

Representative Ken Ivory proposes the following substitute bill:

REAL ID ACT COMPLIANCE AMENDMENTS

2018 THIRD SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill repeals provisions prohibiting compliance with the REAL ID Act of 2005.

Highlighted Provisions:

This bill:

- ▶ repeals provisions prohibiting compliance with the REAL ID Act of 2005; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53-3-102, as last amended by Laws of Utah 2017, Chapter 297

53-3-205, as last amended by Laws of Utah 2018, Chapters 39, 128, and 417

76-9-1007, as enacted by Laws of Utah 2011, Chapter 21

REPEALS:

53-3-104.5, as enacted by Laws of Utah 2010, Chapter 253



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

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

28 **53-3-102. Definitions.**

29 As used in this chapter:

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

31 (a) is designed to travel with three or fewer wheels in contact with the ground;

32 (b) is equipped with a steering wheel; and

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

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36 error or fraud or for which consent under Section **53-3-211** has been withdrawn.

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

39 (b) "Class D license" includes either:

40 (i) a standard class D license; or

41 (ii) a REAL ID compliant class D license.

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

44 (a) issued under Section **53-3-408**; or

45 (b) issued by a state or other jurisdiction of domicile in compliance with the standards
46 contained in 49 C.F.R. Part 383.

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

48 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
49 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
50 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
51 commercial motor vehicle; and

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

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

56 (i) applies to a person who holds or is required to hold a commercial driver instruction

57 permit or a CDL license; and

58 (ii) contains the following:

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

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

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

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

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

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

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

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

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

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

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

84 (iii) firefighting and emergency vehicles;

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

87 (v) vehicles used to provide transportation network services, as defined in Section

88 13-51-102.

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

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

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

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

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

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

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

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

102 (11) "Disqualification" means either:

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

105 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
106 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
107 391; or

108 (c) the loss of qualification that automatically follows conviction of an offense listed in
109 49 C.F.R. Part 383.51.

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

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

114 (14) "Drive" means:

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

116 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
117 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
118 the state.

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

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

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

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

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

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

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

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

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

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

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

140 (i) regular license certificate;

141 (ii) limited-term license certificate;

142 (iii) driving privilege card;

143 (iv) CDL license certificate;

144 (v) limited-term CDL license certificate;

145 (vi) temporary regular license certificate; and

146 (vii) temporary limited-term license certificate.

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

148 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
149 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,

150 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
151 commercial motor vehicle; and

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

154 (25) "Limited-term identification card" means an identification card issued under this
155 chapter to a person whose card was obtained by providing evidence of lawful presence in the
156 United States with one of the document requirements described in Subsection
157 53-3-804(2)(i)(ii).

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

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

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

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

167 (30) "Motor vehicle record" or "MVR" means a driving record under Subsection
168 53-3-109(6)(a).

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

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

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

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

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

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

178 (b) "Private passenger carrier" does not include:

179 (i) a taxicab;

180 (ii) a motor vehicle driven by a transportation network driver as defined in Section

181 13-51-102;

182 (iii) a motor vehicle driven for transportation network services as defined in Section

183 13-51-102; and

184 (iv) a motor vehicle driven for a transportation network company as defined in Section

185 13-51-102 and registered with the Division of Consumer Protection as described in Section

186 13-51-104.

187 (34) "REAL ID compliant class D license" means a class D license issued by the

188 division that meets the requirements of the federal REAL ID Act of 2005, P.L. 109-13,

189 Division B; 119 Stat. 302.

190 [~~34~~] (35) "Regular identification card" means an identification card issued under this

191 chapter to a person whose card was obtained by providing evidence of lawful presence in the

192 United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

193 [~~35~~] (36) "Regular license certificate" means the evidence of the privilege issued

194 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence

195 of lawful presence in the United States with one of the document requirements described in

196 Subsection 53-3-205(8)(a)(ii)(A).

197 [~~36~~] (37) "Renewal" means to validate a license certificate so that it expires at a later

198 date.

