

**ELECTRONIC DRIVER LICENSES**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: Craig Hall

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**LONG TITLE**

**General Description:**

This bill defines "electronic license certificate" and requires the Driver License Division to implement electronic license certificates.

**Highlighted Provisions:**

This bill:

- ▶ defines "electronic license certificate";
- ▶ amends the definition of "license certificate" to include an electronic license certificate;
- ▶ requires the Driver License Division to implement procedures for an individual to obtain an electronic license certificate;
- ▶ requires the Driver License Division to gather information regarding an electronic license certificate program from potential vendors;
- ▶ grants rulemaking authority to the Driver License Division; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



28 **53-3-102**, as last amended by Laws of Utah 2017, Chapter 297

29 ENACTS:

30 **53-3-235**, Utah Code Annotated 1953

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

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

34 **53-3-102. Definitions.**

35 As used in this chapter:

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

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

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

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

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42 error or fraud or for which consent under Section **53-3-211** has been withdrawn.

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

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

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

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

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

51 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.  
52 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
53 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
54 commercial motor vehicle; and

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

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

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

61 (ii) contains the following:

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

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

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

68 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a  
69 motor vehicle record described in Subsection [~~30~~] (31).

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

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

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

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

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

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

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

87 (iii) firefighting and emergency vehicles;

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

90 (v) vehicles used to provide transportation network services, as defined in Section  
91 13-51-102.

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

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

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

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

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

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

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

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

105 (11) "Disqualification" means either:

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

108 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
109 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part  
110 391; or

111 (c) the loss of qualification that automatically follows conviction of an offense listed in  
112 49 C.F.R. Part 383.51.

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

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

117 (14) "Drive" means:

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

119 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections  
120 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within

121 the state.

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

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

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

130 (17) "Electronic license certificate" means the evidence, in an electronic format as  
131 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor  
132 vehicle.

133 [~~17~~] (18) "Extension" means a renewal completed in a manner specified by the  
134 division.

135 [~~18~~] (19) "Farm tractor" means every motor vehicle designed and used primarily as a  
136 farm implement for drawing plows, mowing machines, and other implements of husbandry.

137 [~~19~~] (20) "Highway" means the entire width between property lines of every way or  
138 place of any nature when any part of it is open to the use of the public, as a matter of right, for  
139 traffic.

140 [~~20~~] (21) "Identification card" means a card issued under Part 8, Identification Card  
141 Act, to a person for identification purposes.

142 [~~21~~] (22) "Indigent" means that a person's income falls below the federal poverty  
143 guideline issued annually by the U.S. Department of Health and Human Services in the Federal  
144 Register.

145 [~~22~~] (23) "License" means the privilege to drive a motor vehicle.

146 [~~23~~] (24) (a) "License certificate" means the evidence of the privilege issued under  
147 this chapter to drive a motor vehicle.

148 (b) "License certificate" evidence includes [a]:

149 (i) a regular license certificate;

150 (ii) a limited-term license certificate;

151 (iii) a driving privilege card;

- 152 (iv) a CDL license certificate;
- 153 (v) a limited-term CDL license certificate;
- 154 (vi) a temporary regular license certificate; [~~and~~]
- 155 (vii) a temporary limited-term license certificate[~~;~~]; and
- 156 (viii) an electronic license certificate created in Section [53-3-235](#).

157 [~~24~~] (25) "Limited-term commercial driver license" or "limited-term CDL" means a  
158 license:

159 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.  
160 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
161 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
162 commercial motor vehicle; and

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

165 [~~25~~] (26) "Limited-term identification card" means an identification card issued under  
166 this chapter to a person whose card was obtained by providing evidence of lawful presence in  
167 the United States with one of the document requirements described in Subsection  
168 [53-3-804\(2\)\(i\)\(ii\)](#).

169 [~~26~~] (27) "Limited-term license certificate" means the evidence of the privilege  
170 granted and issued under this chapter to drive a motor vehicle to a person whose privilege was  
171 obtained providing evidence of lawful presence in the United States with one of the document  
172 requirements described in Subsection [53-3-205\(8\)\(a\)\(ii\)\(B\)](#).

