

28 (1) ~~[No]~~ A person under 16 years and three months of age, whether resident or nonresident
29 of this state, may not operate a motor vehicle upon any highway of this state.

30 (2) This section does not apply to:

31 (a) persons operating off-highway vehicles registered under Section 41-22-3 either:

32 (i) on a highway designated as open for off-highway vehicle use; or

33 (ii) in the manner prescribed by Section 41-22-10.3; or

34 (b) persons operating off-highway implements of husbandry in the manner prescribed by
35 Subsections 41-22-5.5 (3) through (5).

36 (3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver License
37 Act, a violation of this section is a class C misdemeanor.

38 Section 2. Section **41-8-2** is enacted to read:

39 **41-8-2. Operation of vehicle by persons under 16 and six months during night hours**
40 **prohibited -- Exceptions.**

41 (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a
42 person younger than 16 years and six months of age, whether resident or nonresident of this state,
43 may not operate a motor vehicle upon any highway of this state between the hours of 11:00 p.m.
44 and 5:00 a.m.

45 (2) This section does not apply to a person who is operating a motor vehicle within the
46 privileges granted to the person by a driver license or permit and who is operating a motor vehicle:

47 (a) accompanied by a licensed driver who is at least 21 years of age and is occupying a seat
48 next to the driver;

49 (b) for the driver's employment, including the trip to and from the driver's residence and
50 the driver's employment;

51 (c) to and from the driver's own school sponsored activity and the driver's residence; or

52 (d) on assignment of a farmer or rancher and the driver is engaged in an agricultural
53 operation.

54 (3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver License
55 Act, a violation of this section is a class C misdemeanor.

56 Section 3. Section **41-8-3** is enacted to read:

57 **41-8-3. Operation of vehicle by persons under 16 and six months -- Passenger**
58 **limitations -- Exceptions -- Penalties.**

59 (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a
60 person younger than 16 years and six months of age, whether resident or nonresident of this state,
61 may not operate a motor vehicle upon any highway of this state with any passenger who is not an
62 immediate family member.

63 (2) This section does not apply to a person who is operating a motor vehicle accompanied
64 by a licensed driver who is at least 21 years of age and is occupying a seat next to the driver.

65 (3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver License
66 Act, a violation of this section is a class C misdemeanor.

67 Section 4. Section **41-8-4** is enacted to read:

68 **41-8-4. Seat belt requirements.**

69 (1) In addition to the provisions of Sections 41-6-148.20 and 41-6-182, all persons in a
70 motor vehicle being driven by a person younger than 18 years of age shall wear a properly adjusted
71 and fastened safety belt system or child restraint device, as applicable, that meets the standards set
72 by the commissioner of the Department of Public Safety.

73 (2) A violation of this section is a class C misdemeanor.

74 Section 5. Section **53-3-202** is amended to read:

75 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

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

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

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

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

84 (d) a nonresident who is at least 16 years and three months of age and younger than 18
85 years of age who has in his immediate possession a valid license certificate issued to him in his
86 home state or country and is driving as a class D or M driver;

87 (e) a nonresident who is at least 18 years of age and who has in his immediate possession
88 a valid license certificate issued to him in his home state or country if driving in the class or classes
89 identified on the home state license certificate, except those persons referred to in Part 6 of this

90 chapter;

91 (f) driving under a temporary learner permit, instruction permit, or practice permit in
92 accordance with Section 53-3-210 or 53A-13-208;

93 (g) driving with a temporary license certificate issued in accordance with Section
94 53-3-207; or

95 (h) exempt under Title 41, Chapter 22, Off-highway Vehicles.

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

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

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

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

104 (4) (a) A person may not operate an electric assisted bicycle as defined under Section
105 41-6-1 unless the person has a valid class M or class D license issued under this chapter.

106 (b) Subsection (4)(a) is an exception to the provisions of Section 53-3-104.

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

108 Section 6. Section **53-3-203** is amended to read:

109 **53-3-203. Authorizing or permitting driving in violation of chapter -- Renting of**
110 **motor vehicles -- License requirements -- Employees must be licensed -- Violations.**

111 (1) A person may not authorize or knowingly permit a motor vehicle owned by him or
112 under his control to be driven by a person in violation of this chapter or of Title 41, Chapter 8,
113 Driving By Minors.

