

## HB0294S01 compared with HB0294

~~text~~ shows text that was in HB0294 but was deleted in HB0294S01.

Inserted text shows text that was not in HB0294 but was inserted into HB0294S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Adam Robertson proposes the following substitute bill:

### DRIVER LICENSE RENEWAL AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Adam Robertson**

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

---

#### LONG TITLE

##### General Description:

This bill changes the required frequency of driver license and identification card renewal from five years to eight years.

##### Highlighted Provisions:

This bill:

- ▶ changes the initial term and renewal period for a regular class D driver license from five years to eight years;
- ▶ changes the renewal period for a provisional driver license from five years to eight years;
- ▶ changes the renewal period for an identification card from five years to eight years;
- ▶ increases driver license and endorsement and identification card application and renewal fees;

## HB0294S01 compared with HB0294

- ▶ adjusts the allowable reportable violations a driver may have on the driver's record to be eligible to renew a license on the eight-year cycle; 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:

**53-3-105**, as last amended by Laws of Utah 2018, Chapters 301 and 417

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

**53-3-214**, as last amended by Laws of Utah 2012, Chapter 335

**53-3-803**, as last amended by Laws of Utah 2014, Chapter 252

**53-3-804**, as last amended by Laws of Utah 2018, Chapter 39

**53-3-806.5**, as last amended by Laws of Utah 2017, Chapter 282

**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 **53-3-105** 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 [~~\$32~~] \$52.
- (2) An original provisional license application for a class D license under Section 53-3-205 is \$39.
- (3) An original application for a motorcycle endorsement under Section 53-3-205 is [~~\$11~~] \$18.
- (4) An original application for a taxicab endorsement under Section 53-3-205 is [~~\$9~~] \$14.
- (5) A learner permit application under Section 53-3-210.5 is \$19.
- (6) A renewal of a class D license under Section 53-3-214 is [~~\$32~~] \$52 unless

## HB0294S01 compared with HB0294

Subsection (10) applies.

(7) A renewal of a provisional license application for a class D license under Section 53-3-214 is [~~\$32~~] \$52.

(8) A renewal of a motorcycle endorsement under Section 53-3-214 is [~~\$11~~] \$18.

(9) A renewal of a taxicab endorsement under Section 53-3-214 is [~~\$9~~] \$14.

(10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is [~~\$17~~] \$27.

(11) An extension of a class D license under Section 53-3-214 is [~~\$26~~] \$42 unless Subsection (15) applies.

(12) An extension of a provisional license application for a class D license under Section 53-3-214 is [~~\$26~~] \$42.

(13) An extension of a motorcycle endorsement under Section 53-3-214 is [~~\$11~~] \$18.

(14) An extension of a taxicab endorsement under Section 53-3-214 is [~~\$9~~] \$14.

(15) An extension of a class D license for a person 65 and older under Section 53-3-214 is [~~\$14~~] \$22.

(16) 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 \$52.

(17) A commercial class A, B, or C license skills test is \$78.

(18) Each original CDL endorsement for passengers, hazardous material, double or triple trailers, or tankers is \$9.

(19) An original CDL endorsement for a school bus under Part 4, Uniform Commercial Driver License Act, is \$9.

(20) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License Act, is \$9.

(21) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.

(b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.

(22) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.

(23) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.

(24) (a) A license reinstatement application under Section 53-3-205 is \$40.

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

## HB0294S01 compared with HB0294

combination of alcohol and any drug-related offense is \$45 in addition to the fee under Subsection (24)(a).

(25) (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 \$255.

(b) This administrative fee is in addition to the fees under Subsection (24).

(26) (a) An administrative fee for providing the driving record of a driver under Section 53-3-104 or 53-3-420 is \$8.

(b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county, state, or federal agency.

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

(28) (a) Except as provided under Subsections (28)(b) and (c), an identification card application under Section 53-3-808 is [~~\$23~~] \$37.

(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 [~~\$17~~] \$28.

