

UTAH ANATOMICAL GIFT ACT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions regarding the Anatomical Gift Act.

Highlighted Provisions:

This bill:

- ▶ expands the list of persons who may make an anatomical gift of a decedent's body or part;
- ▶ makes an individual's indication of intent to make an anatomical gift valid until the individual withdraws intent;
- ▶ prohibits the Driver License Division from asking an individual to indicate again upon renewal of a driver license or identification card the individual's intent to make an anatomical gift; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-28-105, as last amended by Laws of Utah 2011, Chapter 297

26-28-109, as enacted by Laws of Utah 2007, Chapter 60



28 **53-3-205**, as last amended by Laws of Utah 2016, Chapter 175
 29 **53-3-805**, as last amended by Laws of Utah 2014, Chapters 85 and 252
 30 **53-3-807**, as last amended by Laws of Utah 2015, Chapter 210



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

33 Section 1. Section **26-28-105** is amended to read:

34 **26-28-105. Manner of making anatomical gift before donor's death.**

35 (1) A donor may make an anatomical gift:

- 36 (a) by authorizing a statement or symbol indicating that the donor has made an
- 37 anatomical gift to be imprinted on the donor's driver license or identification card;
- 38 (b) in a will;
- 39 (c) during a terminal illness or injury of the donor, by any form of communication
- 40 addressed to at least two adults, at least one of whom is a disinterested witness; or
- 41 (d) as provided in Subsection (2).

42 (2) A donor or other person authorized to make an anatomical gift under Section
 43 **26-28-104** may make a gift by a donor card or other record signed by the donor or other person
 44 making the gift or by authorizing that a statement or symbol indicating that the donor has made
 45 an anatomical gift be included on a donor registry. If the donor or other person is physically
 46 unable to sign a record, the record may be signed by another ~~[individual]~~ person at the direction
 47 of the donor or other person and shall:

- 48 (a) be witnessed by at least two adults, at least one of whom is a disinterested witness,
- 49 who have signed at the request of the donor or the other person; and
- 50 (b) state that it has been signed and witnessed as provided in Subsection (2)(a).
- 51 (3) (a) Revocation, suspension, expiration, or cancellation of a driver license or
- 52 identification card upon which an anatomical gift is indicated does not invalidate the gift.

53 (b) The authorization of an anatomical gift on a donor's driver license or identification
 54 card is valid until the donor withdraws that authorization.

55 (4) An anatomical gift made by will takes effect upon the donor's death whether or not
 56 the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

57 Section 2. Section **26-28-109** is amended to read:

58 **26-28-109. Who may make anatomical gift of decedent's body or part.**

59 (1) Subject to Subsections (2) and (3) and unless barred by Section 26-28-107 or
60 26-28-108, an anatomical gift of a decedent's body or part for purpose of transplantation,
61 therapy, research, or education may be made by any member of the following classes of
62 persons who is reasonably available, in the order of priority listed:

63 (a) an agent of the decedent at the time of death who could have made an anatomical
64 gift under Subsection 26-28-104(2) immediately before the decedent's death;

65 (b) the spouse of the decedent;

66 (c) adult children of the decedent;

67 (d) parents of the decedent;

68 (e) adult siblings of the decedent;

69 (f) adult grandchildren of the decedent;

70 (g) grandparents of the decedent;

71 (h) an adult who exhibited special care and concern for the decedent;

72 ~~(h)~~ (i) the persons who were acting as the guardians of the person of the decedent at
73 the time of death; and

74 ~~(i)~~ (j) any other person having the authority to dispose of the decedent's body.

75 (2) If there is more than one member of a class listed in Subsection (1)(a), (c), (d), (e),
76 (f), (g), or (i) entitled to make an anatomical gift, an anatomical gift may be made by a member
77 of the class unless that member or a person to which the gift may pass under Section 26-28-111
78 knows of an objection by another member of the class. If an objection is known, the gift may
79 be made only by a majority of the members of the class who are reasonably available.