114 (2) (a) A person may not rent a motor vehicle to another person unless the person who will
115 be the driver is licensed in this state, or in the case of a nonresident, licensed under the laws of the
116 state or country of his residence.

117 (b) A person may not rent a motor vehicle to another person until he has inspected the
118 license certificate of the person who will be the driver and verified the signature on the license
119 certificate by comparison with the signature of the person who will be the driver written in his
120 presence.

121 (c) A person renting a motor vehicle to another shall keep a record of the:
122 (i) registration number of the rented motor vehicle;
123 (ii) name and address of the person to whom the motor vehicle is rented;
124 (iii) number of the license certificate of the renter; and
125 (iv) date and place the license certificate was issued.
126 (d) The record is open to inspection by any peace officer or officer or employee of the
127 division.

128 (3) A person may not employ a person to drive a motor vehicle who is not licensed as
129 required under this chapter.

130 (4) A person who violates Subsection (1), (2)(a), or (3) is guilty of a class C misdemeanor.

131 Section 7. Section **53-3-204** is amended to read:

132 **53-3-204. Persons who may not be licensed.**

133 (1) (a) The division may not license a person younger than 16 years and three months of
134 age or a person who has not completed a course in driver training approved by the commissioner.

135 (b) Subsection (a) does not apply to a person:

136 (i) who has been licensed before July 1, 1967; or

137 (ii) who is 16 years of age or older making application for a license who has been licensed
138 in another state or country.

139 (2) The division may not issue a license certificate to a person:

140 (a) whose license has been suspended, denied, cancelled, or disqualified during the period
141 of suspension, denial, cancellation, or disqualification;

142 (b) whose privilege has been revoked, except as provided in Section 53-3-225;

143 (c) who has previously been adjudged mentally incompetent and who has not at the time
144 of application been restored to competency as provided by law;

145 (d) who is required by this chapter to take an examination unless the person successfully
146 passes the examination; or

147 (e) whose driving privileges have been denied or suspended under:

148 (i) Section 78-3a-506 by an order of the juvenile court; or

149 (ii) Section 53-3-231.

150 (3) The division may grant a class D or M license to a person whose commercial license
151 is disqualified under Part 4 of this chapter if the person is not otherwise sanctioned under this

152 chapter.

153 Section 8. Section **53-3-210** is amended to read:

154 **53-3-210. Temporary learner permit -- Instruction permit -- Commercial driver**
155 **instruction permit -- Practice permit.**

156 (1) (a) The division upon receiving an application for a class D or M license from a person
157 16 years and three months of age or older may issue a temporary learner permit after the person
158 has successfully passed all parts of the examination not involving actually driving a motor vehicle.

159 (b) The temporary learner permit allows the applicant, while having the permit in the
160 applicant's immediate possession, to drive a motor vehicle upon the highways for six months from
161 the date of the application in conformance with the restrictions indicated on the permit.

162 (2) (a) The division, upon receiving an application, may issue an instruction permit
163 effective for one year to an applicant who is enrolled in a driver education program that includes
164 practice driving, if the program is approved by the State Office of Education, even though the
165 applicant has not reached the legal age to be eligible for a license.

166 (b) The instruction permit entitles the applicant, while having the permit in his immediate
167 possession, to drive a motor vehicle, only if an approved instructor is occupying a seat beside the
168 applicant or in accordance with the requirements of Subsections (4) and 53A-13-208 (4).

169 (3) The division may issue a commercial driver instruction permit under Title 53, Chapter
170 3, Part 4, Uniform Commercial Driver License Act.

171 (4) (a) The division shall issue a practice permit to an applicant who:

172 (i) is at least 15 years and nine months of age;

173 (ii) has been issued an instruction permit under this section;

174 (iii) is enrolled in or has successfully completed a driver education course in a:

175 (A) commercial driver training school licensed under Title 53, Chapter 3, Part 5,

176 Commercial Driver Training Schools Act; or

177 (B) driver education program approved by the division;

178 (iv) has passed the written test required by the division;

179 (v) has passed the physical and mental fitness tests; and

180 (vi) has submitted the nonrefundable fee for a class D license.

181 (b) The division shall supply the practice permit form. The form shall include the
182 following information:

183 (i) the person's full name, date of birth, sex, home address, height, weight, and eye color;
184 (ii) the name of the school providing the driver education course;
185 (iii) the dates of issuance and expiration of the permit;
186 (iv) the statutory citation authorizing the permit; and
187 (v) the conditions and restrictions contained in this section for operating a class D motor
188 vehicle.

