

DRIVER LICENSE REVISIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

General Description:

This bill revises provisions in the Uniform Driver License Act.

Highlighted Provisions:

This bill:

▶ requires the Driver License Division of the Department of Public Safety, upon request from an individual and subject to certain written verification, to include an identifying symbol or sticker on the individual's driver license or identification card to indicate that the individual is an individual with a disability; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

46-1-2, as last amended by Laws of Utah 2019, Chapter 192

53-3-207, as last amended by Laws of Utah 2019, Chapter 232

53-3-805, as last amended by Laws of Utah 2018, Chapter 39

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



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

29 **46-1-2. Definitions.**

30 As used in this chapter:

31 (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer,
32 whose identity is personally known to the notary or proven on the basis of satisfactory
33 evidence, has admitted, in the presence of the notary, to voluntarily signing a document for the
34 document's stated purpose.

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

36 (3) "Commission" means:

37 (a) to empower to perform notarial acts; or

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

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

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

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

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

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

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

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

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

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

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

58 (a) the identity of a signer who:

- 59 (i) is personally known to the notary; or
- 60 (ii) provides the notary satisfactory evidence of the signer's identity;
- 61 (b) that the signer affirms or swears an oath attesting to the truthfulness of a document;
- 62 and
- 63 (c) that the signer voluntarily signs the document in the presence of the notary.
- 64 (10) "Notarial act" or "notarization" means an act that a notary is authorized to perform
- 65 under Section 46-1-6.
- 66 (11) "Notarial certificate" means the affidavit described in Section 46-1-6.5 that is:
- 67 (a) a part of or attached to a notarized document; and
- 68 (b) completed by the notary and bears the notary's signature and official seal.
- 69 (12) (a) "Notary" means an individual commissioned to perform notarial acts under this
- 70 chapter.
- 71 (b) "Notary" includes a remote notary.
- 72 (13) "Oath" or "affirmation" means a notarial act in which a notary certifies that a
- 73 person made a vow or affirmation in the presence of the notary on penalty of perjury.
- 74 (14) "Official misconduct" means a notary's performance of any act prohibited or
- 75 failure to perform any act mandated by this chapter or by any other law in connection with a
- 76 notarial act.
- 77 (15) (a) "Official seal" means the seal described in Section 46-1-16 that a notary may
- 78 attach to a notarial certificate to complete a notarization.
- 79 (b) "Official seal" includes an electronic seal.
- 80 (16) "Personally known" means familiarity with an individual resulting from
- 81 interactions with that individual over a period of time sufficient to eliminate every reasonable
- 82 doubt that the individual has the identity claimed.
- 83 (17) "Remote notarization" means a notarial act performed by a remote notary in
- 84 accordance with this chapter for an individual who is not in the physical presence of the remote
- 85 notary at the time the remote notary performs the notarial act.
- 86 (18) "Remote notary" means a notary that holds an active remote notary certification
- 87 under Section 46-1-3.5.
- 88 (19) (a) "Satisfactory evidence of identity" means:
- 89 (i) for both an in-person and remote notarization, identification of an individual based

90 on:

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

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

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

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

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

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

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

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

109 (i) a driving privilege card under Subsection 53-3-207~~(10)~~(11); or

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

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

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

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

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

116 Section 2. Section 53-3-207 is amended to read:

117 **53-3-207. License certificates or driving privilege cards issued to drivers by class**
118 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**
119 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

120 (1) As used in this section:

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

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

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

129 (d) "State" means this state, and includes any office, department, agency, authority,
130 commission, board, institution, hospital, college, university, children's justice center, or other
131 instrumentality of the state.

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

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

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

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

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

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

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

143 (v) a photograph of the individual;

144 (vi) a photograph or other facsimile of the person's signature;

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

148 (viii) except as provided in Subsection (3)(b), if the individual states that the individual
149 is a veteran of the United States military on the application for a driver license in accordance
150 with Section 53-3-205 and provides verification that the individual was granted an honorable
151 or general discharge from the United States Armed Forces, an indication that the individual is a

152 United States military veteran for a regular license certificate or limited-term license certificate
153 issued on or after July 1, 2011.

