

- 30 ▶ provides that a person 17 years of age or younger shall hold a learner permit for six
- 31 months before applying for a provisional class D license;
- 32 ▶ prohibits the Driver License Division from issuing a temporary learner permit, an
- 33 instruction permit, or a practice permit beginning on August 1, 2006;
- 34 ▶ repeals temporary learner permit, instruction permit, and practice permit provisions
- 35 on February 1, 2007;
- 36 ▶ authorizes a school district that provides driver education to provide an opportunity
- 37 for each pupil enrolled in that school or school district to take the written test when
- 38 the pupil is 15 years of age;
- 39 ▶ repeals provisions that authorize a school district to issue an instruction permit or a
- 40 practice permit;
- 41 ▶ requires a student enrolled in driver education provided by a school district to have
- 42 a learner permit issued by the division in the student's immediate possession at all
- 43 times when operating a motor vehicle during the driver education program; and
- 44 ▶ makes technical changes.

45 Monies Appropriated in this Bill:

46 None

47 Other Special Clauses:

48 This bill takes effect on August 1, 2006.

49 Utah Code Sections Affected:

50 AMENDS:

- 51 **41-8-1**, as last amended by Chapter 30, Laws of Utah 2003
- 52 **53-3-104**, as last amended by Chapters 2, 20 and 34, Laws of Utah 2005
- 53 **53-3-105**, as last amended by Chapter 2, Laws of Utah 2005
- 54 **53-3-106**, as last amended by Chapter 2, Laws of Utah 2005
- 55 **53-3-202**, as last amended by Chapter 2, Laws of Utah 2005
- 56 **53-3-204**, as last amended by Chapter 20, Laws of Utah 2005
- 57 **53-3-205**, as last amended by Chapters 20 and 34, Laws of Utah 2005

- 58 **53-3-210**, as last amended by Chapter 222, Laws of Utah 2004
- 59 **53-3-211**, as last amended by Chapter 222, Laws of Utah 2004
- 60 **53-3-408**, as last amended by Chapter 220, Laws of Utah 2005
- 61 **53A-13-201**, as last amended by Chapter 222, Laws of Utah 2004
- 62 **53A-13-208**, as last amended by Chapter 222, Laws of Utah 2004
- 63 **63-55b-153**, as last amended by Chapters 90, 251 and 328, Laws of Utah 2004

64 ENACTS:

65 **53-3-210.5**, Utah Code Annotated 1953



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

68 Section 1. Section **41-8-1** is amended to read:

69 **41-8-1. Operation of vehicle by persons under 16 prohibited -- Exceptions for**
70 **off-highway vehicles and off-highway implements of husbandry.**

71 (1) A person under 16 years of age, whether resident or nonresident of this state, may
72 not operate a motor vehicle upon any highway of this state.

73 (2) This section does not apply to a person operating:

74 (a) a motor vehicle under a permit issued under Section 53-3-210, 53-3-210.5, or
75 53A-13-208;

76 (b) an off-highway vehicle registered under Section 41-22-3 either:

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

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

79 (c) an off-highway implement of husbandry in the manner prescribed by Subsections
80 41-22-5.5(3) through (5).

81 Section 2. Section **53-3-104** is amended to read:

82 **53-3-104. Division duties.**

83 The division shall:

84 (1) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
85 make rules:

86 (a) for examining applicants for a license, as necessary for the safety and welfare of the
87 traveling public;

88 (b) for acceptable documentation of an applicant's identity, Utah resident status, Utah
89 residence address, proof of legal presence, proof of citizenship of a country other than the
90 United States, and other proof or documentation required under this chapter;

91 (c) regarding the restrictions to be imposed on a person driving a motor vehicle with a
92 temporary learner permit or learner permit; and

93 (d) for exemptions from licensing requirements as authorized in this chapter;

94 (2) examine each applicant according to the class of license applied for;

95 (3) license motor vehicle drivers;

96 (4) file every application for a license received by it and shall maintain indices
97 containing:

98 (a) all applications denied and the reason each was denied;

