

**DRIVER LICENSE QUALIFICATION AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen H. Urquhart**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to driver licenses and driving privilege cards.

**Highlighted Provisions:**

This bill:

- ▶ repeals the use of a temporary identification number (ITIN) issued by the Internal Revenue Service for purposes of obtaining a driving privilege card issued by the Driver License Division;
- ▶ expires all driving privilege cards on December 31, 2012;
- ▶ prohibits the Driver License Division from issuing a driving privilege card; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an effective date.

**Utah Code Sections Affected:**

AMENDS:

**32B-1-102**, as last amended by Laws of Utah 2011, Second Special Session, Chapter 2

**32B-1-406**, as enacted by Laws of Utah 2010, Chapter 276

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

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



- 28            **41-12a-806**, as last amended by Laws of Utah 2008, Chapter 322
- 29            **46-1-2**, as last amended by Laws of Utah 2009, Chapter 315
- 30            **53-3-102**, as last amended by Laws of Utah 2011, Chapter 190
- 31            **53-3-105**, as last amended by Laws of Utah 2011, Chapter 428
- 32            **53-3-106**, as last amended by Laws of Utah 2011, Chapter 428
- 33            **53-3-205**, as last amended by Laws of Utah 2011, Chapters 152, 190, 415, and 428
- 34            **53-3-207**, as last amended by Laws of Utah 2011, Chapter 152
- 35            **53-3-214**, as last amended by Laws of Utah 2009, Chapter 315
- 36            **53-3-221**, as last amended by Laws of Utah 2011, Chapters 190 and 351
- 37            **53-10-202**, as last amended by Laws of Utah 2011, Chapter 428
- 38            **58-37c-10**, as last amended by Laws of Utah 2008, Chapter 322
- 39            **63G-12-205**, as enacted by Laws of Utah 2011, Chapter 18
- 40            **63G-12-401**, as last amended by Laws of Utah 2011, Chapter 20 and renumbered and
- 41 amended by Laws of Utah 2011, Chapter 18
- 42            **76-10-526**, as last amended by Laws of Utah 2011, Chapter 160

43 REPEALS:

- 44            **53-3-205.5**, as enacted by Laws of Utah 2011, Chapter 428

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

47            Section 1. Section **32B-1-102** is amended to read:

48            **32B-1-102. Definitions.**

49            As used in this title:

50            (1) "Airport lounge" means a business location:

51            (a) at which an alcoholic product is sold at retail for consumption on the premises; and

52            (b) that is located at an international airport with a United States Customs office on the  
53 premises of the international airport.

54            (2) "Airport lounge license" means a license issued in accordance with Chapter 5,  
55 Retail License Act, and Chapter 6, Part 5, Airport Lounge License.

56            (3) "Alcoholic beverage" means the following:

57            (a) beer; or

58            (b) liquor.

59 (4) (a) "Alcoholic product" means a product that:  
60 (i) contains at least .5% of alcohol by volume; and  
61 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other  
62 process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol  
63 in an amount equal to or greater than .5% of alcohol by volume.

64 (b) "Alcoholic product" includes an alcoholic beverage.

65 (c) "Alcoholic product" does not include any of the following common items that  
66 otherwise come within the definition of an alcoholic product:

67 (i) except as provided in Subsection (4)(d), an extract;

68 (ii) vinegar;

69 (iii) cider;

70 (iv) essence;

71 (v) tincture;

72 (vi) food preparation; or

73 (vii) an over-the-counter medicine.

74 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation  
75 when it is used as a flavoring in the manufacturing of an alcoholic product.

76 (5) "Alcohol training and education seminar" means a seminar that is:

77 (a) required by Chapter 5, Part 4, Alcohol Training and Education Act; and

78 (b) described in Section 62A-15-401.

79 (6) "Banquet" means an event:

80 (a) that is held at one or more designated locations approved by the commission in or  
81 on the premises of a:

82 (i) hotel;

83 (ii) resort facility;

84 (iii) sports center; or

85 (iv) convention center;

86 (b) for which there is a contract:

87 (i) between a person operating a facility listed in Subsection (6)(a) and another person;

88 and

89 (ii) under which the person operating a facility listed in Subsection (6)(a) is required to

90 provide an alcoholic product at the event; and

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

92 (7) (a) "Bar" means a surface or structure:

93 (i) at which an alcoholic product is:

94 (A) stored; or

95 (B) dispensed; or

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

97 (b) "Bar structure" means a surface or structure on a licensed premises if on or at any

98 place of the surface or structure an alcoholic product is:

99 (i) stored; or

100 (ii) dispensed.

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

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

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

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

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

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

108 (ii) is referred to as:

109 (A) beer;

110 (B) ale;

111 (C) porter;

112 (D) stout;

113 (E) lager; or

114 (F) a malt or malted beverage.

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

116 (9) "Beer-only restaurant license" means a license issued in accordance with Chapter 5,  
117 Retail License Act, and Chapter 6, Part 9, Beer-only Restaurant License.

118 (10) "Beer retailer" means a business:

119 (a) that is engaged, primarily or incidentally, in the retail sale of beer to a patron,

120 whether for consumption on or off the business premises; and

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

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

- 183 (a) in total at least 30,000 square feet; and
- 184 (b) otherwise defined as a "convention center" by the commission by rule.
- 185 (25) (a) Subject to Subsection (25)(b), "counter" means a surface or structure in a
- 186 dining area of a licensed premises where seating is provided to a patron for service of food.
- 187 (b) "Counter" does not include a surface or structure if on or at any point of the surface
- 188 or structure an alcoholic product is:
- 189 (i) stored; or
- 190 (ii) dispensed.
- 191 (26) "Department" means the Department of Alcoholic Beverage Control created in
- 192 Section 32B-2-203.
- 193 (27) "Department compliance officer" means an individual who is:
- 194 (a) an auditor or inspector; and
- 195 (b) employed by the department.
- 196 (28) "Department sample" means liquor that is placed in the possession of the
- 197 department for testing, analysis, and sampling.
- 198 (29) "Dining club license" means a license issued in accordance with Chapter 5, Retail
- 199 License Act, and Chapter 6, Part 4, Club License, that is designated by the commission as a
- 200 dining club license.
- 201 (30) "Director," unless the context requires otherwise, means the director of the
- 202 department.
- 203 (31) "Disciplinary proceeding" means an adjudicative proceeding permitted under this
- 204 title:
- 205 (a) against a person subject to administrative action; and
- 206 (b) that is brought on the basis of a violation of this title.
- 207 (32) (a) Subject to Subsection (32)(b), "dispense" means:
- 208 (i) drawing of an alcoholic product:
- 209 (A) from an area where it is stored; or
- 210 (B) as provided in Subsection 32B-6-205(12)(b)(ii), 32B-6-305(12)(b)(ii),
- 211 32B-6-805(15)(b)(ii), or 32B-6-905(12)(b)(ii); and
- 212 (ii) using the alcoholic product described in Subsection (32)(a)(i) on the premises of
- 213 the licensed premises to mix or prepare an alcoholic product to be furnished to a patron of the

214 retail licensee.

215 (b) The definition of "dispense" in this Subsection (32) applies only to:

216 (i) a full-service restaurant license;

217 (ii) a limited-service restaurant license;

218 (iii) a reception center license; and

219 (iv) a beer-only restaurant license.

220 (33) "Distillery manufacturing license" means a license issued in accordance with  
221 Chapter 11, Part 4, Distillery Manufacturing License.

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

224 (35) "Educational facility" includes:

225 (a) a nursery school;

226 (b) an infant day care center; and

227 (c) a trade and technical school.

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

231 (37) "Event permit" means:

232 (a) a single event permit; or

233 (b) a temporary beer event permit.

234 (38) "Exempt license" means a license exempt under Section 32B-1-201 from being  
235 considered in determining the total number of a retail license that the commission may issue at  
236 any time.

237 (39) (a) "Flavored malt beverage" means a beverage:

238 (i) that contains at least .5% alcohol by volume;

239 (ii) that is treated by processing, filtration, or another method of manufacture that is not  
240 generally recognized as a traditional process in the production of a beer as described in 27  
241 C.F.R. Sec. 25.55;

242 (iii) to which is added a flavor or other ingredient containing alcohol, except for a hop  
243 extract; and

244 (iv) (A) for which the producer is required to file a formula for approval with the



245 federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55; or

246 (B) that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.

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

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

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

253 (42) (a) "Furnish" means by any means to provide with, supply, or give an individual  
254 an alcoholic product, by sale or otherwise.

255 (b) "Furnish" includes to:

256 (i) serve;

257 (ii) deliver; or

258 (iii) otherwise make available.

259 (43) "Guest" means an individual who meets the requirements of Subsection  
260 32B-6-407(9).

261 (44) "Health care practitioner" means:

262 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

263 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;

264 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

265 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice  
266 Act;

267 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,  
268 Nurse Practice Act;

269 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy  
270 Practice Act;

271 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational  
272 Therapy Practice Act;

273 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;

274 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health  
275 Professional Practice Act;

- 276 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 277 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical
- 278 Practice Act;
- 279 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
- 280 Hygienist Practice Act; and
- 281 (m) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.
- 282 (45) (a) "Heavy beer" means a product that:
- 283 (i) contains more than 4% alcohol by volume; and
- 284 (ii) is obtained by fermentation, infusion, or decoction of malted grain.
- 285 (b) "Heavy beer" is considered liquor for the purposes of this title.
- 286 (46) "Hotel" is as defined by the commission by rule.
- 287 (47) "Identification card" means an identification card issued under Title 53, Chapter 3,
- 288 Part 8, Identification Card Act.
- 289 (48) "Industry representative" means an individual who is compensated by salary,
- 290 commission, or other means for representing and selling an alcoholic product of a
- 291 manufacturer, supplier, or importer of liquor.
- 292 (49) "Industry representative sample" means liquor that is placed in the possession of
- 293 the department for testing, analysis, and sampling by a local industry representative on the
- 294 premises of the department to educate the local industry representative of the quality and
- 295 characteristics of the product.
- 296 (50) "Interdicted person" means a person to whom the sale, offer for sale, or furnishing
- 297 of an alcoholic product is prohibited by:
- 298 (a) law; or
- 299 (b) court order.
- 300 (51) "Intoxicated" means that a person:
- 301 (a) is significantly impaired as to the person's mental or physical functions as a result of
- 302 the use of:
- 303 (i) an alcoholic product;
- 304 (ii) a controlled substance;
- 305 (iii) a substance having the property of releasing toxic vapors; or
- 306 (iv) a combination of Subsections (51)(a)(i) through (iii); and

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

309 (52) "Investigator" means an individual who is:

310 (a) a department compliance officer; or

311 (b) a nondepartment enforcement officer.

312 (53) "Invitee" is as defined in Section 32B-8-102.

313 (54) "License" means:

314 (a) a retail license;

315 (b) a license issued in accordance with Chapter 11, Manufacturing and Related  
316 Licenses Act;

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

318 or

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

320 (55) "Licensee" means a person who holds a license.

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

323 (57) "Limousine" means a motor vehicle licensed by the state or a local authority, other  
324 than a bus or taxicab:

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

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

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

331 (58) (a) (i) "Liquor" means a liquid that:

332 (A) is:

333 (I) alcohol;

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

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

336 (IV) other drink or drinkable liquid; and

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

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

- 369 (66) "Minor" means an individual under the age of 21 years.
- 370 (67) "Nondepartment enforcement agency" means an agency that:
  - 371 (a) (i) is a state agency other than the department; or
  - 372 (ii) is an agency of a county, city, or town; and
  - 373 (b) has a responsibility to enforce one or more provisions of this title.
- 374 (68) "Nondepartment enforcement officer" means an individual who is:
  - 375 (a) a peace officer, examiner, or investigator; and
  - 376 (b) employed by a nondepartment enforcement agency.
- 377 (69) (a) "Off-premise beer retailer" means a beer retailer who is:
  - 378 (i) licensed in accordance with Chapter 7, Part 2, Off-premise Beer Retailer Local
  - 379 Authority; and
  - 380 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
  - 381 premises.
  - 382 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 383 (70) "On-premise banquet license" means a license issued in accordance with Chapter
- 384 5, Retail License Act, and Chapter 6, Part 6, On-premise Banquet License.
- 385 (71) "On-premise beer retailer" means a beer retailer who is:
  - 386 (a) authorized to sell, offer for sale, or furnish beer under a license issued in
  - 387 accordance with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-premise Beer
  - 388 Retailer License; and
  - 389 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
  - 390 premises:
    - 391 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
    - 392 premises; and
    - 393 (ii) on and after March 1, 2012, operating:
      - 394 (A) as a tavern; or
      - 395 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).
  - 396 (72) "Opaque" means impenetrable to sight.
  - 397 (73) "Package agency" means a retail liquor location operated:
    - 398 (a) under an agreement with the department; and
    - 399 (b) by a person:

400 (i) other than the state; and  
401 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6, Package  
402 Agency, to sell packaged liquor for consumption off the premises of the package agency.

403 (74) "Package agent" means a person who holds a package agency.

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

406 (a) a customer;

407 (b) a member;

408 (c) a guest;

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

410 (e) an individual who receives room service;

411 (f) a resident of a resort;

412 (g) a public customer under a resort spa sublicense, as defined in Section 32B-8-102;

413 or

414 (h) an invitee.

415 (76) "Permittee" means a person issued a permit under:

416 (a) Chapter 9, Event Permit Act; or

417 (b) Chapter 10, Special Use Permit Act.

418 (77) "Person subject to administrative action" means:

419 (a) a licensee;

420 (b) a permittee;

421 (c) a manufacturer;

422 (d) a supplier;

423 (e) an importer;

424 (f) one of the following holding a certificate of approval:

425 (i) an out-of-state brewer;

426 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or

427 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or

428 (g) staff of:

429 (i) a person listed in Subsections (77)(a) through (f); or

430 (ii) a package agent.

431 (78) "Premises" means a building, enclosure, or room used in connection with the  
432 storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,  
433 unless otherwise defined in this title or rules made by the commission.

434 (79) "Prescription" means an order issued by a health care practitioner when:

435 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,  
436 to prescribe a controlled substance, other drug, or device for medicinal purposes;

437 (b) the order is made in the course of that health care practitioner's professional  
438 practice; and

439 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.

440 (80) (a) "Private event" means a specific social, business, or recreational event:

441 (i) for which an entire room, area, or hall is leased or rented in advance by an identified  
442 group; and

443 (ii) that is limited in attendance to people who are specifically designated and their  
444 guests.

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

447 (81) ~~(a)~~ "Proof of age" means:

448 ~~(i)~~ (a) an identification card;

449 ~~(ii)~~ (b) an identification that:

450 ~~(A)~~ (i) is substantially similar to an identification card;

451 ~~(B)~~ (ii) is issued in accordance with the laws of a state other than Utah in which the  
452 identification is issued;

453 ~~(C)~~ (iii) includes date of birth; and

454 ~~(D)~~ (iv) has a picture affixed;

455 ~~(iii)~~ (c) a valid driver license certificate that:

456 ~~(A)~~ (i) includes date of birth;

457 ~~(B)~~ (ii) has a picture affixed; and

458 ~~(C)~~ (iii) is issued:

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

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

461 ~~(iv)~~ (d) a military identification card that:

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

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

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

465           ~~[(b)] "Proof of age" does not include a driving privilege card issued in accordance with~~

466   ~~Section 53-3-207.]~~

467           (82) (a) "Public building" means a building or permanent structure that is:

468           (i) owned or leased by:

469           (A) the state; or

470           (B) a local government entity; and

471           (ii) used for:

472           (A) public education;

473           (B) transacting public business; or

474           (C) regularly conducting government activities.

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

476   government entity when the building is used by a person, in whole or in part, for a proprietary

477   function.

478           (83) "Public conveyance" means a conveyance to which the public or a portion of the

479   public has access to and a right to use for transportation, including an airline, railroad, bus,

480   boat, or other public conveyance.

481           (84) "Reception center" means a business that:

482           (a) operates facilities that are at least 5,000 square feet; and

483           (b) has as its primary purpose the leasing of the facilities described in Subsection

484   (84)(a) to a third party for the third party's event.

485           (85) "Reception center license" means a license issued in accordance with Chapter 5,

486   Retail License Act, and Chapter 6, Part 8, Reception Center License.

487           (86) (a) "Record" means information that is:

488           (i) inscribed on a tangible medium; or

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

490           (b) "Record" includes:

491           (i) a book;

492           (ii) a book of account;



- 493 (iii) a paper;
- 494 (iv) a contract;
- 495 (v) an agreement;
- 496 (vi) a document; or
- 497 (vii) a recording in any medium.
- 498 (87) "Residence" means a person's principal place of abode within Utah.
- 499 (88) "Resident," in relation to a resort, is as defined in Section 32B-8-102.
- 500 (89) "Resort" is as defined in Section 32B-8-102.
- 501 (90) "Resort facility" is as defined by the commission by rule.
- 502 (91) "Resort license" means a license issued in accordance with Chapter 5, Retail
- 503 License Act, and Chapter 8, Resort License Act.
- 504 (92) "Restaurant" means a business location:
- 505 (a) at which a variety of foods are prepared;
- 506 (b) at which complete meals are served to the general public; and
- 507 (c) that is engaged primarily in serving meals to the general public.
- 508 (93) "Retail license" means one of the following licenses issued under this title:
- 509 (a) a full-service restaurant license;
- 510 (b) a limited-service restaurant license;
- 511 (c) a club license;
- 512 (d) an airport lounge license;
- 513 (e) an on-premise banquet license;
- 514 (f) an on-premise beer license;
- 515 (g) a reception center license; or
- 516 (h) a beer-only restaurant license.
- 517 (94) "Room service" means furnishing an alcoholic product to a person in a guest room
- 518 of a:
- 519 (a) hotel; or
- 520 (b) resort facility.
- 521 (95) "Serve" means to place an alcoholic product before an individual.
- 522 (96) (a) "School" means a building used primarily for the general education of minors.
- 523 (b) "School" does not include an educational facility.

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

529 (98) "Sexually oriented entertainer" means a person who while in a state of seminudity  
530 appears at or performs:

- 531 (a) for the entertainment of one or more patrons;
- 532 (b) on the premises of:
  - 533 (i) a social club licensee; or
  - 534 (ii) a tavern;
- 535 (c) on behalf of or at the request of the licensee described in Subsection (98)(b);
- 536 (d) on a contractual or voluntary basis; and
- 537 (e) whether or not the person is designated as:
  - 538 (i) an employee;
  - 539 (ii) an independent contractor;
  - 540 (iii) an agent of the licensee; or
  - 541 (iv) a different type of classification.

542 (99) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3,  
543 Single Event Permit.

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

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

549 (102) "Special use permit" means a permit issued in accordance with Chapter 10,  
550 Special Use Permit Act.

551 (103) (a) "Spirituous liquor" means liquor that is distilled.

552 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by  
553 27 U.S.C. Sec. 211 and 27 C.F.R. Sec. 5.11 through 5.23.

554 (104) "Sports center" is as defined by the commission by rule.

- 555 (105) (a) "Staff" means an individual who engages in activity governed by this title:  
556 (i) on behalf of a business, including a package agent, licensee, permittee, or certificate  
557 holder;  
558 (ii) at the request of the business, including a package agent, licensee, permittee, or  
559 certificate holder; or  
560 (iii) under the authority of the business, including a package agent, licensee, permittee,  
561 or certificate holder.
- 562 (b) "Staff" includes:  
563 (i) an officer;  
564 (ii) a director;  
565 (iii) an employee;  
566 (iv) personnel management;  
567 (v) an agent of the licensee, including a managing agent;  
568 (vi) an operator; or  
569 (vii) a representative.
- 570 (106) "State of nudity" means:  
571 (a) the appearance of:  
572 (i) the nipple or areola of a female human breast;  
573 (ii) a human genital;  
574 (iii) a human pubic area; or  
575 (iv) a human anus; or  
576 (b) a state of dress that fails to opaquely cover:  
577 (i) the nipple or areola of a female human breast;  
578 (ii) a human genital;  
579 (iii) a human pubic area; or  
580 (iv) a human anus.
- 581 (107) "State of seminudity" means a state of dress in which opaque clothing covers no  
582 more than:  
583 (a) the nipple and areola of the female human breast in a shape and color other than the  
584 natural shape and color of the nipple and areola; and  
585 (b) the human genitals, pubic area, and anus:

586 (i) with no less than the following at its widest point:  
587 (A) four inches coverage width in the front of the human body; and  
588 (B) five inches coverage width in the back of the human body; and  
589 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.  
590 (108) (a) "State store" means a facility for the sale of packaged liquor:  
591 (i) located on premises owned or leased by the state; and  
592 (ii) operated by a state employee.  
593 (b) "State store" does not include:  
594 (i) a package agency;  
595 (ii) a licensee; or  
596 (iii) a permittee.  
597 (109) (a) "Storage area" means an area on licensed premises where the licensee stores  
598 an alcoholic product.  
599 (b) "Store" means to place or maintain in a location an alcoholic product from which a  
600 person draws to prepare an alcoholic product to be furnished to a patron, except as provided in  
601 Subsection 32B-6-205(12)(b)(ii), 32B-6-305(12)(b)(ii), 32B-6-805(15)(b)(ii), or  
602 32B-6-905(12)(b)(ii).  
603 (110) "Sublicense" is as defined in Section 32B-8-102.  
604 (111) "Supplier" means a person who sells an alcoholic product to the department.  
605 (112) "Tavern" means an on-premise beer retailer who is:  
606 (a) issued a license by the commission in accordance with Chapter 5, Retail License  
607 Act, and Chapter 6, Part 7, On-premise Beer Retailer License; and  
608 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,  
609 On-premise Beer Retailer License.  
610 (113) "Temporary beer event permit" means a permit issued in accordance with  
611 Chapter 9, Part 4, Temporary Beer Event Permit.  
612 (114) "Temporary domicile" means the principal place of abode within Utah of a  
613 person who does not have a present intention to continue residency within Utah permanently or  
614 indefinitely.  
615 (115) "Translucent" means a substance that allows light to pass through, but does not  
616 allow an object or person to be seen through the substance.

617 (116) "Unsaleable liquor merchandise" means a container that:

618 (a) is unsaleable because the container is:

619 (i) unlabeled;

620 (ii) leaky;

621 (iii) damaged;

622 (iv) difficult to open; or

623 (v) partly filled;

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

625 (ii) has contents that are:

626 (A) cloudy;

627 (B) spoiled; or

628 (C) chemically determined to be impure; or

629 (iii) contains:

630 (A) sediment; or

631 (B) a foreign substance; or

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

633 (117) (a) "Wine" means an alcoholic product obtained by the fermentation of the

634 natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not

635 another ingredient is added.

636 (b) "Wine" is considered liquor for purposes of this title, except as otherwise provided

637 in this title.

638 (118) "Winery manufacturing license" means a license issued in accordance with

639 Chapter 11, Part 3, Winery Manufacturing License.

640 Section 2. Section **32B-1-406** is amended to read:

641 **32B-1-406. Acceptance of identification.**

642 (1) An authorized person may accept as evidence of the legal age of the individual

643 presenting the following:

644 (a) proof of age; or

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

646 (i) proof of age; and

647 (ii) a statement of age.

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

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

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

653 (c) allowing the individual who signed the statement of age to be employed in  
654 employment that under this title may not be obtained by a minor.

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

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

658 **41-1a-110. Authority of division to suspend or revoke registration, certificate of**  
659 **title, license plate, or permit.**

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

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

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

666 (c) a registered vehicle has been dismantled;

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

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

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

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

676 (2) ~~[(a)]~~ The division shall revoke the registration of a vehicle if the division receives  
677 notification by the:

678 ~~[(i)]~~ (a) Department of Public Safety that a person:

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

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

683            ~~[(i)]~~ (b) designated agent that the owner of a motor vehicle:

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

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

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

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

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

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

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

696            **41-1a-1220. Registration reinstatement fee.**

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

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

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

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

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

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

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

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

711 **41-12a-806. Restricted Account -- Creation -- Funding -- Interest -- Purposes.**

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

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

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

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

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

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

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

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

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

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

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

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

728 **46-1-2. Definitions.**

729 As used in this chapter:

730 (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer,  
731 whose identity is personally known to the notary or proven on the basis of satisfactory  
732 evidence, has admitted, in the presence of the notary, to voluntarily signing a document for the  
733 document's stated purpose.

734 (2) "Commission" means:

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

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

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

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



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

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

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

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

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

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

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

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

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

764 (ii) a valid passport issued by any nation; or

765 (iii) the oath or affirmation of a credible person who is personally known to the notary  
766 and who personally knows the individual.

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

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

771 **53-3-102. Definitions.**

772 As used in this chapter:

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

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

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

778 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.  
779 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
780 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
781 commercial motor vehicle; and

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

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

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

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

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

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

793 (i) equipment owned and operated by the United States Department of Defense when  
794 driven by any active duty military personnel and members of the reserves and national guard on  
795 active duty including personnel on full-time national guard duty, personnel on part-time  
796 training, and national guard military technicians and civilians who are required to wear military  
797 uniforms and are subject to the code of military justice;

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

801 (iii) firefighting and emergency vehicles; and

802 (iv) recreational vehicles that are not used in commerce and are driven solely as family

803 or personal conveyances for recreational purposes.

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

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

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

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

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

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

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

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

817 (8) "Disqualification" means either:

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

820 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
821 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part  
822 391; or

823 (c) the loss of qualification that automatically follows conviction of an offense listed in  
824 49 C.F.R. Part 383.51.

825 (9) "Division" means the Driver License Division of the department created in Section  
826 53-3-103.

827 (10) "Downgrade" means to obtain a lower license class than what was originally  
828 issued during an existing license cycle.

829 (11) "Drive" means:

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

831 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections  
832 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within  
833 the state.

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

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

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

841 ~~[(14)]~~ (13) "Extension" means a renewal completed in a manner specified by the  
842 division.

843 ~~[(15)]~~ (14) "Farm tractor" means every motor vehicle designed and used primarily as a  
844 farm implement for drawing plows, mowing machines, and other implements of husbandry.

845 ~~[(16)]~~ (15) "Highway" means the entire width between property lines of every way or  
846 place of any nature when any part of it is open to the use of the public, as a matter of right, for  
847 traffic.

848 ~~[(17)]~~ (16) "Identification card" means an identification card issued under this chapter  
849 to a person whose card was obtained by providing evidence of lawful presence in the United  
850 States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

851 ~~[(18)]~~ (17) "Indigent" means that a person's income falls below the federal poverty  
852 guideline issued annually by the U.S. Department of Health and Human Services in the Federal  
853 Register.

854 ~~[(19)]~~ (18) "License" means the privilege to drive a motor vehicle.

855 ~~[(20)]~~ (19) (a) "License certificate" means the evidence of the privilege issued under  
856 this chapter to drive a motor vehicle.

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

858 (i) regular license certificate;

859 (ii) limited-term license certificate;

860 ~~[(iii) driving privilege card;]~~

861 ~~[(iv)]~~ (iii) CDL license certificate; and

862 ~~[(v)]~~ (iv) limited-term CDL license certificate.

863 ~~[(21)]~~ (20) "Limited-term commercial driver license" or "limited-term CDL" means a  
864 license:

865 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.  
866 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
867 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
868 commercial motor vehicle; and

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

871 [~~22~~] (21) "Limited-term identification card" means an identification card issued under  
872 this chapter to a person whose card was obtained by providing evidence of lawful presence in  
873 the United States with one of the document requirements described in Subsection  
874 53-3-804(2)(i)(ii).

875 [~~23~~] (22) "Limited-term license certificate" means the evidence of the privilege  
876 granted and issued under this chapter to drive a motor vehicle to a person whose privilege was  
877 obtained providing evidence of lawful presence in the United States with one of the document  
878 requirements described in Subsection 53-3-205(8)(a)(ii)(B).

879 [~~24~~] (23) "Motorboat" has the same meaning as provided under Section 73-18-2.

880 [~~25~~] (24) "Motorcycle" means every motor vehicle, other than a tractor, having a seat  
881 or saddle for the use of the rider and designed to travel with not more than three wheels in  
882 contact with the ground.

883 [~~26~~] (25) "Office of Recovery Services" means the Office of Recovery Services,  
884 created in Section 62A-11-102.

885 [~~27~~] (26) (a) "Owner" means a person other than a lienholder having an interest in the  
886 property or title to a vehicle.

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

889 [~~28~~] (27) "Regular license certificate" means the evidence of the privilege issued  
890 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence  
891 of lawful presence in the United States with one of the document requirements described in  
892 Subsection 53-3-205(8)(a)(ii)(A).

893 [~~29~~] (28) "Renewal" means to validate a license certificate so that it expires at a later  
894 date.

895 [~~30~~] (29) "Reportable violation" means an offense required to be reported to the

896 division as determined by the division and includes those offenses against which points are  
897 assessed under Section 53-3-221.

898 ~~[(31)]~~ (30) (a) "Resident" means an individual who:

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

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

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

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

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

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

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

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

916 (iv) an immediate family member who resides with or a household member of a person  
917 listed in Subsections ~~[(31)]~~ (30)(b)(i) through (iii).

918 ~~[(32)]~~ (31) "Revocation" means the termination by action of the division of a licensee's  
919 privilege to drive a motor vehicle.

920 ~~[(33)]~~ (32) (a) "School bus" means a commercial motor vehicle used to transport  
921 pre-primary, primary, or secondary school students to and from home and school, or to and  
922 from school sponsored events.

923 (b) "School bus" does not include a bus used as a common carrier as defined in Section  
924 59-12-102.

925 ~~[(34)]~~ (33) "Suspension" means the temporary withdrawal by action of the division of a  
926 licensee's privilege to drive a motor vehicle.

927            [~~(35)~~] (34) "Taxicab" means any class D motor vehicle transporting any number of  
928 passengers for hire and that is subject to state or federal regulation as a taxi.

929            Section 8. Section **53-3-105** is amended to read:

930            **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**  
931 **and identification cards.**

932            The following fees apply under this chapter:

933            (1) An original class D license application under Section 53-3-205 is \$25.

934            (2) An original provisional license application for a class D license under Section  
935 53-3-205 is \$30.

936            (3) An original application for a motorcycle endorsement under Section 53-3-205 is  
937 \$9.50.

938            (4) An original application for a taxicab endorsement under Section 53-3-205 is \$7.

939            (5) A learner permit application under Section 53-3-210.5 is \$15.

940            (6) A renewal of a class D license under Section 53-3-214 is \$25 unless Subsection  
941 (10) applies.

942            (7) A renewal of a provisional license application for a class D license under Section  
943 53-3-214 is \$25.

944            (8) A renewal of a motorcycle endorsement under Section 53-3-214 is \$9.50.

945            (9) A renewal of a taxicab endorsement under Section 53-3-214 is \$7.

946            (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is  
947 \$13.

948            (11) An extension of a class D license under Section 53-3-214 is \$20 unless Subsection  
949 (15) applies.

950            (12) An extension of a provisional license application for a class D license under  
951 Section 53-3-214 is \$20.

952            (13) An extension of a motorcycle endorsement under Section 53-3-214 is \$9.50.

953            (14) An extension of a taxicab endorsement under Section 53-3-214 is \$7.

954            (15) An extension of a class D license for a person 65 and older under Section  
955 53-3-214 is \$11.

956            (16) An original or renewal application for a commercial class A, B, or C license or an  
957 original or renewal of a provisional commercial class A or B license under Part 4, Uniform

958 Commercial Driver License Act, is:

959       (a) \$40 for the knowledge test; and

960       (b) \$60 for the skills test.

961       (17) Each original CDL endorsement for passengers, hazardous material, double or

962 triple trailers, or tankers is \$7.

963       (18) An original CDL endorsement for a school bus under Part 4, Uniform Commercial

964 Driver License Act, is \$7.

965       (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver

966 License Act, is \$7.

967       (20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$20.

968       (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.

969       (21) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.

970       (22) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$18.

971       (23) (a) A license reinstatement application under Section 53-3-205 is \$30.

972       (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or

973 combination of alcohol and any drug-related offense is \$35 in addition to the fee under

974 Subsection (23)(a).

975       (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or

976 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or

977 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under

978 Part 4, Uniform Commercial Driver License Act, is \$170.

979       (b) This administrative fee is in addition to the fees under Subsection (23).

980       (25) (a) An administrative fee for providing the driving record of a driver under

981 Section 53-3-104 or 53-3-420 is \$6.

982       (b) The division may not charge for a report furnished under Section 53-3-104 to a

983 municipal, county, state, or federal agency.

984       (26) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

985       (27) (a) Except as provided under Subsections (27)(b) and (c), an identification card

986 application under Section 53-3-808 is \$18.

987       (b) An identification card application under Section 53-3-808 for a person with a

988 disability, as defined in 42 U.S.C. Sec. 12102, is \$13.



989 (c) A fee may not be charged for an identification card application if the person  
990 applying:

991 (i) has not been issued a Utah driver license;

992 (ii) is indigent; and

993 (iii) is at least 18 years of age.

994 ~~[(28) In addition to any license application fees collected under this chapter, the~~  
995 ~~division shall impose on individuals submitting fingerprints in accordance with Section~~  
996 ~~53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the~~  
997 ~~services the Bureau of Criminal Identification provides under Section 53-3-205.5.]~~

998 Section 9. Section **53-3-106** is amended to read:

999 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**  
1000 **-- Uses as provided by appropriation -- Nonlapsing.**

1001 (1) There is created within the Transportation Fund a restricted account known as the  
1002 "Department of Public Safety Restricted Account."

1003 (2) The account consists of money generated from the following revenue sources:

1004 (a) all money received under this chapter;

1005 (b) administrative fees received according to the fee schedule authorized under this  
1006 chapter and Section 63J-1-504; and

1007 (c) any appropriations made to the account by the Legislature.

1008 (3) (a) The account shall earn interest.

1009 (b) All interest earned on account money shall be deposited in the account.

1010 (4) The expenses of the department in carrying out this chapter shall be provided for by  
1011 legislative appropriation from this account.

1012 (5) The amount in excess of \$45 of the fees collected under Subsection 53-3-105(24)  
1013 shall be appropriated by the Legislature from this account to the department to implement the  
1014 provisions of Section 53-1-117, except that of the amount in excess of \$45, \$40 shall be  
1015 deposited in the State Laboratory Drug Testing Account created in Section 26-1-34.

1016 (6) All money received under Subsection 41-6a-1406(6)(b)(ii) shall be appropriated by  
1017 the Legislature from this account to the department to implement the provisions of Section  
1018 53-1-117.

1019 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000

1020 annually from the account to the state medical examiner appointed under Section 26-4-4 for  
1021 use in carrying out duties related to highway crash deaths under Subsection 26-4-7(1).

1022 ~~[(8) The division shall remit the fees collected under Subsection 53-3-105(28) to the~~  
1023 ~~Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal~~  
1024 ~~Identification provides under Section 53-3-205.5.]~~

1025 ~~[(9)]~~ (8) Appropriations to the department from the account are nonlapsing.

1026 Section 10. Section **53-3-205** is amended to read:

1027 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**  
1028 **Expiration dates of licenses and endorsements -- Information required -- Previous**  
1029 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**  
1030 **Fee required -- License agreement.**

1031 (1) An application for any original license, provisional license, or endorsement shall  
1032 be:

- 1033 (a) made upon a form furnished by the division; and
- 1034 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

1035 (2) An application and fee for an original provisional class D license or an original  
1036 class D license entitle the applicant to:

1037 (a) not more than three attempts to pass both the knowledge and the skills tests for a  
1038 class D license within six months of the date of the application;

1039 (b) a learner permit if needed pending completion of the application and testing  
1040 process; and

1041 (c) an original class D license and license certificate after all tests are passed.

1042 (3) An application and fee for a motorcycle or taxicab endorsement entitle the  
1043 applicant to:

1044 (a) not more than three attempts to pass both the knowledge and skills tests within six  
1045 months of the date of the application;

1046 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

1047 (c) a motorcycle or taxicab endorsement when all tests are passed.

1048 (4) An application and fees for a commercial class A, B, or C license entitle the  
1049 applicant to:

1050 (a) not more than two attempts to pass a knowledge test and not more than two

- 1051 attempts to pass a skills test within six months of the date of the application;
- 1052 (b) a commercial driver instruction permit if needed after the knowledge test is passed;
- 1053 and
- 1054 (c) an original commercial class A, B, or C license and license certificate when all
- 1055 applicable tests are passed.
- 1056 (5) An application and fee for a CDL endorsement entitle the applicant to:
- 1057 (a) not more than two attempts to pass a knowledge test and not more than two
- 1058 attempts to pass a skills test within six months of the date of the application; and
- 1059 (b) a CDL endorsement when all tests are passed.
- 1060 (6) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
- 1061 test within the number of attempts provided in Subsection (4) or (5), each test may be taken
- 1062 two additional times within the six months for the fee provided in Section 53-3-105.
- 1063 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
- 1064 expires on the birth date of the applicant in the fifth year following the year the license
- 1065 certificate was issued.
- 1066 (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension
- 1067 to a license expires on the birth date of the licensee in the fifth year following the expiration
- 1068 date of the license certificate renewed or extended.
- 1069 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on
- 1070 the same date as the last license certificate issued.
- 1071 (d) An endorsement to a license expires on the same date as the license certificate
- 1072 regardless of the date the endorsement was granted.
- 1073 (e) A regular license certificate and any endorsement to the regular license certificate
- 1074 held by a person ordered to active duty and stationed outside Utah in any of the armed forces of
- 1075 the United States or by an immediate family member or dependent who is residing outside of
- 1076 the state, which expires during the time period the person is stationed outside of the state, is
- 1077 valid until 90 days after the person's orders have been terminated or the person has been
- 1078 discharged, unless:
- 1079 (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by
- 1080 the division; or
- 1081 (ii) the licensee updates the information or photograph on the license certificate.

1082 (f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a  
1083 renewal to a limited-term license certificate expires:

1084 (A) on the expiration date of the period of time of the individual's authorized stay in  
1085 the United States or on the date provided under this Subsection (7), whichever is sooner; or

1086 (B) on the birth date of the applicant in the first year following the year that the  
1087 limited-term license certificate was issued if there is no definite end to the individual's period  
1088 of authorized stay.

1089 (ii) A limited-term license certificate or a renewal to a limited-term license certificate  
1090 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth  
1091 year following the year that the limited-term license certificate was issued.

1092 (g) A driving privilege card issued or renewed [~~under Section 53-3-207 expires on the~~  
1093 ~~birth date of the applicant in the first year following the year that the driving privilege card was~~  
1094 ~~issued or renewed]~~ by the division expires on December 31, 2012.

1095 (h) An original license or a renewal to an original license expires on the birth date of  
1096 the applicant in the first year following the year that the license was issued if the applicant is  
1097 required to register as a sex offender under Section 77-27-21.5.

1098 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative  
1099 Procedures Act, for requests for agency action, each applicant shall:

1100 (i) provide [~~the applicant's~~]:

1101 (A) the applicant's full legal name;

1102 (B) the applicant's birth date;

1103 (C) the applicant's gender;

1104 (D) (I) documentary evidence of the applicant's valid Social Security number;

1105 (II) written proof that the applicant is ineligible to receive a Social Security number; or

1106 [~~(III) temporary identification number (ITIN) issued by the Internal Revenue Service~~  
1107 ~~for a person who:~~

1108 [~~(Aa) does not qualify for a Social Security number; and]~~

1109 [~~(Bb) is applying for a driving privilege card; or]~~

1110 [~~(FV)] (III) other documentary evidence approved by the division; and~~

1111 (E) the applicant's Utah residence address as documented by a form or forms

1112 acceptable under rules made by the division under Section 53-3-104, unless the application is

1113 for a temporary CDL issued under Subsection 53-3-407(2)(b); ~~and~~  
1114 ~~[(F) submit fingerprints and a photograph in accordance with Section 53-3-205.5 if the~~  
1115 ~~person is applying for a driving privilege card;]~~  
1116 (ii) provide evidence of the applicant's lawful presence in the United States by  
1117 providing documentary evidence:  
1118 (A) that a person is:  
1119 (I) a United States citizen;  
1120 (II) a United States national; or  
1121 (III) a legal permanent resident alien; or  
1122 (B) of the applicant's:  
1123 (I) unexpired immigrant or nonimmigrant visa status for admission into the United  
1124 States;  
1125 (II) pending or approved application for asylum in the United States;  
1126 (III) admission into the United States as a refugee;  
1127 (IV) pending or approved application for temporary protected status in the United  
1128 States;  
1129 (V) approved deferred action status;  
1130 (VI) pending application for adjustment of status to legal permanent resident or  
1131 conditional resident; or  
1132 (VII) conditional permanent resident alien status;  
1133 (iii) provide a description of the applicant;  
1134 (iv) state whether the applicant has previously been licensed to drive a motor vehicle  
1135 and, if so, when and by what state or country;  
1136 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,  
1137 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license  
1138 application refused, and if so, the date of and reason for the suspension, cancellation,  
1139 revocation, disqualification, denial, or refusal;  
1140 (vi) state whether the applicant intends to make an anatomical gift under Title 26,  
1141 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);  
1142 (vii) state whether the applicant is required to register as a sex offender under Section  
1143 77-27-21.5;

1144 (viii) state whether the applicant is a veteran of the United States military, provide  
1145 verification that the applicant was honorably discharged from the United States military, and  
1146 state whether the applicant does or does not authorize sharing the information with the state  
1147 Department of Veterans' Affairs;

1148 (ix) provide all other information the division requires; and

1149 (x) sign the application which signature may include an electronic signature as defined  
1150 in Section 46-4-102.

1151 (b) Each applicant shall have a Utah residence address, unless the application is for a  
1152 temporary CDL issued under Subsection 53-3-407(2)(b).

1153 (c) Each applicant shall provide evidence of lawful presence in the United States in  
1154 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

1155 (d) The division shall maintain on its computerized records an applicant's:

1156 (i) (A) Social Security number; or

1157 [~~(B)~~] ~~temporary identification number (ITIN); or~~

1158 [~~(C)~~] (B) other number assigned by the division if Subsection (8)(a)(i)(D)[~~(IV)~~](III)  
1159 applies; and

1160 (ii) indication whether the applicant is required to register as a sex offender under  
1161 Section 77-27-21.5.

1162 (9) The division shall require proof of every applicant's name, birthdate, and birthplace  
1163 by at least one of the following means:

1164 (a) current license certificate;

1165 (b) birth certificate;

1166 (c) Selective Service registration; or

1167 (d) other proof, including church records, family Bible notations, school records, or  
1168 other evidence considered acceptable by the division.

1169 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a  
1170 higher class than what the applicant originally was issued:

1171 (i) the license application shall be treated as an original application; and

1172 (ii) license and endorsement fees shall be assessed under Section 53-3-105.

1173 (b) An applicant that receives a downgraded license in a lower license class during an  
1174 existing license cycle that has not expired:

1175 (i) may be issued a duplicate license with a lower license classification for the  
1176 remainder of the existing license cycle; and

1177 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a  
1178 duplicate license is issued under Subsection (10)(b)(i).

1179 (c) An applicant who has received a downgraded license in a lower license class under  
1180 Subsection (10)(b):

1181 (i) may, when eligible, receive a duplicate license in the highest class previously issued  
1182 during a license cycle that has not expired for the remainder of the existing license cycle; and

1183 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a  
1184 duplicate license is issued under Subsection (10)(c)(i).

1185 (11) (a) When an application is received from a person previously licensed in another  
1186 state to drive a motor vehicle, the division shall request a copy of the driver's record from the  
1187 other state.

1188 (b) When received, the driver's record becomes part of the driver's record in this state  
1189 with the same effect as though entered originally on the driver's record in this state.

1190 (12) An application for reinstatement of a license after the suspension, cancellation,  
1191 disqualification, denial, or revocation of a previous license shall be accompanied by the  
1192 additional fee or fees specified in Section 53-3-105.

1193 (13) A person who has an appointment with the division for testing and fails to keep  
1194 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee  
1195 under Section 53-3-105.

1196 (14) A person who applies for an original license or renewal of a license agrees that the  
1197 person's license is subject to any suspension or revocation authorized under this title or Title  
1198 41, Motor Vehicles.

1199 (15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by  
1200 the licensee in accordance with division rule.

1201 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
1202 Management Act, the division may, upon request, release to an organ procurement  
1203 organization, as defined in Section 26-28-102, the names and addresses of all persons who  
1204 under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.

1205 (ii) An organ procurement organization may use released information only to:

1206 (A) obtain additional information for an anatomical gift registry; and  
1207 (B) inform licensees of anatomical gift options, procedures, and benefits.  
1208 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
1209 Management Act, the division may release to the Department of Veterans' Affairs the names  
1210 and addresses of all persons who indicate their status as a veteran under Subsection (8)(a)(viii).  
1211 (17) The division and its employees are not liable, as a result of false or inaccurate  
1212 information provided under Subsection (8)(a)(vi) or(viii), for direct or indirect:  
1213 (a) loss;  
1214 (b) detriment; or  
1215 (c) injury.  
1216 (18) A person who knowingly fails to provide the information required under  
1217 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.  
1218 Section 11. Section **53-3-207** is amended to read:  
1219 **53-3-207. License certificates or driving privilege cards issued to drivers by class**  
1220 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**  
1221 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**  
1222 (1) As used in this section:  
1223 (a) "driving privilege" means the privilege granted under this chapter to drive a motor  
1224 vehicle;  
1225 (b) "governmental entity" means the state and its political subdivisions as defined in  
1226 this Subsection (1);  
1227 (c) "political subdivision" means any county, city, town, school district, public transit  
1228 district, community development and renewal agency, special improvement or taxing district,  
1229 local district, special service district, an entity created by an interlocal agreement adopted under  
1230 Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public  
1231 corporation; and  
1232 (d) "state" means this state, and includes any office, department, agency, authority,  
1233 commission, board, institution, hospital, college, university, children's justice center, or other  
1234 instrumentality of the state.  
1235 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a  
1236 regular license certificate[;] or a limited-term license certificate[; ~~or a driving privilege card~~]



1237 indicating the type or class of motor vehicle the person may drive.

1238 (b) A person may not drive a class of motor vehicle unless granted the privilege in that  
1239 class.

1240 (3) (a) Every regular license certificate[;] or limited-term license certificate[, ~~or driving~~  
1241 ~~privilege card~~] shall bear:

1242 (i) the distinguishing number assigned to the person by the division;

1243 (ii) the name, birth date, and Utah residence address of the person;

1244 (iii) a brief description of the person for the purpose of identification;

1245 (iv) any restrictions imposed on the license under Section 53-3-208;

1246 (v) a photograph of the person;

1247 (vi) a photograph or other facsimile of the person's signature;

1248 (vii) an indication whether the person intends to make an anatomical gift under Title  
1249 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the [~~driving privilege~~] license is  
1250 extended under Subsection 53-3-214(3); and

1251 (viii) except as provided in Subsection (3)(b), if the person states that the person is a  
1252 veteran of the United States military on the application for a [~~driver~~] regular license certificate  
1253 or a limited-term license certificate in accordance with Section 53-3-205, and if the person  
1254 provides verification that the person was honorably discharged from the United States military,  
1255 an indication that the person is a United States military veteran for a regular license certificate  
1256 or limited-term license certificate issued on or after July 1, 2011.

1257 (b) A regular license certificate or limited-term license certificate issued to any person  
1258 younger than 21 years on a portrait-style format as required in Subsection (5)(b)(i) is not  
1259 required to include an indication that the person is a United States military veteran under  
1260 Subsection (3)(a)(viii).

1261 (c) A new license certificate issued by the division may not bear the person's Social  
1262 Security number.

1263 (d) (i) The regular license certificate[;] or limited-term license certificate[, ~~or driving~~  
1264 ~~privilege card~~] shall be of an impervious material, resistant to wear, damage, and alteration.

1265 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the regular  
1266 license certificate[;] or limited-term license certificate[, ~~or driving privilege card~~] shall be as  
1267 prescribed by the commissioner.

1268 (iii) The commissioner may also prescribe the issuance of a special type of limited  
1269 regular license certificate, or limited-term license certificate~~[-, or driving privilege card]~~ under  
1270 Subsection 53-3-220(4).

1271 (4) (a) (i) The division, upon determining after an examination that an applicant is  
1272 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a  
1273 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term  
1274 license certificate.

1275 (ii) The receipt serves as a temporary regular license certificate or limited-term license  
1276 certificate allowing the person to drive a motor vehicle while the division is completing its  
1277 investigation to determine whether the person is entitled to be granted a driving privilege.

1278 (b) The receipt shall be in the person's immediate possession while driving a motor  
1279 vehicle, and it is invalid when the person's regular license certificate or limited-term license  
1280 certificate has been issued or when, for good cause, the privilege has been refused.

1281 (c) The division shall indicate on the receipt a date after which it is not valid as a  
1282 temporary license.

1283 ~~[(d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a receipt  
1284 that serves as a temporary driving privilege card or other temporary permit to an applicant for a  
1285 driving privilege card.]~~

1286 ~~[(ii) The division may issue a learner permit issued in accordance with Section  
1287 53-3-210.5 to an applicant for a driving privilege card.]~~

1288 (5) (a) The division shall distinguish learner permits, temporary permits, regular  
1289 license certificates, and limited-term license certificates~~[-, and driving privilege cards]~~ issued to  
1290 any person younger than 21 years of age by use of plainly printed information or the use of a  
1291 color or other means not used for other regular license certificates~~[-]~~ or limited-term license  
1292 certificates~~[-, or driving privilege cards]~~.

1293 (b) The division shall distinguish a regular license certificate~~[-]~~ or limited-term license  
1294 certificate~~[-, or driving privilege card]~~ issued to any person:

1295 (i) younger than 21 years of age by use of a portrait-style format not used for other  
1296 regular license certificates~~[-]~~ or limited-term license certificates~~[-, or driving privilege cards]~~  
1297 and by plainly printing the date the regular license certificate~~[-]~~ or limited-term license  
1298 certificate~~[-, or driving privilege card]~~ holder is 21 years of age, which is the legal age for

1299 purchasing an alcoholic beverage or alcoholic product under Section 32B-14-403; and  
1300 (ii) younger than 19 years of age, by plainly printing the date the regular license  
1301 certificate[;] or limited-term license certificate[; ~~or driving privilege card~~] holder is 19 years of  
1302 age, which is the legal age for purchasing tobacco products under Section 76-10-104.

1303 (6) The division shall distinguish a limited-term license certificate by clearly indicating  
1304 on the document:

1305 (a) that it is temporary; and

1306 (b) its expiration date.

1307 ~~[(7) (a) The division shall only issue a driving privilege card to a person whose~~  
1308 ~~privilege was obtained without providing evidence of lawful presence in the United States as~~  
1309 ~~required under Subsection 53-3-205(8).]~~

1310 ~~[(b) The division shall distinguish a driving privilege card from a license certificate~~  
1311 ~~by:]~~

1312 ~~[(i) use of a format, color, font, or other means; and]~~

1313 ~~[(ii) clearly displaying on the front of the driving privilege card a phrase substantially~~  
1314 ~~similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".]~~

1315 ~~[(8) (7) The provisions of Subsection (5)(b) do not apply to a learner permit,~~  
1316 ~~temporary permit, or any other temporary permit or receipt issued by the division.~~

1317 ~~[(9) (8) The division shall issue temporary license certificates of the same nature,~~  
1318 ~~except as to duration, as the license certificates that they temporarily replace, as are necessary~~  
1319 ~~to implement applicable provisions of this section and Section 53-3-223.~~

1320 (9) Beginning on July 1, 2012, the division may not issue a driving privilege card.

1321 (10) (a) A governmental entity may not accept a driving privilege card as proof of  
1322 personal identification.

1323 (b) A driving privilege card may not be used as a document providing proof of a  
1324 person's age for any government required purpose.

1325 (11) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.

1326 (12) Unless otherwise provided, the provisions, requirements, classes, endorsements,  
1327 fees, restrictions, and sanctions under this code apply to a ~~[(a) driving privilege in the same~~  
1328 ~~way as a license or limited-term license issued under this chapter; and (b)]~~ limited-term license  
1329 certificate ~~[or driving privilege card]~~ in the same way as a regular license certificate issued

1330 under this chapter.

1331 Section 12. Section **53-3-214** is amended to read:

1332 **53-3-214. Renewal -- Fees required -- Extension without examination.**

1333 (1) (a) The holder of a valid license may renew the holder's license and any  
1334 endorsement to the license by applying:

1335 (i) at any time within six months before the license expires; or

1336 (ii) more than six months prior to the expiration date if the applicant furnishes proof  
1337 that the applicant will be absent from the state during the six-month period prior to the  
1338 expiration of the license.

1339 (b) The application for a renewal of, extension of, or any endorsement to a license shall  
1340 be accompanied by a fee under Section 53-3-105.

1341 (2) (a) Except as provided under Subsections (2)(b) and (3), upon application for  
1342 renewal of a regular license certificate, provisional license, and any endorsement to a regular  
1343 license certificate, the division shall reexamine each applicant as if for an original license and  
1344 endorsement to the license, if applicable.

1345 (b) Except as provided under Subsection (2)(c), upon application for renewal of a  
1346 limited-term license certificate, limited-term provisional license certificate, and any  
1347 endorsement to a limited-term license certificate, the division shall:

1348 (i) reexamine each applicant as if for an original limited-term license certificate and  
1349 endorsement to the limited-term license certificate, if applicable; and

1350 (ii) verify through valid documentary evidence that the status by which the individual  
1351 originally qualified for the limited-term license certificate has been extended by the United  
1352 States Citizenship and Immigration Services or other authorized agency of the United States  
1353 Department of Homeland Security.

1354 (c) The division may waive any or all portions of the test designed to demonstrate the  
1355 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

1356 (3) (a) Except as provided under Subsections (3)(b) and (c), the division may extend a  
1357 regular license certificate, any endorsement to the regular license certificate, a provisional  
1358 license, and any endorsement to a provisional license for five years without examination for  
1359 licensees whose driving records for the five years immediately preceding the determination of  
1360 eligibility for extension show:

- 1361 (i) no suspensions;  
1362 (ii) no revocations;  
1363 (iii) no conviction for reckless driving under Section 41-6a-528; and  
1364 (iv) no more than four reportable violations in the preceding five years.
- 1365 (b) Except as provided in Subsection (3)(g), after the expiration of a regular license  
1366 certificate, a new regular license certificate and any endorsement to a regular license certificate  
1367 may not be issued until the person has again passed the tests under Section 53-3-206 and paid  
1368 the required fee.
- 1369 (c) After the expiration of a limited-term license certificate, a new limited-term license  
1370 certificate and any endorsement to a limited-term license certificate may not be issued until the  
1371 person has:
- 1372 (i) again passed the tests under Section 53-3-206 and paid the required fee; and  
1373 (ii) presented documentary evidence that the status by which the individual originally  
1374 qualified for the limited-term license certificate has been extended by the United States  
1375 Citizenship and Immigration Services or other authorized agency of the United States  
1376 Department of Homeland Security.
- 1377 (d) A person 65 years of age or older shall take and pass the eye examination specified  
1378 in Section 53-3-206.
- 1379 (e) An extension may not be granted to any person:
- 1380 (i) who is identified by the division as having a medical impairment that may represent  
1381 a hazard to public safety;
- 1382 (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial  
1383 Driver License Act; or
- 1384 (iii) who is holding a limited-term license certificate[; ~~or~~].  
1385 [~~(iv) who is holding a driving privilege card issued in accordance with Section~~  
1386 ~~53-3-207.~~]
- 1387 (f) The division shall allow extensions:
- 1388 (i) by mail or Internet at the appropriate extension fee rate under Section 53-3-105;  
1389 (ii) only if the applicant qualifies under this section; and  
1390 (iii) for only one extension.
- 1391 (g) The division may waive any or all portions of the test designed to demonstrate the

1392 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

1393 Section 13. Section **53-3-221** is amended to read:

1394 **53-3-221. Offenses which may result in denial, suspension, disqualification, or**  
1395 **revocation of license without hearing -- Additional grounds for suspension -- Point system**  
1396 **for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.**

1397 (1) By following the emergency procedures in Title 63G, Chapter 4, Administrative  
1398 Procedures Act, the division may immediately deny, suspend, disqualify, or revoke the license  
1399 of any person without hearing and without receiving a record of the person's conviction of  
1400 crime when the division has been notified or has reason to believe the person:

1401 (a) has committed any offenses for which mandatory suspension or revocation of a  
1402 license is required upon conviction under Section 53-3-220;

1403 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an  
1404 accident resulting in death or injury to any other person, or serious property damage;

1405 (c) is incompetent to drive a motor vehicle or is afflicted with mental or physical  
1406 infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle upon the  
1407 highways;

1408 (d) has committed a serious violation of the motor vehicle laws of this state;

1409 (e) has knowingly acquired, used, displayed, or transferred an item that purports to be  
1410 an authentic driver license certificate issued by a governmental entity if the item is not an  
1411 authentic driver license certificate or has permitted an unlawful use of the license as prohibited  
1412 under Section 53-3-229; or

1413 (f) has been convicted of serious offenses against traffic laws governing the movement  
1414 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard  
1415 for the safety of other persons on the highways.

1416 (2) (a) The division may suspend the license of a person under Subsection (1) when the  
1417 person has failed to comply with the terms stated on a traffic citation issued in this state, except  
1418 this Subsection (2) does not apply to highway weight limit violations or violations of law  
1419 governing the transportation of hazardous materials.

1420 (b) This Subsection (2) applies to parking and standing violations only if a court has  
1421 issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy  
1422 the terms of the citation.

1423 (c) (i) This Subsection (2) may not be exercised unless notice of the pending  
1424 suspension of the driving privilege has been sent at least 10 days previously to the person at the  
1425 address provided to the division.

1426 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not  
1427 contain any evidence of a suspension that occurred as a result of failure to comply with the  
1428 terms stated on a traffic citation.

1429 (3) (a) The division may suspend the license of a person under Subsection (1) when the  
1430 division has been notified by a court that the person has an outstanding unpaid fine, an  
1431 outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a  
1432 court.

1433 (b) The suspension remains in effect until the division is notified by the court that the  
1434 order has been satisfied.

1435 (c) After clearance by the division, a report authorized by Section 53-3-104 may not  
1436 contain any evidence of the suspension.

1437 (4) (a) The division shall make rules establishing a point system as provided for in this  
1438 Subsection (4).

1439 (b) (i) The division shall assign a number of points to each type of moving traffic  
1440 violation as a measure of its seriousness.

1441 (ii) The points shall be based upon actual relationships between types of traffic  
1442 violations and motor vehicle traffic accidents.

1443 (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points  
1444 against a person's driving record for a conviction of a traffic violation:

1445 (A) that occurred in another state; and

1446 (B) that was committed on or after July 1, 2011.

1447 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:

1448 (A) a reckless or impaired driving violation or a speeding violation for exceeding the  
1449 posted speed limit by 21 or more miles per hour; or

1450 (B) an offense committed in another state which, if committed within Utah, would  
1451 result in the mandatory suspension or revocation of a license upon conviction under Section  
1452 53-3-220.

1453 (c) Every person convicted of a traffic violation shall have assessed against the person's

1454 driving record the number of points that the division has assigned to the type of violation of  
1455 which the person has been convicted, except that the number of points assessed shall be  
1456 decreased by 10% if on the abstract of the court record of the conviction the court has graded  
1457 the severity of violation as minimum, and shall be increased by 10% if on the abstract the court  
1458 has graded the severity of violation as maximum.

1459 (d) (i) A separate procedure for assessing points for speeding offenses shall be  
1460 established by the division based upon the severity of the offense.

1461 (ii) The severity of a speeding violation shall be graded as:

1462 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;

1463 (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per  
1464 hour; and

1465 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

1466 (iii) Consideration shall be made for assessment of no points on minimum speeding  
1467 violations, except for speeding violations in school zones.

1468 (e) (i) Points assessed against a person's driving record shall be deleted for violations  
1469 occurring before a time limit set by the division.

1470 (ii) The time limit may not exceed three years.

1471 (iii) The division may also delete points to reward violation-free driving for periods of  
1472 time set by the division.

1473 (f) (i) By publication in two newspapers having general circulation throughout the  
1474 state, the division shall give notice of the number of points it has assigned to each type of  
1475 traffic violation, the time limit set by the division for the deletion of points, and the point level  
1476 at which the division will generally take action to deny or suspend under this section.

1477 (ii) The division may not change any of the information provided above regarding  
1478 points without first giving new notice in the same manner.

1479 (5) (a) (i) Upon denying or suspending the license of a person under this section, the  
1480 division shall immediately notify the licensee in a manner specified by the division and afford  
1481 him an opportunity for a hearing in the county where the licensee resides.

1482 (ii) The hearing shall be documented, and the division or its authorized agent may  
1483 administer oaths, may issue subpoenas for the attendance of witnesses and the production of  
1484 relevant books and papers, and may require a reexamination of the licensee.



1485 (iii) One or more members of the division may conduct the hearing, and any decision  
1486 made after a hearing before any number of the members of the division is as valid as if made  
1487 after a hearing before the full membership of the division.

1488 (iv) After the hearing the division shall either rescind its order of denial or suspension,  
1489 extend the denial or suspension of the license, or revoke the license.

1490 (b) The denial or suspension of the license remains in effect pending qualifications  
1491 determined by the division regarding a person:

1492 (i) whose license has been denied or suspended following reexamination;

1493 (ii) who is incompetent to drive a motor vehicle;

1494 (iii) who is afflicted with mental or physical infirmities that might make him dangerous  
1495 on the highways; or

1496 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.

1497 (6) (a) Subject to Subsection (6)(d), the division shall suspend a person's license when  
1498 the division receives notice from the Office of Recovery Services that the Office of Recovery  
1499 Services has ordered the suspension of the person's license.

1500 (b) A suspension under Subsection (6)(a) shall remain in effect until the division  
1501 receives notice from the Office of Recovery Services that the Office of Recovery Services has  
1502 rescinded the order of suspension.

1503 (c) After an order of suspension is rescinded under Subsection (6)(b), a report  
1504 authorized by Section 53-3-104 may not contain any evidence of the suspension.

1505 (d) (i) If the division suspends a person's license under this Subsection (6), the division  
1506 shall, upon application, issue a temporary limited driver license to the person if that person  
1507 needs a driver license for employment, education, or child visitation.

1508 (ii) The temporary limited driver license described in this section:

1509 (A) shall provide that the person may operate a motor vehicle only for the purpose of  
1510 driving to or from the person's place of employment, education, or child visitation;

1511 (B) shall prohibit the person from driving a motor vehicle for any purpose other than a  
1512 purpose described in Subsection (6)(d)(ii)(A); and

1513 (C) shall expire 90 days after the day on which the temporary limited driver license is  
1514 issued.

1515 (iii) (A) During the period beginning on the day on which a temporary limited driver

1516 license is issued under this Subsection (6), and ending on the day that the temporary limited  
1517 driver license expires, the suspension described in this Subsection (6) only applies if the person  
1518 who is suspended operates a motor vehicle for a purpose other than employment, education, or  
1519 child visitation.

1520 (B) Upon expiration of a temporary limited driver license described in this Subsection  
1521 (6)(d):

1522 (I) a suspension described in Subsection (6)(a) shall be in full effect until the division  
1523 receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

1524 (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any  
1525 reason.

1526 (iv) The division is not required to issue a limited driver license to a person under this  
1527 Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver  
1528 license.

1529 (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1530 Administrative Rulemaking Act, to implement the provisions of this part.

1531 (7) (a) The division may suspend or revoke the license of any resident of this state  
1532 upon receiving notice of the conviction of that person in another state of an offense committed  
1533 there that, if committed in this state, would be grounds for the suspension or revocation of a  
1534 license.

1535 (b) The division may, upon receiving a record of the conviction in this state of a  
1536 nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws  
1537 of this state, forward a certified copy of the record to the motor vehicle administrator in the  
1538 state where the person convicted is a resident.

1539 (8) (a) The division may suspend or revoke the license of any nonresident to drive a  
1540 motor vehicle in this state for any cause for which the license of a resident driver may be  
1541 suspended or revoked.