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

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

(B) is indigent; and

(C) is at least 18 years of age; or

(ii) submits written verification that the individual is homeless, as defined in Section 26-18-411, or a person who is homeless, as defined in Section 35A-5-302, from:

(A) a homeless shelter, as defined in Section 10-9a-526;

(B) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302; or

(C) the Department of Workforce Services.

(29) (a) 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 [~~\$17~~] \$28.

(b) The fee described in Subsection (29)(a) shall be waived if the applicant submits written verification that the individual is homeless, as defined in Section 26-18-411, or a

## HB0294S01 compared with HB0294

person who is homeless, as defined in Section 35A-5-302, from:

- (i) a homeless shelter, as defined in Section 10-9a-526;
- (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in

Section 35A-5-302; or

- (iii) the Department of Workforce Services.

(30) (a) An extension of a regular identification card under Subsection 53-3-807(6) is [~~\$23~~] \$37.

(b) The fee described in Subsection (30)(a) shall be waived if the applicant submits written verification that the individual is homeless, as defined in Section 26-18-411, or a person who is homeless, as defined in Section 35A-5-302, from:

- (i) a homeless shelter, as defined in Section 10-9a-526;
- (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in

Section 35A-5-302; or

- (iii) the Department of Workforce Services.

(31) In addition to any license application fees collected under this chapter, the 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.

(32) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.

(33) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.

(34) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.

Section 2. 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

## HB0294S01 compared with HB0294

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 for a commercial class A, B, or C license entitles the applicant to:

(a) not more than two attempts to pass a knowledge test when accompanied by the fee provided in Subsection 53-3-105(16);

(b) not more than two attempts to pass a skills test when accompanied by a fee in Subsection 53-3-105(17) within six months of the date of application;

(c) 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

(d) 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

## HB0294S01 compared with HB0294

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(17).

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

(ii) An original provisional class D 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~~] eighth 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;

## HB0294S01 compared with HB0294

(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 fifth 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;



## HB0294S01 compared with HB0294

(III) the applicant's temporary identification number (ITIN) 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 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,

## HB0294S01 compared with HB0294

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 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.

## HB0294S01 compared with HB0294

(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(23) 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(23) 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

## HB0294S01 compared with HB0294

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.

(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~~

## HB0294S01 compared with HB0294

~~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:]~~

(19) A person may not hold both an unexpired Utah license certificate and an unexpired identification card.

~~[(21)]~~ (20) (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)]~~ (20)(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)]~~ (20); and

(ii) identifying the applicable restrictions for a motorcycle endorsement issued under this Subsection ~~[(21)]~~ (20).

## HB0294S01 compared with HB0294

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

**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 the expiration date if the applicant furnishes proof that the applicant will be absent from the state during the six-month period prior to 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 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 endorsement to a limited-term license certificate, the division shall:

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

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

~~(+)~~ (A) no suspensions;

## HB0294S01 compared with HB0294

~~[(ii)]~~ (B) no revocations;

~~[(iii)]~~ (C) no conviction for reckless driving under Section 41-6a-528; and

~~[(iv)]~~ (D) no more than ~~[four]~~ six reportable violations in the preceding ~~[five]~~ eight years.

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

(A) no suspensions;

(B) no revocations;

(C) no conviction for reckless driving under Section 41-6a-528; and

(D) 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 a hazard to public safety;

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

## HB0294S01 compared with HB0294

(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 **53-3-803** is amended to read:

**53-3-803. Application for identification card -- Age requirements -- Application on behalf of others.**

(1) A person at least 16 years of age or older may apply to the division for an identification card.

(2) A person younger than 16 years of age may apply to the division for an identification card with the consent of the applicant's parent or guardian.

(3) (a) If a person is unable to apply for the card due to his youth or incapacitation, the application may be made on behalf of that person by his parent or guardian.

(b) A parent or guardian applying for an identification card on behalf of a child or incapacitated person shall provide:

(i) identification, as required by the commissioner; and

(ii) the consent of the incapacitated person, as required by the commissioner.

