

## SB0132S01 compared with SB0132

~~{deleted text}~~ shows text that was in SB0132 but was deleted in SB0132S01.

inserted text shows text that was not in SB0132 but was inserted into SB0132S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Todd D. Weiler proposes the following substitute bill:

### DRIVING PRIVILEGE CARD FINGERPRINTING REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill allows an approved private fingerprint vendor to take and submit digital fingerprint scans and a photograph of an applicant to the Bureau of Criminal ~~{Investigation}~~Identification for driving privilege card purposes.

##### Highlighted Provisions:

This bill:

- ▶ allows a private fingerprint vendor to request approval from the Driver License Division to take digital fingerprint scans of an applicant for purposes of a driving privilege card application;
- ▶ requires the Driver License Division to review a request from a private vendor and

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authorize the vendor to provide finger printing services for driving privilege card application purposes;

- ▶ allows an approved fingerprint vendor to take digital fingerprint scans and a photograph~~(s)~~ and submit the scans to the Bureau of Criminal ~~Investigation~~ Identification for purposes of a driving privilege card application;
- ▶ requires the Driver License Division to create and maintain a list of approved fingerprint vendors on the Driver License Division's website; and
- ▶ makes technical changes.

### 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

**53-3-205.5**, as last amended by Laws of Utah 2016, Chapter 29

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

- (1) An application for an original license, provisional license, or endorsement shall be:
  - (a) made upon a form furnished by the division; and
  - (b) accompanied by a nonrefundable fee set under Section 53-3-105.
- (2) An application and fee for an original provisional class D license or an original class D license entitle the applicant to:
  - (a) not more than three attempts to pass both the knowledge and the skills tests for a class D license within six months after the date of the application;
  - (b) a learner permit if needed pending completion of the application and testing

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process; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The division shall:

(A) electronically transmit skills test results for an out-of-state resident to the licensing

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agency in the state or jurisdiction in which the out-of-state resident has obtained a valid CDIP;  
and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) provide:

(A) the applicant's full legal name;

(B) the applicant's birth date;

(C) the applicant's sex;

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

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

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

Revenue Service for an individual who:

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

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

(IV) other documentary evidence approved by the division;

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

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acceptable under rules made by the division under Section 53-3-104, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b); and

(F) fingerprints, or a fingerprint confirmation form described in Subsection 53-3-205.5(1)(a)(ii), and a photograph in accordance with Section 53-3-205.5 if the applicant is applying for a driving privilege card;

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

(A) that the applicant is:

(I) a United States citizen;

(II) a United States national; or

(III) a legal permanent resident alien; or

(B) of the applicant's:

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

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

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

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

(V) approved deferred action status;

(VI) pending application for adjustment of status to legal permanent resident or conditional resident; or

(VII) conditional permanent resident alien status;

(iii) provide a description of the applicant;

(iv) state whether the applicant has previously been licensed to drive a motor vehicle and, if so, when and by what state or country;

(v) state whether the applicant has ever had a license suspended, cancelled, revoked, disqualified, or denied in the last 10 years, or whether the applicant has ever had a license application refused, and if so, the date of and reason for the suspension, cancellation, revocation, disqualification, denial, or refusal;

(vi) state whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

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(vii) state whether the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

(viii) state whether the applicant is a veteran of the United States military, provide verification that the applicant was granted an honorable or general discharge from the United States Armed Forces, and state whether the applicant does or does not authorize sharing the information with the Department of Veterans and Military Affairs;

(ix) provide all other information the division requires; and

(x) sign the application which signature may include an electronic signature as defined in Section 46-4-102.

(b) Unless the applicant provides acceptable verification of homelessness as described in rules made by the division, an applicant shall have a Utah residence address, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b).

(c) An applicant shall provide evidence of lawful presence in the United States in accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

(d) The division shall maintain on the division's computerized records an applicant's:

(i) (A) social security number;

(B) temporary identification number (ITIN); or

(C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

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

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

(a) current license certificate;

(b) birth certificate;

(c) Selective Service registration; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) (a) A licensee shall authenticate the indication of intent under Subsection (8)(a)(vi) 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 applicants who,



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under Subsection (8)(a)(vi), indicate that they intend to make an anatomical gift.

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

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

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

(16) 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 applicants who indicate their status as a veteran under Subsection (8)(a)(viii).

