

# HB0391S01 compared with HB0391

~~deleted text~~ shows text that was in HB0391 but was deleted in HB0391S01.

Inserted text shows text that was not in HB0391 but was inserted into HB0391S01.

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

## DRIVER LICENSE REVISIONS

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tim Quinn**

Senate Sponsor: ~~\_\_\_\_\_~~ Kevin T. Van Tassell

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### LONG TITLE

#### General Description:

This bill modifies provisions of the Uniform Driver License Act.

#### Highlighted Provisions:

This bill:

- ▶ removes the requirement for a person to have a taxicab endorsement on the person's driver license to drive a taxicab in the state; and
- ▶ makes technical changes.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

#### Utah Code Sections Affected:

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AMENDS:

**53-3-102**, as last amended by Laws of Utah 2016, Chapters 40 and 321

~~{ **53-3-105**, as last amended by Laws of Utah 2014, Chapters 225, 252, and 343~~

+ **53-3-202**, as last amended by Laws of Utah 2016, Chapters 40, 173, and 321

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

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

Section 1. Section **53-3-102** is amended to read:

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

As used in this chapter:

(1) "Autocycle" means a motor vehicle that:

- (a) is designed to travel with three or fewer wheels in contact with the ground;
- (b) is equipped with a steering wheel; and

(c) is equipped with seating that does not require the operator to straddle or sit astride the vehicle.

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by the division of a license issued through error or fraud or for which consent under Section 53-3-211 has been withdrawn.

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

(4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:

- (a) issued under Section 53-3-408; or
- (b) issued by a state or other jurisdiction of domicile in compliance with the standards contained in 49 C.F.R. Part 383.

(5) "Commercial driver license" or "CDL" means a license:

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

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

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(6) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a driving record that:

(i) applies to a person who holds or is required to hold a commercial driver instruction permit or a CDL license; and

(ii) contains the following:

(A) information contained in the driver history, including convictions, pleas held in abeyance, disqualifications, and other licensing actions for violations of any state or local law relating to motor vehicle traffic control, committed in any type of vehicle;

(B) driver self-certification status information under Section 53-3-410.1; and

(C) information from medical certification record keeping in accordance with 49 C.F.R. Sec. 383.73(o).

(b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a motor vehicle record described in Subsection (30).

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

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

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

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

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

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

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

(iii) firefighting and emergency vehicles;

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(iv) recreational vehicles that are not used in commerce and are driven solely as family or personal conveyances for recreational purposes; and

(v) vehicles used to provide transportation network services, as defined in Section 13-51-102.

(8) "Conviction" means any of the following:

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

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

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

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

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

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

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

(11) "Disqualification" means either:

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

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

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

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

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

(14) "Drive" means:

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

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

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

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

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

(17) "Extension" means a renewal completed in a manner specified by the division.

(18) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(19) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

(20) "Identification card" means a card issued under Part 8, Identification Card Act, to a person for identification purposes.

(21) "Indigent" means that a person's income falls below the federal poverty guideline issued annually by the U.S. Department of Health and Human Services in the Federal Register.

(22) "License" means the privilege to drive a motor vehicle.

(23) (a) "License certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle.

(b) "License certificate" evidence includes a:

- (i) regular license certificate;
- (ii) limited-term license certificate;
- (iii) driving privilege card;
- (iv) CDL license certificate;
- (v) limited-term CDL license certificate;
- (vi) temporary regular license certificate; and
- (vii) temporary limited-term license certificate.

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(24) "Limited-term commercial driver license" or "limited-term CDL" means a license:

(a) issued substantially in accordance with the requirements of Title XII, Pub. L. No. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle; and

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

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

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

(27) "Motorboat" means the same as that term is defined in Section 73-18-2.

(28) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground.

(29) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.

(30) "Motor vehicle record" or "MVR" means a driving record under Subsection 53-3-109(6)(a).

(31) "Office of Recovery Services" means the Office of Recovery Services, created in Section 62A-11-102.

(32) (a) "Owner" means a person other than a lien holder having an interest in the property or title to a vehicle.

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

(33) (a) "Private passenger carrier" means any motor vehicle for hire that is:

(i) designed to transport 15 or fewer passengers, including the driver; and

(ii) operated to transport an employee of the person that hires the motor vehicle.

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(b) "Private passenger carrier" does not include [~~a motor vehicle driven~~]:

(i) a taxicab;

~~[(+)]~~ (ii) a motor vehicle driven by a transportation network driver as defined in Section 13-51-102;

~~[(+)]~~ (iii) a motor vehicle driven for transportation network services as defined in Section 13-51-102; and

~~[(+)]~~ (iv) a motor vehicle driven for a transportation network company as defined in Section 13-51-102 and registered with the Division of Consumer Protection as described in Section 13-51-104.

(34) "Regular identification card" means an identification card issued under this chapter to a person whose card was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

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

(36) "Renewal" means to validate a license certificate so that it expires at a later date.

(37) "Reportable violation" means an offense required to be reported to the division as determined by the division and includes those offenses against which points are assessed under Section 53-3-221.

(38) (a) "Resident" means an individual who:

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

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

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

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

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

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

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

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

(iv) an immediate family member who resides with or a household member of a person listed in Subsections (38)(b)(i) through (iii).

(39) "Revocation" means the termination by action of the division of a licensee's privilege to drive a motor vehicle.

(40) (a) "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students to and from home and school, or to and from school sponsored events.

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

(41) "Suspension" means the temporary withdrawal by action of the division of a licensee's privilege to drive a motor vehicle.

(42) "Taxicab" means any class D motor vehicle transporting any number of passengers for hire and that is subject to state or federal regulation as a taxi.

Section 2. Section ~~{53-3-105}~~53-3-202 is amended to read:

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

~~\_\_\_\_\_~~ The following fees apply under this chapter:

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

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

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

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

~~\_\_\_\_\_~~ [(5)] (4) A learner permit application under Section 53-3-210.5 is \$15.

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~~——— [(6)] (5) A renewal of a class D license under Section 53-3-214 is \$25 unless Subsection (10) applies.~~

~~——— [(7)] (6) A renewal of a provisional license application for a class D license under Section 53-3-214 is \$25.~~

~~——— [(8)] (7) A renewal of a motorcycle endorsement under Section 53-3-214 is \$9.50.~~

~~——— [(9)] (8) A renewal of a taxicab endorsement under Section 53-3-214 is \$7.]~~

~~——— [(10)] (8) A renewal of a class D license for a person 65 and older under Section 53-3-214 is \$13.~~

~~——— [(11)] (9) An extension of a class D license under Section 53-3-214 is \$20 unless Subsection [(15)] (12) applies.~~

~~——— [(12)] (10) An extension of a provisional license application for a class D license under Section 53-3-214 is \$20.~~

~~——— [(13)] (11) An extension of a motorcycle endorsement under Section 53-3-214 is \$9.50.~~

~~——— [(14)] (11) An extension of a taxicab endorsement under Section 53-3-214 is \$7.]~~

~~——— [(15)] (12) An extension of a class D license for a person 65 and older under Section 53-3-214 is \$11.~~

~~——— [(16)] (13) An original or renewal application for a commercial class A, B, or C license or an original or renewal of a provisional commercial class A or B license under Part 4, Uniform Commercial Driver License Act, is:~~

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

~~——— (b) \$60 for the skills test.~~

~~——— [(17)] (14) Each original CDL endorsement for passengers, hazardous material, double or triple trailers, or tankers is \$7.~~

~~——— [(18)] (15) An original CDL endorsement for a school bus under Part 4, Uniform Commercial Driver License Act, is \$7.~~

~~——— [(19)] (16) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License Act, is \$7.~~

~~——— [(20)] (17) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$20.~~

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

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- ~~——— [(21)] (18) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.~~
- ~~——— [(22)] (19) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$18.~~
- ~~——— [(23)] (20) (a) A license reinstatement application under Section 53-3-205 is \$30.~~
- ~~——— (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or combination of alcohol and any drug-related offense is \$35 in addition to the fee under Subsection [(23)] (20)(a).~~
- ~~——— [(24)] (21) (a) An administrative fee for license reinstatement after an alcohol, drug, or combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under Part 4, Uniform Commercial Driver License Act, is \$230.~~
- ~~——— (b) This administrative fee is in addition to the fees under Subsection [(23)] (20).~~
- ~~——— [(25)] (22) (a) An administrative fee for providing the driving record of a driver under Section 53-3-104 or 53-3-420 is \$6.~~
- ~~——— (b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county, state, or federal agency.~~
- ~~——— [(26)] (23) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.~~
- ~~——— [(27)] (24) (a) Except as provided under Subsections [(27)] (24)(b) and (c), an identification card application under Section 53-3-808 is \$18.~~
- ~~——— (b) An identification card application under Section 53-3-808 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$13.~~
- ~~——— (c) A fee may not be charged for an identification card application if the person applying:~~
- ~~——— (i) has not been issued a Utah driver license;~~
- ~~——— (ii) is indigent; and~~
- ~~——— (iii) is at least 18 years of age.~~
- ~~——— [(28)] (25) An extension of a regular identification card under Subsection 53-3-807(5) for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$13.~~
- ~~——— [(29)] (26) An extension of a regular identification card under Subsection 53-3-807(6) is \$18.~~
- ~~——— [(30)] (27) In addition to any license application fees collected under this chapter, the~~

