

HB0328S02 compared with HB0328S01

~~text~~ shows text that was in HB0328S01 but was deleted in HB0328S02.

text shows text that was not in HB0328S01 but was inserted into HB0328S02.

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Representative Stephanie Pitcher proposes the following substitute bill:

DRIVER LICENSE AND LICENSE PLATE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

Senate Sponsor: _____

Cosponsor: Norman K. Thurston

LONG TITLE

General Description:

This bill modifies provisions of the Uniform Driver License Act and the Motor Vehicle Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ at ~~a vehicle owner's~~ an individual's request and subject to written verification, requires the Motor Vehicle Division to include in the ~~owner's~~ individual's vehicle registration record information about ~~an individual's qualifying physical or mental~~ the individual's invisible condition;

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- ▶ allows an individual to request that the Motor Vehicle Division remove information about the individual's invisible condition;
- ▶ at an ~~{applicant's}~~individual'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 qualifying physical or mental}~~an invisible condition;
- ▶ allows an individual to request that the Driver License Division remove information about the individual's invisible condition;
- ▶ upon request, allows a law enforcement officer to obtain certain information about an individual's invisible condition; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{None}~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-1a-213, as last amended by Laws of Utah 2017, Chapter 119

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

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

Section 1. Section **41-1a-213** is amended to read:

41-1a-213. Contents of registration cards.

(1) As used in this section:

(a) "Health care professional" means~~;~~

~~_____ (i) a licensed physician, physician assistant, nurse practitioner, or mental health therapist; or~~

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

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~~(b) "Qualifying" the same as that term is defined in Subsection 53-3-207(1).~~

~~(b) "Invisible condition" means {a physical or mental condition that may interfere with a person's ability to communicate with a law enforcement officer, including:~~

~~(i) a communication impediment;~~

~~(ii) hearing loss;~~

~~(iii) blindness or a visual impairment;~~

~~(iv) autism spectrum disorder;~~

~~(v) a drug allergy;~~

~~(vi) Alzheimer's disease or dementia;~~

~~(vii) post-traumatic stress disorder;~~

~~(viii) traumatic brain injury;~~

~~(ix) schizophrenia;~~

~~(x) epilepsy;~~

~~(xi) a developmental disability;~~

~~(xii) Down's syndrome;~~

~~(xiii) diabetes;~~

~~(xiv) a heart condition; or~~

~~(xv) any other condition as approved by the commissioner or the commissioner's designee.~~

~~(c) "Qualifying" the same as that term is defined in Subsection 53-3-207(1).~~

~~(c) "Invisible condition identification symbol" means {a symbol or alphanumeric code that indicates that the individual is an individual with a qualifying condition} the same as that term is defined in Subsection 53-3-207(1).~~

[(+)] (2) The registration card shall be delivered to the owner and shall contain:

(a) the date issued;

(b) the name of the owner;

(c) a description of the vehicle registered including the year, the make, the identification number, and the license plate assigned to the vehicle;

(d) the expiration date; and

(e) other information as determined by the commission.

[(-)] (3) If a vehicle is leased for a period in excess of 45 days, the registration shall

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contain:

- (a) the owner's name; and
- (b) the name of the lessee.

~~[(3)]~~ (4) On all vehicles registered under Subsections 41-1a-1206(1)(d) and (1)(e), the registration card shall also contain the gross laden weight as given in the application for registration.

~~[(4)]~~ (5) (a) Except as provided in Subsection ~~[(4)]~~ (5)(b), a new registration card issued by the commission on or after November 1, 2013, may not display the address of the owner or the lessee on the registration card.

(b) A new registration card issued by the commission under one of the following provisions shall display the address of the owner or the lessee on the registration card:

- (i) Section 41-1a-301 for a vehicle; or
- (ii) Section 73-18-7 for a vessel.

(6) (a) The division shall include in the ~~division's~~ vehicle registration database information about an individual's ~~{qualifying}~~ invisible condition if an owner of a vehicle, on a form prescribed by the commission:

- (i) requests the division to include the information;
- (ii) declares that the individual is a regular driver or passenger of the vehicle; ~~{and}~~
- (iii) provides written verification from a health care professional that the individual has ~~{a qualifying condition}~~.