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

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

160 (d) (i) The regular license certificate, limited-term license certificate, or driving
161 privilege card shall be of an impervious material, resistant to wear, damage, and alteration.

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

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

168 (4) (a) As used in this Subsection (4):

169 (i) "Disability" means a physical or mental disability, as defined and covered by the
170 Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102.

171 (ii) "Health care professional" means:

172 (A) a licensed physician, physician assistant, nurse practitioner, or mental health
173 therapist; or

174 (B) another licensed health care professional designated by the division, by rule made
175 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

176 (b) At the applicant's request, the division shall include an identifying symbol or sticker
177 on the regular license certificate, limited-term license certificate, or driving privilege card to
178 indicate that the applicant is an individual with a disability, if the applicant provides written
179 verification from a health care professional that the applicant is an individual with a disability.

180 (c) The written verification described in Subsection (4)(b) shall be made on a form
181 provided by the division.

182 (d) The division may not:

183 (i) charge a fee to include the disability identifying symbol or sticker described in
184 Subsection (4)(b) on the applicant's regular license certificate, limited-term license certificate,
185 or driving privilege card; or

186 (ii) require the applicant to provide subsequent written verification that the applicant is
187 an individual with a disability for including the disability identifying symbol or sticker on the
188 applicant's renewed or extended regular license certificate, limited-term license certificate, or
189 driving privilege card, after including the disability identifying symbol or sticker on the
190 applicant's previously issued regular license certificate, limited-term license certificate, or
191 driving privilege card in accordance with Subsection (4)(b).

192 (e) The inclusion of a disability identifying symbol or sticker on an individual's regular
193 license certificate, limited-term license certificate, or driving privilege card in accordance with
194 Subsection (4)(b) does not confer any legal rights or privileges on the individual, including
195 parking privileges for individuals with disabilities under Section [41-1a-414](#).

196 ~~[(4)]~~ (5) (a) (i) The division, upon determining after an examination that an applicant is
197 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a
198 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term
199 license certificate.

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

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

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

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

213 (d) (i) Except as provided in Subsection ~~[(4)]~~ (5)(d)(ii), the division may not issue a

214 temporary driving privilege card or other temporary permit to an applicant for a driving
215 privilege card.

216 (ii) The division may issue a learner permit issued in accordance with Section
217 53-3-210.5 to an applicant for a driving privilege card.

218 [~~5~~] (6) (a) The division shall distinguish learner permits, temporary permits, regular
219 license certificates, limited-term license certificates, and driving privilege cards issued to any
220 individual younger than 21 years of age by use of plainly printed information or the use of a
221 color or other means not used for other regular license certificates, limited-term license
222 certificates, or driving privilege cards.

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

228 [~~6~~] (7) The division shall distinguish a limited-term license certificate by clearly
229 indicating on the document:

- 230 (a) that it is temporary; and
- 231 (b) its expiration date.

232 [~~7~~] (8) (a) The division shall only issue a driving privilege card to an individual
233 whose privilege was obtained without providing evidence of lawful presence in the United
234 States as required under Subsection 53-3-205(8).

235 (b) The division shall distinguish a driving privilege card from a license certificate by:
236 (i) use of a format, color, font, or other means; and
237 (ii) clearly displaying on the front of the driving privilege card a phrase substantially
238 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

239 [~~8~~] (9) The provisions of Subsection [~~5~~] (6)(b) do not apply to a learner permit,
240 temporary permit, temporary regular license certificate, temporary limited-term license
241 certificate, or any other temporary permit.

242 [~~9~~] (10) The division shall issue temporary license certificates of the same nature,
243 except as to duration, as the license certificates that they temporarily replace, as are necessary
244 to implement applicable provisions of this section and Section 53-3-223.

