applicant;

(iv) state whether the applicant has previously been licensed to drive a motor vehicle and, if so, when and by what state or country;

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

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

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

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

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

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

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

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

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

(i) (A) Social Security number;

(B) temporary identification number (ITIN); or

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

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

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

(a) current license certificate;

(b) birth certificate;

(c) Selective Service registration; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) loss;

(b) detriment; or

(c) injury.

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

(19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.

(b) On or after December 1, 2014, a person born on or after December 1, 1964:

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(i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and

(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.

(c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (19), the division shall cancel the Utah identification card on December 1, 2014.

(20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.

(b) On or after December 1, 2017, a person born prior to December 1, 1964:

(i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and

(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.

(c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (20), the division shall cancel the Utah identification card on December 1, 2017.

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

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

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

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

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

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

(2) (a) Except as provided under Subsections (2)(b) and (3), upon application for renewal of a regular license certificate, provisional license, and any endorsement to a regular

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license certificate, the division shall reexamine each applicant as if for an original license and endorsement to the license, if applicable.

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

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

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

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

(3) (a) Except as provided under Subsections (3)(b) and (c), the division may extend a regular license certificate, any endorsement to the regular license certificate, a provisional license, and any endorsement to a provisional license for five years without examination for licensees whose driving records for the five years immediately preceding the determination of eligibility for extension show:

(i) no suspensions;

(ii) no revocations;

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

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

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

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

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

(ii) presented documentary evidence that the status by which the individual originally

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qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

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

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

(i) who is identified by the division as having a medical impairment that may represent a hazard to public safety;

(ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial Driver License Act;

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

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

(f) The division shall allow extensions:

(i) by mail, electronic means, or other means as determined by the division at the appropriate extension fee rate under Section 53-3-105;

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

(iii) for only one extension.

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

Section ~~{6}~~4. Section **53-3-215** is amended to read:

53-3-215. Duplicate license certificate -- Fee.

(1) (a) If a license certificate issued under this chapter is lost, stolen, or destroyed, the person to whom the license certificate was issued may obtain a duplicate upon furnishing proof satisfactory to the division that the license certificate has been lost, stolen, or destroyed and upon payment of a duplicate fee under Section 53-3-105.

(b) A person may not be issued a duplicate license certificate under this section unless the person complies with Subsection 53-3-204(2)(f).

(2) When the division is advised that a license certificate has been lost, stolen, or destroyed, the license certificate is then void.

Section ~~{7}~~5. Section ~~{53-3-223}~~53-3-803 is amended to read:

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~~{ 53-3-223. Chemical test for driving under the influence -- Temporary license --
Hearing and decision -- Suspension and fee -- Judicial review.~~

~~—— (1) (a) If a peace officer has reasonable grounds to believe that a person may be violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a certain blood or breath alcohol concentration and driving under the influence of any drug, alcohol, or combination of a drug and alcohol or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517, the peace officer may, in connection with arresting the person, request that the person submit to a chemical test or tests to be administered in compliance with the standards under Section 41-6a-520.~~

~~—— (b) In this section, a reference to Section 41-6a-502 includes any similar local ordinance adopted in compliance with Subsection 41-6a-510(1).~~

~~—— (2) The peace officer shall advise a person prior to the person's submission to a chemical test that a test result indicating a violation of Section 41-6a-502 or 41-6a-517 shall, and the existence of a blood alcohol content sufficient to render the person incapable of safely driving a motor vehicle may, result in suspension or revocation of the person's license to drive a motor vehicle.~~

~~—— (3) If the person submits to a chemical test and the test results indicate a blood or breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer makes a determination, based on reasonable grounds, that the person is otherwise in violation of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of arrest, give notice of the division's intention to suspend the person's license to drive a motor vehicle.~~

~~—— (4) [(a)] When a peace officer gives notice on behalf of the division, the peace officer shall: (i) take the Utah license certificate or permit, if any, of the driver; (ii) issue a temporary license certificate effective for only 29 days from the date of arrest; and (iii)] supply to the driver, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division.~~