~~— (b) The written verification} an invisible condition; and~~

~~(iv) submits a signed waiver of liability for the release of any medical information to:~~

~~(A) the commission;~~

~~(B) any person who has access to the individual's medical information as recorded on the individual's vehicle registration database record or the Utah Criminal Justice Information System under this chapter; and~~

~~(C) any other person who may view or receive notice of the individual's medical information by seeing the individual's vehicle registration database record or the individual's information in the Utah Criminal Justice Information System.~~

~~(b) As part of the form described in Subsection (6)(a) ~~{(iii) shall be made on a form provided by the division}~~, the commission shall advise the individual that by submitting the~~

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signed waiver, the individual consents to the release of the individual's medical information to any person described in Subsections (6)(a)(iv)(A) through (C), even if the person is otherwise ineligible to access the individual's medical information under state or federal law.

(c) The division may not charge a fee to include the information about an individual's ~~qualifying~~ invisible condition on ~~the owner's~~ a vehicle registration record.

(d) The inclusion of an individual's ~~qualifying~~ invisible condition on ~~an owner's~~ a vehicle registration record in accordance with Subsection (6)(a) does not confer any legal rights or privileges on the individual, including parking privileges for individuals with disabilities under Section 41-1a-414.

(7) (a) For each ~~owner~~ individual who qualifies under this section to include information about ~~an~~ the individual's ~~qualifying~~ invisible condition, the division shall include in the division's vehicle registration database a brief description of the nature of the individual's ~~qualifying~~ invisible condition linked to the ~~owner's~~ vehicle registration record.

(b) The division shall ~~populate information in the Utah Criminal Justice Information System to display~~ include the brief description described in Subsection (7)(a) ~~to a law enforcement officer upon~~ in the ~~law enforcement officer's request~~ Utah Criminal Justice Information System.

(c) Except as described in Subsection (7)(b), the division may not release the information described in Subsection (7)(a).

(8) Upon an ~~owner's~~ individual's written request, the division shall remove from the division's vehicle registration database and the Utah Criminal Justice Information System any information about an individual's ~~qualifying~~ invisible condition within 30 days after the day on which the division receives the request.

(9) As provided in Section 63G-2-302, the information described in Subsection (6)(a) is a private record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

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

46-1-2. Definitions.

As used in this chapter:

(1) "Acknowledgment" means a notarial act in which a notary certifies that a signer, whose identity is personally known to the notary or proven on the basis of satisfactory

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evidence, has admitted, in the presence of the notary, to voluntarily signing a document for the document's stated purpose.

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

(3) "Commission" means:

(a) to empower to perform notarial acts; or

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

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

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

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

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

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

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

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

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

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

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

(a) the identity of a signer who:

(i) is personally known to the notary; or

(ii) provides the notary satisfactory evidence of the signer's identity;

(b) that the signer affirms or swears an oath attesting to the truthfulness of a document;

and

(c) that the signer voluntarily signs the document in the presence of the notary.

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(10) "Notarial act" or "notarization" means an act that a notary is authorized to perform under Section 46-1-6.

(11) "Notarial certificate" means the affidavit described in Section 46-1-6.5 that is:

(a) a part of or attached to a notarized document; and

(b) completed by the notary and bears the notary's signature and official seal.

(12) (a) "Notary" means an individual commissioned to perform notarial acts under this chapter.

(b) "Notary" includes a remote notary.

(13) "Oath" or "affirmation" means a notarial act in which a notary certifies that a person made a vow or affirmation in the presence of the notary on penalty of perjury.

(14) "Official misconduct" means a notary's performance of any act prohibited or failure to perform any act mandated by this chapter or by any other law in connection with a notarial act.

(15) (a) "Official seal" means the seal described in Section 46-1-16 that a notary may attach to a notarial certificate to complete a notarization.

(b) "Official seal" includes an electronic seal.