(4) [~~Beginning on or after July 1, 2012, a~~] A person who holds an unexpired Utah license certificate issued under Part 2, Driver Licensing Act, may not be issued a Utah identification card or an extension of a regular identification card ~~if~~ unless: ~~if~~

~~if~~(a) the Utah license certificate is canceled; and ~~if~~

~~if~~(b) if the Utah license certificate is in the person's possession, the Utah license certificate is surrendered to the division. ~~if~~

Section 5. Section **53-3-804** is amended to read:

**53-3-804. Application for identification card -- Required information -- Release**



## HB0294S01 compared with HB0294

### of anatomical gift information -- Cancellation of identification card.

(1) To apply for a regular identification card or limited-term identification card, the applicant shall:

- (a) be a Utah resident;
- (b) have a Utah residence address; and
- (c) appear in person at any license examining station.

(2) The applicant shall provide the following information to the division:

(a) true and full legal name and Utah residence address;

(b) date of birth as set forth in a certified copy of the applicant's birth certificate, or other satisfactory evidence of birth, which shall be attached to the application;

- (c) (i) Social Security number; or
- (ii) written proof that the applicant is ineligible to receive a Social Security number;
- (d) place of birth;
- (e) height and weight;
- (f) color of eyes and hair;
- (g) signature;
- (h) photograph;
- (i) evidence of the applicant's lawful presence in the United States by providing

documentary evidence:

- (i) that a person is:
  - (A) a United States citizen;
  - (B) a United States national; or
  - (C) a legal permanent resident alien; or
- (ii) of the applicant's:
  - (A) unexpired immigrant or nonimmigrant visa status for admission into the United States;

- (B) pending or approved application for asylum in the United States;
- (C) admission into the United States as a refugee;

- (D) pending or approved application for temporary protected status in the United States;

- (E) approved deferred action status;

## HB0294S01 compared with HB0294

(F) pending application for adjustment of status to legal permanent resident or conditional resident; or

(G) conditional permanent resident alien status;

(j) an indication whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act;

(k) an indication whether the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry; and

(l) an indication whether the applicant is a veteran of the United States Armed Forces, verification that the applicant has received an honorable or general discharge from the United States Armed Forces, and an indication whether the applicant does or does not authorize sharing the information with the state Department of Veterans and Military Affairs.

(3) The requirements of Section 53-3-234 apply to this section for each person, age 16 and older, applying for an identification card. Refusal to consent to the release of information shall result in the denial of the identification card.

(4) A person who knowingly fails to provide the information required under Subsection (2)(k) is guilty of a class A misdemeanor.

~~[(5) (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 (5), the division shall cancel the Utah identification card on December 1, 2014.]~~

~~[(6) (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~~

## HB0294S01 compared with HB0294

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 (6), the division shall cancel the Utah identification card on December 1, 2017.]~~

(5) A person may not hold both an unexpired Utah license certificate and an unexpired identification card.

Section 6. Section **53-3-806.5** is amended to read:

### **53-3-806.5. Identification card required if offender does not have driver license.**

(1) (a) If a person is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry or as a child abuse offender in accordance with Title 77, Chapter 43, Child Abuse Offender Registry, and the person does not hold a current driver license in compliance with Section 53-3-205, the person shall obtain an identification card.

(b) The person shall maintain a current identification card during any time the person is required to register as a sex or child abuse offender and the person does not hold a valid driver license.

(2) Failure to maintain a current identification card as required under Subsection (1) ~~[on and after April 30, 2007]~~ is a class A misdemeanor for each month of violation of Subsection (1).

Section 7. 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]~~ eighth 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]~~ eighth year following the issuance of the limited-term identification card, whichever is sooner; or

## HB0294S01 compared with HB0294

(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 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~~]; and

(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;

## HB0294S01 compared with HB0294

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;

(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) ~~(a)~~ The division may extend a valid regular identification card for ~~[five]~~ eight 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 shall be accompanied by a fee under Section 53-3-105.

(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.

## HB0294S01 compared with HB0294

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

Section 8. **Effective date.**

This bill takes effect on January 1, 2020.