

**DRIVER LICENSE AND LICENSE PLATE AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Pitcher**

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

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Uniform Driver License Act.

**Highlighted Provisions:**

This bill:

▶ at an applicant's request and subject to written verification, requires the Driver License Division to include an identifying symbol or sticker on the individual's driver license or identification card to indicate that the individual is an individual with a disability; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**46-1-2**, as last amended by Laws of Utah 2019, Chapter 192

**53-3-207**, as last amended by Laws of Utah 2019, Chapter 232

**53-3-805**, as last amended by Laws of Utah 2018, Chapter 39

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



28 Section 1. Section 46-1-2 is amended to read:

29 **46-1-2. Definitions.**

30 As used in this chapter:

31 (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer,  
32 whose identity is personally known to the notary or proven on the basis of satisfactory  
33 evidence, has admitted, in the presence of the notary, to voluntarily signing a document for the  
34 document's stated purpose.

35 (2) "Before me" means that an individual appears in the presence of the notary.

36 (3) "Commission" means:

37 (a) to empower to perform notarial acts; or

38 (b) the written document that gives authority to perform notarial acts, including the  
39 Certificate of Authority of Notary Public that the lieutenant governor issues to a notary.

40 (4) "Copy certification" means a notarial act in which a notary certifies that a  
41 photocopy is an accurate copy of a document that is neither a public record nor publicly  
42 recorded.

43 (5) "Electronic recording" means the audio and video recording, described in  
44 Subsection 46-1-3.6(3), of a remote notarization.

45 (6) "Electronic seal" means an electronic version of the seal described in Section  
46 46-1-16, that conforms with rules made under Subsection 46-1-3.7(1)(d), that a remote notary  
47 may attach to a notarial certificate to complete a remote notarization.

48 (7) "Electronic signature" means the same as that term is defined in Section 46-4-102.

49 (8) "In the presence of the notary" means that an individual:

50 (a) is physically present with the notary in close enough proximity to see and hear the  
51 notary; or

52 (b) communicates with a remote notary by means of an electronic device or process  
53 that:

54 (i) allows the individual and remote notary to communicate with one another  
55 simultaneously by sight and sound; and

56 (ii) complies with rules made under Section 46-1-3.7.

57 (9) "Jurat" means a notarial act in which a notary certifies:

58 (a) the identity of a signer who:

- 59 (i) is personally known to the notary; or
- 60 (ii) provides the notary satisfactory evidence of the signer's identity;
- 61 (b) that the signer affirms or swears an oath attesting to the truthfulness of a document;
- 62 and
- 63 (c) that the signer voluntarily signs the document in the presence of the notary.
- 64 (10) "Notarial act" or "notarization" means an act that a notary is authorized to perform
- 65 under Section 46-1-6.
- 66 (11) "Notarial certificate" means the affidavit described in Section 46-1-6.5 that is:
- 67 (a) a part of or attached to a notarized document; and
- 68 (b) completed by the notary and bears the notary's signature and official seal.
- 69 (12) (a) "Notary" means an individual commissioned to perform notarial acts under this
- 70 chapter.
- 71 (b) "Notary" includes a remote notary.
- 72 (13) "Oath" or "affirmation" means a notarial act in which a notary certifies that a
- 73 person made a vow or affirmation in the presence of the notary on penalty of perjury.
- 74 (14) "Official misconduct" means a notary's performance of any act prohibited or
- 75 failure to perform any act mandated by this chapter or by any other law in connection with a
- 76 notarial act.
- 77 (15) (a) "Official seal" means the seal described in Section 46-1-16 that a notary may
- 78 attach to a notarial certificate to complete a notarization.
- 79 (b) "Official seal" includes an electronic seal.
- 80 (16) "Personally known" means familiarity with an individual resulting from
- 81 interactions with that individual over a period of time sufficient to eliminate every reasonable
- 82 doubt that the individual has the identity claimed.
- 83 (17) "Remote notarization" means a notarial act performed by a remote notary in
- 84 accordance with this chapter for an individual who is not in the physical presence of the remote
- 85 notary at the time the remote notary performs the notarial act.
- 86 (18) "Remote notary" means a notary that holds an active remote notary certification
- 87 under Section 46-1-3.5.
- 88 (19) (a) "Satisfactory evidence of identity" means:
- 89 (i) for both an in-person and remote notarization, identification of an individual based