(16) "Personally known" means familiarity with an individual resulting from interactions with that individual over a period of time sufficient to eliminate every reasonable doubt that the individual has the identity claimed.

(17) "Remote notarization" means a notarial act performed by a remote notary in accordance with this chapter for an individual who is not in the physical presence of the remote notary at the time the remote notary performs the notarial act.

(18) "Remote notary" means a notary that holds an active remote notary certification under Section 46-1-3.5.

(19) (a) "Satisfactory evidence of identity" means:

(i) for both an in-person and remote notarization, identification of an individual based on:

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

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

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

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

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

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

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

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

(i) a driving privilege card under Subsection 53-3-207[~~(+10)~~](~~(+11)~~, 12); or

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

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

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

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

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

Section 3. Section **53-3-207** is amended to read:

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

(1) As used in this section:

(a) "Driving privilege" means the privilege granted under this chapter to drive a motor vehicle.

(b) "Governmental entity" means the state or a political subdivision of the state.

(c) "Health care professional" means:

(i) a licensed physician, physician assistant, nurse practitioner, or mental health

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therapist; or

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

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

(e) "~~{Qualifying}~~Invisible condition" means a physical or mental condition that may interfere with ~~{a person's}~~an individual's ability to communicate with a law enforcement officer, including:

(i) a communication impediment;

(ii) hearing loss;

(iii) blindness or a visual impairment;

(iv) autism spectrum disorder;

(v) a drug allergy;

(vi) Alzheimer's disease or dementia;

(vii) post-traumatic stress disorder;

(viii) traumatic brain injury;

(ix) schizophrenia;

(x) epilepsy;

(xi) a developmental disability;

(xii) ~~{Down's}~~Down syndrome;

(xiii) diabetes;

(xiv) a heart condition; or

(xv) any other condition ~~{as approved by the commissioner or the commissioner's designee;~~

~~(f)~~ "~~{Qualifying}~~ approved by the department.

(f) "~~Invisible~~ condition identification symbol" means a symbol or alphanumeric code that indicates that the individual is an individual with ~~{a qualifying}~~an invisible condition.

~~(d)~~ (g) "State" means this state, and includes any office, department, agency,

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authority, commission, board, institution, hospital, college, university, children's justice center, or other instrumentality of the state.

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

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

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

(i) the distinguishing number assigned to the individual by the division;

(ii) the name, birth date, and Utah residence address of the individual;

(iii) a brief description of the individual for the purpose of identification;

(iv) any restrictions imposed on the license under Section 53-3-208;

(v) a photograph of the individual;

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

(vii) an indication whether the individual intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended under Subsection 53-3-214(3); and

(viii) except as provided in Subsection (3)(b), if the individual states that the individual is a veteran of the United States military on the application for a driver license in accordance with Section 53-3-205 and provides verification that the individual was granted an honorable or general discharge from the United States Armed Forces, an indication that the individual is a United States military veteran for a regular license certificate or limited-term license certificate issued on or after July 1, 2011.

(b) A regular license certificate or limited-term license certificate issued to an individual younger than 21 years old on a portrait-style format as required in Subsection ~~[(5)]~~ ~~(6)~~ (7)(b) is not required to include an indication that the individual is a United States military veteran under Subsection (3)(a)(viii).

(c) A new license certificate issued by the division may not bear the individual's social security number.

(d) (i) The regular license certificate, limited-term license certificate, or driving

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privilege card shall be of an impervious material, resistant to wear, damage, and alteration.

(ii) ~~[Except as provided under Subsection (4)(b), the]~~ The size, form, and color of the regular license certificate, limited-term license certificate, or driving privilege card shall be as prescribed by the commissioner.

(iii) The commissioner may also prescribe the issuance of a special type of limited regular license certificate, limited-term license certificate, or driving privilege card under Subsection 53-3-220(4).

