

**DIGITAL DRIVER LICENSE AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: Mike Winder

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the establishment and maintenance of a program for electronic driver license certificates and identification cards.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ makes the electronic license certificate and identification card program ~~H~~→ [permanent]

**a permanent option ←~~H~~ ;**

- ▶ requires the division to maintain the security and privacy of information related to an electronic license certificate or identification card;
- ▶ allows a contract vendor to collect a nominal fee to obtain the application for an electronic license certificate or identification card;
- ▶ requires the Driver License Division to ensure data security and privacy related to an electronic license certificate; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



28 [53-3-102](#), as last amended by Laws of Utah 2021, Chapter 120

29 [53-3-235](#), as last amended by Laws of Utah 2020, Chapter 262



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

32 Section 1. Section **53-3-102** is amended to read:

33 **53-3-102. Definitions.**

34 As used in this chapter:

35 (1) "Autocycle" means a motor vehicle that:

36 (a) is designed to travel with three or fewer wheels in contact with the ground;

37 (b) is equipped with a steering wheel; and

38 (c) is equipped with seating that does not require the operator to straddle or sit astride  
39 the vehicle.

40 (2) "Cancellation" means the termination by the division of a license issued through  
41 error or fraud or for which consent under Section [53-3-211](#) has been withdrawn.

42 (3) "Class D license" means the class of license issued to drive motor vehicles not  
43 defined as commercial motor vehicles or motorcycles under this chapter.

44 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner  
45 permit:

46 (a) issued under Section [53-3-408](#); or

47 (b) issued by a state or other jurisdiction of domicile in compliance with the standards  
48 contained in 49 C.F.R. Part 383.

49 (5) "Commercial driver license" or "CDL" means a license:

50 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.  
51 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
52 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
53 commercial motor vehicle; and

54 (b) that was obtained by providing evidence of lawful presence in the United States  
55 with one of the document requirements described in Subsection [53-3-410\(1\)\(i\)\(i\)](#).

56 (6) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a  
57 driving record that:

58 (i) applies to a person who holds or is required to hold a commercial driver instruction

59 permit or a CDL license; and

60 (ii) contains the following:

61 (A) information contained in the driver history, including convictions, pleas held in  
62 abeyance, disqualifications, and other licensing actions for violations of any state or local law  
63 relating to motor vehicle traffic control, committed in any type of vehicle;

64 (B) driver self-certification status information under Section 53-3-410.1; and

65 (C) information from medical certification record keeping in accordance with 49  
66 C.F.R. Sec. 383.73(o).

67 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a  
68 motor vehicle record described in Subsection (30).

69 (7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor  
70 vehicles designed or used to transport passengers or property if the motor vehicle:

71 (i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as  
72 determined by federal regulation;

73 (ii) is designed to transport 16 or more passengers, including the driver; or

74 (iii) is transporting hazardous materials and is required to be placarded in accordance  
75 with 49 C.F.R. Part 172, Subpart F.

76 (b) The following vehicles are not considered a commercial motor vehicle for purposes  
77 of Part 4, Uniform Commercial Driver License Act:

78 (i) equipment owned and operated by the United States Department of Defense when  
79 driven by any active duty military personnel and members of the reserves and national guard on  
80 active duty including personnel on full-time national guard duty, personnel on part-time  
81 training, and national guard military technicians and civilians who are required to wear military  
82 uniforms and are subject to the code of military justice;

83 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm  
84 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation  
85 as a motor carrier for hire;

86 (iii) firefighting and emergency vehicles;

87 (iv) recreational vehicles that are not used in commerce and are driven solely as family  
88 or personal conveyances for recreational purposes; and

89 (v) vehicles used to provide transportation network services, as defined in Section

90 [13-51-102](#).

91 (8) "Conviction" means any of the following:

92 (a) an unvacated adjudication of guilt or a determination that a person has violated or  
93 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

94 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's  
95 appearance in court;

96 (c) a plea of guilty or nolo contendere accepted by the court;

97 (d) the payment of a fine or court costs; or

98 (e) violation of a condition of release without bail, regardless of whether the penalty is  
99 rebated, suspended, or probated.

100 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to  
101 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,  
102 do not apply.

103 (10) "Director" means the division director appointed under Section [53-3-103](#).

104 (11) "Disqualification" means either:

105 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state  
106 of a person's privileges to drive a commercial motor vehicle;

107 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
108 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part  
109 391; or

110 (c) the loss of qualification that automatically follows conviction of an offense listed in  
111 49 C.F.R. Part 383.51.

112 (12) "Division" means the Driver License Division of the department created in  
113 Section [53-3-103](#).

114 (13) "Downgrade" means to obtain a lower license class than what was originally  
115 issued during an existing license cycle.

116 (14) "Drive" means:

117 (a) to operate or be in physical control of a motor vehicle upon a highway; and

118 (b) in Subsections [53-3-414](#)(1) through (3), Subsection [53-3-414](#)(5), and Sections  
119 [53-3-417](#) and [53-3-418](#), the operation or physical control of a motor vehicle at any place within  
120 the state.

