

Representative LaVar Christensen proposes the following substitute bill:

GROUND TRANSPORTATION SERVICES

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to ground transportation.

Highlighted Provisions:

This bill:

- ▶ enacts provisions related to a ground transportation business or ground transportation vehicle, including licensing, insurance, and background check requirements.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-102, as last amended by Laws of Utah 2014, Chapter 252

53-3-105, as last amended by Laws of Utah 2014, Chapters 225, 252, and 343

53-3-202, as last amended by Laws of Utah 2009, Chapter 253

53-3-205, as last amended by Laws of Utah 2014, Chapter 85

53-3-221, as last amended by Laws of Utah 2014, Chapters 101 and 225



26 ENACTS:

27 [53-3-1101](#), Utah Code Annotated 1953

28 [53-3-1102](#), Utah Code Annotated 1953

29 [53-3-1103](#), Utah Code Annotated 1953

30 [53-3-1104](#), Utah Code Annotated 1953

31 [53-3-1105](#), Utah Code Annotated 1953

32 [53-3-1106](#), Utah Code Annotated 1953

33

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

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

36 **53-3-102. Definitions.**

37 As used in this chapter:

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39 error or fraud or for which consent under Section [53-3-211](#) has been withdrawn.

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

42 (3) "Commercial driver license" or "CDL" means a license:

43 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
44 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
45 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
46 commercial motor vehicle; and

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

49 (4) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor
50 vehicles designed or used to transport passengers or property if the motor vehicle:

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

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

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

56 (b) The following vehicles are not considered a commercial motor vehicle for purposes

57 of Part 4, Uniform Commercial Driver License Act:

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

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

66 (iii) firefighting and emergency vehicles; and

67 (iv) recreational vehicles that are not used in commerce and are driven solely as family
68 or personal conveyances for recreational purposes.

69 (5) "Conviction" means any of the following:

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

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

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

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

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

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

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

82 (8) "Disqualification" means either:

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

85 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
86 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
87 391; or

88 (c) the loss of qualification that automatically follows conviction of an offense listed in
89 49 C.F.R. Part 383.51.

90 (9) "Division" means the Driver License Division of the department created in Section
91 53-3-103.

92 (10) "Downgrade" means to obtain a lower license class than what was originally
93 issued during an existing license cycle.

94 (11) "Drive" means:

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

96 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
97 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
98 the state.

99 (12) (a) "Driver" means any person who drives, or is in actual physical control of a
100 motor vehicle in any location open to the general public for purposes of vehicular traffic.

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

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

106 (14) "Extension" means a renewal completed in a manner specified by the division.

107 (15) "Farm tractor" means every motor vehicle designed and used primarily as a farm
108 implement for drawing plows, mowing machines, and other implements of husbandry.

109 (16) "Ground transportation business" means a commercial, for profit enterprise that
110 transports or contracts with drivers to transport passengers by the operation of a ground
111 transportation vehicle.

112 (17) (a) "Ground transportation vehicle" means a motor vehicle used to transport 15 or
113 fewer passengers over a public highway for a commercial purpose.

114 (b) "Ground transportation vehicle" includes a vehicle used for:

115 (i) transportation that is facilitated through a mobile technology platform;

116 (ii) on-demand or for-hire transportation; or

117 (iii) a limousine or a taxicab.

118 [(16)] (18) "Highway" means the entire width between property lines of every way or

119 place of any nature when any part of it is open to the use of the public, as a matter of right, for
120 traffic.

121 ~~[(17)]~~ (19) "Identification card" means a card issued under Part 8, Identification Card
122 Act, to a person for identification purposes.

123 ~~[(18)]~~ (20) "Indigent" means that a person's income falls below the federal poverty
124 guideline issued annually by the U.S. Department of Health and Human Services in the Federal
125 Register.

126 ~~[(19)]~~ (21) "License" means the privilege to drive a motor vehicle.

127 ~~[(20)]~~ (22) (a) "License certificate" means the evidence of the privilege issued under
128 this chapter to drive a motor vehicle.

129 (b) "License certificate" evidence includes a:

130 (i) regular license certificate;

131 (ii) limited-term license certificate;

132 (iii) driving privilege card;

133 (iv) CDL license certificate;

134 (v) limited-term CDL license certificate;

135 (vi) temporary regular license certificate; and

136 (vii) temporary limited-term license certificate.

137 ~~[(21)]~~ (23) "Limited-term commercial driver license" or "limited-term CDL" means a
138 license:

139 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
140 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
141 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
142 commercial motor vehicle; and

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

145 ~~[(22)]~~ (24) "Limited-term identification card" means an identification card issued under
146 this chapter to a person whose card was obtained by providing evidence of lawful presence in
147 the United States with one of the document requirements described in Subsection
148 [53-3-804\(2\)\(i\)\(ii\)](#).

149 ~~[(23)]~~ (25) "Limited-term license certificate" means the evidence of the privilege

150 granted and issued under this chapter to drive a motor vehicle to a person whose privilege was
151 obtained providing evidence of lawful presence in the United States with one of the document
152 requirements described in Subsection 53-3-205(8)(a)(ii)(B).

153 ~~[(24)]~~ (26) "Motorboat" has the same meaning as provided under Section 73-18-2.

154 ~~[(25)]~~ (27) "Motorcycle" means every motor vehicle, other than a tractor, having a seat
155 or saddle for the use of the rider and designed to travel with not more than three wheels in
156 contact with the ground.

157 ~~[(26)]~~ (28) "Office of Recovery Services" means the Office of Recovery Services,
158 created in Section 62A-11-102.

159 ~~[(27)]~~ (29) (a) "Owner" means a person other than a lien holder having an interest in
160 the property or title to a vehicle.

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

163 ~~[(28)]~~ (30) "Regular identification card" means an identification card issued under this
164 chapter to a person whose card was obtained by providing evidence of lawful presence in the
165 United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

166 ~~[(29)]~~ (31) "Regular license certificate" means the evidence of the privilege issued
167 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence
168 of lawful presence in the United States with one of the document requirements described in
169 Subsection 53-3-205(8)(a)(ii)(A).

170 ~~[(30)]~~ (32) "Renewal" means to validate a license certificate so that it expires at a later
171 date.

172 ~~[(31)]~~ (33) "Reportable violation" means an offense required to be reported to the
173 division as determined by the division and includes those offenses against which points are
174 assessed under Section 53-3-221.

175 ~~[(32)]~~ (34) (a) "Resident" means an individual who:

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

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

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

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

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

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

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

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

193 (iv) an immediate family member who resides with or a household member of a person
194 listed in Subsections ~~[(32)]~~ (34)(b)(i) through (iii).

195 ~~[(33)]~~ (35) "Revocation" means the termination by action of the division of a licensee's
196 privilege to drive a motor vehicle.

197 ~~[(34)]~~ (36) (a) "School bus" means a commercial motor vehicle used to transport
198 pre-primary, primary, or secondary school students to and from home and school, or to and
199 from school sponsored events.

200 (b) "School bus" does not include a bus used as a common carrier as defined in Section
201 59-12-102.

202 ~~[(35)]~~ (37) "Suspension" means the temporary withdrawal by action of the division of a
203 licensee's privilege to drive a motor vehicle.

204 ~~[(36)]~~ (38) "Taxicab" means any class D motor vehicle transporting any number of
205 passengers for hire and that is subject to state or federal regulation as a taxi.

206 Section 2. Section 53-3-105 is amended to read:

207 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
208 **and identification cards.**

209 The following fees apply under this chapter:

210 (1) An original class D license application under Section 53-3-205 is \$25.

211 (2) An original provisional license application for a class D license under Section

212 53-3-205 is \$30.

213 (3) An original application for a motorcycle endorsement under Section 53-3-205 is
214 \$9.50.

215 (4) An original application for a taxicab endorsement under Section 53-3-205 is [~~\$7~~]
216 \$55.

217 (5) A learner permit application under Section 53-3-210.5 is \$15.

218 (6) A renewal of a class D license under Section 53-3-214 is \$25 unless Subsection
219 (10) applies.

220 (7) A renewal of a provisional license application for a class D license under Section
221 53-3-214 is \$25.

222 (8) A renewal of a motorcycle endorsement under Section 53-3-214 is \$9.50.

223 (9) A renewal of a taxicab endorsement under Section 53-3-214 is [~~\$7~~] \$55.

224 (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
225 \$13.

226 (11) An extension of a class D license under Section 53-3-214 is \$20 unless Subsection
227 (15) applies.

228 (12) An extension of a provisional license application for a class D license under
229 Section 53-3-214 is \$20.

230 (13) An extension of a motorcycle endorsement under Section 53-3-214 is \$9.50.

231 (14) An extension of a taxicab endorsement under Section 53-3-214 is \$7.

232 (15) An extension of a class D license for a person 65 and older under Section
233 53-3-214 is \$11.

234 (16) An original or renewal application for a commercial class A, B, or C license or an
235 original or renewal of a provisional commercial class A or B license under Part 4, Uniform
236 Commercial Driver License Act, is:

237 (a) \$40 for the knowledge test; and

238 (b) \$60 for the skills test.

239 (17) Each original CDL endorsement for passengers, hazardous material, double or
240 triple trailers, or tankers is \$7.

241 (18) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
242 Driver License Act, is \$7.

243 (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver
244 License Act, is \$7.

245 (20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$20.

246 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.

247 (21) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.

248 (22) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$18.

249 (23) (a) A license reinstatement application under Section 53-3-205 is \$30.

250 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
251 combination of alcohol and any drug-related offense is \$35 in addition to the fee under
252 Subsection (23)(a).

253 (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or
254 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
255 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
256 Part 4, Uniform Commercial Driver License Act, is \$230.

257 (b) This administrative fee is in addition to the fees under Subsection (23).

258 (25) (a) An administrative fee for providing the driving record of a driver under
259 Section 53-3-104 or 53-3-420 is \$6.

260 (b) The division may not charge for a report furnished under Section 53-3-104 to a
261 municipal, county, state, or federal agency.

262 (26) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

263 (27) (a) Except as provided under Subsections (27)(b) and (c), an identification card
264 application under Section 53-3-808 is \$18.

265 (b) An identification card application under Section 53-3-808 for a person with a
266 disability, as defined in 42 U.S.C. Sec. 12102, is \$13.

267 (c) A fee may not be charged for an identification card application if the person
268 applying:

269 (i) has not been issued a Utah driver license;

270 (ii) is indigent; and

271 (iii) is at least 18 years of age.

272 (28) An extension of a regular identification card under Subsection 53-3-807(5) for a
273 person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$13.

274 (29) An extension of a regular identification card under Subsection 53-3-807(6) is \$18.

275 (30) In addition to any license application fees collected under this chapter, the division
276 shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the
277 fees that the Bureau of Criminal Identification is authorized to collect for the services the
278 Bureau of Criminal Identification provides under Section 53-3-205.5.

279 (31) An original mobility vehicle permit application under Section 41-6a-1118 is \$25.

280 (32) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$25.

281 (33) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$10.

282 Section 3. Section 53-3-202 is amended to read:

283 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

284 (1) A person may not drive a motor vehicle on a highway in this state unless the person
285 is:

286 (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the
287 division under this chapter;

288 (b) driving an official United States Government class D motor vehicle with a valid
289 United States Government driver permit or license for that type of vehicle;

290 (c) driving a road roller, road machinery, or any farm tractor or implement of
291 husbandry temporarily drawn, moved, or propelled on the highways;

292 (d) a nonresident who is at least 16 years of age and younger than 18 years of age who
293 has in the nonresident's immediate possession a valid license certificate issued to the
294 nonresident in the nonresident's home state or country and is driving in the class or classes
295 identified on the home state license certificate, except those persons referred to in Part 6,
296 Drivers' License Compact, of this chapter;

297 (e) a nonresident who is at least 18 years of age and who has in the nonresident's
298 immediate possession a valid license certificate issued to the nonresident in the nonresident's
299 home state or country if driving in the class or classes identified on the home state license
300 certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

301 (f) driving under a learner permit in accordance with Section 53-3-210.5;

302 (g) driving with a temporary license certificate issued in accordance with Section
303 53-3-207; or

304 (h) exempt under Title 41, Chapter 22, Off-Highway Vehicles.

305 (2) A person may not drive or, while within the passenger compartment of a motor
306 vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a
307 motor vehicle upon a highway unless the person:

308 (a) holds a valid license issued under this chapter for the type or class of motor vehicle
309 being towed; or

310 (b) is exempted under either Subsection (1)(b) or (1)(c).

311 (3) A person may not drive a motor vehicle as a taxicab on a highway of this state
312 unless the person has a taxicab endorsement issued by the division on his license certificate.

313 (4) Effective January 1, 2016, a person may not drive a ground transportation vehicle
314 on behalf of a ground transportation business on a highway of this state unless the division has
315 issued a taxicab endorsement to the person as described in Title 53, Chapter 11, Ground
316 Transportation Act.

317 [~~4~~] (5) (a) Except as provided in Subsections [~~4~~] (5)(b) and (c), a person may not
318 operate:

319 (i) a motorcycle unless the person has a valid class D driver license and a motorcycle
320 endorsement issued under this chapter;

321 (ii) a street legal all-terrain vehicle unless the person has a valid class D driver license;
322 or

323 (iii) a motor-driven cycle unless the person has a valid class D driver license and a
324 motorcycle endorsement issued under this chapter.

325 (b) A person operating a moped, as defined in Section 41-6a-102, or an electric assisted
326 bicycle, as defined in Section 41-6a-102, is not required to have a motorcycle endorsement
327 issued under this chapter.

328 (c) A person is not required to have a valid class D driver license if the person is:

329 (i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance
330 with Section 41-6a-1115; or

331 (ii) operating an electric personal assistive mobility device, as defined in Section
332 41-6a-102, in accordance with Section 41-6a-1116.

333 (5) A person who violates this section is guilty of a class C misdemeanor.

334 Section 4. Section 53-3-205 is amended to read:

335 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**

336 **Expiration dates of licenses and endorsements -- Information required -- Previous**
337 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
338 **Fee required -- License agreement.**

339 (1) An application for any original license, provisional license, or endorsement shall
340 be:

- 341 (a) made upon a form furnished by the division; and
- 342 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

343 (2) An application and fee for an original provisional class D license or an original
344 class D license entitle the applicant to:

- 345 (a) not more than three attempts to pass both the knowledge and the skills tests for a
346 class D license within six months of the date of the application;
- 347 (b) a learner permit if needed pending completion of the application and testing
348 process; and
- 349 (c) an original class D license and license certificate after all tests are passed and
350 requirements are completed.

351 (3) An application and fee for a motorcycle [~~or taxicab~~] endorsement entitle the
352 applicant to:

- 353 (a) not more than three attempts to pass both the knowledge and skills tests within six
354 months of the date of the application;
- 355 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
- 356 (c) a motorcycle [~~or taxicab~~] endorsement when all tests are passed.

357 (4) An application and fees for a commercial class A, B, or C license entitle the
358 applicant to:

- 359 (a) not more than two attempts to pass a knowledge test and not more than two
360 attempts to pass a skills test within six months of the date of the application;
- 361 (b) a commercial driver instruction permit if needed after the knowledge test is passed;
362 and
- 363 (c) an original commercial class A, B, or C license and license certificate when all
364 applicable tests are passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

397 (D) who is an immediate family member or dependent of a person described in

398 Subsection (7)(e)(ii)(C) and is residing outside of the United States.

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

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

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

406 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
407 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth
408 year following the year that the limited-term license certificate was issued.

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

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

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

418 (i) provide:

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

420 (B) the applicant's birth date;

421 (C) the applicant's gender;

422 (D) (I) documentary evidence of the applicant's valid Social Security number;

423 (II) written proof that the applicant is ineligible to receive a Social Security number;

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

426 (Aa) does not qualify for a Social Security number; and

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

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

429 (E) the applicant's Utah residence address as documented by a form or forms
430 acceptable under rules made by the division under Section 53-3-104, unless the application is
431 for a temporary CDL issued under Subsection 53-3-407(2)(b); and

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

434 (ii) provide evidence of the applicant's lawful presence in the United States by
435 providing documentary evidence:

436 (A) that a person is:

437 (I) a United States citizen;

438 (II) a United States national; or

439 (III) a legal permanent resident alien; or

440 (B) of the applicant's:

441 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
442 States;

443 (II) pending or approved application for asylum in the United States;

444 (III) admission into the United States as a refugee;

445 (IV) pending or approved application for temporary protected status in the United
446 States;

447 (V) approved deferred action status;

448 (VI) pending application for adjustment of status to legal permanent resident or
449 conditional resident; or

450 (VII) conditional permanent resident alien status;

451 (iii) provide a description of the applicant;

452 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
453 and, if so, when and by what state or country;

454 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
455 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
456 application refused, and if so, the date of and reason for the suspension, cancellation,
457 revocation, disqualification, denial, or refusal;

458 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
459 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

460 (vii) state whether the applicant is required to register as a sex offender in accordance
461 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

462 (viii) state whether the applicant is a veteran of the United States military, provide
463 verification that the applicant was granted an honorable or general discharge from the United
464 States Armed Forces, and state whether the applicant does or does not authorize sharing the
465 information with the state Department of Veterans' and Military Affairs;

466 (ix) provide all other information the division requires; and

467 (x) sign the application which signature may include an electronic signature as defined
468 in Section [46-4-102](#).

469 (b) Each applicant shall have a Utah residence address, unless the application is for a
470 temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).

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

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

474 (i) (A) Social Security number;

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

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

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

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

481 (a) current license certificate;

482 (b) birth certificate;

483 (c) Selective Service registration; or

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

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

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

489 (ii) license and endorsement fees shall be assessed under Section [53-3-105](#).

490 (b) An applicant that receives a downgraded license in a lower license class during an

491 existing license cycle that has not expired:

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

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

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

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

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

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

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

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

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

513 (14) A person who applies for an original license or renewal of a license agrees that the
514 person's license is subject to any suspension or revocation authorized under this title or Title
515 41, Motor Vehicles.

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

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

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

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

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

525 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and

526 Management Act, the division may release to the Department of Veterans' and Military Affairs

527 the names and addresses of all persons who indicate their status as a veteran under Subsection

528 (8)(a)(viii).

529 (17) The division and its employees are not liable, as a result of false or inaccurate

530 information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

531 (a) loss;

532 (b) detriment; or

533 (c) injury.

534 (18) A person who knowingly fails to provide the information required under

535 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

536 (19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may

537 hold both an unexpired Utah license certificate and an unexpired Utah identification card.

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

539 (i) may not hold both an unexpired Utah license certificate and an unexpired

540 identification card; and

541 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah

542 identification card in the person's possession, shall be required to surrender either the unexpired

543 Utah license certificate or the unexpired Utah identification card.

544 (c) If a person has not surrendered either the Utah license certificate or the Utah

545 identification card as required under this Subsection (19), the division shall cancel the Utah

546 identification card on December 1, 2014.

547 (20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold

548 both an unexpired Utah license certificate and an unexpired Utah identification card.

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

550 (i) may not hold both an unexpired Utah license certificate and an unexpired

551 identification card; and

552 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah

553 identification card in the person's possession, shall be required to surrender either the unexpired
554 Utah license certificate or the unexpired Utah identification card.

