

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 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



28 License Division shall cancel the person's Utah identification card;
 29 ▶ provides that certain limited-term license certificates or identification cards expire
 30 on the date of issuance in the first year following the year that the limited-term
 31 license certificate or identification card was issued;
 32 ▶ authorizes the Driver License Division to extend certain license certificates by
 33 electronic means or other means determined by the division; and
 34 ▶ makes technical changes.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 This bill takes effect on July 1, 2012.

39 **Utah Code Sections Affected:**

40 AMENDS:

- 41 **41-6a-520**, as last amended by Laws of Utah 2006, Chapter 341
- 42 **53-3-104.5**, as enacted by Laws of Utah 2010, Chapter 253
- 43 **53-3-204**, as last amended by Laws of Utah 2009, Chapter 356
- 44 **53-3-205**, as last amended by Laws of Utah 2011, Chapters 152, 190, 415, and 428
- 45 **53-3-214**, as last amended by Laws of Utah 2009, Chapter 315
- 46 **53-3-215**, as renumbered and amended by Laws of Utah 1993, Chapter 234
- 47 **53-3-223**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 1
- 48 **53-3-226**, as last amended by Laws of Utah 2005, Chapter 2
- 49 **53-3-231**, as last amended by Laws of Utah 2011, Chapter 312
- 50 **53-3-418**, as last amended by Laws of Utah 2009, Chapter 40
- 51 **53-3-803**, as renumbered and amended by Laws of Utah 1993, Chapter 234
- 52 **53-3-804**, as last amended by Laws of Utah 2011, Chapters 152 and 415
- 53 **53-3-807**, as last amended by Laws of Utah 2011, Chapter 366



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

56 Section 1. Section **41-6a-520** is amended to read:

57 **41-6a-520. Implied consent to chemical tests for alcohol or drug -- Number of**
 58 **tests -- Refusal -- Warning, report.**

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

63 (i) having a blood or breath alcohol content statutorily prohibited under Section
64 41-6a-502, 41-6a-530, 53-3-231, or 53-3-232;

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

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

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

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

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

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

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

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

90 (i) has been placed under arrest;

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

93 (iii) refuses to submit to any chemical test requested.

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

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

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

106 [~~(d)~~ (c)] As a matter of procedure, the peace officer shall submit a signed report, within
107 10 calendar days after the day on which notice is provided under Subsection (2)(b), that:

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

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

111 (3) Upon the request of the person who was tested, the results of the test or tests shall
112 be made available to the person.

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

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

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

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

124 Section 2. Section **53-3-104.5** is amended to read:

125 **53-3-104.5. Limitations on implementing REAL ID Act.**

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

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

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

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

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

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

137 ~~[(b) The division:]~~

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

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

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

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

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

145 (2) The division:

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

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

150 Section 3. Section **53-3-204** is amended to read:

151 **53-3-204. Persons who may not be licensed.**

- 152 (1) (a) The division may not license a person who:
- 153 (i) is younger than 16 years of age;
- 154 (ii) has not completed a course in driver training approved by the commissioner;
- 155 (iii) if the person is a minor, has not completed the driving requirement under Section
- 156 53-3-211;
- 157 (iv) is not a resident of the state, unless the person is issued a temporary CDL under
- 158 Subsection 53-3-407(2)(b); or
- 159 (v) if the person is 17 years of age or younger, has not held a learner permit issued
- 160 under Section 53-3-210.5 for six months.
- 161 (b) Subsections (1)(a)(i), (ii), and (iii) do not apply to a person:
- 162 (i) who has been licensed before July 1, 1967; or
- 163 (ii) who is 16 years of age or older making application for a license who has been
- 164 licensed in another state or country.
- 165 (2) The division may not issue a license certificate to a person:
- 166 (a) whose license has been suspended, denied, cancelled, or disqualified during the
- 167 period of suspension, denial, cancellation, or disqualification;
- 168 (b) whose privilege has been revoked, except as provided in Section 53-3-225;
- 169 (c) who has previously been adjudged mentally incompetent and who has not at the
- 170 time of application been restored to competency as provided by law;
- 171 (d) who is required by this chapter to take an examination unless the person
- 172 successfully passes the examination; ~~or~~
- 173 (e) whose driving privileges have been denied or suspended under:
- 174 (i) Section 78A-6-606 by an order of the juvenile court; or
- 175 (ii) Section 53-3-231~~[-];~~ or
- 176 (f) beginning on or after July 1, 2012, who holds an unexpired Utah identification card
- 177 issued under Part 8, Identification Cards, unless:
- 178 (i) the Utah identification card is canceled; and
- 179 (ii) if the Utah identification card is in the person's possession, the Utah identification
- 180 card is surrendered to the division.
- 181 (3) (a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle
- 182 endorsement to a person who:

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

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

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

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

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

197 Section 4. Section **53-3-205** is amended to read:

198 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
199 **Expiration dates of licenses and endorsements -- Information required -- Previous**
200 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
201 **Fee required -- License agreement.**

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

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

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

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

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

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

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

213 (3) An application and fee for a motorcycle or taxicab endorsement entitle the

214 applicant to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

244 (e) A regular license certificate and any endorsement to the regular license certificate

245 held by a person ordered to active duty and stationed outside Utah in any of the armed forces of
246 the United States or by an immediate family member or dependent who is residing outside of
247 the state, which expires during the time period the person is stationed outside of the state, is
248 valid until 90 days after the person's orders have been terminated or the person has been
249 discharged, unless:

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

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

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

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

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

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

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

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

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

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

272 (A) the applicant's full legal name;

273 (B) the applicant's birth date;

274 (C) the applicant's gender;

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

276 (II) written proof that the applicant is ineligible to receive a Social Security number;
277 (III) the applicant's temporary identification number (ITIN) issued by the Internal
278 Revenue Service for a person who:
279 (Aa) does not qualify for a Social Security number; and
280 (Bb) is applying for a driving privilege card; or
281 (IV) other documentary evidence approved by the division;
282 (E) the applicant's Utah residence address as documented by a form or forms
283 acceptable under rules made by the division under Section 53-3-104, unless the application is
284 for a temporary CDL issued under Subsection 53-3-407(2)(b); and
285 (F) [~~submit~~] fingerprints and a photograph in accordance with Section 53-3-205.5 if the
286 person is applying for a driving privilege card;
287 (ii) provide evidence of the applicant's lawful presence in the United States by
288 providing documentary evidence:
289 (A) that a person is:
290 (I) a United States citizen;
291 (II) a United States national; or
292 (III) a legal permanent resident alien; or
293 (B) of the applicant's:
294 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
295 States;
296 (II) pending or approved application for asylum in the United States;
297 (III) admission into the United States as a refugee;
298 (IV) pending or approved application for temporary protected status in the United
299 States;
300 (V) approved deferred action status;
301 (VI) pending application for adjustment of status to legal permanent resident or
302 conditional resident; or
303 (VII) conditional permanent resident alien status;
304 (iii) provide a description of the applicant;
305 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
306 and, if so, when and by what state or country;

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

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

313 (vii) state whether the applicant is required to register as a sex offender under Section
314 77-27-21.5;

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

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

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

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

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

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

327 (i) (A) Social Security number;

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

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

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

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

334 (a) current license certificate;

335 (b) birth certificate;

336 (c) Selective Service registration; or

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

338 other evidence considered acceptable by the division.

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

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

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

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

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

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

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

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

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

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

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

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

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

366 (14) A person who applies for an original license or renewal of a license agrees that the
367 person's license is subject to any suspension or revocation authorized under this title or Title
368 41, Motor Vehicles.

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

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

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

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

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

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

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

383 (a) loss;

384 (b) detriment; or

385 (c) injury.

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

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

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

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

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

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

399 (20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold

400 both an unexpired Utah license certificate and an unexpired Utah identification card.

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

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

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

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

410 Section 5. Section **53-3-214** is amended to read:

411 **53-3-214. Renewal -- Fees required -- Extension without examination.**

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

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

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

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

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

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

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

429 (ii) verify through valid documentary evidence that the status by which the individual
430 originally qualified for the limited-term license certificate has been extended by the United

431 States Citizenship and Immigration Services or other authorized agency of the United States
432 Department of Homeland Security.

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

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

440 (i) no suspensions;

441 (ii) no revocations;

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

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

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

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

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

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

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

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

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

461 (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial

462 Driver License Act;

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

464 (iv) who is holding a driving privilege card issued in accordance with Section
465 53-3-207.

466 (f) The division shall allow extensions:

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

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

470 (iii) for only one extension.

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

473 Section 6. Section **53-3-215** is amended to read:

474 **53-3-215. Duplicate license certificate -- Fee.**

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

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

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

483 Section 7. Section **53-3-223** is amended to read:

484 **53-3-223. Chemical test for driving under the influence -- Temporary license --**
485 **Hearing and decision -- Suspension and fee -- Judicial review.**

486 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
487 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a
488 certain blood or breath alcohol concentration and driving under the influence of any drug,
489 alcohol, or combination of a drug and alcohol or while having any measurable controlled
490 substance or metabolite of a controlled substance in the person's body in violation of Section
491 41-6a-517, the peace officer may, in connection with arresting the person, request that the
492 person submit to a chemical test or tests to be administered in compliance with the standards

493 under Section 41-6a-520.

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

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

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

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

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

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

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

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

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

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

522 (6) (a) Upon request in a manner specified by the division, the division shall grant to
523 the person an opportunity to be heard within 29 days after the date of arrest. The request to be

524 heard shall be made within 10 calendar days of the day on which notice is provided under
525 Subsection (5).

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

528 (A) the county in which the arrest occurred; or

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

530 (ii) The division may hold a hearing in some other county if the division and the person
531 both agree.

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

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

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

536 (iii) the test results, if any.

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

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

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

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

543 (e) The division may designate one or more employees to conduct the hearing.

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

546 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
547 grounds to believe that the person was driving a motor vehicle in violation of Section
548 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the
549 notice, or if a hearing is not requested under this section, the division shall:

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

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

554 (B) two years beginning on the 30th day after the date of arrest for a second or

555 subsequent suspension for an offense that occurred within the previous 10 years;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

598 (B) no sooner than 60 days beginning on the 30th day after the date of arrest upon
599 receiving written verification of the person's reduction of a charge for a violation of Section
600 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the
601 suspension period.

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

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

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

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

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

615 (8) (a) The division shall assess against a person, in addition to any fee imposed under
616 Subsection 53-3-205(12) for driving under the influence, a fee under Section 53-3-105 to cover

617 administrative costs, which shall be paid before the person's driving privilege is reinstated.
 618 This fee shall be cancelled if the person obtains an unappealed division hearing or court
 619 decision that the suspension was not proper.

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

623 Section 8. Section **53-3-226** is amended to read:

624 **53-3-226. Grounds for confiscation of licenses, plates, and other articles issued by**
 625 **state.**

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

629 (a) that is fictitious or altered;

630 (b) that has been unlawfully or erroneously issued; or

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

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

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

634 Section 9. Section **53-3-231** is amended to read:

635 **53-3-231. Person under 21 may not operate a vehicle or motorboat with**
 636 **detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing**
 637 **and decision -- Suspension of license or operating privilege -- Fees -- Judicial review --**
 638 **Referral to local substance abuse authority or program.**

639 (1) (a) As used in this section:

640 (i) "Local substance abuse authority" has the same meaning as provided in Section
 641 62A-15-102.

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

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

647 (2) (a) A person younger than 21 years of age may not operate or be in actual physical

648 control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol
649 concentration in the person's body as shown by a chemical test.

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

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

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

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

666 (4) When a peace officer gives notice on behalf of the division, the peace officer shall[
667 ~~(a) take the Utah license certificate or permit, if any, of the operator; (b) issue a temporary~~
668 ~~license certificate effective for only 29 days from the date of arrest if the driver had a valid~~
669 ~~operator's license; and (c)] supply to the operator, in a manner specified by the division, basic
670 information regarding how to obtain a prompt hearing before the division.~~

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

673 ~~[(6)]~~ (5) As a matter of procedure, a peace officer shall send to the division within 10
674 calendar days after the day on which notice is provided:

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

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

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

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

681 ~~[(7)]~~ (6) (a) (i) Upon request in a manner specified by the division, the Driver License
682 Division shall grant to the person an opportunity to be heard within 29 days after the date of
683 arrest under Section 32B-4-409.

684 (ii) The request shall be made within 10 calendar days of the day on which notice is
685 provided.

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

688 (A) the county in which the arrest occurred; or

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

690 (ii) The division may hold a hearing in some other county if the division and the person
691 both agree.

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

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

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

696 (iii) the test results, if any.

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

700 (e) One or more members of the division may conduct the hearing.

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

703 ~~[(8)]~~ (7) If, after a hearing, the division determines that a peace officer had reasonable
704 grounds to believe that the person was driving a motor vehicle in violation of Subsection (2)(a),
705 if the person fails to appear before the division as required in the notice, or if the person does
706 not request a hearing under this section, the division shall:

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

708 (i) deny the person's license until the person complies with Subsection ~~[(11)]~~ (10)(b)(i)

709 but for a period of not less than six months beginning on the 30th day after the date of arrest for

710 a first offense under Subsection (2)(a) committed on or after July 1, 2009;

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

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

718 (A) the person has not been issued an operator license; and
719 (B) the suspension is for a first offense under Subsection (2)(a) committed on or after
720 July 1, 2009;

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

724 (A) the person has not been issued an operator license; and
725 (B) the suspension is for a second or subsequent offense under Subsection (2)(a)
726 committed on or after July 1, 2009, and within 10 years of a prior denial or suspension; or

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

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

730 (B) from July 1, 2009, through June 30, 2011, if the person was 20 years 6 months of
731 age or older but under 21 years of age at the time of arrest and the conviction under Subsection
732 (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011; and

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

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

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

741 denial or suspension;

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

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

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

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

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

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

753 (v) deny or suspend a person's license for the denial and suspension periods in effect
754 prior to July 1, 2009, for a violation under Subsection (2)(a) that was committed prior to July 1,
755 2009.

756 [~~(9)~~] (8) (a) (i) Following denial or suspension the division shall assess against a
757 person, in addition to any fee imposed under Subsection 53-3-205(12), a fee under Section
758 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover
759 administrative costs.

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

762 (b) A person whose operator license has been denied, suspended, or postponed by the
763 division under this section following an administrative hearing may file a petition within 30
764 days after the suspension for a hearing on the matter which, if held, is governed by Section
765 53-3-224.

766 [~~(10)~~] (9) After reinstatement of an operator license for a first offense under this
767 section, a report authorized under Section 53-3-104 may not contain evidence of the denial or
768 suspension of the person's operator license under this section if the person has not been
769 convicted of any other offense for which the denial or suspension may be extended.

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

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

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

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

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

783 (A) a targeted education and prevention program;

784 (B) an early intervention program; or

785 (C) a substance abuse treatment program.

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

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

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

793 (i) conducting the assessments;

794 (ii) making appropriate recommendations for action; and

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

797 (e) (i) The local substance abuse authority is responsible for the cost of the assessment
798 of the person's alcohol abuse, if the assessment is conducted by the local substance abuse
799 authority.

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

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

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

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

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

810 Section 10. Section **53-3-418** is amended to read:

811 **53-3-418. Prohibited alcohol level for drivers -- Procedures, including hearing.**

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

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

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

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

822 (2) A person who holds or is required to hold a CDL and who drives a commercial
823 motor vehicle in this state is considered to have given the person's consent to a test or tests of
824 the person's blood, breath, or urine to determine the concentration of alcohol or the presence of
825 other drugs in the person's physical system.

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

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

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

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

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

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

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

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

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

850 [~~(8)~~ (7) As a matter of procedure, a peace officer or port-of-entry agent shall, within
851 10 calendar days after the day on which notice is provided, send to the division [~~the person's~~
852 ~~license certificate;~~] a copy of the notice, and a report signed by the peace officer or
853 port-of-entry agent that indicates the results of any chemical test administered or that the
854 person refused a test.

855 [~~(9)~~ (8) (a) A person disqualified under this section has the right to a hearing regarding
856 the disqualification.

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

860 [~~(10)~~ (9) (a) (i) Except as provided in Subsection [~~(10)~~] (9)(a)(ii), a hearing held under
861 this section shall be held before the division and in:

862 (A) the county where the notice was issued; or

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

864 (ii) The division may hold a hearing in some other county if the division and the person

865 both agree.

866 (b) The hearing shall be documented and shall determine:

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

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

870 (iii) any test results obtained.

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

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

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

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

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

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

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

885 ~~[(H2)]~~ (11) (a) A person who violates this section shall be punished in accordance with
886 Section 53-3-414.

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

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

891 ~~[(H3)]~~ (12) (a) In addition to the fees imposed under Section 53-3-205 for reinstatement
892 of a CDL, a fee under Section 53-3-105 to cover administrative costs shall be paid before the
893 driving privilege is reinstated.

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

896 Section 11. Section **53-3-803** is amended to read:

897 **53-3-803. Application for identification card -- Age requirements -- Application**
898 **on behalf of others.**

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

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

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

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

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

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

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

912 (a) the Utah license certificate is canceled; and

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

915 Section 12. Section **53-3-804** is amended to read:

916 **53-3-804. Application for identification card -- Required information -- Release**
917 **of anatomical gift information.**

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

920 (a) be a Utah resident;

921 (b) have a Utah residence address; and

922 (c) appear in person at any license examining station.

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

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

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

- 927 (c) (i) Social Security number; or
- 928 (ii) written proof that the applicant is ineligible to receive a Social Security number;
- 929 (d) place of birth;
- 930 (e) height and weight;
- 931 (f) color of eyes and hair;
- 932 (g) signature;
- 933 (h) photograph;
- 934 (i) evidence of the applicant's lawful presence in the United States by providing
- 935 documentary evidence:
 - 936 (i) that a person is:
 - 937 (A) a United States citizen;
 - 938 (B) a United States national; or
 - 939 (C) a legal permanent resident alien; or
 - 940 (ii) of the applicant's:
 - 941 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
 - 942 States;
 - 943 (B) pending or approved application for asylum in the United States;
 - 944 (C) admission into the United States as a refugee;
 - 945 (D) pending or approved application for temporary protected status in the United
 - 946 States;
 - 947 (E) approved deferred action status;
 - 948 (F) pending application for adjustment of status to legal permanent resident or
 - 949 conditional resident; or
 - 950 (G) conditional permanent resident alien status;
 - 951 (j) an indication whether the applicant intends to make an anatomical gift under Title
 - 952 26, Chapter 28, Revised Uniform Anatomical Gift Act;
 - 953 (k) an indication whether the applicant is required to register as a sex offender under
 - 954 Section 77-27-21.5; and
 - 955 (l) an indication whether the applicant is a veteran of the United States military,
 - 956 verification that the applicant has been honorably discharged from the United States military,
 - 957 and an indication whether the applicant does or does not authorize sharing the information with

958 the state Department of Veterans' Affairs.