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~~division shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.~~

~~— [(31)] (28) An original mobility vehicle permit application under Section 41-6a-1118 is \$25.~~

~~— [(32)] (29) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$25.~~

~~— [(33)] (30) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$10.~~

~~— Section 3. Section 53-3-202 is amended to read:~~

### ‡ **53-3-202. Drivers must be licensed -- Violation.**

(1) A person may not drive a motor vehicle or an autocycle on a highway in this state unless the person is:

(a) granted the privilege to operate a motor vehicle by being licensed as a driver by the division under this chapter;

(b) driving an official United States Government class D motor vehicle with a valid United States Government driver permit or license for that type of vehicle;

(c) (i) driving a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved, or propelled on the highways; and

(ii) driving the vehicle described in Subsection (1)(c)(i) in conjunction with a construction or agricultural activity;

(d) a nonresident who is at least 16 years of age and younger than 18 years of age who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country and is driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

(e) a nonresident who is at least 18 years of age and who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country if driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

(f) driving under a learner permit in accordance with Section 53-3-210.5;

(g) driving with a temporary license certificate issued in accordance with Section 53-3-207; or

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(h) exempt under Title 41, Chapter 22, Off-Highway Vehicles.

(2) A person may not drive or, while within the passenger compartment of a motor vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a motor vehicle upon a highway unless the person:

(a) holds a valid license issued under this chapter for the type or class of motor vehicle being towed; or

(b) is exempted under either Subsection (1)(b) or (1)(c).

(3) (a) A person may not drive a motor vehicle as a taxicab on a highway of this state unless the person has a ~~taxicab endorsement issued by the division on the person's license certificate~~ valid class D driver license issued by the division.

(b) A person may not drive a motor vehicle as a private passenger carrier on a highway of this state unless the person has:

~~{ (i) until July 1, 2022:~~

~~{ (i) (A) }~~ a taxicab endorsement issued by the division on the person's license certificate; or

~~{ (B) a commercial driver license with a taxicab endorsement; or~~

~~{ (ii) a commercial driver license with:~~

~~{ (A) a taxicab endorsement; }~~

~~{ (B) (A) }~~ a passenger endorsement; or

~~{ (C) (B) }~~ a school bus endorsement.

(c) Nothing in Subsection (3)(b) is intended to exempt a person driving a motor vehicle as a private passenger carrier from regulation under other statutory and regulatory schemes, including:

(i) 49 C.F.R. Parts 350-399, Federal Motor Carrier Safety Regulations;

(ii) Title 34, Chapter 36, Transportation of Workers, and rules adopted by the Labor Commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) Title 72, Chapter 9, Motor Carrier Safety Act, and rules adopted by the Motor Carrier Division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) (a) Except as provided in Subsections (4)(b), (c), (d), and (e) a person may not

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operate:

(i) a motorcycle unless the person has a valid class D driver license and a motorcycle endorsement issued under this chapter;

(ii) a street legal all-terrain vehicle unless the person has a valid class D driver license;

or

(iii) a motor-driven cycle unless the person has a valid class D driver license and a motorcycle endorsement issued under this chapter.

(b) A person operating a moped, as defined in Section 41-6a-102, is not required to have a motorcycle endorsement issued under this chapter.

(c) A person operating an electric assisted bicycle, as defined in Section 41-6a-102, is not required to have a valid class D driver license or a motorcycle endorsement issued under this chapter.

(d) A person is not required to have a valid class D driver license if the person is:

(i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance with Section 41-6a-1115; or

(ii) operating an electric personal assistive mobility device, as defined in Section 41-6a-102, in accordance with Section 41-6a-1116.

(e) A person operating an auticycle is not required to have a motorcycle endorsement issued under this chapter.

(5) A person who violates this section is guilty of an infraction.

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

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

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

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

~~(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:~~

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~~—— (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 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~~

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~~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)(e)(ii), which expires during the time period the person is stationed outside of the state, is valid until 90 days after the person's orders have been terminated, 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~~

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~~—— (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 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 (IFIN) 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~~

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- ~~—— (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 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;~~

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~~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~~

~~—— (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.~~

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~~—— (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, 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~~

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~~under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.~~

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

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

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

~~—— (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and~~

~~Management Act, the division may release to the Department of Veterans' 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~~

~~—— (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~~

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

~~—— (c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (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~~

~~—— (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).~~

**Legislative Review Note**

**Office of Legislative Research and General Counsel}**