173 [~~27~~] (28) "Motorboat" means the same as that term is defined in Section [73-18-2](#).

174 [~~28~~] (29) "Motorcycle" means every motor vehicle, other than a tractor, having a seat  
175 or saddle for the use of the rider and designed to travel with not more than three wheels in  
176 contact with the ground.

177 [~~29~~] (30) "Motor vehicle" means the same as that term is defined in Section  
178 [41-1a-102](#).

179 [~~30~~] (31) "Motor vehicle record" or "MVR" means a driving record under Subsection  
180 [53-3-109\(6\)\(a\)](#).

181 [~~31~~] (32) "Office of Recovery Services" means the Office of Recovery Services,  
182 created in Section [62A-11-102](#).

183           ~~[(32)]~~ (33) (a) "Owner" means a person other than a lien holder having an interest in  
184 the property or title to a vehicle.

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

187           ~~[(33)]~~ (34) (a) "Private passenger carrier" means any motor vehicle for hire that is:

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

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

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

191           (i) a taxicab;

192           (ii) a motor vehicle driven by a transportation network driver as defined in Section  
193 [13-51-102](#);

194           (iii) a motor vehicle driven for transportation network services as defined in Section  
195 [13-51-102](#); and

196           (iv) a motor vehicle driven for a transportation network company as defined in Section  
197 [13-51-102](#) and registered with the Division of Consumer Protection as described in Section  
198 [13-51-104](#).

199           ~~[(34)]~~ (35) "Regular identification card" means an identification card issued under this  
200 chapter to a person whose card was obtained by providing evidence of lawful presence in the  
201 United States with one of the document requirements described in Subsection [53-3-804\(2\)\(i\)\(i\)](#).

202           ~~[(35)]~~ (36) "Regular license certificate" means the evidence of the privilege issued  
203 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence  
204 of lawful presence in the United States with one of the document requirements described in  
205 Subsection [53-3-205\(8\)\(a\)\(ii\)\(A\)](#).

206           ~~[(36)]~~ (37) "Renewal" means to validate a license certificate so that it expires at a later  
207 date.

208           ~~[(37)]~~ (38) "Reportable violation" means an offense required to be reported to the  
209 division as determined by the division and includes those offenses against which points are  
210 assessed under Section [53-3-221](#).

211           ~~[(38)]~~ (39) (a) "Resident" means an individual who:

212           (i) has established a domicile in this state, as defined in Section [41-1a-202](#), or  
213 regardless of domicile, remains in this state for an aggregate period of six months or more

214 during any calendar year;

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

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

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

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

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

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

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

229 (iv) an immediate family member who resides with or a household member of a person  
230 listed in Subsections ~~[(38)]~~ (39)(b)(i) through (iii).

231 ~~[(39)]~~ (40) "Revocation" means the termination by action of the division of a licensee's  
232 privilege to drive a motor vehicle.

233 ~~[(40)]~~ (41) (a) "School bus" means a commercial motor vehicle used to transport  
234 pre-primary, primary, or secondary school students to and from home and school, or to and  
235 from school sponsored events.

236 (b) "School bus" does not include a bus used as a common carrier as defined in Section  
237 [59-12-102](#).

238 ~~[(41)]~~ (42) "Suspension" means the temporary withdrawal by action of the division of a  
239 licensee's privilege to drive a motor vehicle.

240 ~~[(42)]~~ (43) "Taxicab" means any class D motor vehicle transporting any number of  
241 passengers for hire and that is subject to state or federal regulation as a taxi.

242 Section 2. Section **53-3-235** is enacted to read:

243 **53-3-235. Electronic license certificate.**

244 (1) On or before July 1, 2020, the division shall establish a process for an individual to



245 obtain an electronic license certificate.

246 (2) The division shall issue a request for information to gather information from  
247 potential vendors to contract with the division to establish processes within the division to  
248 provide an electronic license certificate, including:

249 (a) an estimate of associated costs to the division;

250 (b) relevant processes and programming that the division may need to establish; or

251 (c) other relevant information.

252 (3) The division may contract with an outside vendor to administer processes related to  
253 electronic license certificates.

254 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
255 division may make rules necessary to facilitate the implementation, coordination, and  
256 administration of electronic license certificates.