

DRIVER LICENSE TESTING MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions related to driver license testing for an individual who is a humanitarian parolee.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to testing to obtain a driver license to allow a humanitarian parolee the same testing procedures provided to refugees and approved asylees; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53-3-205, as last amended by Laws of Utah 2021, Chapters 247 and 284

53-3-206, as last amended by Laws of Utah 2018, Chapter 128

53-3-410, as last amended by Laws of Utah 2016, Chapter 175

53-3-804, as last amended by Laws of Utah 2021, Chapter 191



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) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
69 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
70 administered by the division if the out-of-state resident pays the fee provided in Subsection
71 53-3-105(19).

72 (ii) The division shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the

121 birth date of the applicant in the first year following the year that the driving privilege card was
122 issued or renewed.

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

125 (i) provide:

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

127 (B) the applicant's birth date;

128 (C) the applicant's sex;

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

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

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

132 Revenue Service for an individual who:

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

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

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

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

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

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

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

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

143 (A) that the applicant is:

144 (I) a United States citizen;

145 (II) a United States national; or

146 (III) a legal permanent resident alien; or

147 (B) of the applicant's:

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

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

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

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

- 183 (i) (A) social security number;
- 184 (B) temporary identification number (ITIN); or
- 185 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
- 186 (ii) indication whether the applicant is required to register as a sex offender in
- 187 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.
- 188 (9) The division shall require proof of an applicant's name, birth date, and birthplace by
- 189 at least one of the following means:
- 190 (a) current license certificate;
- 191 (b) birth certificate;
- 192 (c) Selective Service registration; or
- 193 (d) other proof, including church records, family Bible notations, school records, or
- 194 other evidence considered acceptable by the division.
- 195 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
- 196 higher class than what the applicant originally was issued:
- 197 (i) the license application is treated as an original application; and
- 198 (ii) license and endorsement fees is assessed under Section [53-3-105](#).
- 199 (b) An applicant that receives a downgraded license in a lower license class during an
- 200 existing license cycle that has not expired:
- 201 (i) may be issued a duplicate license with a lower license classification for the
- 202 remainder of the existing license cycle; and
- 203 (ii) shall be assessed a duplicate license fee under Subsection [53-3-105\(25\)](#) if a
- 204 duplicate license is issued under Subsection (10)(b)(i).
- 205 (c) An applicant who has received a downgraded license in a lower license class under
- 206 Subsection (10)(b):
- 207 (i) may, when eligible, receive a duplicate license in the highest class previously issued
- 208 during a license cycle that has not expired for the remainder of the existing license cycle; and
- 209 (ii) shall be assessed a duplicate license fee under Subsection [53-3-105\(25\)](#) if a
- 210 duplicate license is issued under Subsection (10)(c)(i).
- 211 (11) (a) When an application is received from an applicant previously licensed in
- 212 another state to drive a motor vehicle, the division shall request a copy of the driver's record
- 213 from the other state.

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

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

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

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

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

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

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

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

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

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

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

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

245 (a) loss;

246 (b) detriment; or

247 (c) injury.

248 (19) An applicant who knowingly fails to provide the information required under

249 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

250 (20) A person may not hold both an unexpired Utah license certificate and an

251 unexpired identification card.

252 (21) (a) An applicant who applies for an original motorcycle endorsement to a regular

253 license certificate is exempt from the requirement to pass the knowledge and skills test to be

254 eligible for the motorcycle endorsement if the applicant:

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

256 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed

257 forces of the United States; or

258 (B) is an immediate family member or dependent of an individual described in

259 Subsection (21)(a)(ii)(A) and is residing outside of Utah;

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

261 (iv) provides proof to the division of the successful completion of a certified

262 Motorcycle Safety Foundation rider training course; and

263 (v) provides the necessary information and documentary evidence required under

264 Subsection (8).

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

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

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

271 Section 2. Section **53-3-206** is amended to read:

272 **53-3-206. Examination of applicant's physical and mental fitness to drive a motor**
273 **vehicle.**

274 (1) The division shall examine every applicant for a license, including a test of the
275 applicant's:

- 276 (a) eyesight either:
277 (i) by the division; or
278 (ii) by allowing the applicant to furnish to the division a statement from a physician
279 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or an optometrist licensed
280 under Title 58, Chapter 16a, Utah Optometry Practice Act;
- 281 (b) ability to read and understand highway signs regulating, warning, and directing
282 traffic;
- 283 (c) ability to read and understand simple English used in highway traffic and
284 directional signs;
- 285 (d) knowledge of the state traffic laws;
- 286 (e) other physical and mental abilities the division finds necessary to determine the
287 applicant's fitness to drive a motor vehicle safely on the highways; and
- 288 (f) ability to exercise ordinary and responsible control driving a motor vehicle, as
289 determined by actual demonstration or other indicator.
- 290 (2) (a) Notwithstanding the provisions of Subsection (1) or any other provision of law,
291 the division shall allow a refugee [or], an approved asylee, or a humanitarian parolee to take an
292 examination of the person's knowledge of the state traffic laws in the person's native language:
- 293 (i) the first time the person applies for a limited-term license certificate; and
294 (ii) the first time the person applies for a renewal of a limited-term license certificate.
- 295 (b) Upon the second renewal of a refugee's [or], approved asylee's, or humanitarian
296 parolee's limited-term license certificate for a refugee [or], approved asylee, or humanitarian
297 parolee that has taken the knowledge exam in the person's native language under Subsection
298 (2)(a), the division shall re-examine the person's knowledge of the state traffic laws in English.
- 299 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
300 division shall make rules establishing the procedures and requirements for a refugee [or], an
301 approved asylee, or humanitarian parolee to take an examination of the person's knowledge of
302 the state traffic laws in the person's native language.
- 303 (3) The division shall determine whether any facts exist that would bar granting a
304 license under Section [53-3-204](#).
- 305 (4) The division shall examine each applicant according to the class of license applied
306 for.

307 (5) An applicant for a CDL shall meet all additional requirements of Part 4, Uniform
308 Commercial Driver License Act, of this chapter.

309 Section 3. Section **53-3-410** is amended to read:

310 **53-3-410. Applicant information required for CDIP and CDL -- State resident to**
311 **have state CDL.**

312 (1) The application for a CDL, limited-term CDL, or CDIP shall include the following
313 information regarding the applicant:

314 (a) full legal name;

315 (b) current mailing address;

316 (c) Utah residential address, unless the application is for a temporary CDL issued under
317 Subsection [53-3-407\(2\)\(b\)](#);

318 (d) physical description, including sex, height, weight, and eye color;

319 (e) date of birth;

320 (f) documentary evidence of the applicant's valid [~~Social Security~~] social security
321 number;

322 (g) a complete list of all states in which the applicant was issued a driver license in the
323 previous 10 years upon:

324 (i) initial issuance of a Utah license;

325 (ii) renewal of a CDL for the first time after September 30, 2002; or

326 (iii) transfer of a CDL from another state;

327 (h) the applicant's signature;

328 (i) evidence of the applicant's lawful presence in the United States by providing
329 documentary evidence:

330 (i) that a person is:

331 (A) a United States Citizen;

332 (B) a United States national; or

333 (C) a legal permanent resident alien; or

334 (ii) of the applicant's:

335 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
336 States;

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

- 338 (C) admission into the United States as a refugee;
- 339 (D) admission into the United States as a humanitarian parolee;
- 340 ~~[(D)]~~ (E) pending or approved application for temporary protected status in the United
- 341 States;
- 342 ~~[(E)]~~ (F) approved deferred action status;
- 343 ~~[(F)]~~ (G) pending application for adjustment of status to legal permanent resident or
- 344 conditional resident; or
- 345 ~~[(G)]~~ (H) conditional permanent resident alien status; and
- 346 (j) beginning on January 30, 2012, a medical certification status.

347 (2) An application under this section shall also include all certifications required by 49
 348 C.F.R., Part 383.71.

349 (3) When the holder of a license under this part changes the holder's name, mailing
 350 address, or residence, the holder shall make application for a duplicate license within 30 days
 351 of the change.