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

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

(a) loss;

(b) detriment; or

(c) injury.

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Section **53-3-205.5** is amended to read:

**53-3-205.5. Fingerprint and photograph submission requirements for driving privilege card applicants and cardholders -- Approved private fingerprint vendor requests -- Division approval of a vendor.**

(1) (a) Every applicant for an original driving privilege card shall submit~~[-(i)]~~ an application to the division~~[-; and (ii) fingerprints and a photograph]~~ and f.i., in a sealed envelope provided by the Bureau of Criminal Identification, an approved fingerprint vendor, or a law enforcement agency, either:

(i) a photograph of the applicant and the applicant's fingerprints; or

(ii) a photograph of the applicant and a confirmation form from an approved fingerprint vendor, described in Subsection (1)(c), stating that:

(A) the vendor attests that the vendor verified the photograph to be placed in the envelope is a photograph of the individual whose fingerprints were digitally taken; and

(B) the vendor attests to have electronically submitted the digital fingerprint scans of the photographed individual directly to the Bureau of Criminal Identification's fingerprint database.

(b) If an applicant for a renewal of a driving privilege card has not previously submitted ~~[fingerprints and a photograph]~~ the required materials listed in Subsection (1)(a) to the division, the applicant shall submit ~~[fingerprints and a photograph]~~ the required materials listed in Subsection (1)(a) in a sealed envelope provided by the Bureau of Criminal Identification or a law enforcement agency.

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(c) (i) The division shall create and maintain on the division's website a list of approved fingerprint vendors and each vendor's contact information ~~{ on the division's website }~~.

(ii) The division shall review an approval request from a fingerprint vendor and determine whether to approve the vendor and add the vendor to the approved fingerprint vendor website list.

(iii) The division shall approve a fingerprint vendor and add the vendor to the division's website list if the vendor:

(A) uses digital fingerprint technology that can submit digital fingerprints directly to the Bureau of Criminal ~~{ Investigation's }~~ Identification's database;

(B) agrees to verify the identity of the individual by visually inspecting a government-issued photograph identification, as described in Subsection (1)(c)(iv), that the individual is required to present to the vendor;

(~~{B}~~C) agrees to certify on the fingerprint confirmation form that the individual fingerprinted and the individual photographed under Subsection (1)(a)(ii) are the same individual; and

(~~{C}~~D) agrees to place the photograph and fingerprint confirmation form inside the envelope described in Subsection (1)(a) and to seal the envelope.

(iv) A fingerprint vendor may accept a government-issued form of identification described in Subsection (1)(c)(v) for purposes of Subsection (1)(c)(iii)(B) if the identification includes the individual's name and photograph.

(v) A fingerprint vendor may accept the following photographic identifications required in Subsection (1)(c)(iv):

(A) a driver license from any state or country;

(B) an identification card from any state or country;

(C) a passport from any country;

(D) a passport card from any country;

(E) a border crossing card;

(F) a consulate card from any country;

(G) a visa;

(H) an employment authorization card;

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(I) a foreign voter's registration card;

(J) a military identification card; and

(K) other forms of identification approved by the division.

~~(c)~~ (d) (i) The Bureau of Criminal Identification, an approved fingerprint vendor, or a law enforcement agency that has the capability of handling fingerprint and photograph submissions shall take the applicant's fingerprints and photo for submission under Subsection (1).

(ii) An approved fingerprint vendor shall take the applicant's fingerprints via digital fingerprint technology and electronically submit the digital fingerprint scans directly to the Bureau of Criminal ~~Investigation via the Bureau of Criminal Investigation's~~ Identification's database.

(2) The division shall submit fingerprints or a fingerprint confirmation form for each person described in Subsection (1) to the Bureau of Criminal Identification established in Section 53-10-201.

(3) The Bureau of Criminal Identification shall:

(a) check the fingerprints submitted under Subsection (1) against the applicable state and regional criminal records databases;

(b) maintain a separate file of fingerprints submitted under Subsection (1) for search by future submissions to the local, state, and regional criminal records databases, including latent prints; and

(c) provide notice to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security of any new or existing criminal history record or new or existing warrant information contained in or entered in local, state, or regional databases.

(4) In addition to any other fees authorized by this chapter, the division shall:

(a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification or other authorized agency provides under this section; and

(b) remit the fees collected under Subsection (4)(a) to the Bureau of Criminal Identification.