~~—— [(b) A citation issued by a peace officer may, if provided in a manner specified by the division, also serve as the temporary license certificate.]~~

~~—— (5) As a matter of procedure, a peace officer shall send to the division within 10~~

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~~calendar days after the day on which notice is provided:~~

~~—— [(a) the person's license certificate;]~~

~~—— [(b)] (a) a copy of the citation issued for the offense;~~

~~—— [(c)] (b) a signed report in a manner specified by the division indicating the chemical test results, if any, and~~

~~—— [(d)] (c) any other basis for the peace officer's determination that the person has violated Section 41-6a-502 or 41-6a-517.~~

~~—— (6) (a) Upon request in a manner specified by the division, the division shall grant to the person an opportunity to be heard within 29 days after the date of arrest. The request to be heard shall be made within 10 calendar days of the day on which notice is provided under Subsection (5):~~

~~—— (b) (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the division in:~~

~~—— (A) the county in which the arrest occurred; or~~

~~—— (B) a county that is adjacent to the county in which the arrest occurred.~~

~~—— (ii) The division may hold a hearing in some other county if the division and the person both agree:~~

~~—— (c) The hearing shall be documented and shall cover the issues of:~~

~~—— (i) whether a peace officer had reasonable grounds to believe the person was driving a motor vehicle in violation of Section 41-6a-502 or 41-6a-517;~~

~~—— (ii) whether the person refused to submit to the test; and~~

~~—— (iii) the test results, if any.~~

~~—— (d) (i) In connection with a hearing the division or its authorized agent:~~

~~—— (A) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers; or~~

~~—— (B) may issue subpoenas for the attendance of necessary peace officers.~~

~~—— (ii) The division shall pay witness fees and mileage from the Transportation Fund in accordance with the rates established in Section 78B-1-119:~~

~~—— (c) The division may designate one or more employees to conduct the hearing.~~

~~—— (f) Any decision made after a hearing before any designated employee is as valid as if made by the division.~~

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~~—— (7) (a) If, after a hearing, the division determines that a peace officer had reasonable grounds to believe that the person was driving a motor vehicle in violation of Section 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the notice, or if a hearing is not requested under this section, the division shall:~~

~~—— (i) if the person is 21 years of age or older at the time of arrest and the arrest was made on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a period of:~~

~~—— (A) 120 days beginning on the 30th day after the date of arrest for a first suspension; or~~

~~—— (B) two years beginning on the 30th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years;~~

~~—— (ii) if the person is 19 years of age or older but under 21 years of age at the time of arrest and the arrest was made on or after July 1, 2009:~~

~~—— (A) suspend the person's license or permit to operate a motor vehicle:~~

~~—— (I) for a period of six months, beginning on the 30th day after the date of arrest for a first suspension; or~~

~~—— (II) until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 30th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years; or~~

~~—— (B) deny the person's application for a license or learner's permit:~~

~~—— (I) for a period of six months for a first suspension, if the person has not been issued an operator license; or~~

~~—— (II) until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 30th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years; or~~

~~—— (iii) if the person is under 19 years of age at the time of arrest and the arrest was made on or after July 1, 2009:~~

~~—— (A) suspend the person's license or permit to operate a motor vehicle:~~

~~—— (I) for a period of two years beginning on the 30th day after the date of arrest for a first suspension; or~~

~~—— (II) until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 30th day after the date of arrest for a second or subsequent suspension for an~~

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~~offense that occurred within the previous 10 years; or~~

~~—— (B) deny the person's application for a license or learner's permit;~~

~~—— (I) for a period of two years for a first suspension, if the person has not been issued an operator license; or~~

~~—— (H) until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 30th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years.~~

~~—— (b) The division shall deny or suspend a person's license for the denial and suspension periods in effect:~~