199 [~~37~~] (38) "Reportable violation" means an offense required to be reported to the

200 division as determined by the division and includes those offenses against which points are

201 assessed under Section 53-3-221.

202 [~~38~~] (39) (a) "Resident" means an individual who:

203 (i) has established a domicile in this state, as defined in Section 41-1a-202, or

204 regardless of domicile, remains in this state for an aggregate period of six months or more

205 during any calendar year;

206 (ii) engages in a trade, profession, or occupation in this state, or who accepts

207 employment in other than seasonal work in this state, and who does not commute into the state;

208 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver

209 license certificate or motor vehicle registration; or

210 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended

211 to nonresidents, including going to school, or placing children in school without paying

212 nonresident tuition or fees.

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

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

215 (ii) an out-of-state student, as classified by an institution of higher education,

216 regardless of whether the student engages in any type of employment in this state;

217 (iii) a person domiciled in another state or country, who is temporarily assigned in this

218 state, assigned by or representing an employer, religious or private organization, or a

219 governmental entity; or

220 (iv) an immediate family member who resides with or a household member of a person

221 listed in Subsections [~~(38)~~] (39)(b)(i) through (iii).

222 [~~(39)~~] (40) "Revocation" means the termination by action of the division of a licensee's
223 privilege to drive a motor vehicle.

224 [~~(40)~~] (41) (a) "School bus" means a commercial motor vehicle used to transport
225 pre-primary, primary, or secondary school students to and from home and school, or to and
226 from school sponsored events.

227 (b) "School bus" does not include a bus used as a common carrier as defined in Section
228 59-12-102.

229 (42) "Standard class D license" means a class D license issued by the division that does
230 not comply with the requirements of the federal REAL ID Act of 2005, P.L. 109-13, Division
231 B; 119 Stat. 302.

232 [~~(41)~~] (43) "Suspension" means the temporary withdrawal by action of the division of a
233 licensee's privilege to drive a motor vehicle.

234 [~~(42)~~] (44) "Taxicab" means any class D motor vehicle transporting any number of
235 passengers for hire and that is subject to state or federal regulation as a taxi.

236 Section 2. Section 53-3-205 is amended to read:

237 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
238 **Expiration dates of licenses and endorsements -- Information required -- Previous**
239 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
240 **Fee required -- License agreement.**

241 (1) An application for any original license, provisional license, or endorsement shall
242 [be]:

- 243 (a) be made upon a form furnished by the division; [~~and~~]
244 (b) be accompanied by a nonrefundable fee set under Section 53-3-105[~~-~~]; and
245 (c) include a requirement for the applicant to select either:
246 (i) a standard class D license; or
247 (ii) a REAL ID compliant class D license.
248 (2) An application and fee for an original provisional class D license or an original
249 class D license entitle the applicant to:
250 (a) not more than three attempts to pass both the knowledge and the skills tests for a
251 class D license within six months of the date of the application;
252 (b) a learner permit if needed pending completion of the application and testing
253 process; and
254 (c) an original class D license and license certificate after all tests are passed and
255 requirements are completed.
256 (3) An application and fee for a motorcycle or taxicab endorsement entitle the
257 applicant to:
258 (a) not more than three attempts to pass both the knowledge and skills tests within six
259 months of the date of the application;
260 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
261 (c) a motorcycle or taxicab endorsement when all tests are passed.
262 (4) An application for a commercial class A, B, or C license entitles the applicant to:
263 (a) not more than two attempts to pass a knowledge test when accompanied by the fee
264 provided in Subsection 53-3-105(16);
265 (b) not more than two attempts to pass a skills test when accompanied by a fee in
266 Subsection 53-3-105(17) within six months of the date of application;
267 (c) both a commercial driver instruction permit and a temporary license permit for the
268 license class held before the applicant submits the application if needed after the knowledge
269 test is passed; and
270 (d) an original commercial class A, B, or C license and license certificate when all
271 applicable tests are passed.
272 (5) An application and fee for a CDL endorsement entitle the applicant to:
273 (a) not more than two attempts to pass a knowledge test and not more than two

274 attempts to pass a skills test within six months of the date of the application; and

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

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

279 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
280 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
281 administered by the division if the out-of-state resident pays the fee provided in Subsection
282 53-3-105(17).