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

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

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

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

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

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

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

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

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

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

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

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

986 Section 13. Section **53-3-807** is amended to read:

987 **53-3-807. Expiration -- Address and name change -- Extension for a person with**
988 **a disability.**

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

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

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

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

998 (2) If a person has applied for and received an identification card and subsequently
999 moves from the address shown on the application or on the card, the person shall within 10
1000 days notify the division in a manner specified by the division of the person's new address.

1001 (3) If a person has applied for and received an identification card and subsequently
1002 changes the person's name under Title 42, Chapter 1, Change of Name, the person:

1003 (a) shall surrender the card to the division; and

1004 (b) may apply for a new card in the person's new name by:

1005 (i) furnishing proper documentation to the division as provided in Section 53-3-804;
1006 and

1007 (ii) paying the fee required under Section 53-3-105.

1008 (4) (a) Except as provided in Subsection (4)(c), if a person has applied for and received
1009 an identification card and is currently required to register as a sex offender under Section
1010 77-27-21.5:

1011 (i) the person's identification card expires annually on the next birth date of the
1012 cardholder, on and after July 1, 2006;

1013 (ii) the person shall surrender the person's identification card to the division on or
1014 before the cardholder's next birth date beginning on July 1, 2006; and

1015 (iii) the person may apply for an identification card with an expiration date identified in
1016 Subsection (8) by:

1017 (A) furnishing proper documentation to the division as provided in Section 53-3-804;
1018 and

1019 (B) paying the fee for an identification card required under Section 53-3-105.

1020 (b) Except as provided in Subsection (4)(c), if a person has applied for and received an
1021 identification card and is subsequently convicted of any offense listed in Subsection
1022 77-27-21.5(1)(n), the person shall surrender the card to the division on the person's next birth
1023 date following the conviction and may apply for a new card with an expiration date identified
1024 in Subsection (8) by:

1025 (i) furnishing proper documentation to the division as provided in Section 53-3-804;
1026 and

1027 (ii) paying the fee required under Section 53-3-105.

1028 (c) A person who is unable to comply with the provisions of Subsection (4)(a) or (4)(b)
1029 because the person is in the custody of the Department of Corrections or Division of Juvenile
1030 Justice Services, confined in a correctional facility not operated by or under contract with the
1031 Department of Corrections, or committed to a state mental facility, shall comply with the
1032 provisions of Subsection (4)(a) or (b) within 10 days of being released from confinement.

1033 (5) A person older than 21 years of age with a disability, as defined under the
1034 Americans with Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on
1035 an identification card for five years if the person with a disability or an agent of the person with
1036 a disability:

1037 (a) requests that the division send the application form to obtain the extension or
1038 requests an application form in person at the division's offices;

1039 (b) completes the application;

1040 (c) certifies that the extension is for a person 21 years of age or older with a disability;
1041 and

1042 (d) returns the application to the division together with the identification card fee
1043 required under Section 53-3-105.

1044 (6) (a) (i) An identification card may only be extended once, except as prohibited under
1045 Subsection (6)(b).

1046 (ii) After an extension an application for an identification card must be applied for in
1047 person at the division's offices.

1048 (b) An identification card issued to a person required to register as a sex offender under
1049 Section 77-27-21.5 may not be extended.

1050 (7) An identification card issued prior to July 1, 2006, to a person 65 years of age or

1051 older [~~does not expire, but continues in effect until the death of that person~~] expires on
1052 December 1, 2017.

1053 (8) Notwithstanding the provisions of this section, an identification card expires on the
1054 birth date of the applicant in the first year following the year that the identification card was
1055 issued if the applicant is required to register as a sex offender under Section 77-27-21.5.

1056 (9) A person who knowingly fails to surrender an identification card under Subsection
1057 (4) is guilty of a class A misdemeanor.

1058 Section 14. **Effective date.**

1059 This bill takes effect on July 1, 2012.

Legislative Review Note
as of 10-20-11 8:52 AM

Office of Legislative Research and General Counsel