~~—— (i) prior to July 1, 2009, for an offense that was committed prior to July 1, 2009; or~~

~~—— (ii) from July 1, 2009, through June 30, 2011, if:~~

~~—— (A) the person was 20 years 6 months of age or older but under 21 years of age at the time of arrest; and~~

~~—— (B) the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.~~

~~—— (c) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall reinstate a person's license prior to completion of the 120-day suspension period imposed under Subsection (7)(a)(i)(A):~~

~~—— (A) immediately upon receiving written verification of the person's dismissal of a charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the suspension period; or~~

~~—— (B) no sooner than 60 days beginning on the 30th day after the date of arrest upon receiving written verification of the person's reduction of a charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the suspension period.~~

~~—— (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) or (7)(b), the division shall reinstate a person's license prior to completion of the 120-day suspension period imposed under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the person's conviction of impaired driving under Section 41-6a-502.5 if:~~

~~—— (A) the written verification is received prior to completion of the suspension period; and~~

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~~—— (B) the reporting court notifies the Driver License Division that the defendant is participating in or has successfully completed the program of a driving under the influence court as defined in Section 41-6a-501.~~

~~—— (iii) If a person's license is reinstated under this Subsection (7)(c), the person is required to pay the license reinstatement fees under Subsections 53-3-105(23) and (24).~~

~~—— (iv) The driver license reinstatements authorized under this Subsection (7)(c) only apply to a 120-day suspension period imposed under Subsection (7)(a)(i)(A).~~

~~—— (8) (a) The division shall assess against a person, in addition to any fee imposed under Subsection 53-3-205(12) for driving under the influence, a fee under Section 53-3-105 to cover administrative costs, which shall be paid before the person's driving privilege is reinstated. This fee shall be cancelled if the person obtains an unappealed division hearing or court decision that the suspension was not proper.~~

~~—— (b) A person whose license has been suspended by the division under this section following an administrative hearing may file a petition within 30 days after the suspension for a hearing on the matter which, if held, is governed by Section 53-3-224.~~

~~—— Section 8. Section 53-3-226 is amended to read:~~

~~—— **53-3-226. Grounds for confiscation of licenses, plates, and other articles issued by state:**~~

~~—— (1) The division or a peace officer acting in his official capacity may take possession of any certificate of title, registration card, decal, permit, license certificate, permit, registration plate, or any other article issued by the state:~~

~~—— (a) that is fictitious or altered;~~

~~—— (b) that has been unlawfully or erroneously issued; or~~

~~—— (c) that is unlawfully or erroneously displayed[; or];~~

~~—— [(d) as required under Section 41-6a-520, 53-3-223, 53-3-231, or 53-3-418.]~~

~~—— (2) A receipt shall be issued that describes each confiscated item.~~

~~—— Section 9. Section 53-3-231 is amended to read:~~

~~—— **53-3-231. Person under 21 may not operate a vehicle or motorboat with detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing and decision -- Suspension of license or operating privilege -- Fees -- Judicial review -- Referral to local substance abuse authority or program.**~~

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~~—— (1) (a) As used in this section:~~

~~—— (i) "Local substance abuse authority" has the same meaning as provided in Section 62A-15-102.~~

~~—— (ii) "Substance abuse program" means any substance abuse program licensed by the Department of Human Services or the Department of Health and approved by the local substance abuse authority.~~

~~—— (b) Calculations of blood, breath, or urine alcohol concentration under this section shall be made in accordance with the procedures in Subsection 41-6a-502(1).~~

~~—— (2) (a) A person younger than 21 years of age may not operate or be in actual physical control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol concentration in the person's body as shown by a chemical test.~~

~~—— (b) A person who violates Subsection (2)(a), in addition to any other applicable penalties arising out of the incident, shall have the person's operator license denied or suspended as provided in Subsection [(8)] (7).~~

