

1 **DRIVER LICENSE EXAM REVISIONS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Carol Spackman Moss**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to limited-term driver license certificate and
10 renewals for an approved asylee or refugee.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ changes the term of a limited-term license certificate issued to an approved asylee or
14 refugee from four years to five years;

15 ▶ allows an approved asylee or refugee applicant for a limited-term driver license
16 certificate renewing the limited-term license certificate for the first time to take the
17 written examination in the person's native language;

18 ▶ requires that upon the second renewal of an approved asylee's or refugee's
19 limited-term driver license certificate, the applicant shall take the written
20 examination in English; and

21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53-3-205**, as last amended by Laws of Utah 2016, Chapter 175

29 **53-3-206**, as last amended by Laws of Utah 2011, Chapter 415

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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 any 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 of the date of the application;
- (b) a learner permit if needed pending completion of the application and testing 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 of 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 and fees for a commercial class A, B, or C license entitle the applicant to:

- (a) not more than two attempts to pass a knowledge test and not more than two

58 attempts to pass a skills test within six months of the date of the application;

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

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

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

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

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

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

71 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
72 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
73 administered by the division if the out-of-state resident pays the fee provided in Subsection
74 [53-3-105\(20\)\(b\)](#).

75 (ii) The division shall:

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

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

80 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
81 expires on the birth date of the applicant in the fifth year following the year the license
82 certificate was issued.

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

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

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

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

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

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

98 (ii) The provisions in Subsection (7)(e)(i) apply to a person:

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

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

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

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

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

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

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

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

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

120 (h) An original license or a renewal to an original license expires on the birth date of
121 the applicant in the first year following the year that the license was issued if the applicant is
122 required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap
123 Offender Registry.

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

126 (i) provide:

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

128 (B) the applicant's birth date;

129 (C) the applicant's gender;

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

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

132 (III) the applicant's temporary identification number (ITIN) issued by the Internal
133 Revenue Service for a person who:

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

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

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

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

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

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

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

- 142 (ii) provide evidence of the applicant's lawful presence in the United States by
143 providing documentary evidence:
- 144 (A) that a person is:
- 145 (I) a United States citizen;
- 146 (II) a United States national; or
- 147 (III) a legal permanent resident alien; or
- 148 (B) of the applicant's:
- 149 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
150 States;
- 151 (II) pending or approved application for asylum in the United States;
- 152 (III) admission into the United States as a refugee;
- 153 (IV) pending or approved application for temporary protected status in the United
154 States;
- 155 (V) approved deferred action status;
- 156 (VI) pending application for adjustment of status to legal permanent resident or
157 conditional resident; or
- 158 (VII) 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 any license suspended, cancelled, revoked,
163 disqualified, or denied in the last 10 years, or whether the applicant has ever had any 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 state 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) Each applicant shall have a Utah residence address, unless the application is for a
178 temporary CDL issued under Subsection 53-3-407(2)(b).

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

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

182 (i) (A) social security number;

183 (B) temporary identification number (ITIN); or

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

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

187 (9) The division shall require proof of every applicant's name, birthdate, and birthplace
188 by at least one of the following means:

189 (a) current license certificate;

190 (b) birth certificate;

191 (c) Selective Service registration; or

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

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

196 (i) the license application shall be treated as an original application; and

197 (ii) license and endorsement fees shall be assessed under Section 53-3-105.

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

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

202 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
203 duplicate license is issued under Subsection (10)(b)(i).

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

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

208 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
209 duplicate license is issued under Subsection (10)(c)(i).

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

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

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

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

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

224 (15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by
225 the licensee in accordance with division rule.

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

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

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

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

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

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

239 (a) loss;

240 (b) detriment; or

241 (c) injury.

242 (18) A person who knowingly fails to provide the information required under
243 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

244 (19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may
245 hold both an unexpired Utah license certificate and an unexpired Utah identification card.

246 (b) On or after December 1, 2014, a person born on or after December 1, 1964:

247 (i) may not hold both an unexpired Utah license certificate and an unexpired
248 identification card; and

249 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
250 identification card in the person's possession, shall be required to surrender either the unexpired
251 Utah license certificate or the unexpired Utah identification card.

252 (c) If a person has not surrendered either the Utah license certificate or the Utah
253 identification card as required under this Subsection (19), the division shall cancel the Utah

254 identification card on December 1, 2014.

255 (20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold
256 both an unexpired Utah license certificate and an unexpired Utah identification card.

257 (b) On or after December 1, 2017, a person born prior to December 1, 1964:

258 (i) may not hold both an unexpired Utah license certificate and an unexpired
259 identification card; and

260 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
261 identification card in the person's possession, shall be required to surrender either the unexpired
262 Utah license certificate or the unexpired Utah identification card.

263 (c) If a person has not surrendered either the Utah license certificate or the Utah
264 identification card as required under this Subsection (20), the division shall cancel the Utah
265 identification card on December 1, 2017.

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

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

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

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

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

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

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

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

281 (i) establishing the procedures for a person to obtain a motorcycle endorsement under

282 this Subsection (21); and

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

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

286 **53-3-206. Examination of applicant's physical and mental fitness to drive a motor**
287 **vehicle.**

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

290 (a) eyesight either:

291 (i) by the division; or

292 (ii) by allowing the applicant to furnish to the division a statement from a physician
293 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or an optometrist licensed
294 under Title 58, Chapter 16a, Utah Optometry Practice Act;

295 (b) ability to read and understand highway signs regulating, warning, and directing
296 traffic;

297 (c) ability to read and understand simple English used in highway traffic and
298 directional signs;

299 (d) knowledge of the state traffic laws;

300 (e) other physical and mental abilities the division finds necessary to determine the
301 applicant's fitness to drive a motor vehicle safely on the highways; and

302 (f) ability to exercise ordinary and responsible control driving a motor vehicle, as
303 determined by actual demonstration or other indicator.

304 (2) (a) Notwithstanding the provisions of Subsection (1) or any other provision of law,
305 the division shall allow a refugee or an approved asylee to take an examination of the person's
306 knowledge of the state traffic laws in the person's native language;

307 (i) the first time the person applies for a limited-term license certificate[-]; and

308 (ii) the first time the person applies for a renewal of a limited-term license certificate.

309 (b) Upon the second renewal of a refugee's or approved asylee's limited-term license

310 certificate for a refugee or approved asylee that has taken the knowledge exam in the person's
311 native language under Subsection (2)(a), the division shall re-examine the person's knowledge
312 of the state traffic laws in English.

313 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
314 division shall make rules establishing the procedures and requirements for a refugee or an
315 approved asylee to take an examination of the person's knowledge of the state traffic laws in
316 the person's native language.

317 (3) The division shall determine whether any facts exist that would bar granting a
318 license under Section [53-3-204](#).

319 (4) The division shall examine each applicant according to the class of license applied
320 for.

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