

DRIVER LICENSE AND LICENSE PLATE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies provisions of the Uniform Driver License Act.

Highlighted Provisions:

This bill:

- ▶ at an applicant's request and subject to written verification, requires the Driver License Division 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:

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

46-1-2. Definitions.

As used in this chapter:

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

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

(3) "Commission" means:

(a) to empower to perform notarial acts; or

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

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

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

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

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

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

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

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

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

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

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

(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

on:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

123 (b) "Disability identification symbol" means a symbol or sticker that indicates that the
124 individual is an individual with a disability.

125 ~~[(a)]~~ (c) "Driving privilege" means the privilege granted under this chapter to drive a
126 motor vehicle.

127 ~~[(b)]~~ (d) "Governmental entity" means the state or a political subdivision of the state.

128 (e) "Health care professional" means:

129 (i) a licensed physician, physician assistant, nurse practitioner, or mental health
130 therapist; or

131 (ii) any other licensed health care professional the division designates by rule made in
132 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

133 ~~[(c)]~~ (f) "Political subdivision" means any county, city, town, school district, public
134 transit district, community reinvestment agency, special improvement or taxing district, local
135 district, special service district, an entity created by an interlocal agreement adopted under Title
136 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
137 corporation.

138 ~~[(d)]~~ (g) "State" means this state, and includes any office, department, agency,
139 authority, commission, board, institution, hospital, college, university, children's justice center,
140 or other instrumentality of the state.

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

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

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

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

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

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

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

152 (v) a photograph of the individual;

153 (vi) a photograph or other facsimile of the ~~[person's]~~ individual's signature;

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

157 (viii) except as provided in Subsection (3)(b), if the individual states that the individual
158 is a veteran of the United States military on the application for a driver license in accordance
159 with Section 53-3-205 and provides verification that the individual was granted an honorable
160 or general discharge from the United States Armed Forces, an indication that the individual is a
161 United States military veteran for a regular license certificate or limited-term license certificate
162 issued on or after July 1, 2011.

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

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

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

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

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

177 (4) (a) The division shall include a disability identification symbol on an applicant's
178 regular license certificate, limited-term license certificate, or driving privilege card if the
179 applicant:

180 (i) requests the division to include the disability identification symbol; and
181 (ii) provides written verification from a health care professional that the applicant is an
182 individual with a disability.

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

(c) The division may not:

(i) charge a fee to include the disability identification symbol on the applicant's regular license certificate, limited-term license certificate, or driving privilege card; or

(ii) after including the disability identification symbol on the applicant's previously issued regular license certificate, limited-term license certificate, or driving privilege card, require the applicant to provide subsequent written verification described in Subsection (4)(a)(ii) to include the disability identification symbol on the applicant's renewed or extended regular license certificate, limited-term license certificate, or driving privilege card.

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

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

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

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

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

(c) The division shall indicate on the temporary regular license certificate or temporary

limited-term license certificate a date after which ~~[it]~~ the temporary regular license certificate or temporary limited-term license certificate is not valid as a temporary license.

(d) (i) Except as provided in Subsection ~~[(4)]~~ (5)(d)(ii), the division may not issue a temporary driving privilege card or other temporary permit to an applicant for a driving privilege card.

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

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

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

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

(a) that ~~[it]~~ the limited-term license certificate is temporary; and

(b) ~~[its]~~ the limited-term license certificate's expiration date.

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

(b) The division shall distinguish a driving privilege card from a license certificate by:

(i) use of a format, color, font, or other means; and

(ii) clearly displaying on the front of the driving privilege card a phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

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

certificate, or any other temporary permit.

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

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

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

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

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

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

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

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

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

(1) As used in this section:

(a) "Disability" means the same as that term is defined in Subsection [53-3-207\(1\)](#).

(b) "Disability identification symbol" means the same as that term is defined in Subsection [53-3-207\(1\)](#).

(c) "Health care professional" means the same as that term is defined in Subsection [53-3-207\(1\)](#).

~~[(1)]~~ (2) (a) The division shall issue an identification card that bears:

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

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

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

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

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

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

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

(vii) if the ~~[person]~~ individual states that the ~~[person]~~ individual is a veteran of the United States military on the application for an identification card in accordance with Section ~~53-3-804~~ and provides verification that the ~~[person]~~ individual received an honorable or general discharge from the United States Armed Forces, an indication that the ~~[person]~~ individual is a United States military veteran for a regular identification card or a limited-term identification card issued on or after July 1, 2011.

(b) An identification card issued by the division may not bear the ~~[person's]~~ individual's Social Security number or place of birth.

~~[(2)]~~ (3) (a) The card shall be of an impervious material, resistant to wear, damage, and alteration.

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

~~[(3)]~~ (4) At the applicant's request, the card may include a statement that the applicant has a special medical problem or allergies to certain drugs, for the purpose of medical treatment.

(5) (a) The division shall include a disability identification symbol on an applicant's identification card if the applicant:

(i) requests the division to include the disability identification symbol; and

(ii) provides written verification from a health care professional that the applicant is an individual with a disability.

(b) The written verification described in Subsection (5)(a)(ii) shall be made on a form provided by the division.

(c) The division may not:

(i) charge a fee to include the disability identification symbol on the applicant's identification card; or

(ii) after including the disability identification symbol on the applicant's previously issued identification card, require the applicant to provide subsequent written verification described in Subsection (5)(a)(ii) to include the disability identification symbol on the applicant's extended identification card.

(d) The inclusion of a disability identification symbol on an individual's identification

card in accordance with Subsection (5)(a) does not confer any legal rights or privileges on the individual, including parking privileges for individuals with disabilities under Section 41-1a-414.

~~(4)~~ (6) (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated by the applicant in accordance with division rule.

(b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-102, the names and addresses of all ~~persons~~ individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.

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

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

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

~~(5)~~ (7) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans and Military Affairs the names and addresses of all ~~persons~~ individuals who indicate their status as a veteran under Subsection 53-3-804(2)(l).

~~(6)~~ (8) The division and ~~its~~ the division's employees are not liable, as a result of false or inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

(a) loss;

(b) detriment; or

(c) injury.

~~(7)~~ (9) (a) The division may issue a temporary regular identification card to ~~a person~~ an individual while the ~~person~~ individual obtains the required documentation to establish verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).

(b) A temporary regular identification card issued under this Subsection ~~(7)~~ (9) shall be recognized and grant the ~~person~~ individual the same privileges as a regular identification card.

(c) A temporary regular identification card issued under this Subsection ~~(7)~~ (9) is

338 invalid:

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

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

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