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

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

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

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

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

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

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

569 (v) provides the necessary information and documentary evidence required under
570 Subsection (8).

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

573 (i) establishing the procedures for a person to obtain a motorcycle endorsement under
574 this Subsection (21); and

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

577 Section 5. Section **53-3-221** is amended to read:

578 **53-3-221. Offenses that may result in denial, suspension, disqualification, or**
579 **revocation of license -- Additional grounds for suspension -- Point system for traffic**
580 **violations -- Notice and hearing -- Reporting of traffic violation procedures.**

581 (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
582 Act, the division may deny, suspend, disqualify, or revoke the license or permit of any person
583 without receiving a record of the person's conviction of crime when the division has been

584 notified or has reason to believe the person:

585 (a) has committed any offenses for which mandatory suspension or revocation of a
586 license is required upon conviction under Section 53-3-220;

587 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an
588 accident resulting in death or injury to any other person, or serious property damage;

589 (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or
590 physical disability rendering it unsafe for the person to drive a motor vehicle or mobility
591 vehicle upon the highways;

592 (d) has committed a serious violation of the motor vehicle laws of this state;

593 (e) has knowingly committed a violation of Section 53-3-229; or

594 (f) has been convicted of serious offenses against traffic laws governing the movement
595 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard
596 for the safety of other persons on the highways.

597 (2) (a) The division may suspend the license of a person under Subsection (1) when the
598 person has failed to comply with the terms stated on a traffic citation issued in this state, except
599 this Subsection (2) does not apply to highway weight limit violations or violations of law
600 governing the transportation of hazardous materials.

601 (b) This Subsection (2) applies to parking and standing violations only if a court has
602 issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy
603 the terms of the citation.

604 (c) (i) This Subsection (2) may not be exercised unless notice of the pending
605 suspension of the driving privilege has been sent at least 10 days previously to the person at the
606 address provided to the division.

607 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not
608 contain any evidence of a suspension that occurred as a result of failure to comply with the
609 terms stated on a traffic citation.

610 (3) (a) The division may suspend the license of a person under Subsection (1) when the
611 division has been notified by a court that the person has an outstanding unpaid fine, an
612 outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a
613 court.

614 (b) The suspension remains in effect until the division is notified by the court that the

615 order has been satisfied.

616 (c) After clearance by the division, a report authorized by Section 53-3-104 may not
617 contain any evidence of the suspension.

618 (4) (a) The division shall make rules establishing a point system as provided for in this
619 Subsection (4).

620 (b) (i) The division shall assign a number of points to each type of moving traffic
621 violation as a measure of its seriousness.

622 (ii) The points shall be based upon actual relationships between types of traffic
623 violations and motor vehicle traffic accidents.

624 (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points
625 against a person's driving record for a conviction of a traffic violation:

626 (A) that occurred in another state; and

627 (B) that was committed on or after July 1, 2011.

628 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:

629 (A) a reckless or impaired driving violation or a speeding violation for exceeding the
630 posted speed limit by 21 or more miles per hour; or

631 (B) an offense committed in another state which, if committed within Utah, would
632 result in the mandatory suspension or revocation of a license upon conviction under Section
633 53-3-220.

634 (c) Every person convicted of a traffic violation shall have assessed against the person's
635 driving record the number of points that the division has assigned to the type of violation of
636 which the person has been convicted, except that the number of points assessed shall be
637 decreased by 10% if on the abstract of the court record of the conviction the court has graded
638 the severity of violation as minimum, and shall be increased by 10% if on the abstract the court
639 has graded the severity of violation as maximum.

640 (d) (i) A separate procedure for assessing points for speeding offenses shall be
641 established by the division based upon the severity of the offense.

642 (ii) The severity of a speeding violation shall be graded as:

643 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;

644 (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per
645 hour; and

646 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

647 (iii) Consideration shall be made for assessment of no points on minimum speeding
648 violations, except for speeding violations in school zones.

649 (e) (i) Points assessed against a person's driving record shall be deleted for violations
650 occurring before a time limit set by the division.

651 (ii) The time limit may not exceed three years.

652 (iii) The division may also delete points to reward violation-free driving for periods of
653 time set by the division.

654 (f) (i) By publication in two newspapers having general circulation throughout the
655 state, the division shall give notice of the number of points it has assigned to each type of
656 traffic violation, the time limit set by the division for the deletion of points, and the point level
657 at which the division will generally take action to deny or suspend under this section.

658 (ii) The division may not change any of the information provided above regarding
659 points without first giving new notice in the same manner.

660 (5) (a) (i) If the division finds that the license of a person should be denied, suspended,
661 disqualified, or revoked under this section, the division shall immediately notify the licensee in
662 a manner specified by the division and afford the person an opportunity for a hearing in the
663 county where the licensee resides.

664 (ii) The hearing shall be documented, and the division or its authorized agent may
665 administer oaths, may issue subpoenas for the attendance of witnesses and the production of
666 relevant books and papers, and may require a reexamination of the licensee.