189 (c) The practice permit is valid for up to [~~90 days~~] six months from the date of issuance.
190 The practice permit allows the person, while having the permit in the applicant's immediate
191 possession, to operate a class D motor vehicle when the person's parent, legal guardian, or adult
192 spouse, who must be a licensed driver, is occupying a seat next to the person and no other
193 passengers are in the vehicle.

194 (d) If an applicant has been issued a practice permit by the division, the applicant may
195 obtain an original or provisional class D license from the division upon passing the skills test
196 administered by the division and reaching 16 years and three months of age.

197 Section 9. Section **53-3-211** is amended to read:

198 **53-3-211. Application of minors -- Liability of person signing application --**
199 **Cancellation of cosigning adult's liability.**

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

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

205 (b) If the minor applicant does not have a parent or guardian, then a responsible adult who
206 is willing to assume the obligation imposed under this chapter may sign the application.

207 (3) (a) Except as provided in Subsection (4), the liability of a minor for civil compensatory
208 damages caused when operating a motor vehicle upon a highway is imputed to the person who has
209 signed the application of the minor under Subsection (2).

210 (b) The person who has signed the application under Subsection (2) is jointly and severally
211 liable with the minor as provided in Subsections (3)(a) and (c).

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

214 (d) The liability provisions in this Subsection (3) are in addition to the liability provisions
215 in Section 53-3-212.

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

219 (5) (a) A person who has signed the application of a minor under Subsection (2) may file
220 with the division a verified written request that the permit or license of the minor be canceled.

221 (b) The division shall then cancel the permit or license of the minor, and the person who
222 signed the application of the minor under Subsection (2) is relieved from the liability imposed
223 under Subsection (3) or the minor operating a motor vehicle subsequent to the cancellation.

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

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

229 (7) (a) In addition to the liability assumed under this section, the person who signs the
230 application of a minor for a provisional license shall certify that the minor applicant, under the
231 authority of a permit issued under this chapter, has completed at least 30 hours of driving a motor
232 vehicle, of which at least ten hours shall be during night hours after sunset.

233 (b) The hours of driving a motor vehicle in a driver education course may be counted a part
234 of the requirement under Subsection (7)(a).

235 Section 10. Section **53-3-225** is amended to read:

236 **53-3-225. Eligibility for new license after revocation.**

237 (1) (a) Except as provided in Subsections (b) and (c), a person whose license has been
238 revoked under this chapter may not apply for or receive any new license until the expiration of one
239 year from the date the former license was revoked.

240 (b) A person's license may be revoked for a longer period as provided in:

241 (i) Section 53-3-220, for driving a motor vehicle while the person's license is revoked, or
242 involvement as a driver in an accident or violation of the motor vehicle laws; and

243 (ii) Section 53-3-221, for failing to comply with the terms of a traffic citation.

244 (c) (i) The length of the revocation required by Subsection 53-3-220(1)(a)(xi), (a)(xii),

245 (b)(i), or (b)(ii) shall be specified in an order of the court adjudicating or convicting the person of
246 the offense.

247 (ii) If the person adjudicated of the offense is younger than 16 years and three months of
248 age, the license or driving privilege shall be revoked for a minimum of one year, from age 16 and
249 three months, but not to exceed the date the person turns 21 years of age.

250 (iii) If the person adjudicated or convicted of the offense is 16 years of age or older, the
251 license or driving privilege shall be revoked for a minimum of one year, but not to exceed five
252 years.

253 (d) A revoked license may not be renewed.

254 (e) Application for a new license shall be filed in accordance with Section 53-3-205.

255 (f) The new license is subject to all provisions of an original license.

256 (g) The division may not grant the license until an investigation of the character, driving
257 abilities, and habits of the driver has been made to indicate whether it is safe to grant him a license.

258 (2) Any resident or nonresident whose license to drive a motor vehicle in this state has
259 been suspended or revoked under this chapter may not drive a motor vehicle in this state under a
260 license, permit, or registration certificate issued by any other jurisdiction or other source during
261 suspension or after revocation until a new license is obtained under this chapter.

262 Section 11. **Effective date.**

263 This act takes effect on July 1, 1999.

Legislative Review Note
as of 11-18-98 4:01 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel