

**PRACTICE PERMIT REQUIREMENT**

**AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Roger E. Barrus**

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**LONG TITLE**

**General Description:**

This bill modifies the Public Safety Code and the State System of Public Education Code to amend the age limit for a practice permit to operate a motor vehicle.

**Highlighted Provisions:**

This bill:

- ▶ changes the age limit for a student to obtain a practice permit from 15 years and nine months to 15 years and six months of age;
- ▶ increases the hours of required driving with a parent or guardian prior to obtaining a driver license;
- ▶ allows a school or school district that provides driver education to provide an opportunity for each pupil enrolled in that school or school district to be issued a practice permit when the pupil is 15 years and six months of age;
- ▶ allows a certified driver education teacher to issue a practice permit when the pupil is 15 years and six months of age; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2004.

**Utah Code Sections Affected:**

AMENDS:

**53-3-205**, as last amended by Chapter 30, Laws of Utah 2003

**53-3-210**, as last amended by Chapter 85, Laws of Utah 2001

**53-3-211**, as last amended by Chapter 121, Laws of Utah 2003

**53A-13-201**, as last amended by Chapter 121, Laws of Utah 2003

**53A-13-208**, as last amended by Chapter 28, Laws of Utah 1999

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

Section 1. Section **53-3-205** is amended to read:

**53-3-205. Application for license or endorsement -- Fee required -- Tests -- Expiration dates of licenses and endorsements -- Information required -- Previous licenses surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required -- License agreement.**

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

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

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

(a) not more than three attempts to pass both the knowledge and skills tests for a class D license within six months of the date of the application;

- (b) a learner permit if needed after the knowledge test is passed; and
- (c) an original class D license and license certificate after all tests are passed.

(3) An application and fee for an original class M license entitle the applicant to:

(a) not more than three attempts to pass both the knowledge and skills tests for a class M license within six months of the date of the application;

- (b) a learner permit if needed after the knowledge test is passed; and
- (c) an original class M license and license certificate after all tests are passed.

(4) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:

- (a) not more than three attempts to pass both the knowledge and skills tests within six

months of the date of the application;

(b) a motorcycle learner permit if needed after the motorcycle knowledge test is passed;

and

(c) a motorcycle or taxicab endorsement when all tests are passed.

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

(a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months of the date of the application;

(b) a commercial driver instruction permit if needed after the knowledge test is passed; and

(c) an original commercial class A, B, or C license and license certificate when all applicable tests are passed.

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

(a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months of the date of the application; and

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

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

(8) (a) An original license expires on the birth date of the applicant in the fifth year following the year the license certificate was issued.

(b) A renewal or an extension to a license expires on the birth date of the licensee in the fifth year following the expiration date of the license certificate renewed or extended.

(c) A duplicate license expires on the same date as the last license certificate issued.

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

(e) A license and any endorsement to the license held by a person ordered to active duty and stationed outside Utah in any of the armed forces of the United States, which expires during

the time period the person is stationed outside of the state, is valid until 90 days after the person has been discharged or has left the service, unless the license is suspended, disqualified, denied, or has been cancelled or revoked by the division, or the licensee updates the information or photograph on the license certificate.

(9) (a) In addition to the information required by Title 63, Chapter 46b, Administrative Procedures Act, for requests for agency action, each applicant shall have a Utah residence address and each applicant shall:

(i) provide the applicant's:

(A) full legal name;

(B) birth date;

(C) gender;

(D) between July 1, 2002 and July 1, 2007, race in accordance with the categories established by the United States Census Bureau;

(E) Social Security number or temporary identification number (ITIN) issued by the Internal Revenue Service for a person who does not qualify for a Social Security number; and

(F) Utah residence address of the applicant;

(ii) provide a description of the applicant;

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

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

(v) state whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Uniform Anatomical Gift Act, in compliance with Subsection (16);

(vi) provide all other information the division requires; and

(vii) sign the application which signature may include an electronic signature as defined in Section 46-4-102.

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

- (i) Social Security number; or
- (ii) temporary identification number (ITIN).

(c) An applicant may not be denied a license for refusing to provide race information required under Subsection (9)(a)(i)(D).

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

- (a) current license certificate;
- (b) birth certificate;
- (c) Selective Service registration; or
- (d) other proof, including church records, family Bible notations, school records, or other

evidence considered acceptable by the division.

(11) When an applicant receives a license in another class, all previous license certificates shall be surrendered and canceled. However, a disqualified commercial license may not be canceled unless it expires before the new license certificate is issued.

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

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

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

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

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

Motor Vehicles.

(16) (a) The indication of intent under Subsection (9)(a)(v) shall be authenticated by the licensee in accordance with division rule.

(b) (i) Notwithstanding Title 63, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-2, the names and addresses of all persons who under Subsection (9)(a)(v) indicate that they intend to make an anatomical gift.

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

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

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

(17) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection (9)(a)(v), for direct or indirect:

(a) loss;

(b) detriment; or

(c) injury.

Section 2. Section **53-3-210** is amended to read:

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

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

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

(2) (a) The division, upon receiving an application, may issue an instruction permit effective for one year to an applicant who is at least 15 years and six months of age and who is enrolled in a driver education program that includes practice driving, if the program is approved by the State Board of Education or the division, even though the applicant has not reached the

legal age to be eligible for a license.

