

1 **DRIVER LICENSE AND STATE IDENTIFICATION CARD**

2 **AMENDMENTS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne A. Harper**

6 House Sponsor: Steve Eliason

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to application for a state identification card.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends provisions related to the application requirements and process for a state
- 14 identification card;
- 15 ▶ requires the Driver License Division to waive the application fee for a state
- 16 identification card in certain circumstances; and
- 17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **53-3-803**, as last amended by Laws of Utah 2019, Chapter 381

25 **53-3-804**, as last amended by Laws of Utah 2019, Chapters 381 and 382

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

28 Section 1. Section **53-3-803** is amended to read:

29 **53-3-803. Application for identification card -- Age requirements -- Application**

30 on behalf of others.

31 (1) A person at least 16 years [~~of age~~] old or older may apply to the division for an
32 identification card.

33 (2) A person younger than 16 years [~~of age~~] old may apply to the division for an
34 identification card with the consent of the applicant's parent or guardian.

35 (3) (a) If a person is unable to apply for the card due to his youth or incapacitation, the
36 application may be made on behalf of that person by his parent or guardian.

37 (b) A parent or guardian applying for an identification card on behalf of a child or
38 incapacitated person shall provide:

39 (i) identification, as required by the commissioner; and

40 (ii) the consent of the incapacitated person, as required by the commissioner.

41 (4) [~~A~~] The division may not issue a Utah identification card or an extension of a
42 regular identification card to a person who holds an unexpired Utah license certificate issued
43 under Part 2, Driver Licensing Act[~~, may not be issued a Utah identification card or an~~
44 ~~extension of a regular identification card~~] unless:

45 (a) the Utah license certificate is canceled; and

46 (b) if the Utah license certificate is in the person's possession, the Utah license
47 certificate is surrendered to the division.

48 Section 2. Section **53-3-804** is amended to read:

49 **53-3-804. Application for identification card -- Required information -- Release**
50 **of anatomical gift information -- Cancellation of identification card.**

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

53 (a) be a Utah resident;

54 (b) have a Utah residence address; and

55 (c) appear in person at any license examining station.

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

57 (a) true and full legal name and Utah residence address;

- 58 (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or
- 59 other satisfactory evidence of birth, which shall be attached to the application;
- 60 (c) (i) social security number; or
- 61 (ii) written proof that the applicant is ineligible to receive a social security number;
- 62 (d) place of birth;
- 63 (e) height and weight;
- 64 (f) color of eyes and hair;
- 65 (g) signature;
- 66 (h) photograph;
- 67 (i) evidence of the applicant's lawful presence in the United States by providing
- 68 documentary evidence:
 - 69 (i) that the applicant is:
 - 70 (A) a United States citizen;
 - 71 (B) a United States national; or
 - 72 (C) a legal permanent resident alien; or
 - 73 (ii) of the applicant's:
 - 74 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
 - 75 States;
 - 76 (B) pending or approved application for asylum in the United States;
 - 77 (C) admission into the United States as a refugee;
 - 78 (D) pending or approved application for temporary protected status in the United
 - 79 States;
 - 80 (E) approved deferred action status;
 - 81 (F) pending application for adjustment of status to legal permanent resident or
 - 82 conditional resident; or
 - 83 (G) conditional permanent resident alien status;
 - 84 (j) an indication whether the applicant intends to make an anatomical gift under Title
 - 85 26, Chapter 28, Revised Uniform Anatomical Gift Act;

86 (k) an indication whether the applicant is required to register as a sex offender in
87 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry; and

88 (l) an indication whether the applicant is a veteran of the United States Armed Forces,
89 verification that the applicant has received an honorable or general discharge from the United
90 States Armed Forces, and an indication whether the applicant does or does not authorize
91 sharing the information with the state Department of Veterans and Military Affairs.

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

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

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

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

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

103 (i) the driver:

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

106 (B) makes a personal decision to permanently discontinue driving; and

107 (ii) the driver:

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

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

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

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

114 (c) (i) The division shall waive the fee under Section [53-3-105](#) for an identification
115 card for an original identification card application under this Subsection (5).

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

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