283 (ii) The division shall:

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

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

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

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

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

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

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

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

- 305 (B) the licensee updates the information or photograph on the license certificate.
- 306 (ii) The provisions in Subsection (7)(e)(i) apply to a person:
- 307 (A) ordered to active duty and stationed outside of Utah in any of the armed forces of
- 308 the United States;
- 309 (B) who is an immediate family member or dependent of a person described in
- 310 Subsection (7)(e)(ii)(A) and is residing outside of Utah;
- 311 (C) who is a civilian employee of the United States State Department or United States
- 312 Department of Defense and is stationed outside of the United States; or
- 313 (D) who is an immediate family member or dependent of a person described in
- 314 Subsection (7)(e)(ii)(C) and is residing outside of the United States.
- 315 (f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a
- 316 renewal to a limited-term license certificate expires:
- 317 (A) on the expiration date of the period of time of the individual's authorized stay in
- 318 the United States or on the date provided under this Subsection (7), whichever is sooner; or
- 319 (B) on the date of issuance in the first year following the year that the limited-term
- 320 license certificate was issued if there is no definite end to the individual's period of authorized
- 321 stay.
- 322 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
- 323 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fifth
- 324 year following the year that the limited-term license certificate was issued.
- 325 (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the
- 326 birth date of the applicant in the first year following the year that the driving privilege card was
- 327 issued or renewed.
- 328 (h) An original license or a renewal to an original license expires on the birth date of
- 329 the applicant in the first year following the year that the license was issued if the applicant is
- 330 required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap
- 331 Offender Registry.
- 332 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative
- 333 Procedures Act, for requests for agency action, each applicant shall:
- 334 (i) provide:
- 335 (A) the applicant's full legal name;

- 336 (B) the applicant's birth date;
- 337 (C) the applicant's gender;
- 338 (D) (I) documentary evidence of the applicant's valid Social Security number;
- 339 (II) written proof that the applicant is ineligible to receive a Social Security number;
- 340 (III) the applicant's temporary identification number (ITIN) issued by the Internal
- 341 Revenue Service for a person who:
- 342 (Aa) does not qualify for a Social Security number; and
- 343 (Bb) is applying for a driving privilege card; or
- 344 (IV) other documentary evidence approved by the division;
- 345 (E) the applicant's Utah residence address as documented by a form or forms
- 346 acceptable under rules made by the division under Section 53-3-104, unless the application is
- 347 for a temporary CDL issued under Subsection 53-3-407(2)(b); and
- 348 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person
- 349 is applying for a driving privilege card;
- 350 (ii) provide evidence of the applicant's lawful presence in the United States by
- 351 providing documentary evidence:
- 352 (A) that a person is:
- 353 (I) a United States citizen;
- 354 (II) a United States national; or
- 355 (III) a legal permanent resident alien; or
- 356 (B) of the applicant's:
- 357 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
- 358 States;
- 359 (II) pending or approved application for asylum in the United States;
- 360 (III) admission into the United States as a refugee;
- 361 (IV) pending or approved application for temporary protected status in the United
- 362 States;
- 363 (V) approved deferred action status;
- 364 (VI) pending application for adjustment of status to legal permanent resident or
- 365 conditional resident; or
- 366 (VII) conditional permanent resident alien status;