80 (3) A person may not make an anatomical gift if, at the time of the decedent's death, a
81 person in a prior class under Subsection (1) is reasonably available to make or to object to the
82 making of an anatomical gift.

83 Section 3. Section 53-3-205 is amended to read:

84 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
85 **Expiration dates of licenses and endorsements -- Information required -- Previous**
86 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
87 **Fee required -- License agreement.**

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

- 90 (a) made upon a form furnished by the division; and
- 91 (b) accompanied by a nonrefundable fee set under Section [53-3-105](#).
- 92 (2) An application and fee for an original provisional class D license or an original
- 93 class D license entitle the applicant to:
 - 94 (a) not more than three attempts to pass both the knowledge and the skills tests for a
 - 95 class D license within six months of the date of the application;
 - 96 (b) a learner permit if needed pending completion of the application and testing
 - 97 process; and
 - 98 (c) an original class D license and license certificate after all tests are passed and
 - 99 requirements are completed.
- 100 (3) An application and fee for a motorcycle or taxicab endorsement entitle the
- 101 applicant to:
 - 102 (a) not more than three attempts to pass both the knowledge and skills tests within six
 - 103 months of the date of the application;
 - 104 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
 - 105 (c) a motorcycle or taxicab endorsement when all tests are passed.
- 106 (4) An application and fees for a commercial class A, B, or C license entitle the
- 107 applicant to:
 - 108 (a) not more than two attempts to pass a knowledge test and not more than two
 - 109 attempts to pass a skills test within six months of the date of the application;
 - 110 (b) both a commercial driver instruction permit and a temporary license permit for the
 - 111 license class held before the applicant submits the application if needed after the knowledge
 - 112 test is passed; and
 - 113 (c) an original commercial class A, B, or C license and license certificate when all
 - 114 applicable tests are passed.
- 115 (5) An application and fee for a CDL endorsement entitle the applicant to:
 - 116 (a) not more than two attempts to pass a knowledge test and not more than two
 - 117 attempts to pass a skills test within six months of the date of the application; and
 - 118 (b) a CDL endorsement when all tests are passed.
- 119 (6) (a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
- 120 test within the number of attempts provided in Subsection (4) or (5), each test may be taken

121 two additional times within the six months for the fee provided in Section 53-3-105.

122 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
123 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
124 administered by the division if the out-of-state resident pays the fee provided in Subsection
125 53-3-105(20)(b).

126 (ii) The division shall:

127 (A) electronically transmit skills test results for an out-of-state resident to the licensing
128 agency in the state or jurisdiction in which the person has obtained a valid CDIP; and

129 (B) provide the out-of-state resident with documentary evidence upon successful
130 completion of the skills test.

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

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

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

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

141 (e) (i) A regular license certificate and any endorsement to the regular license
142 certificate held by a person described in Subsection (7)(e)(ii), which expires during the time
143 period the person is stationed outside of the state, is valid until 90 days after the person's orders
144 have been terminated, the person has been discharged, or the person's assignment has been
145 changed or terminated, unless:

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

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

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

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

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

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

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

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

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

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

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

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

171 (h) An original license or a renewal to an original license expires on the birth date of
172 the applicant in the first year following the year that the license was issued if the applicant is
173 required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap
174 Offender Registry.

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

177 (i) provide:

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

179 (B) the applicant's birth date;

180 (C) the applicant's gender;

181 (D) (I) documentary evidence of the applicant's valid social security number;

182 (II) written proof that the applicant is ineligible to receive a social security number;

183 (III) the applicant's temporary identification number (ITIN) issued by the Internal
184 Revenue Service for a person who:

- 185 (Aa) does not qualify for a social security number; and
- 186 (Bb) is applying for a driving privilege card; or
- 187 (IV) other documentary evidence approved by the division;
- 188 (E) the applicant's Utah residence address as documented by a form or forms
189 acceptable under rules made by the division under Section 53-3-104, unless the application is
190 for a temporary CDL issued under Subsection 53-3-407(2)(b); and
- 191 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person
192 is applying for a driving privilege card;

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

- 195 (A) that a person is:
 - 196 (I) a United States citizen;
 - 197 (II) a United States national; or
 - 198 (III) a legal permanent resident alien; or
- 199 (B) of the applicant's:
 - 200 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
201 States;
 - 202 (II) pending or approved application for asylum in the United States;
 - 203 (III) admission into the United States as a refugee;
 - 204 (IV) pending or approved application for temporary protected status in the United
205 States;
 - 206 (V) approved deferred action status;
 - 207 (VI) pending application for adjustment of status to legal permanent resident or
208 conditional resident; or
 - 209 (VII) conditional permanent resident alien status;
- 210 (iii) provide a description of the applicant;
- 211 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
212 and, if so, when and by what state or country;
- 213 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,

214 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
215 application refused, and if so, the date of and reason for the suspension, cancellation,
216 revocation, disqualification, denial, or refusal;

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

219 (vii) state whether the applicant is required to register as a sex offender in accordance
220 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

221 (viii) state whether the applicant is a veteran of the United States military, provide
222 verification that the applicant was granted an honorable or general discharge from the United
223 States Armed Forces, and state whether the applicant does or does not authorize sharing the
224 information with the state Department of Veterans' and Military Affairs;

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

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

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

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

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

233 (i) (A) social security number;

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

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

236 (ii) indication whether the applicant is required to register as a sex offender in
237 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

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

240 (a) current license certificate;

241 (b) birth certificate;

242 (c) Selective Service registration; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

272 (14) A person who applies for an original license or renewal of a license agrees that the
273 person's license is subject to any suspension or revocation authorized under this title or Title
274 41, Motor Vehicles.

275 (15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by

276 the licensee in accordance with division rule.

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

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

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

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

284 (c) (i) If an individual indicates intent to make an anatomical gift under Subsection
285 (8)(a)(vi), the division may not require the individual to indicate intent again upon the
286 individual's renewal of a license.

287 (ii) The indication of intent under Subsection (8)(a)(vi) is valid until the individual
288 withdraws the indication of intent in a manner established by the division, by rule made in
289 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

296 (a) loss;

297 (b) detriment; or

298 (c) injury.

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

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

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

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

306 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah

307 identification card in the person's possession, shall be required to surrender either the unexpired
308 Utah license certificate or the unexpired Utah identification card.

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

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

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

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

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

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

323 (21) (a) A person who applies for an original motorcycle endorsement to a regular
324 license certificate is exempt from the requirement to pass the knowledge and skills test to be
325 eligible for the motorcycle endorsement if the person:

326 (i) is a resident of the state of Utah;

327 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed
328 forces of the United States; or

329 (B) is an immediate family member or dependent of a person described in Subsection
330 (21)(a)(ii)(A) and is residing outside of Utah;

331 (iii) has a digitized driver license photo on file with the division;

332 (iv) provides proof to the division of the successful completion of a certified
333 Motorcycle Safety Foundation rider training course; and

334 (v) provides the necessary information and documentary evidence required under
335 Subsection (8).

336 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
337 division shall make rules:

338 (i) establishing the procedures for a person to obtain a motorcycle endorsement under
339 this Subsection (21); and

340 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under
341 this Subsection (21).

342 Section 4. Section 53-3-805 is amended to read:

343 **53-3-805. Identification card -- Contents -- Specifications.**

344 (1) (a) The division shall issue an identification card that bears:

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

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

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

348 (iv) a photograph of the person;

349 (v) a photograph or other facsimile of the person's signature;

350 (vi) an indication whether the person intends to make an anatomical gift under Title 26,
351 Chapter 28, Revised Uniform Anatomical Gift Act; and

352 (vii) if the person states that the person is a veteran of the United States military on the
353 application for an identification card in accordance with Section 53-3-804 and provides
354 verification that the person received an honorable or general discharge from the United States
355 Armed Forces, an indication that the person is a United States military veteran for a regular
356 identification card or a limited-term identification card issued on or after July 1, 2011.

357 (b) An identification card issued by the division may not bear the person's social
358 security number or place of birth.

359 (2) (a) The card shall be of an impervious material, resistant to wear, damage, and
360 alteration.

361 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
362 prescribed by the commissioner.

363 (3) At the applicant's request, the card may include a statement that the applicant has a
364 special medical problem or allergies to certain drugs, for the purpose of medical treatment.

365 (4) (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated
366 by the applicant in accordance with division rule.

367 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
368 Management Act, the division may, upon request, release to an organ procurement

369 organization, as defined in Section 26-28-102, the names and addresses of all persons who
370 under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.

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

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

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

374 (c) If an individual indicates intent to make an anatomical gift under Subsection
375 53-3-804(2)(j), the indication of intent is valid until the individual withdraws the indication of
376 intent in a manner established by the division, by rule made in accordance with Title 63G,
377 Chapter 3, Utah Administrative Rulemaking Act.

378 (5) Notwithstanding Title 63G, Chapter 2, Government Records Access and
379 Management Act, the division may release to the Department of Veterans' and Military Affairs
380 the names and addresses of all persons who indicate their status as a veteran under Subsection
381 53-3-804(2)(l).

382 (6) The division and its employees are not liable, as a result of false or inaccurate
383 information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

384 (a) loss;

385 (b) detriment; or

386 (c) injury.

387 (7) (a) The division may issue a temporary regular identification card to a person while
388 the person obtains the required documentation to establish verification of the information
389 described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).

390 (b) A temporary regular identification card issued under this Subsection (7) shall be
391 recognized and grant the person the same privileges as a regular identification card.

392 (c) A temporary regular identification card issued under this Subsection (7) is invalid:

393 (i) when the person's regular identification card has been issued;

394 (ii) when, for good cause, an applicant's application for a regular identification card has
395 been refused; or

396 (iii) upon expiration of the temporary regular identification card.

397 Section 5. Section 53-3-807 is amended to read:

398 **53-3-807. Expiration -- Address and name change -- Extension.**

399 (1) (a) A regular identification card issued on or after July 1, 2006, expires on the birth

400 date of the applicant in the fifth year following the issuance of the regular identification card.

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

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

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

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

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

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

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

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

416 and

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

418 (4) (a) Except as provided in Subsection (4)(c), if a person has applied for and received
419 an identification card and is currently required to register as a sex offender in accordance with
420 Title 77, Chapter 41, Sex and Kidnap Offender Registry:

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

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

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

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

428 and

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

430 (b) Except as provided in Subsection (4)(c), if a person has applied for and received an

431 identification card and is subsequently convicted of any offense listed in Subsection
432 77-41-102(17), the person shall surrender the card to the division on the person's next birth
433 date following the conviction and may apply for a new card with an expiration date identified
434 in Subsection (8) by:

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

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

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

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

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

449 (b) completes the application;

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

451 and

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

454 (6) The division may extend a valid regular identification card for five years:

455 (a) (i) at any time within six months before the identification card expires; and

456 (ii) if the identification card was issued after January 1, 2010.

457 (b) The application for an extension of a regular identification card:

458 (i) shall be accompanied by a fee under Section 53-3-105[-]; and

459 (ii) may not require an individual who has indicated intent to make an anatomical gift
460 under Subsection 53-3-804(2)(j) to indicate the individual's intent again.

461 (c) The division shall allow extensions:

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

464 (ii) only if the applicant qualifies under this section.

465 (7) (a) (i) Except as prohibited under Subsection (7)(b), a regular identification card
466 may only be extended once under Subsections (5) and (6).

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

469 (b) An identification card issued to a person required to register as a sex offender in
470 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry, may not be extended.

471 (8) An identification card issued prior to July 1, 2006 to a person 65 years of age or
472 older expires on December 1, 2017.

473 (9) Notwithstanding the provisions of this section, an identification card expires on the
474 birth date of the applicant in the first year following the year that the identification card was
475 issued if the applicant is required to register as a sex offender in accordance with Title 77,
476 Chapter 41, Sex and Kidnap Offender Registry.

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

Legislative Review Note
Office of Legislative Research and General Counsel