352 (4) A person who has been a resident of this state for 30 consecutive days may not
 353 drive a commercial motor vehicle under the authority of a commercial driver license issued by
 354 another jurisdiction.

355 Section 4. Section **53-3-804** is amended to read:

356 **53-3-804. Application for identification card -- Required information -- Release**
 357 **of anatomical gift information -- Cancellation of identification card.**

358 (1) To apply for a regular identification card or limited-term identification card, an
 359 applicant shall:

- 360 (a) be a Utah resident;
- 361 (b) have a Utah residence address; and
- 362 (c) appear in person at any license examining station.

363 (2) An applicant shall provide the following information to the division:

- 364 (a) true and full legal name and Utah residence address;
- 365 (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or
 366 other satisfactory evidence of birth, which shall be attached to the application;
- 367 (c) (i) social security number; or
- 368 (ii) written proof that the applicant is ineligible to receive a social security number;

- 369 (d) place of birth;
- 370 (e) height and weight;
- 371 (f) color of eyes and hair;
- 372 (g) signature;
- 373 (h) photograph;
- 374 (i) evidence of the applicant's lawful presence in the United States by providing
- 375 documentary evidence:
 - 376 (i) that the applicant is:
 - 377 (A) a United States citizen;
 - 378 (B) a United States national; or
 - 379 (C) a legal permanent resident alien; or
 - 380 (ii) of the applicant's:
 - 381 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
 - 382 States;
 - 383 (B) pending or approved application for asylum in the United States;
 - 384 (C) admission into the United States as a refugee;
 - 385 (D) admission into the United States as a humanitarian parolee;
 - 386 [~~(D)~~] (E) pending or approved application for temporary protected status in the United
 - 387 States;
 - 388 [~~(E)~~] (F) approved deferred action status;
 - 389 [~~(F)~~] (G) pending application for adjustment of status to legal permanent resident or
 - 390 conditional resident; or
 - 391 [~~(G)~~] (H) conditional permanent resident alien status;
 - 392 (j) an indication whether the applicant intends to make an anatomical gift under Title
 - 393 26, Chapter 28, Revised Uniform Anatomical Gift Act;
 - 394 (k) an indication whether the applicant is required to register as a sex offender in
 - 395 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry; and
 - 396 (l) an indication whether the applicant is a veteran of the United States Armed Forces,
 - 397 verification that the applicant has received an honorable or general discharge from the United
 - 398 States Armed Forces, and an indication whether the applicant does or does not authorize
 - 399 sharing the information with the state Department of Veterans and Military Affairs.

400 (3) (a) The requirements of Section 53-3-234 apply to this section for each individual,
401 age 16 and older, applying for an identification card.

402 (b) Refusal to consent to the release of information under Section 53-3-234 shall result
403 in the denial of the identification card.

404 (4) An individual person who knowingly fails to provide the information required
405 under Subsection (2)(k) is guilty of a class A misdemeanor.

406 (5) (a) A person may not hold both an unexpired Utah license certificate and an
407 unexpired identification card.

408 (b) A person who holds a regular or limited term Utah driver license and chooses to
409 relinquish the person's driving privilege may apply for an identification card under this chapter,
410 provided:

411 (i) the driver:

412 (A) no longer qualifies for a driver license for failure to meet the requirement in
413 Section 53-3-304; or

414 (B) makes a personal decision to permanently discontinue driving; [~~and~~]

415 (ii) the driver:

416 (A) submits an application to the division on a form approved by the division in
417 person, through electronic means, or by mail;

418 (B) affirms their intention to permanently discontinue driving; and

419 (C) surrenders to the division the driver license certificate; and

420 (iii) the division possesses a digital photograph of the driver obtained within the
421 preceding 10 years.

422 (c) (i) The division shall waive the fee under Section 53-3-105 for an identification
423 card for an original identification card application under this Subsection (5).

424 (ii) The fee waiver described in Subsection (5)(c)(i) does not apply to a person whose
425 driving privilege is suspended or revoked.

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

431 Section 5. **Effective date.**

432 If approved by two-thirds of all the members elected to each house, this bill takes effect
433 upon approval by the governor, or the day following the constitutional time limit of Utah
434 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
435 the date of veto override.