90 on:

91 (A) subject to Subsection (19)(b), valid personal identification with the individual's  
92 photograph, signature, and physical description that the United States government, any state  
93 within the United States, or a foreign government issues;

94 (B) subject to Subsection (19)(b), a valid passport that any nation issues; or

95 (C) the oath or affirmation of a credible person who is personally known to the notary  
96 and who personally knows the individual; and

97 (ii) for a remote notarization only, a third party's affirmation of an individual's identity  
98 in accordance with rules made under Section 46-1-3.7 by means of:

99 (A) dynamic knowledge-based authentication, which may include requiring the  
100 individual to answer questions about the individual's personal information obtained from  
101 public or proprietary data sources; or

102 (B) analysis of the individual's biometric data, which may include facial recognition,  
103 voiceprint analysis, or fingerprint analysis.

104 (b) "Satisfactory evidence of identity," for a remote notarization, requires the  
105 identification described in Subsection (19)(a)(i)(A) or passport described in Subsection  
106 (19)(a)(i)(B) to be verified through public or proprietary data sources in accordance with rules  
107 made under Section 46-1-3.7.

108 (c) "Satisfactory evidence of identity" does not include:

109 (i) a driving privilege card under Subsection 53-3-207~~(10)~~(11); or

110 (ii) another document that is not considered valid for identification.

111 (20) "Signature witnessing" means a notarial act in which an individual:

112 (a) appears in the presence of the notary and presents a document;

113 (b) provides the notary satisfactory evidence of the individual's identity, or is  
114 personally known to the notary; and

115 (c) signs the document in the presence of the notary.

116 Section 2. Section 53-3-207 is amended to read:

117 **53-3-207. License certificates or driving privilege cards issued to drivers by class**  
118 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**  
119 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

120 (1) As used in this section:

121           (a) "Disability" means a physical or mental disability, as defined and covered by the  
122 Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102.

123           (b) "Disability identification symbol" means a symbol or sticker that indicates that the  
124 individual is an individual with a disability.

125           ~~[(a)]~~ (c) "Driving privilege" means the privilege granted under this chapter to drive a  
126 motor vehicle.

127           ~~[(b)]~~ (d) "Governmental entity" means the state or a political subdivision of the state.

128           (e) "Health care professional" means:

129           (i) a licensed physician, physician assistant, nurse practitioner, or mental health  
130 therapist; or

131           (ii) any other licensed health care professional the division designates by rule made in  
132 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

133           ~~[(c)]~~ (f) "Political subdivision" means any county, city, town, school district, public  
134 transit district, community reinvestment agency, special improvement or taxing district, local  
135 district, special service district, an entity created by an interlocal agreement adopted under Title  
136 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public  
137 corporation.

138           ~~[(d)]~~ (g) "State" means this state, and includes any office, department, agency,  
139 authority, commission, board, institution, hospital, college, university, children's justice center,  
140 or other instrumentality of the state.

141           (2) (a) The division shall issue to every individual privileged to drive a motor vehicle, a  
142 regular license certificate, a limited-term license certificate, or a driving privilege card  
143 indicating the type or class of motor vehicle the individual may drive.

144           (b) An individual may not drive a class of motor vehicle unless granted the privilege in  
145 that class.