121 (15) (a) "Driver" means an individual who drives, or is in actual physical control of a  
122 motor vehicle in any location open to the general public for purposes of vehicular traffic.

123 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person  
124 who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act, or  
125 federal law.

126 (16) "Driving privilege card" means the evidence of the privilege granted and issued  
127 under this chapter to drive a motor vehicle to a person whose privilege was obtained without  
128 providing evidence of lawful presence in the United States.

129 (17) "Electronic license certificate" means the evidence, in an electronic format as  
130 described in Section [53-3-235](#), of a privilege granted under this chapter to drive a motor  
131 vehicle.

132 (18) "Electronic identification card" means an identification card in an electronic  
133 format as described in Section [53-3-235](#).

134 [~~(18)~~] (19) "Extension" means a renewal completed in a manner specified by the  
135 division.

136 [~~(19)~~] (20) "Farm tractor" means every motor vehicle designed and used primarily as a  
137 farm implement for drawing plows, mowing machines, and other implements of husbandry.

138 [~~(20)~~] (21) "Highway" means the entire width between property lines of every way or  
139 place of any nature when any part of it is open to the use of the public, as a matter of right, for  
140 traffic.

141 [~~(21)~~] (22) "Human driver" means the same as that term is defined in Section  
142 [41-26-102.1](#).

143 [~~(22)~~] (23) "Identification card" means a card issued under Part 8, Identification Card  
144 Act, to a person for identification purposes.

145 [~~(23)~~] (24) "Indigent" means that a person's income falls below the federal poverty  
146 guideline issued annually by the U.S. Department of Health and Human Services in the Federal  
147 Register.

148 [~~(24)~~] (25) "License" means the privilege to drive a motor vehicle.

149 [~~(25)~~] (26) (a) "License certificate" means the evidence of the privilege issued under  
150 this chapter to drive a motor vehicle.

151 (b) "License certificate" evidence includes:

- 152 (i) a regular license certificate;
- 153 (ii) a limited-term license certificate;
- 154 (iii) a driving privilege card;
- 155 (iv) a CDL license certificate;
- 156 (v) a limited-term CDL license certificate;
- 157 (vi) a temporary regular license certificate;
- 158 (vii) a temporary limited-term license certificate; and
- 159 (viii) an electronic license certificate created in Section [53-3-235](#).

160 ~~[(26)]~~ (27) "Limited-term commercial driver license" or "limited-term CDL" means a  
161 license:

162 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.  
163 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
164 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
165 commercial motor vehicle; and

166 (b) that was obtained by providing evidence of lawful presence in the United States  
167 with one of the document requirements described in Subsection [53-3-410\(1\)\(i\)\(ii\)](#).

168 ~~[(27)]~~ (28) "Limited-term identification card" means an identification card issued under  
169 this chapter to a person whose card was obtained by providing evidence of lawful presence in  
170 the United States with one of the document requirements described in Subsection  
171 [53-3-804\(2\)\(i\)\(ii\)](#).

172 ~~[(28)]~~ (29) "Limited-term license certificate" means the evidence of the privilege  
173 granted and issued under this chapter to drive a motor vehicle to a person whose privilege was  
174 obtained providing evidence of lawful presence in the United States with one of the document  
175 requirements described in Subsection [53-3-205\(8\)\(a\)\(ii\)\(B\)](#).

176 ~~[(29)]~~ (30) "Motor vehicle" means the same as that term is defined in Section  
177 [41-1a-102](#).

178 ~~[(30)]~~ (31) "Motor vehicle record" or "MVR" means a driving record under Subsection  
179 [53-3-109\(6\)\(a\)](#).

180 ~~[(31)]~~ (32) "Motorboat" means the same as that term is defined in Section [73-18-2](#).

181 ~~[(32)]~~ (33) "Motorcycle" means every motor vehicle, other than a tractor, having a seat  
182 or saddle for the use of the rider and designed to travel with not more than three wheels in

183 contact with the ground.

184 ~~[(33)]~~ (34) "Office of Recovery Services" means the Office of Recovery Services,  
185 created in Section [62A-11-102](#).

186 ~~[(34)]~~ (35) "Operate" means the same as that term is defined in Section [41-1a-102](#).

187 ~~[(35)]~~ (36) (a) "Owner" means a person other than a lien holder having an interest in  
188 the property or title to a vehicle.

189 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to  
190 a security interest in another person but excludes a lessee under a lease not intended as security.

191 ~~[(36)]~~ (37) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee,  
192 surcharge, or other financial penalty imposed on an individual by a court or other government  
193 entity.

194 ~~[(37)]~~ (38) (a) "Private passenger carrier" means any motor vehicle for hire that is:

195 (i) designed to transport 15 or fewer passengers, including the driver; and

196 (ii) operated to transport an employee of the person that hires the motor vehicle.