~~—— (3) (a) When a peace officer has reasonable grounds to believe that a person may be violating or has violated Subsection (2), the peace officer may, in connection with arresting the person for a violation of Section 32B-4-409, request that the person submit to a chemical test or tests to be administered in compliance with the standards under Section 41-6a-520.~~

~~—— (b) The peace officer shall advise a person prior to the person's submission to a chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or suspension of the person's license to operate a motor vehicle or a refusal to issue a license.~~

~~—— (c) If the person submits to a chemical test and the test results indicate a blood, breath, or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a determination, based on reasonable grounds, that the person is otherwise in violation of Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the arrest, give notice of the division's intention to deny or suspend the person's license to operate a vehicle or refusal to issue a license under this section.~~

~~—— (4) When a peace officer gives notice on behalf of the division, the peace officer shall]:
(a) take the Utah license certificate or permit, if any, of the operator; (b) issue a temporary license certificate effective for only 29 days from the date of arrest if the driver had a valid operator's license; and (c)] supply to the operator, in a manner specified by the division, basic~~

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~~information regarding how to obtain a prompt hearing before the division:~~

~~——— [(5) A citation issued by a peace officer may, if provided in a manner specified by the division, also serve as the temporary license certificate under Subsection (4)(b).]~~

~~——— [(6)] (5) As a matter of procedure, a peace officer shall send to the division within 10 calendar days after the day on which notice is provided:~~

~~——— [(a) the person's driver license certificate, if any;]~~

~~——— [(b)] (a) a copy of the citation issued for the offense;~~

~~——— [(c)] (b) a signed report in a manner specified by the Driver License Division indicating the chemical test results, if any; and~~

~~——— [(d)] (c) any other basis for a peace officer's determination that the person has violated Subsection (2):~~

~~——— [(7)] (6) (a) (i) Upon request in a manner specified by the division, the Driver License Division shall grant to the person an opportunity to be heard within 29 days after the date of arrest under Section 32B-4-409:~~

~~——— (ii) The request shall be made within 10 calendar days of the day on which notice is provided:~~

~~——— (b) (i) Except as provided in Subsection [(7)] (6)(b)(ii), a hearing, if held, shall be before the division in:~~

~~——— (A) the county in which the arrest occurred; or~~

~~——— (B) a county that is adjacent to the county in which the arrest occurred:~~

~~——— (ii) The division may hold a hearing in some other county if the division and the person both agree:~~

~~——— (c) The hearing shall be documented and shall cover the issues of:~~

~~——— (i) whether a peace officer had reasonable grounds to believe the person was operating a motor vehicle or motorboat in violation of Subsection (2)(a);~~

~~——— (ii) whether the person refused to submit to the test; and~~

~~——— (iii) the test results, if any:~~

~~——— (d) In connection with a hearing, the division or its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and records as defined in Section 46-4-102:~~

~~——— (e) One or more members of the division may conduct the hearing:~~

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~~—— (f) Any decision made after a hearing before any number of the members of the division is as valid as if made after a hearing before the full membership of the division.~~

~~—— [(8)] (7) If, after a hearing, the division determines that a peace officer had reasonable grounds to believe that the person was driving a motor vehicle in violation of Subsection (2)(a), if the person fails to appear before the division as required in the notice, or if the person does not request a hearing under this section, the division shall:~~

~~—— (a) for a person 19 years of age or older but under 21 years of age on the date of arrest:~~

~~—— (i) deny the person's license until the person complies with Subsection [(11)] (10)(b)(i) but for a period of not less than six months beginning on the 30th day after the date of arrest for a first offense under Subsection (2)(a) committed on or after July 1, 2009;~~

~~—— (ii) suspend the person's license until the person complies with Subsection [(11)] (10)(b)(i) and until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 30th day after the date of arrest for a second or subsequent offense under Subsection (2)(a) committed on or after July 1, 2009, and within 10 years of a prior denial or suspension;~~