99 (b) all applications granted; and

100 (c) the name of every licensee whose license has been suspended, disqualified, or
101 revoked by the division and the reasons for the action;

102 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with
103 this chapter;

104 (6) file all accident reports and abstracts of court records of convictions received by it
105 under state law;

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

108 (8) consider the record of a licensee upon an application for renewal of a license and at
109 other appropriate times;

110 (9) search the license files, compile, and furnish a report on the driving record of any
111 person licensed in the state in accordance with Section 53-3-109;

112 (10) develop and implement a record system as required by Section 41-6a-604;

113 (11) in accordance with Section 53A-13-208, establish:

- 114 (a) procedures and standards to certify teachers of driver education classes to
115 administer knowledge and skills tests;
- 116 (b) minimal standards for the tests; and
- 117 (c) procedures to enable school districts to administer or process any tests for students
118 to receive a class D operator's license;
- 119 (12) in accordance with Section 53-3-510, establish:
- 120 (a) procedures and standards to certify licensed instructors of commercial driver
121 training school courses to administer the skills test;
- 122 (b) minimal standards for the test; and
- 123 (c) procedures to enable licensed commercial driver training schools to administer or
124 process skills tests for students to receive a class D operator's license; and
- 125 (13) provide administrative support to the Driver License Medical Advisory Board
126 created in Section 53-3-303.

127 Section 3. Section **53-3-105** is amended to read:

128 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
129 **and identification cards.**

130 The following fees apply under this chapter:

- 131 (1) An original class D license application under Section 53-3-205 is \$20.
- 132 (2) An original class M license application under Section 53-3-205 is \$22.50.
- 133 (3) An original provisional license application for a class D license under Section
134 53-3-205 is \$25.
- 135 (4) An original provisional license application for a class M license under Section
136 53-3-205 is \$27.50.
- 137 (5) An original application for a motorcycle endorsement under Section 53-3-205 is
138 \$7.50.
- 139 (6) An original application for a taxicab endorsement under Section 53-3-205 is \$5.
- 140 (7) A learner permit application under Section 53-3-210.5 is \$15.
- 141 [~~7~~] (8) A renewal of a class D license under Section 53-3-214 is \$20 unless

142 Subsection [~~(13)~~] (14) applies.

143 ~~[(8)]~~ (9) A renewal of a class M license under Section 53-3-214 is \$22.50.

144 ~~[(9)]~~ (10) A renewal of a provisional license application for a class D license under
145 Section 53-3-214 is \$20.

146 ~~[(10)]~~ (11) A renewal of a provisional license application for a class M license under
147 Section 53-3-214 is \$22.50.

148 ~~[(11)]~~ (12) A renewal of a motorcycle endorsement under Section 53-3-214 is \$7.50.

149 ~~[(12)]~~ (13) A renewal of a taxicab endorsement under Section 53-3-214 is \$5.

150 ~~[(13)]~~ (14) A renewal of a class D license for a person 65 and older under Section
151 53-3-214 is \$8.

152 ~~[(14)]~~ (15) An extension of a class D license under Section 53-3-214 is \$15 unless
153 Subsection [~~(20)~~] (21) applies.

154 ~~[(15)]~~ (16) An extension of a class M license under Section 53-3-214 is \$17.50.

155 ~~[(16)]~~ (17) An extension of a provisional license application for a class D license under
156 Section 53-3-214 is \$15.

157 ~~[(17)]~~ (18) An extension of a provisional license application for a class M license
158 under Section 53-3-214 is \$17.50.

159 ~~[(18)]~~ (19) An extension of a motorcycle endorsement under Section 53-3-214 is
160 \$7.50.

161 ~~[(19)]~~ (20) An extension of a taxicab endorsement under Section 53-3-214 is \$5.

162 ~~[(20)]~~ (21) An extension of a class D license for a person 65 and older under Section
163 53-3-214 is \$6.