197 (b) "Private passenger carrier" does not include:

198 (i) a taxicab;

199 (ii) a motor vehicle driven by a transportation network driver as defined in Section  
200 [13-51-102](#);

201 (iii) a motor vehicle driven for transportation network services as defined in Section  
202 [13-51-102](#); and

203 (iv) a motor vehicle driven for a transportation network company as defined in Section  
204 [13-51-102](#) and registered with the Division of Consumer Protection as described in Section  
205 [13-51-104](#).

206 ~~[(38)]~~ (39) "Regular identification card" means an identification card issued under this  
207 chapter to a person whose card was obtained by providing evidence of lawful presence in the  
208 United States with one of the document requirements described in Subsection [53-3-804\(2\)\(i\)\(i\)](#).

209 ~~[(39)]~~ (40) "Regular license certificate" means the evidence of the privilege issued  
210 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence  
211 of lawful presence in the United States with one of the document requirements described in  
212 Subsection [53-3-205\(8\)\(a\)\(ii\)\(A\)](#).

213 ~~[(40)]~~ (41) "Renewal" means to validate a license certificate so that it expires at a later

214 date.

215 ~~[(41)]~~ (42) "Reportable violation" means an offense required to be reported to the  
216 division as determined by the division and includes those offenses against which points are  
217 assessed under Section 53-3-221.

218 ~~[(42)]~~ (43) (a) "Resident" means an individual who:

219 (i) has established a domicile in this state, as defined in Section 41-1a-202, or  
220 regardless of domicile, remains in this state for an aggregate period of six months or more  
221 during any calendar year;

222 (ii) engages in a trade, profession, or occupation in this state, or who accepts  
223 employment in other than seasonal work in this state, and who does not commute into the state;

224 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver  
225 license certificate or motor vehicle registration; or

226 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended  
227 to nonresidents, including going to school, or placing children in school without paying  
228 nonresident tuition or fees.

229 (b) "Resident" does not include any of the following:

230 (i) a member of the military, temporarily stationed in this state;

231 (ii) an out-of-state student, as classified by an institution of higher education,  
232 regardless of whether the student engages in any type of employment in this state;

233 (iii) a person domiciled in another state or country, who is temporarily assigned in this  
234 state, assigned by or representing an employer, religious or private organization, or a  
235 governmental entity; or

236 (iv) an immediate family member who resides with or a household member of a person  
237 listed in Subsections ~~[(42)]~~ (43)(b)(i) through (iii).

238 ~~[(43)]~~ (44) "Revocation" means the termination by action of the division of a licensee's  
239 privilege to drive a motor vehicle.

240 ~~[(44)]~~ (45) (a) "School bus" means a commercial motor vehicle used to transport  
241 pre-primary, primary, or secondary school students to and from home and school, or to and  
242 from school sponsored events.

243 (b) "School bus" does not include a bus used as a common carrier as defined in Section  
244 59-12-102.



245           ~~[(45)]~~ (46) "Suspension" means the temporary withdrawal by action of the division of a  
 246 licensee's privilege to drive a motor vehicle.

247           ~~[(46)]~~ (47) "Taxicab" means any class D motor vehicle transporting any number of  
 248 passengers for hire and that is subject to state or federal regulation as a taxi.

249           Section 2. Section **53-3-235** is amended to read:

250           **53-3-235. Electronic license certificate or identification card.**

251           ~~[(1) (a) On or before January 1, 2021, the division shall establish a pilot program for a  
 252 process and system for an individual to obtain an electronic license certificate or identification  
 253 card.]~~

254           ~~[(b) Based on information and results from the pilot program described in Subsection  
 255 (1)(a), on]~~

256           (1) On or before January 1, 2022, the division shall establish and maintain a process  
 257 and system for an individual ~~Ĥ→~~ **to have the option** ~~←Ĥ~~ to obtain an electronic license certificate  
 257a or identification card.

258           (2) (a) In order to contract with a vendor to establish a process and system to issue an  
 259 electronic license certificate or identification card, the division shall issue a standard  
 260 procurement process in accordance with Title 63G, Chapter 6a, Utah Procurement Code.

261           (b) A vendor under contract with the division to establish and maintain a process and  
 262 technology may require a nominal fee to obtain an application for the electronic license  
 263 certificate or identification card.

264           (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 265 division may make rules necessary to facilitate the implementation, coordination, and  
 266 administration of electronic license certificates and identification cards.

267           (4) The division shall ensure that the system and technology used for an electronic  
 268 license certificate or identification card ~~Ĥ→~~ :

268a           (i) ~~←Ĥ~~ maintains the data security and privacy of the  
 269 individual in the same manner as an individual with a license certificate or an identification  
 270 card ~~Ĥ→~~ [:] ; **and**

270a           (ii) **is not capable of digital tracking, geotracking, or other data collection from the**  
 270b **device or the end user.** ~~←Ĥ~~