(4) (a) The division shall include or affix ~~fa qualifying~~ an invisible condition identification symbol on an ~~applicant's~~ individual's regular license certificate, limited-term license certificate, or driving privilege card if the ~~applicant:~~

~~(i) submits an application to the division requesting;~~ individual, on a form prescribed by the department:

(i) requests the division to include the ~~qualifying~~ invisible condition identification symbol;

(ii) provides written verification from a health care professional that the applicant individual is an individual with fa qualifying an invisible condition; and

(iii) signs a waiver of liability for the release of any medical information to:

(A) the department;

(B) any person who has access to the applicant's individual's medical information as recorded on the applicant's individual's driving record or the Utah Criminal Justice Information System under this chapter; and

(C) any other person who may view or receive notice of the applicant's individual's medical information by virtue of having seen seeing the applicant's individual's regular license certificate, limited-term license certificate, or driving privilege card;

~~(b) The application;~~ or the individual's information in the Utah Criminal Justice Information System.

(b) As part of the form described in Subsection (4)(a)(i), the department shall advise the applicant individual that by submitting the applicant signed waiver, the individual consents to the release of the applicant's individual's medical information to any person described in Subsections (4)(a)(iii)(A) through (C), even if the person is otherwise ineligible to access the applicant's individual's medical information under state or federal law.

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~~{c}~~ (c) The written verification described in Subsection (4)(a)(ii) shall be made on a form provided by the division.

~~{d}~~ (d)c) The division may not:

(i) charge a fee to include the ~~{qualifying}~~invisible condition identification symbol on the ~~{applicant's}~~individual's regular license certificate, limited-term license certificate, or driving privilege card; or

(ii) after including the ~~{qualifying}~~invisible condition identification symbol on the ~~{applicant's}~~individual's previously issued regular license certificate, limited-term license certificate, or driving privilege card, require the ~~{applicant}~~individual to provide subsequent written verification described in Subsection (4)(a)(ii) to include the ~~{qualifying}~~invisible condition identification symbol on the ~~{applicant's}~~individual's renewed or extended regular license certificate, limited-term license certificate, or driving privilege card.

~~{e}~~d) The inclusion of ~~{a qualifying}~~an invisible condition identification symbol on an individual's license certificate, limited-term license certificate, or driving privilege card in accordance with Subsection (4)(a) does not confer any legal rights or privileges on the individual, including parking privileges for individuals with disabilities under Section 41-1a-414.

~~{ff}~~e) For each individual issued a regular license certificate, limited-term license certificate, or driving privilege card under this section that includes ~~{a qualifying}~~an invisible condition identification symbol, the division shall include in the division's database and the Utah Criminal Justice Information System a brief description of the nature of the ~~{qualifying}~~invisible condition in the individual's record.

~~{gg}~~f) (i) Upon the law enforcement officer's request, the division shall release the brief description described in Subsection (4)(~~{ff}~~e) to a law enforcement officer who is responding to ~~{a person's}~~an individual's medical emergency or investigating ~~{a person}~~an individual for a potential traffic or criminal offense while the ~~{person}~~individual is in the law enforcement officer's presence.

(ii) Nothing in this section requires a law enforcement officer to make a request described in Subsection (4)(f)(i).

~~{hh}~~g) Except as provided in Subsection (4)(~~{gg}~~f)(i), the division may not release the information described in Subsection (4)(~~{ff}~~e).

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(f)h Upon an individual's written request, the division shall remove information about the individual's ~~{qualifying}~~invisible condition within 30 days after the day on which the division receives the request.

(5) As provided in Section 63G-2-302, the information described in Subsection (4)(a) is a private record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

~~[(4)]~~ (f)5~~(6)~~ (a) (i) The division, upon determining after an examination that an applicant is mentally and physically qualified to be granted a driving privilege, may issue to an applicant a receipt for the fee if the applicant is eligible for a regular license certificate or limited-term license certificate.

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

(B) A temporary regular license certificate or a temporary limited-term license certificate issued under this Subsection ~~[(4)]~~ (f)5~~(6)~~ shall be recognized and have the same rights and privileges as a regular license certificate or a limited-term license certificate.

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

(c) The division shall indicate on the temporary regular license certificate or temporary limited-term license certificate a date after which ~~[it]~~ the temporary regular license certificate or temporary limited-term license certificate is not valid as a temporary license.

