

MOTORBOAT EDUCATION REQUIREMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Uniform Driver License Act and the State Boating Act by amending provisions relating to operating a motorboat.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ creates a motorboat endorsement for a driver license;
- ▶ requires an applicant for a motorboat endorsement to:
 - hold an original or provisional class D license, a CDL, or an out-of-state equivalent; and
 - provide the division proof that the applicant has completed a boating safety course;
- ▶ clarifies that certain driver license provisions apply to motorboats;
- ▶ provides that beginning on July 1, 2013, a person may not operate a motorboat on the waters of this state unless the person:
 - has a driver license and motorboat endorsement;
 - is under 16 years of age and is operating the motorboat under the direct supervision of a person who is at least 18 years of age and meets certain requirements;
 - is a nonresident who is 16 years of age or older and has proof that the



28 nonresident has completed a boating safety course that is approved by the National Association
29 of State Boating Law Administrators;

30 • is a licensed Utah captain/guide license holder and is carrying passengers for
31 hire; or

32 • is operating an official United States Government motorboat on official
33 business and has a valid United States Government motorboat operators
34 certification;

35 ▶ provides that the division may authorize a boat livery to issue a 14-day temporary
36 operating permit to certain persons;

37 ▶ requires the Division of Parks and Recreation to establish requirements for and
38 administer a boating safety course program;

39 ▶ grants the Division of Parks and Recreation authority to make rules establishing
40 procedures and requirements for providing a boating safety course; and

41 ▶ makes technical changes.

42 **Monies Appropriated in this Bill:**

43 None

44 **Other Special Clauses:**

45 This bill takes effect July 1, 2008.

46 **Utah Code Sections Affected:**

47 **AMENDS:**

48 **53-3-102 (Effective 07/01/08)**, as last amended by Laws of Utah 2007, Chapter 338

49 **53-3-105**, as last amended by Laws of Utah 2007, Chapters 53, 261, and 296

50 **53-3-106**, as last amended by Laws of Utah 2007, Chapter 261

51 **53-3-204**, as last amended by Laws of Utah 2006, Chapters 46, 201, and 293

52 **53-3-205**, as last amended by Laws of Utah 2007, Chapters 60 and 173

53 **53-3-217**, as last amended by Laws of Utah 1997, Chapter 51

54 **73-18-10**, as last amended by Laws of Utah 1986, Chapter 197

55 **73-18-15.2**, as last amended by Laws of Utah 2002, Chapter 200

56 **ENACTS:**

57 **73-18-15.4**, Utah Code Annotated 1953

58 **73-18-15.6**, Utah Code Annotated 1953

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

Section 1. Section **53-3-102 (Effective 07/01/08)** is amended to read:

53-3-102 (Effective 07/01/08). Definitions.

As used in this chapter:

(1) "Cancellation" means the termination by the division of a license issued through error or fraud or for which consent under Section 53-3-211 has been withdrawn.

(2) "Class D license" means the class of license issued to drive motor vehicles not defined as commercial motor vehicles or motorcycles under this chapter.

(3) "Class M license" means the class of license issued to drive a motorcycle as defined under this chapter.

(4) "Commercial driver license" or "CDL" means a license issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle.

(5) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

(i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as determined by federal regulation;

(ii) is designed to transport 16 or more passengers, including the driver; or

(iii) is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.

(b) The following vehicles are not considered a commercial motor vehicle for purposes of Part 4, Uniform Commercial Driver License Act:

(i) equipment owned and operated by the United States Department of Defense when driven by any active duty military personnel and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians and civilians who are required to wear military uniforms and are subject to the code of military justice;

(ii) vehicles controlled and driven by a farmer to transport agricultural products, farm machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation

90 as a motor carrier for hire;

91 (iii) firefighting and emergency vehicles; and

92 (iv) recreational vehicles that are not used in commerce and are driven solely as family
93 or personal conveyances for recreational purposes.

94 (6) "Conviction" means any of the following:

95 (a) an unvacated adjudication of guilt or a determination that a person has violated or
96 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

97 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's
98 appearance in court;

99 (c) a plea of guilty or nolo contendere accepted by the court;

100 (d) the payment of a fine or court costs; or

101 (e) violation of a condition of release without bail, regardless of whether the penalty is
102 rebated, suspended, or probated.

103 (7) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
104 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,
105 do not apply.

106 (8) "Director" means the division director appointed under Section 53-3-103.