146           (3) (a) Every regular license certificate, limited-term license certificate, or driving  
147 privilege card shall bear:

- 148           (i) the distinguishing number assigned to the individual by the division;
- 149           (ii) the name, birth date, and Utah residence address of the individual;
- 150           (iii) a brief description of the individual for the purpose of identification;
- 151           (iv) any restrictions imposed on the license under Section [53-3-208](#);

- 152 (v) a photograph of the individual;
- 153 (vi) a photograph or other facsimile of the ~~[person's]~~ individual's signature;
- 154 (vii) an indication whether the individual intends to make an anatomical gift under  
155 Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is  
156 extended under Subsection [53-3-214](#)(3); and
- 157 (viii) except as provided in Subsection (3)(b), if the individual states that the individual  
158 is a veteran of the United States military on the application for a driver license in accordance  
159 with Section [53-3-205](#) and provides verification that the individual was granted an honorable  
160 or general discharge from the United States Armed Forces, an indication that the individual is a  
161 United States military veteran for a regular license certificate or limited-term license certificate  
162 issued on or after July 1, 2011.
- 163 (b) A regular license certificate or limited-term license certificate issued to an  
164 individual younger than 21 years old on a portrait-style format as required in Subsection ~~[(5)]~~  
165 ~~(6)~~(b) is not required to include an indication that the individual is a United States military  
166 veteran under Subsection (3)(a)(viii).
- 167 (c) A new license certificate issued by the division may not bear the individual's social  
168 security number.
- 169 (d) (i) The regular license certificate, limited-term license certificate, or driving  
170 privilege card shall be of an impervious material, resistant to wear, damage, and alteration.
- 171 (ii) ~~[Except as provided under Subsection (4)(b), the]~~ The size, form, and color of the  
172 regular license certificate, limited-term license certificate, or driving privilege card shall be as  
173 prescribed by the commissioner.
- 174 (iii) The commissioner may also prescribe the issuance of a special type of limited  
175 regular license certificate, limited-term license certificate, or driving privilege card under  
176 Subsection [53-3-220](#)(4).
- 177 (4) (a) The division shall include a disability identification symbol on an applicant's  
178 regular license certificate, limited-term license certificate, or driving privilege card if the  
179 applicant:
- 180 (i) requests the division to include the disability identification symbol; and
- 181 (ii) provides written verification from a health care professional that the applicant is an  
182 individual with a disability.

183 (b) The written verification described in Subsection (4)(a)(ii) shall be made on a form  
184 provided by the division.

185 (c) The division may not:

186 (i) charge a fee to include the disability identification symbol on the applicant's regular  
187 license certificate, limited-term license certificate, or driving privilege card; or

188 (ii) after including the disability identification symbol on the applicant's previously  
189 issued regular license certificate, limited-term license certificate, or driving privilege card,  
190 require the applicant to provide subsequent written verification described in Subsection  
191 (4)(a)(ii) to include the disability identification symbol on the applicant's renewed or extended  
192 regular license certificate, limited-term license certificate, or driving privilege card.

193 (d) The inclusion of a disability identification symbol on an individual's license  
194 certificate, limited-term license certificate, or driving privilege card in accordance with  
195 Subsection (4)(a) does not confer any legal rights or privileges on the individual, including  
196 parking privileges for individuals with disabilities under Section [41-1a-414](#).

197 ~~[(4)]~~ (5) (a) (i) The division, upon determining after an examination that an applicant is  
198 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a  
199 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term  
200 license certificate.

201 (ii) (A) The division shall issue a temporary regular license certificate or temporary  
202 limited-term license certificate allowing the individual to drive a motor vehicle while the  
203 division is completing ~~[its]~~ the division's investigation to determine whether the individual is  
204 entitled to be granted a driving privilege.

205 (B) A temporary regular license certificate or a temporary limited-term license  
206 certificate issued under this Subsection ~~[(4)]~~ (5) shall be recognized and have the same rights  
207 and privileges as a regular license certificate or a limited-term license certificate.

208 (b) The temporary regular license certificate or temporary limited-term license  
209 certificate shall be in the individual's immediate possession while driving a motor vehicle, and  
210 ~~[it]~~ the temporary regular license certificate or temporary limited-term license certificate is  
211 invalid when the individual's regular license certificate or limited-term license certificate has  
212 been issued or when, for good cause, the privilege has been refused.

