

## HB0342S01 compared with HB0342

~~{deleted text}~~ shows text that was in HB0342 but was deleted in HB0342S01.

Inserted text shows text that was not in HB0342 but was inserted into HB0342S01.

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Representative Gage Froerer proposes the following substitute bill:

### UTAH ANATOMICAL GIFT ACT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gage Froerer**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill amends provisions regarding the Anatomical Gift Act.

##### Highlighted Provisions:

This bill:

- ▶ modifies and 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.

## HB0342S01 compared with HB0342

### 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

~~{53-3-205}~~ **53-3-214**, as last amended by Laws of Utah ~~{2016}~~ **2012**, Chapter ~~{175}~~ **335**

~~{~~ ~~53-3-805~~, as last amended by Laws of Utah 2014, Chapters 85 and 252

~~—~~ ~~53-3-807~~, as last amended by Laws of Utah 2015, Chapter 210

~~}~~

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

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

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

(1) A donor may make an anatomical gift:

(a) by authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver license or identification card;

(b) in a will;

(c) during a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or

(d) as provided in Subsection (2).

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

(a) be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) state that it has been signed and witnessed as provided in Subsection (2)(a).

## HB0342S01 compared with HB0342

(3) (a) Revocation, suspension, expiration, or cancellation of a driver license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

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

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

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

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

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

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

(b) the spouse of the decedent;

(c) adult children of the decedent;

(d) parents of the decedent;

(e) adult siblings of the decedent;

(f) adult grandchildren of the decedent;

(g) grandparents of the decedent;

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

~~{ (h) (i) }~~ the persons who were acting as the guardians of the person of the decedent at the time of death; ~~[and]~~

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

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

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

(3) A person may not make an anatomical gift if, at the time of the decedent's death, a

## HB0342S01 compared with HB0342

person in a prior class under Subsection (1) is reasonably available to make or to object to the making of an anatomical gift.

Section 3. Section ~~{53-3-205}~~53-3-214 is amended to read:

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

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

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

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

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

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

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

~~\_\_\_\_\_ (c) an original class D license and license certificate after all tests are passed and requirements are completed.~~

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

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

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

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

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

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

~~\_\_\_\_\_ (b) both a commercial driver instruction permit and a temporary license permit for the license class held before the applicant submits the application if needed after the knowledge~~

## HB0342S01 compared with HB0342

~~test is passed; and~~

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

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

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

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

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

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

~~—— (ii) The division shall:~~

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

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

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

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

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

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

~~—— (e) (i) A regular license certificate and any endorsement to the regular license certificate held by a person described in Subsection (7)(c)(ii), which expires during the time~~

## HB0342S01 compared with HB0342

~~period the person is stationed outside of the state, is valid until 90 days after the person's orders have been terminated, the person has been discharged, or the person's assignment has been changed or terminated, unless:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

## HB0342S01 compared with HB0342

### Offender Registry:

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

~~—— (i) provide:~~

~~—— (A) the applicant's full legal name;~~

~~—— (B) the applicant's birth date;~~

~~—— (C) the applicant's gender;~~

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

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

~~—— (III) the applicant's temporary identification number (TFIN) issued by the Internal Revenue Service for a person who:~~

~~—— (Aa) does not qualify for a social security number; and~~

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

~~—— (IV) other documentary evidence approved by the division;~~

~~—— (E) the applicant's Utah residence address as documented by a form or forms acceptable under rules made by the division under Section 53-3-104, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b); and~~

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

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

~~—— (A) that a person is:~~

~~—— (I) a United States citizen;~~

~~—— (II) a United States national; or~~

~~—— (III) a legal permanent resident alien; or~~

~~—— (B) of the applicant's:~~

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

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

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

~~—— (IV) pending or approved application for temporary protected status in the United~~

## HB0342S01 compared with HB0342

States;

- ~~—— (V) approved deferred action status;~~
- ~~—— (VI) pending application for adjustment of status to legal permanent resident or conditional resident; or~~
- ~~—— (VII) conditional permanent resident alien status;~~
- ~~—— (iii) provide a description of the applicant;~~
- ~~—— (iv) state whether the applicant has previously been licensed to drive a motor vehicle and, if so, when and by what state or country;~~
- ~~—— (v) state whether the applicant has ever had any license suspended, cancelled, revoked, disqualified, or denied in the last 10 years, or whether the applicant has ever had any license application refused, and if so, the date of and reason for the suspension, cancellation, revocation, disqualification, denial, or refusal;~~
- ~~—— (vi) state whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);~~
- ~~—— (vii) state whether the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry;~~
- ~~—— (viii) state whether the applicant is a veteran of the United States military, provide verification that the applicant was granted an honorable or general discharge from the United States Armed Forces, and state whether the applicant does or does not authorize sharing the information with the state Department of Veterans' and Military Affairs;~~
- ~~—— (ix) provide all other information the division requires; and~~
- ~~—— (x) sign the application which signature may include an electronic signature as defined in Section 46-4-102.~~
- ~~—— (b) Each applicant shall have a Utah residence address, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b).~~
- ~~—— (c) Each applicant shall provide evidence of lawful presence in the United States in accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.~~
- ~~—— (d) The division shall maintain on its computerized records an applicant's:~~
  - ~~—— (i) (A) social security number;~~
  - ~~—— (B) temporary identification number (ITIN); or~~
  - ~~—— (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and~~



## HB0342S01 compared with HB0342

- ~~—— (ii) indication whether the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.~~
- ~~—— (9) The division shall require proof of every applicant's name, birthdate, and birthplace by at least one of the following means:~~
  - ~~—— (a) current license certificate;~~
  - ~~—— (b) birth certificate;~~
  - ~~—— (c) Selective Service registration; or~~
  - ~~—— (d) other proof, including church records, family Bible notations, school records, or other evidence considered acceptable by the division.~~
- ~~—— (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a higher class than what the applicant originally was issued:~~
  - ~~—— (i) the license application shall be treated as an original application; and~~
  - ~~—— (ii) license and endorsement fees shall be assessed under Section 53-3-105.~~
- ~~—— (b) An applicant that receives a downgraded license in a lower license class during an existing license cycle that has not expired:~~
  - ~~—— (i) may be issued a duplicate license with a lower license classification for the remainder of the existing license cycle; and~~
  - ~~—— (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a duplicate license is issued under Subsection (10)(b)(i).~~
- ~~—— (c) An applicant who has received a downgraded license in a lower license class under Subsection (10)(b):~~
  - ~~—— (i) may, when eligible, receive a duplicate license in the highest class previously issued during a license cycle that has not expired for the remainder of the existing license cycle; and~~
  - ~~—— (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a duplicate license is issued under Subsection (10)(c)(i).~~
- ~~—— (11) (a) When an application is received from a person previously licensed in another state to drive a motor vehicle, the division shall request a copy of the driver's record from the other state:~~
  - ~~—— (b) When received, the driver's record becomes part of the driver's record in this state with the same effect as though entered originally on the driver's record in this state.~~
- ~~—— (12) An application for reinstatement of a license after the suspension, cancellation,~~

## HB0342S01 compared with HB0342

~~disqualification, denial, or revocation of a previous license shall be accompanied by the additional fee or fees specified in Section 53-3-105.~~

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

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

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

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

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

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

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

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

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

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

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

~~—— (a) loss;~~

~~—— (b) detriment; or~~

## HB0342S01 compared with HB0342

~~—— (c) injury.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (i) is a resident of the state of Utah;~~

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

## HB0342S01 compared with HB0342

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

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

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

~~—— (v) provides the necessary information and documentary evidence required under Subsection (8):~~

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

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

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

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

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

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

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

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

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

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

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

## HB0342S01 compared with HB0342

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

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

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

- (i) no suspensions;
- (ii) no revocations;
- (iii) no conviction for reckless driving under Section 41-6a-528; and
- (iv) no more than four reportable violations in the preceding five years.

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

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

- (i) again passed the tests under Section 53-3-206 and paid the required fee; and
- (ii) presented documentary evidence that the status by which the individual originally qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

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

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

- (i) who is identified by the division as having a medical impairment that may represent

## HB0342S01 compared with HB0342

a hazard to public safety;

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

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

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

(f) The division shall allow extensions:

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

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

(iii) for only one extension.

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

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

~~53-3-805. Identification card -- Contents -- Specifications:~~

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

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

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

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

~~(iv) a photograph of the person;~~

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

~~(vi) an indication whether the person intends}~~ (h) If an individual applying online for

renewal of a regular license certificate has previously indicated under Subsection

53-3-205(8)(a)(vi) intent to make an anatomical gift{ under Title 26, Chapter 28, Revised

Uniform Anatomical Gift Act; and

(vii) if the person states that the person is a veteran of the United States military on the

application for an identification card in accordance with Section 53-3-804 and provides

verification that the person received an honorable or general discharge from the United States

Armed Forces, an indication that the person is a United States military veteran for a regular

identification card or a limited-term identification card issued on or after July 1, 2011.

~~(b) An identification card issued by the division may not bear the person's social~~

## HB0342S01 compared with HB0342

~~security number or place of birth.~~

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

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

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

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

~~—— (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-102, the names and addresses of all persons who under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.~~

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

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

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

~~—— (c) If an individual indicates}, the online application may not include a request for the individual to reindicate the individual's intent to make an anatomical gift{ under Subsection 53-3-804(2)(j), the indication of intent is valid until the individual withdraws the indication of intent in a manner established by the division, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act}.~~

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

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

~~—— (a) loss;~~

~~—— (b) detriment; or~~

~~—— (c) injury.~~

~~—— (7) (a) The division may issue a temporary regular identification card to a person while~~

## HB0342S01 compared with HB0342

~~the person obtains the required documentation to establish verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (4) (a) Except as provided in Subsection (4)(c), if a person has applied for and received~~



## HB0342S01 compared with HB0342

~~an identification card and is currently required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry:~~

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

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

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

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

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

~~—— (b) Except as provided in Subsection (4)(c), if a person has applied for and received an identification card and is subsequently convicted of any offense listed in Subsection 77-41-102(17), the person shall surrender the card to the division on the person's next birth date following the conviction and may apply for a new card with an expiration date identified in Subsection (8) by:~~

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

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

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

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

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

~~—— (b) completes the application;~~

## HB0342S01 compared with HB0342

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

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

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

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

~~\_\_\_\_\_ (ii) if the identification card was issued after January 1, 2010.~~

~~\_\_\_\_\_ (b) The application for an extension of a regular identification card:~~

~~\_\_\_\_\_ (i) shall be accompanied by a fee under Section 53-3-105[.]; and~~

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

~~\_\_\_\_\_ (c) The division shall allow extensions:~~

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

~~\_\_\_\_\_ (ii) only if the applicant qualifies under this section.~~

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

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

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

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

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

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

# HB0342S01 compared with HB0342

~~Legislative Review Note~~

~~Office of Legislative Research and General Counsel~~