164 ~~[(21)]~~ (22) An original or renewal application for a commercial class A, B, or C license
165 or an original or renewal of a provisional commercial class A or B license under Part 4,
166 Uniform Commercial Driver License Act, is:

167 (a) \$35 for the knowledge test; and

168 (b) \$55 for the skills test.

169 ~~[(22)]~~ (23) Each original CDL endorsement for passengers, hazardous material, double

170 or triple trailers, or tankers is \$5.

171 ~~[(23)]~~ (24) An original CDL endorsement for a school bus under Part 4, Uniform
172 Commercial Driver License Act, is \$5.

173 ~~[(24)]~~ (25) A renewal of a CDL endorsement under Part 4, Uniform Commercial
174 Driver License Act, is \$5.

175 ~~[(25)]~~ (26) A retake of a CDL knowledge or a CDL skills test provided for in Section
176 53-3-205 is \$15.

177 ~~[(26)]~~ (27) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$5.

178 ~~[(27)]~~ (28) A duplicate class A, B, C, D, or M license certificate under Section
179 53-3-215 is \$13.

180 ~~[(28)]~~ (29) (a) A license reinstatement application under Section 53-3-205 is \$25.

181 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
182 combination of alcohol and any drug-related offense is \$25 in addition to the fee under
183 Subsection ~~[(28)]~~ (29)(a).

184 ~~[(29)]~~ (30) (a) An administrative fee for license reinstatement after an alcohol, drug, or
185 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
186 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
187 Part 4, Uniform Commercial Driver License Act, is \$150.

188 (b) This administrative fee is in addition to the fees under Subsection ~~[(28)]~~ (29).

189 ~~[(30)]~~ (31) (a) An administrative fee for providing the driving record of a driver under
190 Section 53-3-104 or 53-3-420 is \$4.

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

193 ~~[(31)]~~ (32) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

194 ~~[(32)]~~ (33) An identification card application under Section 53-3-808 is \$8.

195 Section 4. Section **53-3-106** is amended to read:

196 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**
197 **-- Uses as provided by appropriation -- Nonlapsing.**

198 (1) There is created within the Transportation Fund a restricted account known as the
199 "Department of Public Safety Restricted Account."

200 (2) The account consists of monies generated from the following revenue sources:

201 (a) all monies received under this chapter;

202 (b) administrative fees received according to the fee schedule authorized under this
203 chapter and Section 63-38-3.2; and

204 (c) any appropriations made to the account by the Legislature.

205 (3) (a) The account shall earn interest.

206 (b) All interest earned on account monies shall be deposited in the account.

207 (4) The expenses of the department in carrying out this chapter shall be provided for by
208 legislative appropriation from this account.

209 (5) The amount in excess of \$35 of the fees collected under Subsection
210 53-3-105~~(29)~~(30) shall be appropriated by the Legislature from this account to the department
211 to implement the provisions of Section 53-1-117, except that of the amount in excess of \$35,
212 \$30 shall be deposited in the State Laboratory Drug Testing restricted account created in
213 Section 26-1-34.

214 (6) All monies received under Subsection 41-6a-1406(6)(b)(ii) shall be appropriated by
215 the Legislature from this account to the department to implement the provisions of Section
216 53-1-117.

217 (7) Appropriations to the department from the account are nonlapsing.

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

219 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

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

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

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

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

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

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

235 (f) driving under a temporary learner permit, instruction permit, ~~or~~ practice permit, or
236 learner permit in accordance with Section 53-3-210, 53-3-210.5, or 53A-13-208;

237 (g) driving with a temporary license certificate issued in accordance with Section
238 53-3-207; or

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

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

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

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

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

248 (4) (a) A person may not operate an electric assisted bicycle as defined under Section
249 41-6a-102 unless the person has a valid class M or class D license issued under this chapter.

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

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

252 Section 6. Section **53-3-204** is amended to read:

253 **53-3-204. Persons who may not be licensed.**

- 254 (1) (a) The division may not license a person who:
- 255 (i) is younger than 16 years of age;
- 256 (ii) has not completed a course in driver training approved by the commissioner; [or]
- 257 (iii) if the person is a minor, has not completed the driving requirement under Section
- 258 53-3-211; [or]
- 259 (iv) is not a resident of the state [~~of Utah~~]; or
- 260 (v) if the person is 17 years of age or younger, has not held a learner permit issued
- 261 under Section 53-3-210.5 for six months.
- 262 (b) Subsections (1)(a)(i), (ii), and (iii) do not apply to a person:
- 263 (i) who has been licensed before July 1, 1967;
- 264 (ii) who is 16 years of age or older making application for a license who has been
- 265 licensed in another state or country; or
- 266 (iii) who is applying for a permit under Section 53-3-210 or 53A-13-208.
- 267 (c) Subsection (1)(a)(v) does not apply to a person applying for a provisional class D
- 268 license certificate before February 1, 2007 if the person has been issued a temporary learner
- 269 permit or practice permit under Section 53-3-210.
- 270 (2) The division may not issue a license certificate to a person:
- 271 (a) whose license has been suspended, denied, cancelled, or disqualified during the
- 272 period of suspension, denial, cancellation, or disqualification;
- 273 (b) whose privilege has been revoked, except as provided in Section 53-3-225;
- 274 (c) who has previously been adjudged mentally incompetent and who has not at the
- 275 time of application been restored to competency as provided by law;
- 276 (d) who is required by this chapter to take an examination unless the person
- 277 successfully passes the examination; or
- 278 (e) whose driving privileges have been denied or suspended under:
- 279 (i) Section 78-3a-506 by an order of the juvenile court; or
- 280 (ii) Section 53-3-231.
- 281 (3) The division may grant a class D or M license to a person whose commercial

282 license is disqualified under Part 4 ~~[of this chapter]~~, Uniform Commercial Driver License Act,
283 if the person is not otherwise sanctioned under this chapter.

284 Section 7. Section **53-3-205** is amended to read:

285 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
286 **Expiration dates of licenses and endorsements -- Information required -- Previous**
287 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
288 **Fee required -- License agreement.**

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

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

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

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

297 ~~[(b) a learner permit if needed after the knowledge test is passed; and]~~

- 298 (b) a learner permit if needed pending completion of the application and testing
299 process; and

- 300 (c) an original class D license and license certificate after all tests are passed.

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

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

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

- 305 (c) an original class M license and license certificate after all tests are passed.

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

- 308 (a) not more than three attempts to pass both the knowledge and skills tests within six
309 months of the date of the application;

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

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

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

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

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

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

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

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

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

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

328 (8) (a) Except as provided under Subsections (8)(f) and (g), an original license expires
329 on the birth date of the applicant in the fifth year following the year the license certificate was
330 issued.

331 (b) Except as provided under Subsections (8)(f) and (g), a renewal or an extension to a
332 license expires on the birth date of the licensee in the fifth year following the expiration date of
333 the license certificate renewed or extended.

334 (c) Except as provided under Subsections (8)(f) and (g), a duplicate license expires on
335 the same date as the last license certificate issued.

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

338 (e) A license and any endorsement to the license held by a person ordered to active
339 duty and stationed outside Utah in any of the armed forces of the United States, which expires
340 during the time period the person is stationed outside of the state, is valid until 90 days after the
341 person has been discharged or has left the service, unless:

342 (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by
343 the division[;]; or

344 (ii) the licensee updates the information or photograph on the license certificate.

345 (f) An original license or a renewal to an original license obtained using proof under
346 Subsection (9)(a)(i)(E)(III) expires on the date of the expiration of the applicant's foreign visa,
347 permit, or other document granting legal presence in the United States or on the date provided
348 under this Subsection (8), whichever is sooner.

349 (g) (i) An original license or a renewal or a duplicate to an original license expires on
350 the next birth date of the applicant or licensee beginning on July 1, 2005 if:

351 (A) the license was obtained without using a Social Security number as required under
352 Subsection (9); and

353 (B) the license certificate or driving privilege card is not clearly distinguished as
354 required under Subsection 53-3-207(6).

355 (ii) A driving privilege card issued or renewed under Section 53-3-207 expires on the
356 birth date of the applicant in the first year following the year that the driving privilege card was
357 issued or renewed.

358 (iii) The expiration dates provided under Subsections (8)(g)(i) and (ii) do not apply to
359 an original license or driving privilege card or to the renewal of an original license or driving
360 privilege card with an expiration date provided under Subsection (8)(f).

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

364 (i) provide the applicant's:

365 (A) full legal name;

- 366 (B) birth date;
- 367 (C) gender;
- 368 (D) between July 1, 2002 and July 1, 2007, race in accordance with the categories
369 established by the United States Census Bureau;
- 370 (E) (I) Social Security number;
- 371 (II) temporary identification number (ITIN) issued by the Internal Revenue Service for
372 a person who does not qualify for a Social Security number; or
- 373 (III) (Aa) proof that the applicant is a citizen of a country other than the United States;
- 374 (Bb) proof that the applicant does not qualify for a Social Security number; and
- 375 (Cc) proof of legal presence in the United States, as authorized under federal law; and
- 376 (F) Utah residence address as documented by a form acceptable under rules made by
377 the division under Section 53-3-104;
- 378 (ii) provide a description of the applicant;
- 379 (iii) state whether the applicant has previously been licensed to drive a motor vehicle
380 and, if so, when and by what state or country;
- 381 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,
382 disqualified, or denied in the last six years, or whether the applicant has ever had any license
383 application refused, and if so, the date of and reason for the suspension, cancellation,
384 revocation, disqualification, denial, or refusal;
- 385 (v) state whether the applicant intends to make an anatomical gift under Title 26,
386 Chapter 28, Uniform Anatomical Gift Act, in compliance with Subsection (16);
- 387 (vi) provide all other information the division requires; and
- 388 (vii) sign the application which signature may include an electronic signature as
389 defined in Section 46-4-102.
- 390 (b) The division shall maintain on its computerized records an applicant's:
- 391 (i) Social Security number;
- 392 (ii) temporary identification number (ITIN); or
- 393 (iii) other number assigned by the division if Subsection (9)(a)(i)(E)(III) applies.

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

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

398 (a) current license certificate;

399 (b) birth certificate;

400 (c) Selective Service registration; or

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

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

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

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

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

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

417 (15) A person who applies for an original license or renewal of a license agrees that the
418 person's license is subject to any suspension or revocation authorized under this title or Title
419 41, Motor Vehicles.

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

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

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

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

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

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

431 (a) loss;

432 (b) detriment; or

433 (c) injury.

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

435 **53-3-210. Temporary learner permit -- Instruction permit -- Commercial driver**
436 **instruction permit -- Practice permit.**

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

440 [(b) ~~The~~] (1) A temporary learner permit issued by the division allows the applicant,
441 while having the permit in the applicant's immediate possession, to drive a motor vehicle upon
442 the highways for six months from the date of the application in conformance with the
443 restrictions indicated on the permit.

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

449 [(b) ~~The~~] (2) An instruction permit issued by the division entitles the applicant, while

450 having the permit in [his] the applicant's immediate possession, to drive a motor vehicle, only
451 if an approved instructor is occupying a seat beside the applicant.

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

454 [~~(4) (a) The division shall issue a practice permit to an applicant who:~~]

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

456 [~~(ii) has been issued an instruction permit under this section;~~]

457 [~~(iii) is enrolled in a driver education program or has successfully completed a driver
458 education course in a:~~]

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

461 [~~(B) driver education program approved by the division;~~]

462 [~~(iv) has passed the knowledge test required by the division;~~]

463 [~~(v) has passed the physical and mental fitness tests; and]~~

464 [~~(vi) has submitted the nonrefundable fee for a class D license.]~~

465 [~~(b) The division shall supply the practice permit form. The form shall include the
466 following information:~~]

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

469 [~~(ii) the name of the school providing the driver education course;~~]

470 [~~(iii) the dates of issuance and expiration of the permit;~~]

471 [~~(iv) the statutory citation authorizing the permit; and]~~

472 [~~(v) the conditions and restrictions contained in this section for operating a class D
473 motor vehicle.]~~

474 [~~(c) The~~] (4) (a) A practice permit issued by the division is valid for up to six months
475 from the date of issuance.

476 (b) The practice permit allows the person, while having the permit in the applicant's
477 immediate possession, to operate a class D motor vehicle when the person's parent, legal

478 guardian, or adult spouse, who must be a licensed driver, is occupying a seat next to the person.

479 ~~[(d)]~~ (c) If an applicant has been issued a practice permit by the division under this
480 section, the applicant may obtain an original or provisional class D license from the division
481 upon passing the skills test administered by the division and reaching 16 years of age.

482 (5) Beginning on August 1, 2006, the division may not issue a temporary learner
483 permit, an instruction permit, or a practice permit under this section.

484 Section 9. Section **53-3-210.5** is enacted to read:

485 **53-3-210.5. Learner permit.**

486 (1) Beginning on August 1, 2006, the division, upon receiving an application for a
487 learner permit, may issue a learner permit effective for one year to an applicant who is at least
488 15 years of age.

489 (2) (a) The learner permit entitles an applicant that is 18 years of age or older to operate
490 a class D motor vehicle only if:

491 (i) a person 21 years of age or older who is a licensed driver is occupying a seat beside
492 the applicant; and

493 (ii) the applicant has the learner permit in the applicant's immediate possession while
494 operating the motor vehicle.

495 (b) The learner permit entitles an applicant that is younger than 18 years of age to
496 operate a class D motor vehicle only if:

497 (i) (A) an approved driving instructor is occupying a seat beside the applicant;

498 (B) the applicant's parent or legal guardian, who must be a licensed driver, is
499 occupying a seat beside the applicant; or

500 (C) a responsible adult who has signed for the applicant under Section 53-3-211 and
501 who must be a licensed driver, is occupying a seat beside the applicant; and

502 (ii) the applicant has the learner permit in the applicant's immediate possession while
503 operating the motor vehicle.

504 (3) The division shall issue a learner permit to an applicant who:

505 (a) is at least 15 years of age;

506 (b) has passed the knowledge test required by the division;
507 (c) has passed the physical and mental fitness tests; and
508 (d) has submitted a nonrefundable fee for a learner permit under Section 53-3-105.
509 (4) (a) The division shall supply the learner permit form.
510 (b) The form under Subsection (4)(a) shall include:
511 (i) the applicant's full name, date of birth, sex, Utah residence address, height, weight,
512 and eye color;
513 (ii) the date of issuance and expiration of the permit; and
514 (iii) the conditions and restrictions contained in this section for operating a class D
515 motor vehicle.
516 (5) An application and fee for a learner permit entitle the applicant to:
517 (a) not more than three attempts to pass the knowledge test for a class D license within
518 one year; and
519 (b) a learner permit after the knowledge test is passed.
520 (6) (a) If an applicant has been issued a learner permit under this section, the applicant
521 may be issued an original or provisional class D license from the division upon:
522 (i) completing a driver education course in a:
523 (A) commercial driver training school licensed under Part 5, Commercial Driver
524 Training Schools Act; or
525 (B) driver education program approved by the State Board of Education or the division;
526 (ii) passing the skills test approved by the division;
527 (iii) reaching 16 years of age; and
528 (iv) paying the nonrefundable fee for an original or provisional class D license
529 application under Section 53-3-105.
530 (b) In addition to the requirements under Subsection (6)(a), an applicant who is 17
531 years of age or younger is required to hold a learner permit for six months before applying for a
532 provisional class D license.
533 Section 10. Section **53-3-211** is amended to read:

534 **53-3-211. Application of minors -- Liability of person signing application --**
535 **Cancellation of cosigning adult's liability -- Behind-the-wheel driving certification.**

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

538 (2) (a) The application of a minor for a temporary learner permit, practice permit,
539 learner permit, or provisional license shall be signed by the parent or guardian of the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

573 (i) hours completed in a driver education course as required under Subsection
574 53-3-505.5(1); and

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

577 Section 11. Section **53-3-408** is amended to read:

578 **53-3-408. Qualifications for commercial driver instruction permit.**

579 (1) [~~A CDIP may be issued~~] The division may issue a CDIP to a person who:

580 (a) holds a valid license;

581 (b) has at least one year of driving experience; and

582 (c) has passed the vision and knowledge test for the class of license for which he is
583 applying.

584 (2) A CDIP may be:

585 (a) issued only for a period not to exceed six months; and

586 (b) renewed or issued again only once within a two-year period.

587 (3) The holder of a CDIP may drive a commercial motor vehicle on a highway only
588 when accompanied by a person who:

589 (a) (i) holds a CDL valid for the type of commercial motor vehicle driven; or

590 (ii) is certified by the division to administer driver licensing examinations to CDL
591 applicants; and

592 (b) occupies a seat beside the individual for the purpose of:

593 (i) giving the driver instruction regarding the driving of the commercial motor vehicle;

594 or

595 (ii) administering a driver licensing examination to a CDL applicant.

596 (4) A CDL or CDIP may not be issued to a person:

597 (a) subject to disqualification from driving a commercial motor vehicle; or

598 (b) whose license is suspended, revoked, or canceled in any state.

599 (5) A CDL or CDIP may not be issued to a person until the person has surrendered all
600 license certificates the person holds to the division for cancellation.

601 Section 12. Section **53A-13-201** is amended to read:

602 **53A-13-201. Driver education established by school districts.**

603 (1) As used in this part:

604 (a) "Driver education" includes classroom instruction and driving and observation in a
605 dual-controlled motor vehicle~~;~~~~and~~.

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

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

609 (b) A school or local school district that provides driver education shall provide an
610 opportunity for each pupil enrolled in that school or local school district to take the written test
611 ~~[and be issued a practice permit]~~ when the pupil is 15 years and nine months of age.

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

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

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

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

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

623 (b) establish minimum standards for approved driving ranges under Section
624 53-3-505.5.

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

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

629 **53A-13-208. Driver education teachers certified as license examiners.**

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

634 (2) The division is the certifying authority.

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

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

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

645 [~~(4) (a) A certified driver education teacher shall issue a practice permit to a student~~]

646 who:]

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

648 [(ii) passes the written test given by the teacher under this section;]

649 [(iii) has been issued an instruction permit under Subsection 53-3-210(2); and]

650 [(iv) has passed the physical and mental fitness tests as required by the division.]

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

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

656 [(i) the student's full name, date of birth, sex, home address, height, weight, and eye
657 color;]

658 [(ii) the name of the school or local school district providing the driver education
659 program;]

660 [(iii) the name and signature of a driver education teacher;]

661 [(iv) the dates of issuance and expiration of the permit;]

662 [(v) the statutory citation authorizing the permit; and]

663 [(vi) the conditions and restrictions contained in this section for operating a class D
664 motor vehicle.]

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

669 [(e)] (4) A student shall have [the practice] a learner permit issued by the Driver
670 License Division under Section 53-3-210.5 in [his] the student's immediate possession at all
671 times when operating a motor vehicle under this section.

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

674 permit or class D operator's license.

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

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

681 Section 14. Section **63-55b-153** is amended to read:

682 **63-55b-153. Repeal dates -- Titles 53, 53A, and 53B.**

683 (1) Subsection 53-3-205(9)(a)(i)(D) is repealed July 1, 2007.

684 (2) Subsection 53-3-804(2)(g) is repealed July 1, 2007.

685 (3) Section 53A-1-403.5 is repealed July 1, 2007.

686 (4) Subsection 53A-1a-511(7)(c) is repealed July 1, 2007.

687 (5) Section 53A-3-702 is repealed July 1, 2008.

688 (6) Section 53B-8-104.5 is repealed July 1, 2009.

689 (7) Section 53-3-210 is repealed February 1, 2007.

690 Section 15. **Effective date.**

691 This bill takes effect on August 1, 2006.