245 ~~[(10)]~~ (11) (a) A governmental entity may not accept a driving privilege card as proof
246 of personal identification.

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

249 ~~[(11)]~~ (12) A person who violates Subsection (2)(b) is guilty of an infraction.

250 ~~[(12)]~~ (13) Unless otherwise provided, the provisions, requirements, classes,
251 endorsements, fees, restrictions, and sanctions under this code apply to a:

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

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

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

257 **53-3-805. Identification card -- Contents -- Specifications.**

258 (1) (a) The division shall issue an identification card that bears:

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

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

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

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

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

264 (vi) an indication whether the [person] individual intends to make an anatomical gift

265 under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act; and

266 (vii) if the [person] individual states that the [person] individual is a veteran of the
267 United States military on the application for an identification card in accordance with Section

268 [53-3-804](#) and provides verification that the [person] individual received an honorable or

269 general discharge from the United States Armed Forces, an indication that the [person]

270 individual is a United States military veteran for a regular identification card or a limited-term
271 identification card issued on or after July 1, 2011.

272 (b) An identification card issued by the division may not bear the [person's]

273 individual's Social Security number or place of birth.

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

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

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

280 (4) (a) As used in this Subsection (4):

281 (i) "Disability" means the same as that term is defined in Subsection [53-3-207](#)(4).

282 (ii) "Health care professional" means the same as that term is defined in Subsection
283 [53-3-207](#)(4).

284 (b) At the applicant's request, the division shall include an identifying symbol or sticker
285 on the identification card to indicate that the applicant is an individual with a disability, if the
286 applicant provides written verification from a health care professional that the applicant is an
287 individual with a disability.

288 (c) The written verification described in Subsection (4)(b) shall be made on a form
289 provided by the division.

290 (d) The division may not:

291 (i) charge a fee to include the disability identifying symbol or sticker described in
292 Subsection (4)(b) on the applicant's identification card; or

293 (ii) require the applicant to provide subsequent written verification that the applicant is
294 an individual with a disability for including the disability identifying symbol or sticker on the
295 applicant's extended identification card, after including the disability identifying symbol or
296 sticker on the applicant's previously issued identification card in accordance with Subsection
297 (4)(b).

298 (e) The inclusion of a disability identifying symbol or sticker on an individual's
299 identification card in accordance with Subsection (4)(b) does not confer any legal rights or
300 privileges on the individual, including parking privileges for individuals with disabilities under
301 Section [41-1a-414](#).

302 [~~4~~] (5) (a) The indication of intent under Subsection [53-3-804](#)(2)(j) shall be
303 authenticated by the applicant in accordance with division rule.

304 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
305 Management Act, the division may, upon request, release to an organ procurement
306 organization, as defined in Section [26-28-102](#), the names and addresses of all ~~[persons]~~

307 individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make an
308 anatomical gift.

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

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

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

312 [~~5~~] (6) Notwithstanding Title 63G, Chapter 2, Government Records Access and
313 Management Act, the division may release to the Department of Veterans and Military Affairs
314 the names and addresses of all [~~persons~~] individuals who indicate their status as a veteran
315 under Subsection 53-3-804(2)(l).

316 [~~6~~] (7) The division and its employees are not liable, as a result of false or inaccurate
317 information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

318 (a) loss;

319 (b) detriment; or

320 (c) injury.

321 [~~7~~] (8) (a) The division may issue a temporary regular identification card to [~~a~~
322 ~~person~~] an individual while the [~~person~~] individual obtains the required documentation to
323 establish verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d),
324 and (i)(i).

325 (b) A temporary regular identification card issued under this Subsection [~~7~~] (8) shall
326 be recognized and grant the [~~person~~] individual the same privileges as a regular identification
327 card.

328 (c) A temporary regular identification card issued under this Subsection [~~7~~] (8) is
329 invalid:

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

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

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