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

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

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

(i) is at least 15 years and ~~[nine]~~ six months of age;

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

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

(A) commercial driver training school licensed under Title 53, Chapter 3, Part 5, Commercial Driver Training Schools Act; or

(B) driver education program approved by the division;

(iv) has passed the knowledge test required by the division;

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

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

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

(i) the ~~[person's]~~ applicant's full name, date of birth, sex, home address, height, weight, and eye color;

(ii) the name of the school providing the driver education course;

(iii) the dates of issuance and expiration of the permit;

(iv) the statutory citation authorizing the permit; and

(v) the conditions and restrictions contained in this section for operating a class D motor vehicle.

(c) The practice permit is valid for up to six months from the date of issuance. The practice permit allows the person, while having the permit in the applicant's immediate possession,

to operate a class D motor vehicle when the person's parent, legal guardian, or adult spouse, who must be a licensed driver, is occupying a seat next to the person.

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

Section 3. 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 -- Behind-the-wheel driving certification.**

(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.

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

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

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

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

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

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

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

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

(b) This Subsection (6) does not apply to an application of a person who is no longer a minor.

(7) (a) In addition to the liability assumed under this section, the person who signs the application of a minor for a provisional license must certify that the minor applicant, under the authority of a permit issued under this chapter, has completed at least [~~30~~] 40 hours of driving a motor vehicle, of which at least ten hours shall be during night hours after sunset.

(b) The hours of driving a motor vehicle required under Subsection (7)(a) may include:

(i) hours completed in a driver education course as required under Subsection 53-3-505.5(1); and

(ii) up to five hours completed by driving simulation practice on a fully interactive driving simulation device at the substitution rate provided under Subsection 53-3-505.5(2)(b).

Section 4. Section **53A-13-201** is amended to read:

**53A-13-201. Driver education established by school districts.**

(1) As used in this part:

(a) "driver education" includes classroom instruction and driving and observation in a dual-controlled motor vehicle; and

(b) "driving" or "behind-the-wheel driving" means operating a dual-controlled motor vehicle under the supervision of a certified instructor.

(2) (a) Local school districts may establish and maintain driver education for pupils.

(b) A school or local school district that provides driver education shall provide an opportunity for each pupil enrolled in that school or local school district to take the written test

and be issued a practice permit when the pupil is 15 years and nine months of age.

(c) Notwithstanding the provisions of Subsection (2)(b), a school or local school district that provides driver education may provide an opportunity for each pupil enrolled in that school or school district to be issued a practice permit when the pupil is 15 years and six months of age.

(3) The purpose of driver education is to help develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles.

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the State Board of Education shall make rules for driver education offered in the public schools.

(5) The rules under Subsection (4) shall:

(a) require at least one hour of classroom training on the subject of railroad crossing safety for each driver education pupil; and

(b) establish minimum standards for approved driving ranges under Section 53-3-505.5.

(6) The requirements of Section 53-3-505.5 apply to any behind-the-wheel driving training provided as part of driver education offered under this part and used to satisfy the driver training requirement under Section 53-3-204.

Section 5. Section **53A-13-208** is amended to read:

**53A-13-208. Driver education teachers certified as license examiners.**

(1) The Driver License Division of the Department of Public Safety and the State Board of Education through the State Office of Education shall establish procedures and standards to certify teachers of driver education classes under this part to administer written and driving tests and to issue practice permits.

(2) The division is the certifying authority.

(3) (a) A teacher certified under this section shall give written and driving tests designed for driver education classes authorized under this part.

(b) The Driver License Division shall, in conjunction with the State Office of Education, establish minimal standards for the driver education class tests that are at least as difficult as those required to receive a class D operator's license under Title 53, Chapter 3, Uniform Drivers License Act.

(c) A student who passes the written test but fails the driving test given by a teacher certified under this section may apply for a class D operator's license under Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver License Division office.

(4) (a) A certified driver education teacher shall issue a practice permit to a student who:

- (i) is at least 15 years and nine months of age;
- (ii) passes the written test given by the teacher under this section; ~~[and]~~
- (iii) has been issued an instruction permit under Subsection 53-3-210(2)~~[-]; and~~
- (iv) has passed the physical and mental fitness tests as required by the division.

(b) Notwithstanding the provisions of Subsection (4)(a)(i), a certified driver education teacher may issue a practice permit to a student who is at least 15 years and six months of age and who meets the requirements of Subsections (4)(a)(ii) and (iii).

~~[(b)]~~ (c) The State Office of Education shall supply the practice permit form. The form shall include the following information:

- (i) the student's full name, date of birth, sex, home address, height, weight, and eye color;
- (ii) the name of the school or local school district providing the driver education program;
- (iii) the name and signature of ~~[the]~~ a driver education teacher;
- (iv) the dates of issuance and expiration of the permit;
- (v) the statutory citation authorizing the permit; and
- (vi) the conditions and restrictions contained in this section for operating a class D motor vehicle.

~~[(c)]~~ (d) The practice permit is valid for up to six months from the date of issuance. The practice permit allows the student to operate a class D motor vehicle when the student's parent, legal guardian, or adult spouse, who must be a licensed driver, is occupying a seat next to the student.

~~[(d)]~~ (e) A student shall have the practice permit in his immediate possession at all times when operating a motor vehicle under this section.

(5) A student who successfully passes the tests given by a certified driver education teacher under this section satisfies the written and driving parts of the test required for a class D

operator's license.

(6) The Driver License Division and the State Board of Education shall establish procedures to enable school districts to administer or process any tests for students to receive a class D operator's license.

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

Section 6. **Effective date.**

This bill takes effect on July 1, 2004.