1542 (b) Any nonresident who drives a motor vehicle upon a highway when the person's  
1543 license has been suspended or revoked by the division is guilty of a class C misdemeanor.

1544 (9) (a) The division may not deny or suspend the license of any person for a period of  
1545 more than one year except:

1546 (i) for failure to comply with the terms of a traffic citation under Subsection (2);

1547 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges  
1548 under Section 53-3-219;

1549 (iii) when extending a denial or suspension upon receiving certain records or reports  
1550 under Subsection 53-3-220(2);

1551 (iv) for failure to give and maintain owner's or operator's security under Section  
1552 41-12a-411;

1553 (v) when the division suspends the license under Subsection (6); or

1554 (vi) when the division denies the license under Subsection (14).

1555 (b) The division may suspend the license of a person under Subsection (2) until the  
1556 person shows satisfactory evidence of compliance with the terms of the traffic citation.

1557 (10) (a) By following the emergency procedures in Title 63G, Chapter 4,  
1558 Administrative Procedures Act, the division may immediately suspend the license of any  
1559 person without hearing and without receiving a record of the person's conviction for a crime  
1560 when the division has reason to believe that the person's license was granted by the division  
1561 through error or fraud or that the necessary consent for the license has been withdrawn or is  
1562 terminated.

1563 (b) The procedure upon suspension is the same as under Subsection (5), except that  
1564 after the hearing the division shall either rescind its order of suspension or cancel the license.

1565 (11) (a) The division, having good cause to believe that a licensed driver is  
1566 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified  
1567 by the division of at least five days to the licensee require him to submit to an examination.

1568 (b) Upon the conclusion of the examination the division may suspend or revoke the  
1569 person's license, permit him to retain the license, or grant a license subject to a restriction  
1570 imposed in accordance with Section 53-3-208.

1571 (c) Refusal or neglect of the licensee to submit to an examination is grounds for  
1572 suspension or revocation of the licensee's license.

1573 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section  
1574 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in  
1575 this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed  
1576 limit and did not result in an accident, unless authorized in a manner specified by the division  
1577 by the individual whose report is being requested.

1578 (b) The provisions of Subsection (12)(a) do not apply for:

1579 (i) a CDL license holder; or

1580 (ii) a violation that occurred in a commercial motor vehicle.

1581 (13) (a) By following the emergency procedures in Title 63G, Chapter 4,

1582 Administrative Procedures Act, the division may immediately suspend the license of a person

1583 if it has reason to believe that the person is the owner of a motor vehicle for which security is

1584 required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and

1585 Operators Act, and has driven the motor vehicle or permitted it to be driven within this state

1586 without the security being in effect.

1587 ~~[(b) The division may immediately suspend a driving privilege card holder's driving~~  
1588 ~~privilege card if the division receives notification from the Motor Vehicle Division that:]~~

1589 ~~[(i) the driving privilege card holder is the registered owner of a vehicle; and]~~

1590 ~~[(ii) the driving privilege card holder's vehicle registration has been revoked under~~  
1591 ~~Subsection 41-1a-110(2)(a)(ii)(A).]~~

1592 ~~[(e)]~~ (b) Section 41-12a-411 regarding the requirement of proof of owner's or operator's  
1593 security applies to persons whose driving privileges are suspended under this Subsection (13).

1594 ~~[(d)]~~ (c) If the division exercises the right of immediate suspension granted under this  
1595 Subsection (13), the notice and hearing provisions of Subsection (5) apply.

1596 ~~[(e)]~~ (d) A person whose license suspension has been sustained or whose license has  
1597 been revoked by the division under this Subsection (13) may file a request for agency action  
1598 requesting a hearing.

1599 (14) The division may deny an individual's license if the person fails to comply with  
1600 the requirement to downgrade the person's CDL to a class D license under Section 53-3-410.1.

1601 (15) Any suspension or revocation of a person's license under this section also  
1602 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License  
1603 Act.

1604 Section 14. Section **53-10-202** is amended to read:

1605 **53-10-202. Criminal identification -- Duties of bureau.**

1606 The bureau shall:

1607 (1) procure and file information relating to identification and activities of persons who:

1608 (a) are fugitives from justice;

- 1609 (b) are wanted or missing;
- 1610 (c) have been arrested for or convicted of a crime under the laws of any state or nation;
- 1611 and
- 1612 (d) are believed to be involved in racketeering, organized crime, or a dangerous
- 1613 offense;
- 1614 (2) establish a statewide uniform crime reporting system that shall include:
- 1615 (a) statistics concerning general categories of criminal activities;
- 1616 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,
- 1617 religion, ancestry, national origin, ethnicity, or other categories that the division finds
- 1618 appropriate; and
- 1619 (c) other statistics as required by the Federal Bureau of Investigation;
- 1620 (3) make a complete and systematic record and index of the information obtained
- 1621 under this part;
- 1622 (4) subject to the restrictions in this part, establish policy concerning the use and
- 1623 dissemination of data obtained under this part;
- 1624 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature
- 1625 of crime in Utah;
- 1626 (6) establish a statewide central register for the identification and location of missing
- 1627 persons, which may include:
- 1628 (a) identifying data including fingerprints of each missing person;
- 1629 (b) identifying data of any missing person who is reported as missing to a law
- 1630 enforcement agency having jurisdiction;
- 1631 (c) dates and circumstances of any persons requesting or receiving information from
- 1632 the register; and
- 1633 (d) any other information, including blood types and photographs found necessary in
- 1634 furthering the purposes of this part;
- 1635 (7) publish a quarterly directory of missing persons for distribution to persons or
- 1636 entities likely to be instrumental in the identification and location of missing persons;
- 1637 (8) list the name of every missing person with the appropriate nationally maintained
- 1638 missing persons lists;
- 1639 (9) establish and operate a 24-hour communication network for reports of missing

1640 persons and reports of sightings of missing persons;

1641 (10) coordinate with the National Center for Missing and Exploited Children and other  
1642 agencies to facilitate the identification and location of missing persons and the identification of  
1643 unidentified persons and bodies;

1644 (11) receive information regarding missing persons, as provided in Sections 26-2-27  
1645 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section  
1646 41-1a-1401;

1647 (12) adopt systems of identification, including the fingerprint system, to be used by the  
1648 division to facilitate law enforcement;

1649 (13) assign a distinguishing number or mark of identification to any pistol or revolver,  
1650 as provided in Section 76-10-520; and

1651 (14) check certain criminal records databases for information regarding motor vehicle  
1652 salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons,  
1653 and inform the Motor Vehicle Enforcement Division when new entries are made for certain  
1654 criminal offenses for motor vehicle salespersons in accordance with the requirements of  
1655 Section 41-3-205.5[;and].

1656 ~~[(15) check certain criminal records databases for information regarding driving~~  
1657 ~~privilege card applicants or cardholders and maintain a separate file of fingerprints for driving~~  
1658 ~~privilege applicants and cardholders and inform the federal Immigration and Customs~~  
1659 ~~Enforcement Agency of the United States Department of Homeland Security or law~~  
1660 ~~enforcement agencies when new entries are made in accordance with the requirements of~~  
1661 ~~Section 53-3-205.5.]~~

1662 Section 15. Section **58-37c-10** is amended to read:

1663 **58-37c-10. Reporting and recordkeeping.**

1664 (1) Any person who engages in a regulated transaction, unless excepted under the  
1665 provisions of Subsections 58-37c-8(3) and (4), shall submit a report with respect to such  
1666 transaction and shall maintain records of inventories in accordance with rules adopted by the  
1667 division.

1668 (2) The division shall provide reporting forms upon which regulated transactions shall  
1669 be reported.

1670 (3) The division shall furnish copies of reports of transactions under this section to

1671 appropriate law enforcement agencies.

1672 (4) The division shall adopt rules regulating:

1673 (a) records which shall be maintained and reports which shall be submitted by  
1674 regulated distributors and regulated purchasers with respect to listed controlled substance  
1675 precursors obtained, distributed, and held in inventory;

1676 (b) records which shall be maintained and reports which shall be submitted by  
1677 regulated distributors and regulated purchasers with respect to extraordinary or unusual  
1678 regulated transactions and a requirement that in such cases the report must be received at least  
1679 three working days prior to transfer of the listed controlled substance precursor;

1680 (c) identification which must be presented by a purchaser of any listed controlled  
1681 substance precursor before the sale or transfer can be completed and recordkeeping  
1682 requirements related to such identification presented;

1683 (d) filing by each licensee the identification of all locations where any listed controlled  
1684 substance precursor is held in inventory or stored and amending such filing when any change in  
1685 location is made;

1686 (e) reports and actions which must be taken by a regulated distributor or regulated  
1687 purchaser in the event of any theft, loss, or shortage of a listed controlled substance precursor;

1688 (f) reports and actions which must be taken by a regulated distributor relating to a  
1689 regulated transaction with an out-of-state purchaser;

1690 (g) reports and actions which must be taken by a regulated purchaser relating to a  
1691 regulated transaction with an out-of-state distributor; and

1692 (h) regulated transactions to the extent such regulation is reasonable and necessary to  
1693 protect the public health, safety, or welfare.

1694 ~~[(5) A person who engages in a regulated transaction may not accept a driving privilege~~  
1695 ~~card issued in accordance with Section 53-3-207 as proof of identification as required under~~  
1696 ~~Subsection (4)(c).]~~

1697 Section 16. Section **63G-12-205** is amended to read:

1698 **63G-12-205. Eligibility criteria to obtain and maintain a guest worker permit.**

1699 (1) To be eligible to obtain or maintain a guest worker permit, an undocumented  
1700 individual shall:

1701 (a) (i) be 18 years of age or older; or

1702 (ii) if younger than 18 years of age, have the permission of a parent or guardian;  
1703 (b) live in Utah;  
1704 (c) have worked or lived in Utah before May 10, 2011;  
1705 (d) provide relevant contact information and regularly update the relevant contact  
1706 information in a manner required by rule made in accordance with Chapter 3, Utah  
1707 Administrative Rulemaking Act;

1708 (e) provide documentation of a contract for hire under which the undocumented  
1709 individual begins to provide services within at least 30 days of the day on which the  
1710 undocumented individual obtains the permit;

1711 (f) (i) agree to a criminal background check described in Subsection (3); and  
1712 (ii) not have been convicted of, pled guilty to, pled no contest to, pled guilty in a  
1713 similar manner to, or resolved by diversion or its equivalent to a serious felony;

1714 (g) provide evidence satisfactory to the department that the person would not be  
1715 inadmissible for public health grounds under 8 U.S.C. Sec. 1182;

1716 (h) (i) be covered by a basic health insurance plan; or  
1717 (ii) provide evidence satisfactory to the department that the undocumented individual  
1718 has no medical debt that is past due and agrees to have no medical debt that is past due during  
1719 the term of the permit; and

1720 ~~[(i) (i) hold a driving privilege card issued in accordance with Section 53-3-207; or]~~  
1721 ~~[(ii)]~~ (i) provide evidence satisfactory to the department that the undocumented  
1722 individual will not drive a motor vehicle in the state.