(d) (i) Except as provided in Subsection ~~[(4)]~~ (f)5~~(6)~~(d)(ii), the division may not issue a temporary driving privilege card or other temporary permit to an applicant for a driving privilege card.

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

~~[(5)]~~ (f)6~~(7)~~ (a) The division shall distinguish learner permits, temporary permits,

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regular license certificates, limited-term license certificates, and driving privilege cards issued to any individual younger than 21 years [~~of age~~] old by use of plainly printed information or the use of a color or other means not used for other regular license certificates, limited-term license certificates, or driving privilege cards.

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

~~[(6)]~~ ~~(~~7~~)~~ (8) The division shall distinguish a limited-term license certificate by clearly indicating on the document:

- (a) that [it] the limited-term license certificate is temporary; and
- (b) [~~its~~] the limited-term license certificate's expiration date.

~~[(7)]~~ ~~(~~8~~)~~ (9) (a) The division shall only issue a driving privilege card to an individual whose privilege was obtained without providing evidence of lawful presence in the United States as required under Subsection 53-3-205(8).

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

- (i) use of a format, color, font, or other means; and
- (ii) clearly displaying on the front of the driving privilege card a phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

~~[(8)]~~ ~~(~~9~~)~~ (10) The provisions of Subsection ~~[(5)]~~ ~~(~~6~~)~~ (7)(b) do not apply to a learner permit, temporary permit, temporary regular license certificate, temporary limited-term license certificate, or any other temporary permit.

~~[(9)]~~ ~~(~~10~~)~~ (11) The division shall issue temporary license certificates of the same nature, except as to duration, as the license certificates that they temporarily replace, as are necessary to implement applicable provisions of this section and Section 53-3-223.

~~[(10)]~~ ~~(~~11~~)~~ (12) (a) A governmental entity may not accept a driving privilege card as proof of personal identification.

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

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~~[(11) A person]~~ ~~(~~12~~13)~~ An individual who violates Subsection (2)(b) is guilty of an infraction.

~~[(12)]~~ ~~(~~13~~14)~~ Unless otherwise provided, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a:

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

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

Section 4. Section **53-3-805** is amended to read:

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

(1) As used in this section:

(a) "Health care professional" means the same as that term is defined in Subsection 53-3-207(1).

(b) "~~{Qualifying}~~ Invisible condition" means a ~~{physical or mental condition that may interfere with a person's ability to communicate with a law enforcement officer, including:~~

~~— (i) a communication impediment;~~

~~— (ii) hearing loss;~~

~~— (iii) blindness or a visual impairment;~~

~~— (iv) autism spectrum disorder;~~

~~— (v) a drug allergy;~~

~~— (vi) Alzheimer's disease or dementia;~~

~~— (vii) post-traumatic stress disorder;~~

~~— (viii) traumatic brain injury;~~

~~— (ix) schizophrenia;~~

~~— (x) epilepsy;~~

~~— (xi) a developmental disability;~~

~~— (xii) Down's syndrome;~~

~~— (xiii) diabetes;~~

~~— (xiv) a heart condition; or~~

~~— (xv) any other condition as approved by the commissioner or the commissioner's designee;~~

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~~(c) "Qualifying" the same as that term is defined in Subsection 53-3-207(1).~~

(c) "Invisible condition identification symbol" means {a symbol or alphanumeric code that indicates that the individual is an individual with a qualifying condition} the same as that term is defined in Subsection 53-3-207(1).

