

HEALTH EVALUATIONS FOR DRIVING AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires the Driver License Division to disclose the purpose and ramifications of health-related questions on a driver license application.

Highlighted Provisions:

This bill:

▶ prohibits the Driver License Division from including questions on a driver license application that pertain to health conditions that are unlikely to impact the applicant's fitness to operate a motor vehicle; and

▶ requires the Driver License Division to include a statement with each question on the driver license application pertaining to a medical condition indicating that the applicant may be subject to regular evaluations of the medical condition to ensure fitness to operate a motor vehicle.

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 2022, Chapter 46



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

29 Section 1. Section **53-3-205** is amended to read:

30 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
31 **Expiration dates of licenses and endorsements -- Information required -- Previous**
32 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
33 **Fee required -- License agreement.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

62 (a) not more than two attempts to pass a knowledge test and not more than two
63 attempts to pass a skills test within six months after the date of the application; and

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

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

68 (b) (i) An out-of-state resident who holds a valid CDIP issued by a state or jurisdiction
69 that is compliant with 49 C.F.R. Part 383 may take a skills test administered by the division if
70 the out-of-state resident pays the fee provided in Subsection [53-3-105](#)(19).

71 (ii) The division shall:

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

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

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

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

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

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

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

89 (d) An endorsement to a license expires on the same date as the license certificate

90 regardless of the date the endorsement was granted.

91 (e) (i) A regular license certificate and an endorsement to the regular license certificate
92 held by an individual described in Subsection (7)(e)(ii), that expires during the time period the
93 individual is stationed outside of the state, is valid until 90 days after the individual's orders are
94 terminated, the individual is discharged, or the individual's assignment is changed or
95 terminated, unless:

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

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

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

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

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

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

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

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

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

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

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

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

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

123 (i) provide:

124 (A) the applicant's full legal name;

125 (B) the applicant's birth date;

126 (C) the applicant's sex;

127 (D) (I) documentary evidence of the applicant's valid social security number;

128 (II) written proof that the applicant is ineligible to receive a social security number;

129 (III) the applicant's temporary identification number (ITIN) issued by the Internal

130 Revenue Service for an individual who:

131 (Aa) does not qualify for a social security number; and

132 (Bb) is applying for a driving privilege card; or

133 (IV) other documentary evidence approved by the division;

134 (E) the applicant's Utah residence address as documented by a form or forms

135 acceptable under rules made by the division under Section 53-3-104, unless the application is

136 for a temporary CDL issued under Subsection 53-3-407(2)(b); and

137 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the
138 applicant is applying for a driving privilege card;

139 (ii) provide evidence of the applicant's lawful presence in the United States by
140 providing documentary evidence:

141 (A) that the applicant is:

142 (I) a United States citizen;

143 (II) a United States national; or

144 (III) a legal permanent resident alien; or

145 (B) of the applicant's:

146 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
147 States;

148 (II) pending or approved application for asylum in the United States;

149 (III) admission into the United States as a refugee;

150 (IV) pending or approved application for temporary protected status in the United
151 States;

- 152 (V) approved deferred action status;
- 153 (VI) pending application for adjustment of status to legal permanent resident or
- 154 conditional resident; or
- 155 (VII) conditional permanent resident alien status;
- 156 (iii) provide a description of the applicant;
- 157 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
- 158 and, if so, when and by what state or country;
- 159 (v) state whether the applicant has ever had a license suspended, cancelled, revoked,
- 160 disqualified, or denied in the last 10 years, or whether the applicant has ever had a license
- 161 application refused, and if so, the date of and reason for the suspension, cancellation,
- 162 revocation, disqualification, denial, or refusal;
- 163 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
- 164 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection [~~(15)~~;] (16);
- 165 (vii) state whether the applicant is required to register as a sex offender in accordance
- 166 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 167 (viii) state whether the applicant is a veteran of the United States military, provide
- 168 verification that the applicant was granted an honorable or general discharge from the United
- 169 States Armed Forces, and state whether the applicant does or does not authorize sharing the
- 170 information with the Department of Veterans and Military Affairs;
- 171 (ix) provide all other information the division requires; and
- 172 (x) sign the application which signature may include an electronic signature as defined
- 173 in Section [46-4-102](#).
- 174 (b) Unless the applicant provides acceptable verification of homelessness as described
- 175 in rules made by the division, an applicant shall have a Utah residence address, unless the
- 176 application is for a temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).
- 177 (c) 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) The division shall maintain on the division's computerized records an applicant's:
- 180 (i) (A) social security number;
- 181 (B) temporary identification number (ITIN); or
- 182 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

183 (ii) indication whether the applicant is required to register as a sex offender in
184 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

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

187 (a) current license certificate;

188 (b) birth certificate;

189 (c) Selective Service registration; or

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

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

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

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

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

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

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

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

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

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

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

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

213 (12) An application for reinstatement of a license after the suspension, cancellation,

214 disqualification, denial, or revocation of a previous license is accompanied by the additional
215 fee or fees specified in Section 53-3-105.

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

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

222 (15) (a) The division may not require as part of the application for a license under this
223 section that the applicant disclose any medical condition or information that would not impact
224 the applicant's ability to safely operate a motor vehicle.

225 (b) For any question on an application for a license under this section pertaining to the
226 applicant's medical condition, the division shall include a statement notifying the applicant that
227 if the applicant has certain medical conditions, the applicant will be subject to regular medical
228 evaluations to ensure fitness to operate a motor vehicle.

229 (c) The division shall ensure that the statement described in Subsection (15)(b) appears
230 on the application before the questions pertaining to the applicant's health conditions.

231 [~~15~~] (16) (a) A licensee shall authenticate the indication of intent under Subsection
232 (8)(a)(vi) in accordance with division rule.

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

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

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

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

240 [~~16~~] (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and
241 Management Act, the division may release to the Department of Veterans and Military Affairs
242 the names and addresses of all applicants who indicate their status as a veteran under
243 Subsection (8)(a)(viii).

244 [~~17~~] (18) Notwithstanding Title 63G, Chapter 2, Government Records Access and

245 Management Act, the division shall, upon request, release to the Sex and Kidnap Offender
246 Registry office in the Department of Corrections, the names and addresses of all applicants
247 who, under Subsection (8)(a)(vii), indicate they are required to register as a sex offender in
248 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

249 ~~[(18)]~~ (19) The division and its employees are not liable, as a result of false or
250 inaccurate information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

- 251 (a) loss;
- 252 (b) detriment; or
- 253 (c) injury.

254 ~~[(19)]~~ (20) An applicant who knowingly fails to provide the information required under
255 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

256 ~~[(20)]~~ (21) A person may not hold both an unexpired Utah license certificate and an
257 unexpired identification card.

258 ~~[(21)]~~ (22) (a) An applicant who applies for an original motorcycle endorsement to a
259 regular license certificate is exempt from the requirement to pass the knowledge and skills test
260 to be eligible for the motorcycle endorsement if the applicant:

- 261 (i) is a resident of the state of Utah;
- 262 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed
263 forces of the United States; or

264 (B) is an immediate family member or dependent of an individual described in
265 Subsection ~~[(21)(a)(ii)(A)]~~ (22)(a)(ii)(A) and is residing outside of Utah;

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

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

269 (v) provides the necessary information and documentary evidence required under
270 Subsection (8).

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

273 (i) establishing the procedures for an individual to obtain a motorcycle endorsement
274 under this Subsection ~~[(21)]~~ (22); and

275 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under

276 this Subsection [~~(21)~~] (22).