107 (9) "Disqualification" means either:

108 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state
109 of a person's privileges to drive a commercial motor vehicle;

110 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
111 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
112 391; or

113 (c) the loss of qualification that automatically follows conviction of an offense listed in
114 49 C.F.R. Part 383.51.

115 (10) "Division" means the Driver License Division of the department created in
116 Section 53-3-103.

117 (11) "Drive" means:

118 (a) to operate or be in physical control of a:

119 (i) motor vehicle upon a highway; ~~and~~ or

120 (ii) motorboat on the waters of this state; and

121 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
122 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
123 the state.

124 (12) (a) "Driver" means any person who drives, or is in actual physical control of a
125 motor vehicle in any location open to the general public or motorboat on the waters of this state
126 for purposes of vehicular or motorboat traffic.

127 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
128 who is required to hold a CDL under Part 4 or federal law.

129 (13) "Extension" means a renewal completed in a manner specified by the division.

130 (14) "Farm tractor" means every motor vehicle designed and used primarily as a farm
131 implement for drawing plows, mowing machines, and other implements of husbandry.

132 (15) "Highway" means the entire width between property lines of every way or place of
133 any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

134 (16) "License" means the privilege to drive a motor vehicle.

135 (17) "License certificate" means the evidence of the privilege issued under this chapter
136 to drive a motor vehicle.

137 (18) "Motorboat" has the same meaning as provided under Section 73-18-2.

138 (19) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
139 saddle for the use of the rider and designed to travel with not more than three wheels in contact
140 with the ground.

141 (20) "Office of Recovery Services" means the Office of Recovery Services, created in
142 Section 62A-11-102.

143 (21) (a) "Owner" means a person other than a lienholder having an interest in the
144 property or title to a vehicle.

145 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to
146 a security interest in another person but excludes a lessee under a lease not intended as security.

147 (22) "Renewal" means to validate a license certificate so that it expires at a later date.

148 (23) "Reportable violation" means an offense required to be reported to the division as
149 determined by the division and includes those offenses against which points are assessed under
150 Section 53-3-221.

151 (24) (a) "Resident" means an individual who:

152 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
153 regardless of domicile, remains in this state for an aggregate period of six months or more
154 during any calendar year;

155 (ii) engages in a trade, profession, or occupation in this state, or who accepts
156 employment in other than seasonal work in this state, and who does not commute into the state;

157 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
158 license certificate or motor vehicle registration; or

159 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended
160 to nonresidents, including going to school, or placing children in school without paying
161 nonresident tuition or fees.

162 (b) "Resident" does not include any of the following:

163 (i) a member of the military, temporarily stationed in this state;

164 (ii) an out-of-state student, as classified by an institution of higher education,
165 regardless of whether the student engages in any type of employment in this state;

166 (iii) a person domiciled in another state or country, who is temporarily assigned in this
167 state, assigned by or representing an employer, religious or private organization, or a
168 governmental entity; or

169 (iv) an immediate family member who resides with or a household member of a person
170 listed in Subsections (24)(b)(i) through (iii).

171 (25) "Revocation" means the termination by action of the division of a licensee's
172 privilege to drive a motor vehicle.

173 (26) (a) "School bus" means a commercial motor vehicle used to transport pre-primary,
174 primary, or secondary school students to and from home and school, or to and from school
175 sponsored events.

176 (b) "School bus" does not include a bus used as a common carrier as defined in Section
177 59-12-102.

178 (27) "Suspension" means the temporary withdrawal by action of the division of a
179 licensee's privilege to drive a motor vehicle.

180 (28) "Taxicab" means any class D motor vehicle transporting any number of
181 passengers for hire and that is subject to state or federal regulation as a taxi.

182 (29) "Waters of this state" has the same meaning as provided under Section 73-18-2.

183 Section 2. Section **53-3-105** is amended to read:

184 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
185 **and identification cards.**

186 The following fees apply under this chapter:

187 (1) An original class D license application under Section 53-3-205 is \$25.

188 (2) An original class M license application under Section 53-3-205 is \$27.50.

189 (3) An original provisional license application for a class D license under Section
190 53-3-205 is \$30.

191 (4) An original provisional license application for a class M license under Section
192 53-3-205 is \$32.50.

193 (5) An original application for a motorcycle endorsement under Section 53-3-205 is
194 \$9.50.