~~(+)~~ (2) (a) The division shall issue an identification card that bears:

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

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

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

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

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

(vi) an indication whether the [person] individual intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act; and

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

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

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

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

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

(5) (a) The division shall include or affix {a qualifying} an invisible condition identification symbol on an {applicant's} individual's identification card if the {applicant:

~~(i) submits an application to the division request} individual, on a form prescribed by the department:~~

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(i) requests the division to include the ~~{qualifying}~~invisible condition identification symbol;~~{ and};~~

(ii) provides written verification from a health care professional that the ~~{applicant}~~individual is an individual with ~~{a qualifying}~~an invisible condition; and

(iii) ~~{signs a}~~submits a signed waiver of liability for the release of any medical information to:

(A) the department;

(B) any person who has access to the ~~{applicant's}~~individual's medical information as recorded on the ~~{applicant's}~~individual's driving record or the Utah Criminal Justice Information System under this chapter; and

(C) any other person who may view or receive notice of the ~~{applicant's}~~individual's medical information by ~~{virtue of having seen}~~seeing the ~~{applicant's}~~individual's regular license certificate, limited-term license certificate, or driving privilege card;

~~—— (b) The application; or the individual's information in the Utah Criminal Justice Information System.~~

(b) As part of the form described in Subsection (~~{4}~~5)(a)~~{(i)}~~, the department shall advise the ~~{applicant}~~individual that by submitting the ~~{applicant}~~request and signed waiver, the individual consents to the release of the ~~{applicant's}~~individual's medical information to any person described in Subsections (~~{4}~~5)(a)(iii)(A) through (C), even if the person is otherwise ineligible to access the ~~{applicant's}~~individual's medical information under state or federal law.

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

~~{ (c) The division may not:~~

~~(i) charge a fee to include the ~~{qualifying}~~invisible condition identification symbol on the ~~{applicant's}~~individual's identification card; or~~

~~(ii) after including the ~~{qualifying}~~invisible condition identification symbol on the ~~{applicant's}~~individual's previously issued identification card, require the ~~{applicant}~~individual to provide subsequent written verification described in Subsection (5)(a)(ii) to include the ~~{qualifying}~~invisible condition identification symbol on the ~~{applicant's}~~individual's extended identification card.~~

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(d) The inclusion of ~~fa qualifying~~an invisible condition identification symbol on an individual's identification card in accordance with Subsection (5)(a) does not confer any legal rights or privileges on the individual, including parking privileges for individuals with disabilities under Section 41-1a-414.

(e) For each individual issued an identification card under this section that includes ~~fa qualifying~~an invisible condition identification symbol, the division shall include in the division's database and the Utah Criminal Justice Information System a brief description of the nature of the ~~fqualifying~~invisible condition in the individual's record.

(f) (i) Upon the law enforcement officer's request, the division shall release the brief description described in Subsection (5)(e) to a law enforcement officer who is responding to ~~fa person's~~an individual's medical emergency or investigating ~~fa person~~an individual for a potential traffic or criminal offense while the ~~fperson~~individual is in the law enforcement officer's presence.

(ii) Nothing in this section requires a law enforcement officer to make a request described in Subsection (5)(f)(i).

(g) Except as provided in Subsection (5)(f)(i), the division may not release the information described in Subsection (5)(e).

(h) Upon an individual's written request, the division shall remove from the division's vehicle registration database and the Utah Criminal Justice System any information about the individual's ~~fqualifying~~invisible condition within 30 days after the day on which the division receives the request.

(6) As provided in Section 63G-2-302, the information described in Subsection (5)(a) is a private record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

[(4)] (~~6~~7) (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated by the applicant 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~~] individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.

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

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

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

~~[(5)]~~ ~~[(7);8]~~ 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]~~ individuals who indicate their status as a veteran under Subsection 53-3-804(2)(l).

~~[(6)]~~ ~~[(8);9]~~ The division and ~~[its]~~ the division's employees are not liable, as a result of false or inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

(a) loss;

(b) detriment; or

(c) injury.

~~[(7)]~~ ~~[(9);10]~~ (a) The division may issue a temporary regular identification card to ~~[a person]~~ an individual while the ~~[person]~~ individual obtains the required documentation to establish verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).

(b) A temporary regular identification card issued under this Subsection ~~[(7)]~~ ~~[(9);10]~~ shall be recognized and grant the ~~[person]~~ individual the same privileges as a regular identification card.

(c) A temporary regular identification card issued under this Subsection ~~[(7)]~~ ~~[(9);10]~~ is invalid:

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

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

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

Section 5. Effective date.

This bill takes effect on October 15, 2022.