213 (c) The division shall indicate on the temporary regular license certificate or temporary

214 limited-term license certificate a date after which ~~[it]~~ the temporary regular license certificate  
215 or temporary limited-term license certificate is not valid as a temporary license.

216 (d) (i) Except as provided in Subsection ~~[(4)]~~ (5)(d)(ii), the division may not issue a  
217 temporary driving privilege card or other temporary permit to an applicant for a driving  
218 privilege card.

219 (ii) The division may issue a learner permit issued in accordance with Section  
220 53-3-210.5 to an applicant for a driving privilege card.

221 ~~[(5)]~~ (6) (a) The division shall distinguish learner permits, temporary permits, regular  
222 license certificates, limited-term license certificates, and driving privilege cards issued to any  
223 individual younger than 21 years ~~[of age]~~ old by use of plainly printed information or the use of  
224 a color or other means not used for other regular license certificates, limited-term license  
225 certificates, or driving privilege cards.

226 (b) The division shall distinguish a regular license certificate, limited-term license  
227 certificate, or driving privilege card issued to an individual younger than 21 years ~~[of age]~~ old  
228 by use of a portrait-style format not used for other regular license certificates, limited-term  
229 license certificates, or driving privilege cards and by plainly printing the date the regular  
230 license certificate, limited-term license certificate, or driving privilege card holder is 21 years  
231 ~~[of age]~~ old.

232 ~~[(6)]~~ (7) The division shall distinguish a limited-term license certificate by clearly  
233 indicating on the document:

234 (a) that ~~[it]~~ the limited-term license certificate is temporary; and

235 (b) ~~[its]~~ the limited-term license certificate's expiration date.

236 ~~[(7)]~~ (8) (a) The division shall only issue a driving privilege card to an individual  
237 whose privilege was obtained without providing evidence of lawful presence in the United  
238 States as required under Subsection 53-3-205(8).

239 (b) The division shall distinguish a driving privilege card from a license certificate by:

240 (i) use of a format, color, font, or other means; and

241 (ii) clearly displaying on the front of the driving privilege card a phrase substantially  
242 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

243 ~~[(8)]~~ (9) The provisions of Subsection ~~[(5)]~~ (6)(b) do not apply to a learner permit,  
244 temporary permit, temporary regular license certificate, temporary limited-term license

245 certificate, or any other temporary permit.

246 ~~[(9)]~~ (10) The division shall issue temporary license certificates of the same nature,  
 247 except as to duration, as the license certificates that they temporarily replace, as are necessary  
 248 to implement applicable provisions of this section and Section [53-3-223](#).

249 ~~[(10)]~~ (11) (a) A governmental entity may not accept a driving privilege card as proof  
 250 of personal identification.

251 (b) A driving privilege card may not be used as a document providing proof of an  
 252 individual's age for any government required purpose.

253 ~~[(11) A person]~~ (12) An individual who violates Subsection (2)(b) is guilty of an  
 254 infraction.

255 ~~[(12)]~~ (13) Unless otherwise provided, the provisions, requirements, classes,  
 256 endorsements, fees, restrictions, and sanctions under this code apply to a:

257 (a) driving privilege in the same way as a license or limited-term license issued under  
 258 this chapter; and

259 (b) limited-term license certificate or driving privilege card in the same way as a  
 260 regular license certificate issued under this chapter.

261 Section 3. Section **53-3-805** is amended to read:

262 **53-3-805. Identification card -- Contents -- Specifications.**

263 (1) As used in this section:

264 (a) "Disability" means the same as that term is defined in Subsection [53-3-207\(1\)](#).

265 (b) "Disability identification symbol" means the same as that term is defined in  
 266 Subsection [53-3-207\(1\)](#).

267 (c) "Health care professional" means the same as that term is defined in Subsection  
 268 [53-3-207\(1\)](#).

269 ~~[(1)]~~ (2) (a) The division shall issue an identification card that bears:

270 (i) the distinguishing number assigned to the ~~[person]~~ individual by the division;

271 (ii) the name, birth date, and Utah residence address of the ~~[person]~~ individual;

272 (iii) a brief description of the ~~[person]~~ individual for the purpose of identification;

273 (iv) a photograph of the ~~[person]~~ individual;

274 (v) a photograph or other facsimile of the ~~[person's]~~ individual's signature;

275 (vi) an indication whether the ~~[person]~~ individual intends to make an anatomical gift

276 under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act; and

277 (vii) if the [person] individual states that the [person] individual is a veteran of the  
278 United States military on the application for an identification card in accordance with Section  
279 53-3-804 and provides verification that the [person] individual received an honorable or  
280 general discharge from the United States Armed Forces, an indication that the [person]  
281 individual is a United States military veteran for a regular identification card or a limited-term  
282 identification card issued on or after July 1, 2011.

283 (b) An identification card issued by the division may not bear the [person's]  
284 individual's Social Security number or place of birth.

285 ~~[(2)]~~ (3) (a) The card shall be of an impervious material, resistant to wear, damage, and  
286 alteration.

287 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is  
288 prescribed by the commissioner.

289 ~~[(3)]~~ (4) At the applicant's request, the card may include a statement that the applicant  
290 has a special medical problem or allergies to certain drugs, for the purpose of medical  
291 treatment.

292 (5) (a) The division shall include a disability identification symbol on an applicant's  
293 identification card if the applicant:

294 (i) requests the division to include the disability identification symbol; and

295 (ii) provides written verification from a health care professional that the applicant is an  
296 individual with a disability.

297 (b) The written verification described in Subsection (5)(a)(ii) shall be made on a form  
298 provided by the division.

299 (c) The division may not:

300 (i) charge a fee to include the disability identification symbol on the applicant's  
301 identification card; or

302 (ii) after including the disability identification symbol on the applicant's previously  
303 issued identification card, require the applicant to provide subsequent written verification  
304 described in Subsection (5)(a)(ii) to include the disability identification symbol on the  
305 applicant's extended identification card.

306 (d) The inclusion of a disability identification symbol on an individual's identification

307 card in accordance with Subsection (5)(a) does not confer any legal rights or privileges on the  
308 individual, including parking privileges for individuals with disabilities under Section  
309 41-1a-414.

310 ~~[(4)]~~ (6) (a) The indication of intent under Subsection 53-3-804(2)(j) shall be  
311 authenticated by the applicant in accordance with division rule.

312 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
313 Management Act, the division may, upon request, release to an organ procurement  
314 organization, as defined in Section 26-28-102, the names and addresses of all [~~persons~~]  
315 individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make an  
316 anatomical gift.

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

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

319 (B) inform applicants of anatomical gift options, procedures, and benefits.

320 ~~[(5)]~~ (7) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
321 Management Act, the division may release to the Department of Veterans and Military Affairs  
322 the names and addresses of all [~~persons~~] individuals who indicate their status as a veteran  
323 under Subsection 53-3-804(2)(l).

324 ~~[(6)]~~ (8) The division and [~~its~~] the division's employees are not liable, as a result of  
325 false or inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or  
326 indirect:

327 (a) loss;

328 (b) detriment; or

329 (c) injury.

330 ~~[(7)]~~ (9) (a) The division may issue a temporary regular identification card to [~~a~~  
331 ~~person~~] an individual while the [~~person~~] individual obtains the required documentation to  
332 establish verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d),  
333 and (i)(i).

334 (b) A temporary regular identification card issued under this Subsection [~~(7)]~~ (9) shall  
335 be recognized and grant the [~~person~~] individual the same privileges as a regular identification  
336 card.

337 (c) A temporary regular identification card issued under this Subsection [~~(7)]~~ (9) is

338 invalid:

339 (i) when the [~~person's~~] individual's regular identification card has been issued;

340 (ii) when, for good cause, an applicant's application for a regular identification card has  
341 been refused; or

342 (iii) upon expiration of the temporary regular identification card.