

DRIVER LICENSE DOCUMENT REQUIREMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kathleen A. Riebe

House Sponsor: _____

LONG TITLE

General Description:

This bill prohibits the Driver License Division from requiring additional documentation of an individual's name change if the individual provides an accurate social security card.

Highlighted Provisions:

This bill:

- ▶ prohibits the Driver License Division from requiring additional documentation of an individual's name change if the individual provides an accurate social security card.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-205, as last amended by Laws of Utah 2019, Chapters 381 and 382

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

Section 1. 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



28 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
29 **Fee required -- License agreement.**

30 (1) An application for an original license, provisional license, or endorsement shall be:

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

32 (b) accompanied by a nonrefundable fee set under Section [53-3-105](#).

33 (2) An application and fee for an original provisional class D license or an original
34 class D license entitle the applicant to:

35 (a) not more than three attempts to pass both the knowledge and the skills tests for a
36 class D license within six months after the date of the application;

37 (b) a learner permit if needed pending completion of the application and testing
38 process; and

39 (c) an original class D license and license certificate after all tests are passed and
40 requirements are completed.

41 (3) An application and fee for a motorcycle or taxicab endorsement entitle the
42 applicant to:

43 (a) not more than three attempts to pass both the knowledge and skills tests within six
44 months after the date of the application;

45 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

46 (c) a motorcycle or taxicab endorsement when all tests are passed.

47 (4) An application for a commercial class A, B, or C license entitles the applicant to:

48 (a) not more than two attempts to pass a knowledge test when accompanied by the fee
49 provided in Subsection [53-3-105](#)(18);

50 (b) not more than two attempts to pass a skills test when accompanied by a fee in
51 Subsection [53-3-105](#)(19) within six months after the date of application;

52 (c) both a commercial driver instruction permit and a temporary license permit for the
53 license class held before the applicant submits the application if needed after the knowledge
54 test is passed; and

55 (d) an original commercial class A, B, or C license and license certificate when all
56 applicable tests are passed.

57 (5) An application and fee for a CDL endorsement entitle the applicant to:

58 (a) not more than two attempts to pass a knowledge test and not more than two

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

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

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

64 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
65 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
66 administered by the division if the out-of-state resident pays the fee provided in Subsection
67 53-3-105(19).

68 (ii) The division shall:

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

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

74 (7) (a) (i) Except as provided under Subsections (7)(a)(ii), (f), and (g), an original class
75 D license expires on the birth date of the applicant in the eighth year after the year the license
76 certificate was issued.

77 (ii) An original provisional class D license expires on the birth date of the applicant in
78 the fifth year following the year the license certificate was issued.

79 (iii) Except as provided in Subsection (7)(f), a limited term class D license expires on
80 the birth date of the applicant in the fifth year the license certificate was issued.

81 (b) Except as provided under Subsections (7)(f) and (g), a renewal or an extension to a
82 license expires on the birth date of the licensee in the eighth year after the expiration date of the
83 license certificate renewed or extended.

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

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

88 (e) (i) A regular license certificate and an endorsement to the regular license certificate
89 held by an individual described in Subsection (7)(e)(ii), that expires during the time period the

90 individual is stationed outside of the state, is valid until 90 days after the individual's orders are
91 terminated, the individual is discharged, or the individual's assignment is changed or
92 terminated, unless:

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

95 (B) the licensee updates the information or photograph on the license certificate.

96 (ii) The provisions in Subsection (7)(e)(i) apply to an individual:

97 (A) ordered to active duty and stationed outside of Utah in any of the armed forces of
98 the United States;

99 (B) who is an immediate family member or dependent of an individual described in
100 Subsection (7)(e)(ii)(A) and is residing outside of Utah;

101 (C) who is a civilian employee of the United States State Department or United States
102 Department of Defense and is stationed outside of the United States; or

103 (D) who is an immediate family member or dependent of an individual described in
104 Subsection (7)(e)(ii)(C) and is residing outside of the United States.

105 (f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a
106 renewal to a limited-term license certificate expires:

107 (A) on the expiration date of the period of time of the individual's authorized stay in
108 the United States or on the date provided under this Subsection (7), whichever is sooner; or

109 (B) on the date of issuance in the first year following the year that the limited-term
110 license certificate was issued if there is no definite end to the individual's period of authorized
111 stay.

112 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
113 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fifth
114 year following the year that the limited-term license certificate was issued.

115 (g) A driving privilege card issued or renewed under Section [53-3-207](#) expires on the
116 birth date of the applicant in the first year following the year that the driving privilege card was
117 issued or renewed.

118 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative
119 Procedures Act, for requests for agency action, an applicant shall:

120 (i) provide:

- 121 (A) the applicant's full legal name;
- 122 (B) the applicant's birth date;
- 123 (C) the applicant's gender;
- 124 (D) (I) documentary evidence of the applicant's valid social security number;
- 125 (II) written proof that the applicant is ineligible to receive a social security number;
- 126 (III) the applicant's temporary identification number (ITIN) issued by the Internal
- 127 Revenue Service for an individual who:
 - 128 (Aa) does not qualify for a social security number; and
 - 129 (Bb) is applying for a driving privilege card; or
 - 130 (IV) other documentary evidence approved by the division;
 - 131 (E) the applicant's Utah residence address as documented by a form or forms
 - 132 acceptable under rules made by the division under Section 53-3-104, unless the application is
 - 133 for a temporary CDL issued under Subsection 53-3-407(2)(b); and
 - 134 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the
 - 135 applicant is applying for a driving privilege card;
 - 136 (ii) provide evidence of the applicant's lawful presence in the United States by
 - 137 providing documentary evidence:
 - 138 (A) that the applicant is:
 - 139 (I) a United States citizen;
 - 140 (II) a United States national; or
 - 141 (III) a legal permanent resident alien; or
 - 142 (B) of the applicant's:
 - 143 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
 - 144 States;
 - 145 (II) pending or approved application for asylum in the United States;
 - 146 (III) admission into the United States as a refugee;
 - 147 (IV) pending or approved application for temporary protected status in the United
 - 148 States;
 - 149 (V) approved deferred action status;
 - 150 (VI) pending application for adjustment of status to legal permanent resident or
 - 151 conditional resident; or

- 152 (VII) conditional permanent resident alien status;
- 153 (iii) provide a description of the applicant;
- 154 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
155 and, if so, when and by what state or country;
- 156 (v) state whether the applicant has ever had a license suspended, cancelled, revoked,
157 disqualified, or denied in the last 10 years, or whether the applicant has ever had a license
158 application refused, and if so, the date of and reason for the suspension, cancellation,
159 revocation, disqualification, denial, or refusal;
- 160 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
161 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 162 (vii) state whether the applicant is required to register as a sex offender in accordance
163 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 164 (viii) state whether the applicant is a veteran of the United States military, provide
165 verification that the applicant was granted an honorable or general discharge from the United
166 States Armed Forces, and state whether the applicant does or does not authorize sharing the
167 information with the Department of Veterans and Military Affairs;
- 168 (ix) provide all other information the division requires; and
- 169 (x) sign the application which signature may include an electronic signature as defined
170 in Section [46-4-102](#).
- 171 (b) If the name on an applicant's birth certificate is different than the applicant's full
172 legal name, and the applicant provides documentary evidence of the individual's social security
173 number showing the applicants accurate full legal name, the division may not require
174 additional documentation to verify the individual's full legal name.
- 175 [~~(b)~~] (c) An applicant shall have a Utah residence address, unless the application is for
176 a temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).
- 177 [~~(c)~~] (d) An applicant shall provide evidence of lawful presence in the United States in
178 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
- 179 [~~(d)~~] (e) The division shall maintain on the division's computerized records an
180 applicant's:
- 181 (i) (A) social security number;
- 182 (B) temporary identification number (ITIN); or

183 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
184 (ii) indication whether the applicant is required to register as a sex offender in
185 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

186 (9) The division shall require proof of an applicant's name, birth date, and birthplace by
187 at least one of the following means:

188 (a) current license certificate;

189 (b) birth certificate;

190 (c) Selective Service registration; or

191 (d) other proof, including church records, family Bible notations, school records, or
192 other evidence considered acceptable by the division.

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

195 (i) the license application is treated as an original application; and

196 (ii) license and endorsement fees is assessed under Section 53-3-105.

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

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

201 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a
202 duplicate license is issued under Subsection (10)(b)(i).

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

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

207 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a
208 duplicate license is issued under Subsection (10)(c)(i).

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

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

214 (12) An application for reinstatement of a license after the suspension, cancellation,
215 disqualification, denial, or revocation of a previous license is accompanied by the additional
216 fee or fees specified in Section 53-3-105.

217 (13) An individual who has an appointment with the division for testing and fails to
218 keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the
219 fee under Section 53-3-105.

220 (14) An applicant who applies for an original license or renewal of a license agrees that
221 the individual's license is subject to a suspension or revocation authorized under this title or
222 Title 41, Motor Vehicles.

223 (15) (a) A licensee shall authenticate the indication of intent under Subsection (8)(a)(vi)
224 in accordance with division rule.

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

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

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

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

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

236 (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and
237 Management Act, the division shall, upon request, release to the Sex and Kidnap Offender
238 Registry office in the Department of Corrections, the names and addresses of all applicants
239 who, under Subsection (8)(a)(vii), indicate they are required to register as a sex offender in
240 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

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

243 (a) loss;

244 (b) detriment; or

245 (c) injury.

246 (19) An applicant who knowingly fails to provide the information required under
247 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

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

250 (21) (a) An applicant who applies for an original motorcycle endorsement to a regular
251 license certificate is exempt from the requirement to pass the knowledge and skills test to be
252 eligible for the motorcycle endorsement if the applicant:

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

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

256 (B) is an immediate family member or dependent of an individual described in
257 Subsection (21)(a)(ii)(A) and is residing outside of Utah;

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

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

261 (v) provides the necessary information and documentary evidence required under
262 Subsection (8).

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

265 (i) establishing the procedures for an individual to obtain a motorcycle endorsement
266 under this Subsection (21); and

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