

1 **DRIVER EDUCATION TESTS**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Melvin R. Brown**

5 AN ACT RELATING TO PUBLIC SAFETY; AMENDING DRIVER LICENSE TESTING  
6 PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

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

8 AMENDS:

9 **53-3-104**, as last amended by Chapters 28 and 314, Laws of Utah 1995

10 ENACTS:

11 **53-3-510**, Utah Code Annotated 1953

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

13 Section 1. Section **53-3-104** is amended to read:

14 **53-3-104. Division duties.**

15 (1) The division shall:

16 (a) make rules:

17 (i) for examining applicants for a license, as necessary for the safety and welfare of the  
18 traveling public;

19 (ii) regarding the restrictions to be imposed on a person driving a motor vehicle with a  
20 temporary learner permit; and

21 (iii) for exemptions from licensing requirements as authorized in this chapter;

22 (b) examine each applicant according to the class of license applied for;

23 (c) license motor vehicle drivers;

24 (d) file every application for a license received by it and shall maintain indices containing:

25 (i) all applications denied and the reason each was denied;

26 (ii) all applications granted; and

27 (iii) the name of every licensee whose license has been suspended, disqualified, or revoked

28 by the division and the reasons for the action;

29 (e) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this  
30 chapter;

31 (f) file all accident reports and abstracts of court records of convictions received by it  
32 under state law;

33 (g) maintain a record of each licensee showing his convictions and the traffic accidents in  
34 which he has been involved where a conviction has resulted;

35 (h) consider the record of a licensee upon an application for renewal of a license and at  
36 other appropriate times;

37 (i) search the license files, compile, and furnish a report on the driving record of any  
38 person licensed in the state when requested by any person;

39 (j) develop and implement a record system as required by Section 41-6-48.5;

40 (k) in accordance with Section 53A-13-208, establish:

41 (i) procedures and standards to certify teachers of driver education classes to administer  
42 written and driving tests;

43 (ii) minimal standards for the [~~driver education class~~] tests; and

44 (iii) procedures to enable school districts to administer or process any tests for students  
45 to receive a class D operator's license;

46 (l) in accordance with Section 53-3-510, establish:

47 (i) procedures and standards to certify licensed instructors of commercial driver training  
48 school courses to administer the skills test;

49 (ii) minimal standards for the test; and

50 (iii) procedures to enable licensed commercial driver training schools to administer or  
51 process skills tests for students to receive a class D operator's license;

52 [~~(h)~~] (m) provide administrative support to the Driver License Medical Advisory Board  
53 created in Section 53-3-303; and

54 [~~(m)~~] (n) provide drivers license information, including photograph, and drivers history  
55 to licensed private investigators upon written request.

56 (2) The division may:

57 (a) collect fees under Section 53-3-105 for searching and compiling its files or furnishing  
58 a report on the driving record of a person; and

59 (b) prepare under the seal of the division and deliver upon request, a certified copy of any  
60 record of the division, and charge a fee under Section 63-38-3.2 for each document authenticated.

61 (3) Each certified copy of a driving record furnished under Subsection (1)(i) is admissible  
62 in any court proceeding in the same manner as the original.

63 Section 2. Section **53-3-510** is enacted to read:

64 **53-3-510. Instructors certified to administer skills tests.**

65 (1) (a) The division shall establish procedures and standards to certify licensed instructors  
66 of driver training courses under this part to administer skills tests.

67 (b) An instructor may not administer a skills test under this section to a student that took  
68 the course from the same school or the same instructor.

69 (2) The division is the certifying authority.

70 (3) (a) Subject to Subsection (1), an instructor certified under this section may give skills  
71 tests designed for driver training courses authorized under this part.

72 (b) The division shall establish minimal standards for the test that is at least as difficult  
73 as those required to receive a class D operator's license under Title 53, Chapter 3, Uniform Driver  
74 License Act.

75 (c) A student who fails the skills test given by an instructor certified under this section may  
76 apply for a class D operator's license under Title 53, Chapter 3, Part 2, Driver Licensing Act, and  
77 complete the skills test at a division office.

78 (4) A student who successfully passes the test given by a certified driver training instructor  
79 under this section satisfies the driving parts of the test required for a class D operator's license.

80 (5) The division shall establish procedures to enable licensed commercial driver training  
81 schools to administer or process the skills test authorized under this section for a class D operator's  
82 license.

83 (6) The division shall establish the standards and procedures required under this section  
84 by rules made in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

85 Section 3. **Effective date.**

86 This act takes effect on July 1, 2000.

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**Legislative Review Note**  
**as of 1-31-00 5:16 PM**

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

**Office of Legislative Research and General Counsel**