

Representative John E. Swallow proposes to substitute the following bill:

LIABILITY FOR MINOR WHO DRIVES

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: John E. Swallow

AN ACT RELATING TO PUBLIC SAFETY; AMENDING PROVISIONS RELATING TO THE LIABILITY OF CERTAIN ADULTS FOR MINORS WHO DRIVE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53-3-211, as last amended by Chapter 122, Laws of Utah 1995

~~h [53-3-212, as renumbered and amended by Chapter 234, Laws of Utah 1993] h~~

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

Section 1. Section **53-3-211** is amended to read:

53-3-211. Application of minors -- Liability of person signing application -- Cancellation of cosigning adult's liability.

(1) As used in this section, "minor" means any person younger than 18 years of age who is not married or has not been emancipated by adjudication.

(2) (a) The application of a minor for a temporary learner permit, practice permit, or provisional license shall be signed by the parent or guardian of the applicant and verified before a person authorized to administer oaths.

(b) If ~~[no person has custody of]~~ the minor applicant does not have a parent or guardian, then a responsible adult who is willing to assume the obligation imposed under this chapter may sign the application.

(3) (a) ~~[Any negligence or willful misconduct]~~ Except as provided in Subsection (4), the liability of a minor for civil compensatory damages caused when ~~[driving]~~ operating a motor vehicle upon a highway is imputed to the person who has signed the application of the minor under

1 Subsection (2).

2 (b) [~~Except as provided under Subsection (4), the~~] The person who has signed the
3 application under Subsection (2)[;] is jointly and severally liable with the minor [for any damages
4 caused by the minor's negligence or willful misconduct] as provided in Subsections (3)(a) and (c).

5 (c) The liability imposed under Subsections (3)(a) and (b) is limited to the policy
6 minimum limits established in Section 31A-22-304.

7 [~~(c) This~~] (d) The liability [provision is] provisions in this Subsection (3) are in addition
8 to the liability provisions in Section 53-3-212.

9 [(4) (a) ~~If a minor deposits, or there is deposited on his behalf, proof of financial~~
10 ~~responsibility for driving a motor vehicle in form and in amounts as required under Title 41,~~
11 ~~Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, the division~~
12 ~~may accept the application of the minor when signed before a person authorized to administer~~
13 ~~oaths by a parent, guardian of the minor, or a responsible adult.]~~

14 [(b) ~~While the proof is maintained, the parent, guardian, or responsible adult is not subject~~
15 ~~to the liability imposed under Subsection (3).]~~

16 (4) If owner's or operator's security covering the minor's operation of the motor vehicle
17 is in effect in amounts as required under Section 31A-22-304, the person who signed the minor's
18 application under Subsection (2) is not subject to the liability imposed under Subsection (3).

19 (5) (a) A person who has signed the application of a minor under Subsection (2) may file
20 with the division a verified written request that the permit or license of the minor be [~~cancelled~~]
21 canceled.

22 (b) The division shall then cancel the permit or license of the minor, and the person who
23 signed the application of the minor under Subsection (2) is relieved from the liability imposed
24 under [~~this chapter regarding any subsequent negligence or willful misconduct of~~] Subsection (3)
25 or the minor [in-driving] operating a motor vehicle subsequent to the cancellation.

26 (6) (a) The division upon receipt of satisfactory evidence of the death of the person who
27 signed the application of a minor under Subsection (2) shall cancel the permit or license and may
28 not issue a new permit or license until a new application, signed and verified, is made under this
29 chapter.

30 (b) This subsection does not apply to an application of a person who is no longer a minor.

31 **h [Section 2. Section 53-3-212 is amended to read:] h**

1 ~~h [53-3-212. Owner giving permission and minor liable for damages caused by minor~~
2 ~~driving a motor vehicle.~~

3 ~~(1) As used in this section:~~

4 ~~(a) "minor" has the same meaning as provided in Section 53-3-211; and~~

5 ~~(b) "owner" has the same meaning as provided in Section 41-12a-103.~~

6 ~~(2) (a) Except as provided in Subsection (3),the liability of a minor for compensatory civil~~
7 ~~damages caused when operating a motor vehicle upon a highway is imputed to the owner who~~
8 ~~expressly or impliedly permits the minor to operate the motor vehicle.~~

9 ~~[(1) The] (b) An owner [of a motor vehicle causing or knowingly permitting a person~~
10 ~~younger than 18 years of age to drive the] who expressly or impliedly permits a minor to operate~~
11 ~~a motor vehicle on a highway[, or a person who gives or furnishes a motor vehicle to the minor,~~
12 ~~are each] is jointly and severally liable with the minor [for any damages caused by the negligence~~
13 ~~of the minor in driving the motor vehicle] as provided in Subsections (2)(a) and (c).~~

14 ~~(c) The liability imposed under Subsection (2)(a) and (b) is limited to the policy minimum~~
15 ~~limits established in Section 31A-22-304.~~

16 ~~[(2) This] (d) The liability [provision is] provisions in this Subsection (2) are in addition~~
17 ~~to the liability provisions in Section 53-3-211.~~

18 ~~(3) If owner's or operator's security covering the minor's operation of the motor vehicle~~
19 ~~is in effect in amounts as required under Section 31A-22-304, the owner or person who expressly~~
20 ~~or impliedly permits the minor to operate the motor vehicle is not subject to the liability imposed~~
21 ~~under Subsection (2).] h~~