195 (6) An original application for a motorboat endorsement under Section 53-3-205 is \$7.

196 [~~(6)~~] (7) An original application for a taxicab endorsement under Section 53-3-205 is
197 \$7.

198 [~~(7)~~] (8) A learner permit application under Section 53-3-210.5 is \$15.

199 [~~(8)~~] (9) A renewal of a class D license under Section 53-3-214 is \$25 unless
200 Subsection [~~(14)~~] (16) applies.

201 [~~(9)~~] (10) A renewal of a class M license under Section 53-3-214 is \$27.50.

202 [~~(10)~~] (11) A renewal of a provisional license application for a class D license under
203 Section 53-3-214 is \$25.

204 [~~(11)~~] (12) A renewal of a provisional license application for a class M license under
205 Section 53-3-214 is \$27.50.

206 [~~(12)~~] (13) A renewal of a motorcycle endorsement under Section 53-3-214 is \$9.50.

207 (14) A renewal of a motorboat endorsement under Section 53-3-214 is \$7.

208 [~~(13)~~] (15) A renewal of a taxicab endorsement under Section 53-3-214 is \$7.

209 [~~(14)~~] (16) A renewal of a class D license for a person 65 and older under Section
210 53-3-214 is \$13.

211 [~~(15)~~] (17) An extension of a class D license under Section 53-3-214 is \$20 unless
212 Subsection [~~(21)~~] (24) applies.

213 [~~(16)~~] (18) An extension of a class M license under Section 53-3-214 is \$22.50.

214 ~~[(17)]~~ (19) An extension of a provisional license application for a class D license under
215 Section 53-3-214 is \$20.

216 ~~[(18)]~~ (20) An extension of a provisional license application for a class M license
217 under Section 53-3-214 is \$22.50.

218 ~~[(19)]~~ (21) An extension of a motorcycle endorsement under Section 53-3-214 is
219 \$9.50.

220 (22) An extension of a motorboat endorsement under Section 53-3-214 is \$7.

221 ~~[(20)]~~ (23) An extension of a taxicab endorsement under Section 53-3-214 is \$7.

222 ~~[(21)]~~ (24) An extension of a class D license for a person 65 and older under Section
223 53-3-214 is \$11.

224 ~~[(22)]~~ (25) An original or renewal application for a commercial class A, B, or C license
225 or an original or renewal of a provisional commercial class A or B license under Part 4,
226 Uniform Commercial Driver License Act, is:

227 (a) \$40 for the knowledge test; and

228 (b) \$60 for the skills test.

229 ~~[(23)]~~ (26) Each original CDL endorsement for passengers, hazardous material, double
230 or triple trailers, or tankers is \$7.

231 ~~[(24)]~~ (27) An original CDL endorsement for a school bus under Part 4, Uniform
232 Commercial Driver License Act, is \$7.

233 ~~[(25)]~~ (28) A renewal of a CDL endorsement under Part 4, Uniform Commercial
234 Driver License Act, is \$7.

235 ~~[(26)]~~ (29) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is
236 \$20.

237 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.

238 ~~[(27)]~~ (30) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.

239 ~~[(28)]~~ (31) A duplicate class A, B, C, D, or M license certificate under Section
240 53-3-215 is \$18.

241 ~~[(29)]~~ (32) (a) A license reinstatement application under Section 53-3-205 is \$30.

242 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
243 combination of alcohol and any drug-related offense is \$35 in addition to the fee under
244 Subsection ~~[(29)]~~ (32)(a).

245 ~~[(30)]~~ (33) (a) An administrative fee for license reinstatement after an alcohol, drug, or
246 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
247 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
248 Part 4, Uniform Commercial Driver License Act, is \$170.

249 (b) This administrative fee is in addition to the fees under Subsection ~~[(29)]~~ (32).

250 ~~[(31)]~~ (34) (a) An administrative fee for providing the driving record of a driver under
251 Section 53-3-104 or 53-3-420 is \$6.

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

254 ~~[(32)]~~ (35) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

255 ~~[(33)]~~ (36) Except as provided under Subsection ~~[(34)]~~ (37), an identification card
256 application under Section 53-3-808 is \$18.

257 ~~[(34)]~~ (37) An identification card application under Section 53-3-808 for a person with
258 a disability, as defined in 42 U.S.C. Sec. 12102, is \$13.

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

260 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**
261 **-- Uses as provided by appropriation -- Nonlapsing.**

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

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

265 (a) all monies received under this chapter;

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

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

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

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

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

273 (5) The amount in excess of \$45 of the fees collected under Subsection
274 53-3-105~~[(30)]~~(33) shall be appropriated by the Legislature from this account to the department
275 to implement the provisions of Section 53-1-117, except that of the amount in excess of \$45,

276 \$40 shall be deposited in the State Laboratory Drug Testing restricted account created in
277 Section 26-1-34.

278 (6) All monies received under Subsection 41-6a-1406(6)(b)(ii) shall be appropriated by
279 the Legislature from this account to the department to implement the provisions of Section
280 53-1-117.

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

282 Section 4. Section **53-3-204** is amended to read:

283 **53-3-204. Persons who may not be licensed.**

284 (1) (a) The division may not license a person who:

285 (i) is younger than 16 years of age;

286 (ii) has not completed a course in driver training approved by the commissioner;

287 (iii) if the person is a minor, has not completed the driving requirement under Section
288 53-3-211;

289 (iv) is not a resident of the state, unless the person is issued a temporary CDL under
290 Subsection 53-3-407(2)(b); or

291 (v) if the person is 17 years of age or younger, has not held a learner permit issued
292 under Section 53-3-210.5 for six months.

293 (b) Subsections (1)(a)(i), (ii), and (iii) do not apply to a person:

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

295 (ii) who is 16 years of age or older making application for a license who has been
296 licensed in another state or country[; ~~or~~].

297 [~~(iii) who is applying for a permit under Section 53-3-210 or 53A-13-208.~~]

298 [~~(c) Subsection (1)(a)(v) does not apply to a person applying for a provisional class D
299 license certificate before February 1, 2007 if the person has been issued a temporary learner
300 permit or practice permit under Section 53-3-210.~~]

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

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

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

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

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

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

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

311 (ii) Section 53-3-231.

312 (3) The division may grant a class D or M license to a person whose commercial
313 license is disqualified under Part 4, Uniform Commercial Driver License Act, if the person is
314 not otherwise sanctioned under this chapter.

315 (4) The division may not grant a motorboat endorsement to a person who:

316 (a) has not been granted an original or provisional class D license, a CDL, or an
317 out-of-state equivalent to an original or provisional class D license or a CDL; and

318 (b) has not been issued a boating safety course certificate of completion in accordance
319 with Section 73-18-15.6.

320 Section 5. Section **53-3-205** is amended to read:

321 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
322 **Expiration dates of licenses and endorsements -- Information required -- Previous**
323 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
324 **Fee required -- License agreement.**

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

327 (a) made upon a form furnished by the division; and

328 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

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

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

333 (b) a learner permit if needed pending completion of the application and testing
334 process; and

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

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

337 (a) not more than three attempts to pass both the knowledge and skills tests for a class

338 M license within six months of the date of the application;

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

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

341 (4) (a) An application and fee for a motorcycle or taxicab endorsement entitle the

342 applicant to:

343 ~~[(a)]~~ (i) not more than three attempts to pass both the knowledge and skills tests within

344 six months of the date of the application;

345 ~~[(b)]~~ (ii) a motorcycle learner permit if needed after the motorcycle knowledge test is

346 passed; and

347 ~~[(c)]~~ (iii) a motorcycle or taxicab endorsement when all tests are passed.

348 (b) An application and fee for a motorboat endorsement entitle the applicant to a

349 motorboat endorsement when the applicant provides proof that the applicant has completed a

350 boating safety course issued in accordance with Section 73-18-15.6.

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

352 applicant to:

353 (a) not more than two attempts to pass a knowledge test and not more than two

354 attempts to pass a skills test within six months of the date of the application;

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

356 and

357 (c) an original commercial class A, B, or C license and license certificate when all

358 applicable tests are passed.

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

360 (a) not more than two attempts to pass a knowledge test and not more than two

361 attempts to pass a skills test within six months of the date of the application; and

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

363 (7) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement

364 test within the number of attempts provided in Subsection (5) or (6), each test may be taken

365 two additional times within the six months for the fee provided in Section 53-3-105.

366 (8) (a) Except as provided under Subsections (8)(f), (g), and (h), an original license

367 expires on the birth date of the applicant in the fifth year following the year the license

368 certificate was issued.

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

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

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

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

380 (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by
381 the division; or

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

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

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

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

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

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

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

399 (h) An original license or a renewal to an original license expires on the birth date of

400 the applicant in the first year following the year that the license was issued if the applicant is
401 required to register as a sex offender under Section 77-27-21.5.

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

404 (i) provide the applicant's:

405 (A) full legal name;

406 (B) birth date;

407 (C) gender;

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

410 (E) (I) Social Security number;

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

413 (III) (Aa) proof that the applicant is a citizen of a country other than the United States;

414 (Bb) proof that the applicant does not qualify for a Social Security number; and

415 (Cc) proof of legal presence in the United States, as authorized under federal law; and

416 (F) Utah residence address as documented by a form acceptable under rules made by
417 the division under Section 53-3-104, unless the application is for a temporary CDL issued
418 under Subsection 53-3-407(2)(b);

419 (ii) provide a description of the applicant;

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

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

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

428 (vi) state whether the applicant is required to register as a sex offender under Section
429 77-27-21.5;

430 (vii) state whether the applicant is a military veteran and does or does not authorize

431 sharing the information with the state Department of Veterans' Affairs;
432 (viii) provide all other information the division requires; and
433 (ix) sign the application which signature may include an electronic signature as defined
434 in Section 46-4-102.

435 (b) Each applicant shall have a Utah residence address, unless the application is for a
436 temporary CDL issued under Subsection 53-3-407(2)(b).

437 (c) The division shall maintain on its computerized records an applicant's:
438 (i) (A) Social Security number;
439 (B) temporary identification number (ITIN); or
440 (C) other number assigned by the division if Subsection (9)(a)(i)(E)(III) applies; and
441 (ii) indication whether the applicant is required to register as a sex offender under
442 Section 77-27-21.5.

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

445 (10) The division shall require proof of every applicant's name, birthdate, and
446 birthplace by at least one of the following means:
447 (a) current license certificate;
448 (b) birth certificate;
449 (c) Selective Service registration; or
450 (d) other proof, including church records, family Bible notations, school records, or
451 other evidence considered acceptable by the division.

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

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

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

460 (13) An application for reinstatement of a license after the suspension, cancellation,
461 disqualification, denial, or revocation of a previous license shall be accompanied by the

462 additional fee or fees specified in Section 53-3-105.

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

466 (15) A person who applies for an original license or renewal of a license agrees that the
467 person's license is subject to any suspension or revocation authorized under this title or Title
468 41, Motor Vehicles.

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

471 (b) (i) Notwithstanding Title 63, Chapter 2, Government Records Access and
472 Management Act, the division may, upon request, release to an organ procurement
473 organization, as defined in Section 26-28-102, the names and addresses of all persons who
474 under Subsection (9)(a)(v) indicate that they intend to make an anatomical gift.

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

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

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

478 (17) Notwithstanding Title 63, Chapter 2, Government Records Access and
479 Management Act, the division may release to the Department of Veterans' Affairs the names
480 and addresses of all persons who indicate their status as a veteran under Subsection (9)(a)(vii).

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

483 (a) loss;

484 (b) detriment; or

485 (c) injury.

486 (19) A person who knowingly fails to provide the information required under
487 Subsection (9)(a)(vi) is guilty of a class A misdemeanor.

488 Section 6. Section **53-3-217** is amended to read:

489 **53-3-217. License to be carried when driving motor vehicle -- Production in court**
490 **-- Violation.**

491 (1) (a) The licensee shall have [~~his~~] a license certificate in [~~his~~] the licensee's
492 immediate possession at all times when driving a motor vehicle or motorboat.

493 (b) A licensee shall display ~~[his]~~ a license certificate upon demand of a justice of
494 peace, a peace officer, or a field deputy or inspector of the division.

495 (2) It is a defense to a charge under this section that the person charged produces in
496 court a license certificate issued to ~~[him]~~ the person and valid at the time of ~~[his]~~ the person's
497 citation or arrest.

498 (3) A person who violates Subsection (1)(a) is guilty of a class C misdemeanor.

499 Section 7. Section **73-18-10** is amended to read:

500 **73-18-10. Owner of boat livery -- Duties.**

501 (1) (a) The owner of a boat livery shall keep a record of the following:

502 (i) the name and address of the person hiring any vessel;

503 (ii) the identification number of the vessel;

504 (iii) the vessel's departure date and time; and

505 (iv) the vessel's expected time of return.

506 (b) The record shall be preserved for at least one year.

507 (2) ~~[Neither the]~~ An owner of a boat livery ~~[nor his]~~ or the owner's agent or employee
508 may not permit ~~[any]~~ a vessel to depart from the premises of the boat livery unless the owner
509 ~~[has equipped it]~~ or the owner's agent or employee has:

510 (a) equipped the vessel as required under this chapter; and ~~[unless he has]~~

511 (b) advised the lessee or renter of the vessel of all rules promulgated under this chapter
512 ~~[which]~~ that the lessee or renter must obey.

513 (3) A boat livery may apply to the division to become authorized to issue a 14-day
514 temporary motorboat operator license.

515 (4) The division may authorize a boat livery to issue 14-day temporary motorboat
516 operator licenses if:

517 (a) the boat livery is registered with the division; and

518 (b) the boat livery pays a fee established by the board in accordance with Section
519 63-38-3.2.

520 (5) (a) A boat livery may issue a 14-day temporary motorboat operator license to a
521 renter of the livery's motorboat or a person in the renter's party if the person signs an affidavit
522 affirming that:

523 (i) the person has completed a boating safety course that meets the requirements of

524 Section 73-18-15.6; and

525 (ii) the person will adhere to the boating laws and rules.

526 (b) A boat livery may only issue one temporary motorboat operator license to a person
527 in a 30-day period.

528 (6) An owner of a boat livery or an owner's agent or employee may not rent a
529 motorboat to a person unless the person who will be operating the motorboat meets one of the
530 requirements under Section 73-18-15.4.

531 (7) If the division has reasonable grounds to believe that a boat livery has failed to
532 comply with the requirements of this section, the division may suspend or revoke the boat
533 livery's authorization to issue temporary motorboat operator licenses in accordance with the
534 procedures and requirements of Title 63, Chapter 46b, Administrative Procedures Act.

535 Section 8. Section **73-18-15.2** is amended to read:

536 **73-18-15.2. Minimum age of operators -- Boating safety course for youth to**
537 **operate personal watercraft.**

538 (1) As used in this section, "direct supervision" means oversight at a distance within
539 which visual contact is maintained.

540 ~~(1)~~ (2) (a) A person under 16 years of age may not operate a motorboat on the waters
541 of this state unless the person is under the on-board and direct supervision of a person who:

542 (i) (A) is at least 18 years of age[-]; and

543 (B) has a driver license and motorboat endorsement to the driver license issued in
544 accordance with Section 53-3-205;

545 (ii) is a nonresident who has in the nonresident's immediate possession:

546 (A) a motorboat license; or

547 (B) a certificate showing successful completion of a course approved by the National
548 Association of State Boating Law Administrators; or

549 (iii) (A) is operating a motorboat that is rented from a division authorized boat livery
550 under Section 73-18-10;

551 (B) has a copy of the rental agreement on board the motorboat; and

552 (C) has in the person's immediate possession a 14-day temporary motorboat operator
553 license.

554 (b) A person under 16 years of age may operate a sailboat, if the person is under the

555 direct supervision of a person who is at least 18 years of age.

556 ~~[(2)]~~ (3) A person who is at least 12 years of age or older but under 16 years of age

557 may operate a personal watercraft, provided ~~[he]~~ the person:

558 (a) is under the direct supervision of a person who:

559 (i) (A) is at least 18 years of age; and

560 (B) has a driver license and motorboat endorsement to the driver license issued in

561 accordance with Section 53-3-205;

562 (ii) is a nonresident who has in the nonresident's immediate possession:

563 (A) a motorboat license; or

564 (B) a certificate showing successful completion of a course approved by the National

565 Association of State Boating Law Administrators; or

566 (iii) (A) is operating a motorboat that is rented from a division authorized boat livery

567 under Section 73-18-10;

568 (B) has a copy of the rental agreement on board the motorboat; and

569 (C) has in the person's immediate possession a 14-day temporary motorboat operator

570 license;

571 (b) completes a boating safety course ~~[approved by the division]~~ that meets the

572 requirements in Section 73-18-15.6; and

573 (c) has in ~~[his]~~ the person's possession a boating safety certificate issued by the boating

574 safety course provider.

575 ~~[(3)]~~ (4) A person who is at least 16 years of age but under 18 years of age may operate

576 a personal watercraft, if the person:

577 (a) completes a boating safety course ~~[approved by the division]~~ that meets the

578 requirements in Section 73-18-15.6; and

579 (b) has in ~~[his]~~ the person's possession a boating safety certificate issued by the boating

580 safety course provider in accordance with Section 73-18-15.6.

581 ~~[(4)]~~ A person required to attend a boating safety course under Subsection (3)(a) need

582 ~~not be accompanied by a parent or legal guardian while completing a boating safety course.]~~

583 (5) A person may not give permission to another person to operate a vessel in violation

584 of this section.

585 ~~[(6)]~~ As used in this section, "direct supervision" means oversight at a distance within

586 ~~which visual contact is maintained.]~~

587 ~~[(7)(a) The division may collect a fee not to exceed \$12 from each person who takes~~
588 ~~the division's boating safety course to help defray the cost of the boating safety course.]~~

589 ~~[(b) Money collected from the fee collected under Subsection (7)(a) shall be deposited~~
590 ~~in the Boating Account.]~~

591 Section 9. Section **73-18-15.4** is enacted to read:

592 **73-18-15.4. Motorboat operators must be licensed.**

593 Beginning on July 1, 2013, a person may not operate or drive a motorboat on the waters
594 of this state unless the person:

595 (1) is granted the privilege to operate a motorboat by being licensed as a driver and by
596 obtaining a motorboat endorsement to the driver license in accordance with Section 53-3-205;

597 (2) is younger than 16 years of age and is operating a motorboat in accordance with
598 Section 73-18-15.2;

599 (3) is a nonresident who:

600 (a) (i) is at least 16 years of age; and

601 (ii) has in the nonresident's immediate possession:

602 (A) a motorboat license; or

603 (B) a certificate showing successful completion of a course approved by the National
604 Association of State Boating Law Administrators; or

605 (b) is younger than 16 years of age and is operating in accordance with Section
606 73-18-15.2;

607 (4) (a) is at least 18 years of age;

608 (b) is operating a motorboat that is rented from a division authorized boat livery under
609 Section 73-18-10;

610 (c) has a copy of the rental agreement on board the motorboat; and

611 (d) has in the person's immediate possession a 14-day temporary motorboat operator
612 license;

613 (5) (a) is a licensed Utah captain/guide license holder; and

614 (b) is carrying passengers for hire and operating a motorboat in accordance with the
615 requirements of Subsection 73-18-4(1)(d); or

616 (6) is operating or driving an official United States Government motorboat on official

617 business with a valid United States Government motorboat operators certification.

618 Section 10. Section **73-18-15.6** is enacted to read:

619 **73-18-15.6. Boating safety course requirements.**

620 (1) (a) The division shall develop standards and administer the Boating Safety Course
621 Program.

622 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
623 division shall makes rules establishing:

624 (i) the requirements for a boating safety course; and

625 (ii) the procedure for having a boating safety course approved by the division.

626 (2) A boating safety course provided under this section shall be approved by:

627 (a) the National Association of State Boating Law Administrators; and

628 (b) the division.

629 (3) A boating safety course provider shall issue a certificate of completion to a person
630 who:

631 (a) has completed the boating safety course; and

632 (b) passes a knowledge test administered by the boating safety course provider.

633 (4) A person who is at least 16 years of age but under 18 years of age who is required
634 to attend a boating safety course under Section 73-18-15.2 need not be accompanied by a
635 parent or legal guardian while completing a boating safety course.

636 (5) (a) The division may collect fees established by the board in accordance with
637 Section 63-38-3.2 from each person who takes a boating safety course to help defray the cost of
638 the boating safety course.

639 (b) Money from the fees collected under this Subsection (5) shall be deposited in the
640 Boating Account created in Section 73-18-22.

641 Section 11. **Effective date.**

642 This bill takes effect July 1, 2008.

Legislative Review Note
as of 1-22-08 11:41 AM

Office of Legislative Research and General Counsel

H.B. 154 - Motorboat Education Requirements

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will require \$77,800 one-time Restricted Funds appropriated to the Driver License Division in the Department of Public Safety for FY 2009. The bill will also generate revenues of \$112,000 in FY 2009 and \$113,400 in FY 2010 and each year thereafter.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
Transportation Fund Restricted	\$0	\$77,800	\$0	\$0	\$112,000	\$113,400
Total	\$0	\$77,800	\$0	\$0	\$112,000	\$113,400

Individual, Business and/or Local Impact

Individuals will have to pay for motorboat training and licensing; Boating Livery and Boating training entities may benefit.