- 367 (iii) provide a description of the applicant;
- 368 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
369 and, if so, when and by what state or country;
- 370 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
371 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
372 application refused, and if so, the date of and reason for the suspension, cancellation,
373 revocation, disqualification, denial, or refusal;
- 374 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
375 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 376 (vii) state whether the applicant is required to register as a sex offender in accordance
377 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 378 (viii) state whether the applicant is a veteran of the United States military, provide
379 verification that the applicant was granted an honorable or general discharge from the United
380 States Armed Forces, and state whether the applicant does or does not authorize sharing the
381 information with the Department of Veterans and Military Affairs;
- 382 (ix) provide all other information the division requires; and
- 383 (x) sign the application which signature may include an electronic signature as defined
384 in Section [46-4-102](#).
- 385 (b) Each applicant shall have a Utah residence address, unless the application is for a
386 temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).
- 387 (c) Each applicant shall provide evidence of lawful presence in the United States in
388 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
- 389 (d) The division shall maintain on its computerized records an applicant's:
- 390 (i) (A) Social Security number;
- 391 (B) temporary identification number (ITIN); or
- 392 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
- 393 (ii) indication whether the applicant is required to register as a sex offender in
394 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.
- 395 (9) (a) The division shall require proof of every applicant's name, birthdate, and
396 birthplace by at least one of the following means:
- 397 [~~(a)~~] (i) current license certificate;

398 ~~[(b)]~~ (ii) birth certificate;
399 ~~[(c)]~~ (iii) Selective Service registration; or
400 ~~[(d)]~~ (iv) other proof, including church records, family Bible notations, school records,
401 or other evidence considered acceptable by the division.

402 (b) The division may not maintain digital or physical copies of the documents
403 described in Subsection (9)(a) if the applicant is applying for a standard class D license.

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

- 406 (i) the license application shall be treated as an original application; and
- 407 (ii) license and endorsement fees shall be assessed under Section 53-3-105.

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

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

412 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(23) if a
413 duplicate license is issued under Subsection (10)(b)(i).

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

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

418 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(23) if a
419 duplicate license is issued under Subsection (10)(c)(i).

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

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

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

428 (13) A person who has an appointment with the division for testing and fails to keep

429 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee
430 under Section 53-3-105.

431 (14) A person who applies for an original license or renewal of a license agrees that the
432 person's license is subject to any suspension or revocation authorized under this title or Title
433 41, Motor Vehicles.

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

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

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

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

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

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

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

449 (a) loss;

450 (b) detriment; or

451 (c) injury.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

487 (v) provides the necessary information and documentary evidence required under
488 Subsection (8).

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

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

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

495 Section 3. Section **76-9-1007** is amended to read:

496 **76-9-1007. Determining an alien's immigration status -- Transfer or maintenance**
497 **of information.**

498 [(+)] Except as limited by federal law, any state or local governmental agency is not
499 restricted or prohibited in any way from sending, receiving, or maintaining information related
500 to the lawful or unlawful immigration status of any person by communicating with any federal,
501 state, or local governmental entity for any lawful purpose, including:

502 [(a)] (1) determining a person's eligibility for any public benefit, service, or license
503 provided by any federal agency, by this state, or by any political subdivision of this state;

504 [(b)] (2) confirming a person's claim of residence or domicile if determination is
505 required by state law or a judicial order issued pursuant to a civil or criminal proceeding in this
506 state;

507 [(c)] (3) if the person is an alien, determining if the person is in compliance with the
508 federal registration laws of Title II, Part 7, Immigration and Nationality Act; or

509 [(d)] (4) a valid request for verification of the citizenship or immigration status of any
510 person pursuant to 8 U.S.C. Sec. 1373.

511 [~~(2) This section does not implement, authorize, or establish the federal REAL ID Act~~
512 ~~of 2005, P.L. 109-13, Division B; 119 Stat. 302, except as provided by Section 53-3-104.5;~~
513 ~~regarding limitations on the state implementation of the federal REAL ID Act.]~~

514 Section 4. **Repealer.**

515 This bill repeals:

516 Section **53-3-104.5, Legislative finding -- Prohibition on implementing REAL ID**
517 **Act.**

518 Section 5. **Effective date.**

519 If approved by two-thirds of all the members elected to each house, this bill takes effect
520 upon approval by the governor, or the day following the constitutional time limit of Utah
521 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

522 the date of veto override.