

SB0100S02 compared with SB0100S01

~~text~~ shows text that was in SB0100S01 but was deleted in SB0100S02.

Inserted text shows text that was not in SB0100S01 but was inserted into SB0100S02.

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Senator Lincoln Fillmore proposes the following substitute bill:

ELECTRONIC DRIVER LICENSES

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Craig Hall

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;

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- ▶ grants rulemaking authority to the Driver License Division; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2019:

- ▶ to the Department of Public Safety - Driver License, as a one-time appropriation:
 - from the General Fund, One-time, \$200,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

53-3-235, Utah Code Annotated 1953

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

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

53-3-102. Definitions.

As used in this chapter:

- (1) "Autocycle" means a motor vehicle that:
 - (a) is designed to travel with three or fewer wheels in contact with the ground;
 - (b) is equipped with a steering wheel; and
 - (c) is equipped with seating that does not require the operator to straddle or sit astride the vehicle.
- (2) "Cancellation" means the termination by the division of a license issued through error or fraud or for which consent under Section 53-3-211 has been withdrawn.
- (3) "Class D license" means the class of license issued to drive motor vehicles not defined as commercial motor vehicles or motorcycles under this chapter.
- (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:
 - (a) issued under Section 53-3-408; or
 - (b) issued by a state or other jurisdiction of domicile in compliance with the standards

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contained in 49 C.F.R. Part 383.

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

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

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

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

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

(ii) contains the following:

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

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

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

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

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

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

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

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

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

(i) equipment owned and operated by the United States Department of Defense when

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driven by any active duty military personnel and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians and civilians who are required to wear military uniforms and are subject to the code of military justice;

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

(iii) firefighting and emergency vehicles;

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

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

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

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

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

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

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

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

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

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

(11) "Disqualification" means either:

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

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

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

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

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

(14) "Drive" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) a regular license certificate;

(ii) a limited-term license certificate;

(iii) a driving privilege card;

(iv) a CDL license certificate;

(v) a limited-term CDL license certificate;

(vi) a temporary regular license certificate; [and]

(vii) a temporary limited-term license certificate[-]; and

(viii) an electronic license certificate created in Section 53-3-235.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) designed to transport 15 or fewer passengers, including the driver; and
- (ii) operated to transport an employee of the person that hires the motor vehicle.

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

- (i) a taxicab;
- (ii) a motor vehicle driven by a transportation network driver as defined in Section 13-51-102;

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

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

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

~~[(35)]~~ (36) "Regular license certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence

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of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(A).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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from school sponsored events.

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

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

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

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

53-3-235. Electronic license certificate.

(1) On or before ~~July~~ January 1, ~~2020~~ 2021, the division shall establish a process and system for an individual to obtain an electronic license certificate.

(2) The division shall issue, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, a request for information to gather information from potential vendors to ~~contract with the division to~~ establish ~~processes~~ a process within the division to provide an electronic license certificate ~~, including:~~

- ~~— (a) an estimate of associated costs to the division;~~
- ~~— (b) relevant processes and programming that the division may need to establish; or~~
- ~~— (c) other relevant information.~~
- ~~— (3) The division may:~~

(3) In order to contract with ~~an outside~~ a vendor to ~~administer processes related~~ establish a process and system to issue an electronic license ~~certificates~~ certificate, the division shall issue a standard procurement process in accordance with Title 63G, Chapter 6a, Utah Procurement Code.

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

Section 3. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts

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indicated for the use and support of the government of the state of Utah.

ITEM 1

To Department of Public Safety – Driver License

From General Fund, One-time \$200,000

Schedule of Programs:

Driver License \$200,000

Under Section 63J-1-603 the Legislature intends that appropriations provided under this section not lapse at the close of fiscal year 2019. The use of any nonlapsing funds is limited to establishing a process and system to issue an electronic driver license credential.