667 (iii) One or more members of the division may conduct the hearing, and any decision
668 made after a hearing before any number of the members of the division is as valid as if made
669 after a hearing before the full membership of the division.

670 (iv) After the hearing the division shall either rescind or affirm its decision to deny,
671 suspend, disqualify, or revoke the license.

672 (b) The denial, suspension, disqualification, or revocation of the license remains in
673 effect pending qualifications determined by the division regarding a person:

674 (i) whose license has been denied or suspended following reexamination;

675 (ii) who is incompetent to drive a motor vehicle;

676 (iii) who is afflicted with mental or physical infirmities that might make him dangerous

677 on the highways; or

678 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.

679 (6) (a) Subject to Subsection (6)(d), the division shall suspend a person's license when
680 the division receives notice from the Office of Recovery Services that the Office of Recovery
681 Services has ordered the suspension of the person's license.

682 (b) A suspension under Subsection (6)(a) shall remain in effect until the division
683 receives notice from the Office of Recovery Services that the Office of Recovery Services has
684 rescinded the order of suspension.

685 (c) After an order of suspension is rescinded under Subsection (6)(b), a report
686 authorized by Section 53-3-104 may not contain any evidence of the suspension.

687 (d) (i) If the division suspends a person's license under this Subsection (6), the division
688 shall, upon application, issue a temporary limited driver license to the person if that person
689 needs a driver license for employment, education, or child visitation.

690 (ii) The temporary limited driver license described in this section:

691 (A) shall provide that the person may operate a motor vehicle only for the purpose of
692 driving to or from the person's place of employment, education, or child visitation;

693 (B) shall prohibit the person from driving a motor vehicle for any purpose other than a
694 purpose described in Subsection (6)(d)(ii)(A); and

695 (C) shall expire 90 days after the day on which the temporary limited driver license is
696 issued.

697 (iii) (A) During the period beginning on the day on which a temporary limited driver
698 license is issued under this Subsection (6), and ending on the day that the temporary limited
699 driver license expires, the suspension described in this Subsection (6) only applies if the person
700 who is suspended operates a motor vehicle for a purpose other than employment, education, or
701 child visitation.

702 (B) Upon expiration of a temporary limited driver license described in this Subsection
703 (6)(d):

704 (I) a suspension described in Subsection (6)(a) shall be in full effect until the division
705 receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

706 (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any
707 reason.

708 (iv) The division is not required to issue a limited driver license to a person under this
709 Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver
710 license.

711 (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
712 Administrative Rulemaking Act, to implement the provisions of this part.

713 (7) (a) The division may suspend or revoke the license of any resident of this state
714 upon receiving notice of the conviction of that person in another state of an offense committed
715 there that, if committed in this state, would be grounds for the suspension or revocation of a
716 license.

717 (b) The division may, upon receiving a record of the conviction in this state of a
718 nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws
719 of this state, forward a certified copy of the record to the motor vehicle administrator in the
720 state where the person convicted is a resident.

721 (8) (a) The division may suspend or revoke the license of any nonresident to drive a
722 motor vehicle in this state for any cause for which the license of a resident driver may be
723 suspended or revoked.

724 (b) Any nonresident who drives a motor vehicle upon a highway when the person's
725 license has been suspended or revoked by the division is guilty of a class C misdemeanor.

726 (9) (a) The division may not deny or suspend the license of any person for a period of
727 more than one year except:

728 (i) for failure to comply with the terms of a traffic citation under Subsection (2);

729 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges
730 under Section 53-3-219;

731 (iii) when extending a denial or suspension upon receiving certain records or reports
732 under Subsection 53-3-220(2);

733 (iv) for failure to give and maintain owner's or operator's security under Section
734 41-12a-411;

735 (v) when the division suspends the license under Subsection (6); or

736 (vi) when the division denies the license under Subsection (14).

737 (b) The division may suspend the license of a person under Subsection (2) until the
738 person shows satisfactory evidence of compliance with the terms of the traffic citation.

739 (10) (a) By following the procedures in Title 63G, Chapter 4, Administrative
740 Procedures Act, the division may suspend the license of any person without receiving a record
741 of the person's conviction for a crime when the division has reason to believe that the person's
742 license was granted by the division through error or fraud or that the necessary consent for the
743 license has been withdrawn or is terminated.

744 (b) The procedure upon suspension is the same as under Subsection (5), except that
745 after the hearing the division shall either rescind its order of suspension or cancel the license.

746 (11) (a) The division, having good cause to believe that a licensed driver is
747 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified
748 by the division of at least five days to the licensee require him to submit to an examination.

749 (b) Upon the conclusion of the examination the division may suspend or revoke the
750 person's license, permit him to retain the license, or grant a license subject to a restriction
751 imposed in accordance with Section 53-3-208.

752 (c) Refusal or neglect of the licensee to submit to an examination is grounds for
753 suspension or revocation of the licensee's license.

754 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section
755 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in
756 this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed
757 limit and did not result in an accident, unless authorized in a manner specified by the division
758 by the individual whose report is being requested.

759 (b) The provisions of Subsection (12)(a) do not apply for:

760 (i) a CDL license holder; or

761 (ii) a violation that occurred in a commercial motor vehicle.

762 (13) (a) By following the procedures in Title 63G, Chapter 4, Administrative
763 Procedures Act, the division may suspend the license of a person if it has reason to believe that
764 the person is the owner of a motor vehicle for which security is required under Title 41,
765 Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has
766 driven the motor vehicle or permitted it to be driven within this state without the security being
767 in effect.

768 (b) The division may suspend a driving privilege card holder's driving privilege card if
769 the division receives notification from the Motor Vehicle Division that:

770 (i) the driving privilege card holder is the registered owner of a vehicle; and
771 (ii) the driving privilege card holder's vehicle registration has been revoked under
772 Subsection [41-1a-110\(2\)\(a\)\(ii\)\(A\)](#).

773 (c) Section [41-12a-411](#) regarding the requirement of proof of owner's or operator's
774 security applies to persons whose driving privileges are suspended under this Subsection (13).

775 (14) The division may deny an individual's license if the person fails to comply with
776 the requirement to downgrade the person's CDL to a class D license under Section [53-3-410.1](#).

777 (15) The division may deny a person's class A, B, C, or D license if the person fails to
778 comply with the requirement to have a K restriction removed from the person's license.

779 (16) The division may deny a person's class A, B, C, or D license if the person fails to
780 comply with the requirement to have a taxicab endorsement removed from the person's license.

781 ~~[(16)]~~ (17) Any suspension or revocation of a person's license under this section also
782 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License
783 Act.

784 Section 6. Section **53-3-1101** is enacted to read:

785 **CHAPTER 3. GROUND TRANSPORTATION ACT**

786 **53-3-1101. Title.**

787 This chapter is known as the "Ground Transportation Act."

788 Section 7. Section **53-3-1102** is enacted to read:

789 **53-3-1102. Licensing -- Rulemaking.**

790 (1) The division shall require a ground transportation business to obtain a ground
791 transportation business license.

792 (2) The division shall license a ground transportation business that maintains insurance
793 as described in Subsection [53-3-1103\(7\)](#).

794 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
795 division may make rules establishing procedures for issuance and removal of ground
796 transportation business licenses.

797 (4) A ground transportation business or ground transportation vehicle owner or driver
798 shall display the ground transportation license described in Subsection (2) in the vehicle in
799 plain view while operating the vehicle as a ground transportation vehicle.

800 (5) A ground transportation business or ground transportation vehicle owner or driver

801 shall exhibit the ground transportation license upon demand by a peace officer, an authorized
802 agent of the division, or any other person authorized to enforce the provisions of this chapter or
803 a local regulatory act relating to a ground transportation vehicle.

804 Section 8. Section **53-3-1103** is enacted to read:

805 **53-3-1103. Ground transportation business and vehicle requirements.**

806 (1) A ground transportation business or ground transportation vehicle owner or driver
807 may not require a passenger, as a condition to providing transportation, to:

808 (a) waive any legal rights;

809 (b) indemnify a ground transportation business or ground transportation vehicle owner
810 or driver from liability; or

811 (c) covenant not to sue a ground transportation business or ground transportation
812 vehicle owner or driver.

813 (2) A ground transportation business or ground transportation vehicle owner or driver
814 may not make any use of, or convey to any other person, personal information, whether from
815 social media or otherwise, about a passenger except for information related to the
816 transportation or potential transportation of the passenger.

817 (3) A ground transportation business or ground transportation vehicle owner or driver
818 may not require a passenger to agree to arbitration in a state other than Utah.

819 (4) Every ground transportation business shall have a registered agent in the state who
820 is responsible and reasonably accessible for passenger inquiries, complaints, and the
821 monitoring of the transportation being provided to passengers, and who is appointed and
822 authorized to accept service of process on behalf of the ground transportation business and any
823 of the business's ground transportation vehicle owners or drivers.

824 (5) A ground transportation business shall clearly disclose to the passenger the rate the
825 business charges before the passenger is transported.

826 (6) A ground transportation vehicle shall display a reasonably noticeable exterior
827 marking that identifies the ground transportation vehicle as a vehicle for hire.

828 (7) (a) A ground transportation vehicle shall be covered by motor vehicle liability
829 insurance when the ground transportation vehicle is available for or is being used for the
830 transportation of a passenger.

831 (b) The motor vehicle liability insurance described in Subsection (7)(a) shall cover

832 bodily injury and property damage at the minimum levels of coverage for vehicles with a
833 seating capacity of 15 or fewer passengers, as described in 49 C.F.R. 387.33.

834 (c) A ground transportation vehicle shall be covered by uninsured motorist coverage, as
835 described in Subsection 31A-22-305(5)(b)(i).

836 (d) A ground transportation business shall provide to the division proof of the
837 insurance coverage described in Subsections (7)(b) and (c) and of any notice of cancellation or
838 reduction of insurance coverage, as a condition to licensing.

839 (e) In the event that the insurance coverage described in Subsections (7)(b) and (c) is
840 cancelled or reduced below the minimum requirements, the ground transportation business
841 shall immediately discontinue the operation of all ground transportation vehicles until the
842 required insurance coverage is obtained and verified by the division.

843 (f) A ground transportation vehicle driver shall carry proof of the insurance coverage
844 with the driver during the driver's use of the vehicle for ground transportation services.

845 (g) In the event of a ground transportation vehicle accident, a ground transportation
846 vehicle driver shall provide the proof of insurance coverage described in Subsection (7)(b) to
847 any other party involved in the accident and to any peace officer.

848 Section 9. Section **53-3-1104** is enacted to read:

849 **53-3-1104. Taxicab endorsement licensing.**

850 (1) The driver of a ground transportation vehicle, before driving on behalf of a ground
851 transportation business, shall obtain a valid license certificate and taxicab endorsement in
852 accordance with the provisions of this part.

853 (2) An application and fee for a taxicab endorsement entitle the applicant to a taxicab
854 endorsement when:

855 (a) the requirements for a criminal background check, described in Section 53-3-1105,
856 are satisfied; and

857 (b) all other licensing tests and requirements are completed.

858 (3) A ground transportation vehicle driver shall exhibit the license described in
859 Subsection (1) upon demand by a peace officer, or any other person authorized to enforce the
860 provisions of this chapter or a local regulatory act relating to a ground transportation vehicle.

861 Section 10. Section **53-3-1105** is enacted to read:

862 **53-3-1105. Background checks.**

863 (1) (a) An applicant for a taxicab endorsement shall submit the following with the
864 application to the division:

865 (i) fingerprints and a photograph in a sealed envelope provided by the Bureau of
866 Criminal Identification or a law enforcement agency; and

867 (ii) a signed waiver from the person whose fingerprints are being registered in the
868 Federal Bureau of Investigation's Next Generation Identification system's Rap Back Service.

869 (b) The fingerprint and photograph submission required under this Subsection (1) shall
870 be conducted by:

871 (i) the Bureau of Criminal Identification; or

872 (ii) a law enforcement agency that has the capability of handling fingerprint and
873 photograph submissions.

874 (2) The division shall submit fingerprints for each individual described in Subsection
875 (1) to the Bureau of Criminal Identification created in Section [53-10-201](#).

876 (3) (a) The Bureau of Criminal Identification shall check the fingerprints submitted
877 under Subsection (1) against the applicable state and regional criminal records databases and
878 submit the fingerprints to national criminal records databases, including the Federal Bureau of
879 Investigation's Next Generation Identification system.

880 (b) The Bureau of Criminal Identification shall:

881 (i) maintain a separate file of fingerprints submitted under Subsection (1) for search by
882 future submissions to the local and regional criminal records databases, including latent prints;

883 (ii) request that the fingerprints be retained in the Federal Bureau of Investigation's
884 Next Generation Identification system's Rap Back Service for search by future submissions to
885 national criminal records databases, including the Federal Bureau of Investigation's Next
886 Generation Identification system and latent prints; and

887 (iii) establish a privacy risk mitigation strategy to ensure that the division only receives
888 notifications for individuals with whom the division maintains an authorizing relationship.

889 (c) Notification of any existing criminal history record or existing or new warrant
890 information and any new criminal history record information entered in local, state, or federal
891 databases shall be given to the division if the person has a criminal history or warrant record or
892 a new criminal history or warrant record is entered in local, state, or federal databases.

893 (d) Upon request of the division, the Bureau of Criminal Identification shall inform the

894 division whether an individual whose arrest was reported under Subsection (3)(c) was
895 subsequently convicted of the charge for which the individual was arrested.

896 (4) In addition to any fees imposed under this chapter, the division shall:

897 (a) impose on individuals submitting fingerprints in accordance with this section the
898 fees that the Bureau of Criminal Identification is authorized to collect for the services the
899 Bureau of Criminal Identification or another authorized agency provides under this section; and

900 (b) remit the fees collected under Subsection (4)(a) to the Bureau of Criminal
901 Identification.

902 (5) The division shall deny a taxicab endorsement application if the individual has been
903 convicted of a crime within five years before the day on which the individual submits an
904 application for a license or a license renewal that indicates a potential risk for the safety or
905 well-being of passengers.

906 Section 11. Section **53-3-1106** is enacted to read:

907 **53-3-1106. Removal of taxicab endorsement.**

908 (1) The division shall require removal of a taxicab endorsement from the license
909 certificate of a driver who:

910 (a) is convicted of an offense as described in Subsection [53-3-1105\(5\)](#); or

911 (b) fails to comply with any provision of this chapter.

912 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
913 division may make rules establishing procedures for issuing and removal of taxicab
914 endorsements.