1723 (2) The department may by rule made in accordance with Chapter 3, Utah  
1724 Administrative Rulemaking Act, provide for the documentation required to establish eligibility  
1725 under Subsection (1). When making a rule under this section, the department shall use federal  
1726 standards as a guideline to avoid unnecessary duplication and additional costs.

1727 (3) (a) The department shall require an undocumented individual applying for a guest  
1728 worker permit, or renewing a guest worker permit, to submit to a criminal background check as  
1729 a condition of receiving or renewing the guest worker permit.

1730 (b) An undocumented individual required to submit to a criminal background check  
1731 under Subsection (3)(a), shall:

1732 (i) submit a fingerprint card in a form acceptable to the department; and



- 1733 (ii) consent to a fingerprint background check by:
- 1734 (A) the Utah Bureau of Criminal Identification; and
- 1735 (B) the Federal Bureau of Investigation, including the secure communities program
- 1736 when possible.
- 1737 (c) For an undocumented individual who submits a fingerprint card and consents to a
- 1738 fingerprint background check under Subsection (3)(b), the department may request:
- 1739 (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part
- 1740 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification; and
- 1741 (ii) complete Federal Bureau of Investigation criminal background checks through the
- 1742 national criminal history system and secure communities program.
- 1743 (d) Information obtained by the department from the review of criminal history records
- 1744 received under this Subsection (3) shall be used by the department to determine eligibility to
- 1745 obtain a permit.
- 1746 (e) The department shall:
- 1747 (i) pay to the Federal Bureau of Investigation the costs incurred by the Federal Bureau
- 1748 of Investigation in providing the department criminal background information under this
- 1749 Subsection (3); and
- 1750 (ii) in accordance with Section 63J-1-504, charge the undocumented individual
- 1751 applying for the permit a fee equal to the aggregate of the costs incurred by the department
- 1752 under this Subsection (3) and the amount paid under Subsection (3)(e)(i).

1753 Section 17. Section **63G-12-401** is amended to read:

1754 **63G-12-401. Creation of identity documents -- Issuance to citizens, nationals, and**

1755 **legal permanent resident aliens -- Exceptions.**

- 1756 (1) The following entities may create, publish, or otherwise manufacture an
- 1757 identification document, identification card, or identification certificate and possess an
- 1758 engraved plate or other device for the printing of an identification document:
- 1759 (a) a federal, state, or local government agency for employee identification, which is
- 1760 designed to identify the bearer as an employee;
- 1761 (b) a federal, state, or local government agency for purposes authorized or required by
- 1762 law or a legitimate purpose consistent with the duties of the agency, including such documents
- 1763 as voter identification cards, identification cards, passports, birth certificates, and Social

1764 Security cards; and  
1765 (c) a public school or state or private educational institution to identify the bearer as an  
1766 administrator, faculty member, student, or employee.  
1767 (2) The name of the issuing entity shall be clearly printed upon the face of the  
1768 identification document.  
1769 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity  
1770 providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall issue  
1771 the document, card, or certificate only to:  
1772 (a) a United States citizen;  
1773 (b) a national; or  
1774 (c) a legal permanent resident alien.  
1775 (4) (a) Subsection (3) does not apply to an applicant for an identification document  
1776 who presents, in person, valid documentary evidence of the applicant's:  
1777 (i) unexpired immigrant or nonimmigrant visa status for admission into the United  
1778 States;  
1779 (ii) pending or approved application for asylum in the United States;  
1780 (iii) admission into the United States as a refugee;  
1781 (iv) pending or approved application for temporary protected status in the United  
1782 States;  
1783 (v) approved deferred action status; or  
1784 (vi) pending application for adjustment of status to legal permanent resident or  
1785 conditional resident.  
1786 (b) (i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c)  
1787 identification document to an applicant who satisfies the requirements of Subsection (4)(a).  
1788 (ii) Except as otherwise provided by federal law, the document is valid only:  
1789 (A) during the period of time of the individual's authorized stay in the United States; or  
1790 (B) for one year from the date of issuance if there is no definite end to the individual's  
1791 period of authorized stay.  
1792 (iii) An entity issuing an identification document under this Subsection (4) shall clearly  
1793 indicate on the document:  
1794 (A) that it is temporary; and

1795 (B) its expiration date.

1796 (c) An individual may renew a document issued under this Subsection (4) only upon  
1797 presentation of valid documentary evidence that the status by which the individual originally  
1798 qualified for the identification document has been extended by the United States Citizenship  
1799 and Immigration Services or other authorized agency of the United States Department of  
1800 Homeland Security.

1801 (5) (a) Subsection (3) does not apply to an identification document issued under  
1802 Subsection (1)(c) that:

1803 (i) is only valid for use on the educational institution's campus or facility; and

1804 (ii) includes a statement of the restricted use conspicuously printed upon the face of the  
1805 identification document.

1806 (b) Subsection (3) does not apply to a license certificate[~~-, driving privilege card,~~] or  
1807 identification card issued or renewed under Title 53, Chapter 3, Uniform Driver License Act.

1808 (c) Subsection (3) does not apply to a public transit pass issued by a public transit  
1809 district as defined in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:

1810 (i) is only valid for use on the public transit system; and

1811 (ii) includes a statement of the restricted use conspicuously printed on the face of the  
1812 public transit pass.

1813 (d) Subsection (3) does not apply to a permit issued under Section 63G-12-207.

1814 (e) Subsection (3) does not apply to a permit issued under Chapter 14, Utah Pilot  
1815 Sponsored Resident Immigrant Program Act.

1816 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or  
1817 national origin.

1818 Section 18. Section **76-10-526** is amended to read:

1819 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**  
1820 **Exemption for concealed firearm permit holders.**

1821 (1) For purposes of this section, "valid permit to carry a concealed firearm" does not  
1822 include a temporary permit issued under Section 53-5-705.

1823 (2) [(a)] To establish personal identification and residence in this state for purposes of  
1824 this part, a dealer shall require an individual receiving a firearm to present one photo  
1825 identification on a form issued by a governmental agency of the state.

1826           ~~[(b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as~~  
1827 ~~proof of identification for the purpose of establishing personal identification and residence in~~  
1828 ~~this state as required under this Subsection (2).]~~

1829           (3) (a) A criminal history background check is required for the sale of a firearm by a  
1830 licensed firearm dealer in the state.

1831           (b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms  
1832 Licensee.

1833           (4) (a) An individual purchasing a firearm from a dealer shall consent in writing to a  
1834 criminal background check, on a form provided by the bureau.

1835           (b) The form shall contain the following information:

1836           (i) the dealer identification number;

1837           (ii) the name and address of the individual receiving the firearm;

1838           (iii) the date of birth, height, weight, eye color, and hair color of the individual  
1839 receiving the firearm; and

1840           (iv) the Social Security number or any other identification number of the individual  
1841 receiving the firearm.

1842           (5) (a) The dealer shall send the information required by Subsection (4) to the bureau  
1843 immediately upon its receipt by the dealer.

1844           (b) A dealer may not sell or transfer a firearm to an individual until the dealer has  
1845 provided the bureau with the information in Subsection (4) and has received approval from the  
1846 bureau under Subsection (7).

1847           (6) The dealer shall make a request for criminal history background information by  
1848 telephone or other electronic means to the bureau and shall receive approval or denial of the  
1849 inquiry by telephone or other electronic means.

1850           (7) When the dealer calls for or requests a criminal history background check, the  
1851 bureau shall:

1852           (a) review the criminal history files, including juvenile court records, to determine if  
1853 the individual is prohibited from purchasing, possessing, or transferring a firearm by state or  
1854 federal law;

1855           (b) inform the dealer that:

1856           (i) the records indicate the individual is prohibited; or

1857 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;  
1858 (c) provide the dealer with a unique transaction number for that inquiry; and  
1859 (d) provide a response to the requesting dealer during the call for a criminal  
1860 background, or by return call, or other electronic means, without delay, except in case of  
1861 electronic failure or other circumstances beyond the control of the bureau, the bureau shall  
1862 advise the dealer of the reason for the delay and give the dealer an estimate of the length of the  
1863 delay.

1864 (8) (a) The bureau may not maintain any records of the criminal history background  
1865 check longer than 20 days from the date of the dealer's request, if the bureau determines that  
1866 the individual receiving the firearm is not prohibited from purchasing, possessing, or  
1867 transferring the firearm under state or federal law.

1868 (b) However, the bureau shall maintain a log of requests containing the dealer's federal  
1869 firearms number, the transaction number, and the transaction date for a period of 12 months.

1870 (9) If the criminal history background check discloses information indicating that the  
1871 individual attempting to purchase the firearm is prohibited from purchasing, possessing, or  
1872 transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction  
1873 where the individual resides.

1874 (10) If an individual is denied the right to purchase a firearm under this section, the  
1875 individual may review the individual's criminal history information and may challenge or  
1876 amend the information as provided in Section 53-10-108.

1877 (11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah  
1878 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all  
1879 records provided by the bureau under this part are in conformance with the requirements of the  
1880 Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

1881 (12) (a) (i) A dealer shall collect a criminal history background check fee of \$7.50 for  
1882 the sale of a firearm under this section.

1883 (ii) This fee remains in effect until changed by the bureau through the process under  
1884 Section 63J-1-504.

1885 (b) (i) The dealer shall forward at one time all fees collected for criminal history  
1886 background checks performed during the month to the bureau by the last day of the month  
1887 following the sale of a firearm.

1888 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover  
1889 the cost of administering and conducting the criminal history background check program.

1890 (13) An individual with a concealed firearm permit issued under Title 53, Chapter 5,  
1891 Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee  
1892 required in this section for the purchase of a firearm if:

1893 (a) the individual presents the individual's concealed firearm permit to the dealer prior  
1894 to purchase of the firearm; and

1895 (b) the dealer verifies with the bureau that the individual's concealed firearm permit is  
1896 valid.

1897 **Section 19. Repealer.**

1898 This bill repeals:

1899 **Section 53-3-205.5, Fingerprint and photograph submission required for driving**  
1900 **privilege card applicants and cardholders.**

1901 **Section 20. Effective date.**

1902 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2012.

1903 (2) The amendments to the following sections take effect on January 1, 2013:

1904 (a) Section 32B-1-102;

1905 (b) Section 32B-1-406;

1906 (c) Section 41-1a-110;

1907 (d) Section 41-1a-1220;

1908 (e) Section 41-12a-806;

1909 (f) Section 46-1-2;

1910 (g) Section 53-3-102;

1911 (h) Section 53-3-221;

1912 (i) Section 58-37c-10;

1913 (j) Section 63G-12-401; and

1914 (k) Section 76-10-526.

**Legislative Review Note**  
as of 1-9-12 3:01 PM

**Office of Legislative Research and General Counsel**