~~—— (iii) deny the person's application for a license or learner's permit until the person complies with Subsection [(11)] (10)(b)(i) but for a period of not less than six months if:~~

~~—— (A) the person has not been issued an operator license; and~~

~~—— (B) the suspension is for a first offense under Subsection (2)(a) committed on or after July 1, 2009;~~

~~—— (iv) deny the person's application for a license or learner's permit until the person complies with Subsection [(11)] (10)(b)(i) and until the person is 21 years of age or for a period of two years, whichever is longer, if:~~

~~—— (A) the person has not been issued an operator license; and~~

~~—— (B) the suspension is for a second or subsequent offense under Subsection (2)(a) committed on or after July 1, 2009, and within 10 years of a prior denial or suspension; or~~

~~—— (v) deny or suspend a person's license for the denial and suspension periods in effect:~~

~~—— (A) prior to July 1, 2009, for a violation under Subsection (2)(a) that was committed prior to July 1, 2009; or~~

~~—— (B) from July 1, 2009, through June 30, 2011, if the person was 20 years 6 months of age or older but under 21 years of age at the time of arrest and the conviction under Subsection~~

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~~(2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011; and~~

~~—— (b) for a person under 19 years of age on the date of arrest:~~

~~—— (i) deny the person's license until the person complies with Subsection [(11)] (10)(b)(i) but for a period of not less than one year beginning on the 30th day after the date of arrest for a first offense under Subsection (2)(a) committed on or after July 1, 2009;~~

~~—— (ii) suspend the person's license until the person complies with Subsection [(11)] (10)(b)(i) and until the person is 21 years of age or for a period of two years, whichever is longer, beginning on the 30th day after the date of arrest for a second or subsequent offense under Subsection (2)(a) committed on or after July 1, 2009, and within 10 years of a prior denial or suspension;~~

~~—— (iii) deny the person's application for a license or learner's permit until the person complies with Subsection [(11)] (10)(b)(i) but for a period of not less than one year if:~~

~~—— (A) the person has not been issued an operator license; and~~

~~—— (B) the suspension is for a first offense under Subsection (2)(a) committed on or after July 1, 2009;~~

~~—— (iv) deny the person's application for a license or learner's permit until the person complies with Subsection [(11)] (10)(b)(i) and until the person is 21 years of age or for a period of two years, whichever is longer, if:~~

~~—— (A) the person has not been issued an operator license; and~~

~~—— (B) the suspension is for a second or subsequent offense under Subsection (2)(a) committed on or after July 1, 2009, and within 10 years of a prior denial or suspension; or~~

~~—— (v) deny or suspend a person's license for the denial and suspension periods in effect prior to July 1, 2009, for a violation under Subsection (2)(a) that was committed prior to July 1, 2009.~~

~~—— [(9)] (8) (a) (i) Following denial or suspension the division shall assess against a person, in addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover administrative costs.~~

~~—— (i) This fee shall be canceled if the person obtains an unappealed division hearing or court decision that the suspension was not proper.~~

~~—— (b) A person whose operator license has been denied, suspended, or postponed by the~~

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~~division under this section following an administrative hearing may file a petition within 30 days after the suspension for a hearing on the matter which, if held, is governed by Section 53-3-224.~~

~~——— [(10)] (9) After reinstatement of an operator license for a first offense under this section, a report authorized under Section 53-3-104 may not contain evidence of the denial or suspension of the person's operator license under this section if the person has not been convicted of any other offense for which the denial or suspension may be extended.~~

~~——— [(11)] (10) (a) In addition to the penalties in Subsection [(8)] (7), a person who violates Subsection (2)(a) shall:~~

~~——— (i) obtain an assessment and recommendation for appropriate action from a substance abuse program, but any associated costs shall be the person's responsibility; or~~

~~——— (ii) be referred by the division to the local substance abuse authority for an assessment and recommendation for appropriate action.~~

~~——— (b) (i) Reinstatement of the person's operator license or the right to obtain an operator license within five years of the effective date of the license sanction under Subsection [(8)] (7) is contingent upon successful completion of the action recommended by the local substance abuse authority or the substance abuse program.~~

~~——— (ii) The local substance abuse authority's or the substance abuse program's recommended action shall be determined by an assessment of the person's alcohol abuse and may include:~~

~~——— (A) a targeted education and prevention program;~~

~~——— (B) an early intervention program; or~~

~~——— (C) a substance abuse treatment program.~~

~~——— (iii) Successful completion of the recommended action shall be determined by standards established by the Division of Substance Abuse and Mental Health.~~

~~——— (c) At the conclusion of the penalty period imposed under Subsection (2), the local substance abuse authority or the substance abuse program shall notify the division of the person's status regarding completion of the recommended action.~~

~~——— (d) The local substance abuse authorities and the substance abuse programs shall cooperate with the division in:~~

~~——— (i) conducting the assessments;~~

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~~—— (ii) making appropriate recommendations for action; and~~

~~—— (iii) notifying the division about the person's status regarding completion of the recommended action.~~

~~—— (c) (i) The local substance abuse authority is responsible for the cost of the assessment of the person's alcohol abuse, if the assessment is conducted by the local substance abuse authority.~~

~~—— (ii) The local substance abuse authority or a substance abuse program selected by a person is responsible for:~~

~~—— (A) conducting an assessment of the person's alcohol abuse; and~~

~~—— (B) for making a referral to an appropriate program on the basis of the findings of the assessment.~~

~~—— (iii) (A) The person who violated Subsection (2)(a) is responsible for all costs and fees associated with the recommended program to which the person selected or is referred.~~

~~—— (B) The costs and fees under Subsection [(11)] (10)(c)(iii)(A) shall be based on a sliding scale consistent with the local substance abuse authority's policies and practices regarding fees for services or determined by the substance abuse program.~~

~~—— Section 10. Section ~~53-3-418~~ is amended to read:~~

~~—— **53-3-418. Prohibited alcohol level for drivers -- Procedures, including hearing.**~~

~~—— (1) A person who holds or is required to hold a CDL may not drive a commercial motor vehicle in this state if the person:~~

~~—— (a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .04 grams or greater at the time of the test after the alleged driving of the commercial motor vehicle;~~

~~—— (b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to degree that renders the person incapable of safely driving a commercial motor vehicle; or~~

~~—— (c) has a blood or breath alcohol concentration of .04 grams or greater at the time of driving the commercial motor vehicle.~~

~~—— (2) A person who holds or is required to hold a CDL and who drives a commercial motor vehicle in this state is considered to have given the person's consent to a test or tests of the person's blood, breath, or urine to determine the concentration of alcohol or the presence of~~

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other drugs in the person's physical system.

~~—— (3) If a peace officer or port-of-entry agent has reasonable cause to believe that a person may be violating this section, the peace officer or port-of-entry agent may request the person to submit to a chemical test to be administered in compliance with Section 41-6a-515.~~

~~—— (4) When a peace officer or port-of-entry agent requests a person to submit to a test under this section, the peace officer or port-of-entry agent shall advise the person that test results indicating .04 grams or greater alcohol concentration or refusal to submit to any test requested will result in the person's disqualification under Section 53-3-414 from driving a commercial motor vehicle.~~

~~—— (5) If test results under this section indicate .04 grams or greater of alcohol concentration or the person refuses to submit to any test requested under this section, a peace officer or port-of-entry agent shall, on behalf of the division and within 24 hours of the arrest, give the person notice of the division's intention to disqualify the person's privilege to drive a commercial motor vehicle.~~

~~—— (6) When a peace officer or port-of-entry agent gives notice under Subsection (5), the peace officer or port-of-entry agent shall:~~

~~—— [(a) take any Utah license certificate or permit held by the driver;]~~

~~—— [(b) issue to the driver a temporary license certificate effective for 29 days from the date of arrest;]~~

~~—— [(c) (a) provide the driver, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division; and~~

~~—— [(d) (b) issue a 24-hour out-of-service order.~~

~~—— [(7) A notice of disqualification issued under Subsection (6) may serve also as the temporary license certificate under that subsection, if provided in a manner specified by the division.]~~

~~—— [(8) (7) As a matter of procedure, a peace officer or port-of-entry agent shall, within 10 calendar days after the day on which notice is provided, send to the division [the person's license certificate,] a copy of the notice, and a report signed by the peace officer or port-of-entry agent that indicates the results of any chemical test administered or that the person refused a test.~~

~~—— [(9) (8) (a) A person disqualified under this section has the right to a hearing regarding~~

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~~the disqualification:~~

~~—— (b) The request for the hearing shall be submitted to the division in a manner specified by the division and shall be made within 10 calendar days of the date the notice was issued. If requested, the hearing shall be conducted within 29 days after the date of arrest.~~

~~—— [(10)] (9) (a) (i) Except as provided in Subsection [(10)] (9)(a)(ii), a hearing held under this section shall be held before the division and in:~~

~~—— (A) the county where the notice was issued; or~~

~~—— (B) a county that is adjacent to the county where the notice was issued.~~

~~—— (ii) The division may hold a hearing in some other county if the division and the person both agree:~~

~~—— (b) The hearing shall be documented and shall determine:~~

~~—— (i) whether the peace officer or port-of-entry agent had reasonable grounds to believe the person had been driving a motor vehicle in violation of this section;~~

~~—— (ii) whether the person refused to submit to any requested test; and~~

~~—— (iii) any test results obtained.~~

~~—— (c) In connection with a hearing the division or its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and documents.~~

~~—— (d) One or more members of the division may conduct the hearing.~~

~~—— (e) A decision made after a hearing before any number of members of the division is as valid as if the hearing were held before the full membership of the division.~~

~~—— (f) After a hearing under this section the division shall indicate by order if the person's CDL is disqualified.~~

~~—— (g) If the person for whom the hearing is held fails to appear before the division as required in the notice, the division shall indicate by order if the person's CDL is disqualified.~~

~~—— [(11)] (10) (a) If the division disqualifies a person under this section following an administrative hearing, the person may petition for a hearing under Section 53-3-224.~~

~~—— (b) The petition shall be filed within 30 days after the division issues the disqualification.~~

~~—— [(12)] (11) (a) A person who violates this section shall be punished in accordance with Section 53-3-414.~~

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~~_____ (b) (i) In accordance with Section 53-3-414, the first disqualification under this section shall be for one year, and a second disqualification shall be for life.~~

~~_____ (ii) A disqualification under Section 53-3-414 begins on the 30th day after the date of arrest.~~

~~_____ [(13)] (12) (a) In addition to the fees imposed under Section 53-3-205 for reinstatement of a CDL, a fee under Section 53-3-105 to cover administrative costs shall be paid before the driving privilege is reinstated.~~

~~_____ (b) The fees under Sections 53-3-105 and 53-3-205 shall be canceled if an unappealed hearing at the division or court level determines the disqualification was not proper.~~

~~_____ Section 11. Section 53-3-803 is amended to read:~~

‡ **53-3-803. Application for identification card -- Age requirements -- Application on behalf of others.**

(1) A person at least 16 years of age or older may apply to the division for an identification card.

(2) A person younger than 16 years of age may apply to the division for an identification card with the consent of the applicant's parent or guardian.

(3) (a) If a person is unable to apply for the card due to his youth or incapacitation, the application may be made on behalf of that person by his parent or guardian.

(b) A parent or guardian applying for an identification card on behalf of a child or incapacitated person shall provide:

(i) identification, as required by the commissioner; and

(ii) the consent of the incapacitated person, as required by the commissioner.

(4) Beginning on or after July 1, 2012, a person who holds an unexpired Utah license certificate issued under Part 2, Driver Licensing Act, may not be issued a Utah Identification card unless:

(a) the Utah license certificate is canceled; and

(b) if the Utah license certificate is in the person's possession, the Utah license certificate is surrendered to the division.

Section ~~{12}~~6. Section 53-3-804 is amended to read:

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

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

- (a) be a Utah resident;
- (b) have a Utah residence address; and
- (c) appear in person at any license examining station.

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

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

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

- (c) (i) Social Security number; or
- (ii) written proof that the applicant is ineligible to receive a Social Security number;
- (d) place of birth;
- (e) height and weight;
- (f) color of eyes and hair;
- (g) signature;
- (h) photograph;
- (i) evidence of the applicant's lawful presence in the United States by providing

documentary evidence:

- (i) that a person is:
 - (A) a United States citizen;
 - (B) a United States national; or
 - (C) a legal permanent resident alien; or
- (ii) of the applicant's:
 - (A) unexpired immigrant or nonimmigrant visa status for admission into the United

States;

- (B) pending or approved application for asylum in the United States;
- (C) admission into the United States as a refugee;
- (D) pending or approved application for temporary protected status in the United

States;

- (E) approved deferred action status;
- (F) pending application for adjustment of status to legal permanent resident or

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conditional resident; or

(G) conditional permanent resident alien status;

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

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

(l) an indication whether the applicant is a veteran of the United States military, verification that the applicant has been honorably discharged from the United States military, and an indication whether the applicant does or does not authorize sharing the information with the state Department of Veterans' Affairs.

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

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

(5) (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.

(b) On or after December 1, 2014, a person born on or after December 1, 1964:

(i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and

(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.

(c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (5), the division shall cancel the Utah identification card on December 1, 2014.

(6) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.

(b) On or after December 1, 2017, a person born prior to December 1, 1964:

(i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and

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(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.

(c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (6), the division shall cancel the Utah identification card on December 1, 2017.

Section ~~13~~7. Section 53-3-807 is amended to read:

53-3-807. Expiration -- Address and name change -- Extension for a person with a disability.

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

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

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

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

(2) If a person has applied for and received an identification card and subsequently moves from the address shown on the application or on the card, the person shall within 10 days notify the division in a manner specified by the division of the person's new address.

(3) If a person has applied for and received an identification card and subsequently changes the person's name under Title 42, Chapter 1, Change of Name, the person:

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

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

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

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

(4) (a) Except as provided in Subsection (4)(c), if a person has applied for and received an identification card and is currently required to register as a sex offender under Section 77-27-21.5:

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

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

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

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

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

(b) Except as provided in Subsection (4)(c), if a person has applied for and received an identification card and is subsequently convicted of any offense listed in Subsection 77-27-21.5(1)(n), the person shall surrender the card to the division on the person's next birth date following the conviction and may apply for a new card with an expiration date identified in Subsection (8) by:

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

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

(c) A person who is unable to comply with the provisions of Subsection (4)(a) or (4)(b) because the person is in the custody of the Department of Corrections or Division of Juvenile Justice Services, confined in a correctional facility not operated by or under contract with the Department of Corrections, or committed to a state mental facility, shall comply with the provisions of Subsection (4)(a) or (b) within 10 days of being released from confinement.

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

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

(b) completes the application;

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

and

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

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

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

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

(7) An identification card issued prior to July 1, 2006, to a person 65 years of age or older [~~does not expire, but continues in effect until the death of that person~~] expires on December 1, 2017.

(8) Notwithstanding the provisions of this section, an identification card expires on the birth date of the applicant in the first year following the year that the identification card was issued if the applicant is required to register as a sex offender under Section 77-27-21.5.

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

Section ~~{14}~~8. **Effective date.**

This bill takes effect on July 1, 2012.

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Legislative Review Note

~~as of 10-20-11 8:52 AM~~

~~Office of Legislative Research and General Counsel~~